



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON JANUARY 10, 2024 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Commission reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. Elect Chair and Vice Chair
Planning Commission members will elect a Chair and Vice Chair to serve through 2024.
2. 2024 Annual Meeting Schedule
Review and approve the proposed Planning Commission meeting schedule for the calendar year 2024.
3. PUBLIC HEARING - Conditional Use Permit for Vehicle Rental or Sale, Used, Limited - S & S Auto Sales located at 595 N 1250 W Suite #1 - ADMINISTRATIVE DECISION
The applicant has applied for a Conditional Use Permit seeking approval for a used car dealership located at 595 N 1250 W STE #1, parcel number 060060061.
4. PUBLIC HEARING - Municipal Code Amendments - Subdivision Ordinance Updates - LEGISLATIVE DECISION
Consider various amendments to Title 15 (Subdivisions) regarding procedures and processes for review and approval of subdivisions in accordance with SB 174 (2023) - Ordinance No. 2024-01
5. PUBLIC HEARING - Municipal Code Amendments - Impact Fee Ordinance Updates - LEGISLATIVE DECISION
Consider amendments to Title 15 (Subdivisions) of the Centerville Municipal Code repealing impact fee provisions and enacting Title 20 (Impact Fees) codifying various impact fee enactments - Ordinance No. 2024-02

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

1. Minutes Review and Approval

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

Jennifer Robison
Centerville City Recorder

**PLANNING
COMMISSION**

Staff Report
1/10/2024

Item No. 1.

Title: Elect Chair and Vice Chair

Initiated By: Whitney Black, Assistant Planner

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

Planning Commission members will elect a Chair and Vice Chair to serve through 2024.

RECOMMENDATION:

BACKGROUND:

Per CZC 12.20.050(c)(1), the Planning Commission shall select a new chairperson and vice chairperson each year. Historically, this has been done by anonymous ballot during the meeting.

ATTACHMENTS:

**PLANNING
COMMISSION**

Staff Report
1/10/2024

Item No. 2.

Title: 2024 Annual Meeting Schedule

Initiated By: Whitney Black, Assistant Planner

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

Review and approve the proposed Planning Commission meeting schedule for the calendar year 2024.

RECOMMENDATION:

Approve the 2024 Planning Commission meeting schedule, with only one meeting scheduled in the months of February, July, November, and December.

BACKGROUND:

Provisions of the Utah Open Meetings Act set forth in Utah Code § 52-4-202 require a public body which holds regular meetings that are scheduled in advance over the course of a year to give public notice at least once each year of its annual meeting schedule.

ATTACHMENTS:

1. 2024 PC Meeting Schedule - DRAFT



Centerville City Planning Commission 2024 Meeting Schedule

Meetings of the Centerville City Planning Commission are generally held at 7:00pm on the second and fourth Wednesday of each month. Except in the months of November and December where only one meeting is held on the second Wednesday, and when otherwise noted. Unless otherwise determined by the Planning Commission, all meetings are held in the Council Chambers, Centerville City Hall Building, 250 North Main Street, Centerville, Utah.

The meeting schedule for 2024 shall be as follows:

January 10 th	January 24 th
February 14 th	February 28 th
March 13 th	March 27 th
April 10 th	April 24 th
May 8 th	May 22 nd
June 12 th	June 26 th
July 10 th	July 24 th
August 14 th	August 28 th
September 11 th	September 25 th
October 9 th	October 23 rd
November 13 th	
December 11 th	

**PLANNING
COMMISSION**

Staff Report
1/10/2024

Item No. 3.

Title: PUBLIC HEARING - Conditional Use Permit for Vehicle Rental or Sale, Used, Limited - S & S Auto Sales located at 595 N 1250 W Suite #1 - ADMINISTRATIVE DECISION

Initiated By: Applicant

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

The applicant has applied for a Conditional Use Permit seeking approval for a used car dealership located at 595 N 1250 W STE #1, parcel number 060060061.

RECOMMENDATION:

Consider tabling or denying the request.

BACKGROUND:

The applicant has applied for a Conditional Use Permit seeking approval for a used car dealership located at 595 N 1250 W STE #1, parcel number 060060061. The business owner is planning on displaying 3–4 vehicles inside the shop and serving customers by appointment from 9am to 5pm 5 days a week. The attached report will analyze the compliance of the submitted application with the approval standards listed under CZC 12.21.100(e).

ATTACHMENTS:

1. 01-10-2024 PC Staff Report - CUP S & S Auto Sales
2. Application Information
3. Site Plan Submitted 11-2023
4. Building Layout Submitted 10-23-23
5. Owner Affidavit

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232**

**STAFF REPORT
AGENDA: ITEM 3**

PROPERTY OWNER:	CENTERVILLE FLEX PROJECT LLC
APPLICANT:	MAX MIKHAILOV boroda1980@hotmail.com
PROPERTY LOCATION:	595 N 1250 W STE #1
PARCEL SIZE:	2.67 acre
ZONING DISTRICT:	INDUSTRIAL-HIGH
APPLICATION:	CONDITIONAL USE PERMIT FOR VEHICLE RENTAL OR SALE, USED LIMITED.
RECOMMENDATION:	CONSIDER TABLING OR DENYING

BACKGROUND

The applicant has applied for a Conditional Use Permit seeking approval for a used car dealership located at 595 N 1250 W STE #1, parcel number 060060061. The business owner is planning on displaying 3-4 vehicles inside the shop and serving customers by appointment 9am to 5pm 5 days a week. This report will analyze the compliance of the submitted application with the approval standards listed under *CZC 12.21.100(e)*.



CODE REQUIREMENTS

TABLE OF USES ALLOWED CZC 12.36

Under CZC 12.12.0404 Vehicle Rental or Sale, Used, Limited is defined as “*an establishment engaged in the retail sale or rental from the premises, of used motorcycles, automobiles, and/or light trucks, along with incidental service or maintenance. Typical uses are small independent dealers of used motorcycles, automobiles, and light trucks.*”

Based off the business description on the business license application, S & S Auto Sales would fall under this use category. This property is located in the Industrial-High Zone. The table of uses found under CZC 12.36.040 lists Vehicle Rental or Sale, Used, Limited as a conditional use in the Industrial-High Zone. Thus, a conditional use permit is required before a business license can be considered.

APPROVE STANDARDS TO BE REVIEWED PER CZC 12.21.100(e)

The General Plan

The Centerville City General Plan states that for revenue to be generated for local services, the city “should provide for the establishment and viability of commercial and industrial services in designated areas of the community”.

This property is in the West Centerville Neighborhood. The boundary of this neighborhood is everything west of I-15. The General Plan lists several goals for the West Centerville Neighborhood Plan. One of those goals is to enhance the Centerville City Business Park District. It explains, “preserving the economic viability of a now aging development area is critical to the success of the neighborhood”.



The purposed use will be in an existing office/warehouse complex and appears to be limited in nature. Based on this information and the goals set in the West Neighborhood Plan that encourage economic development, staff believes that the proposed use could be deemed consistent with the goals and objectives of the General Plan. Also, the city has approved several similar dealerships in this same neighborhood in the past.

Suitability and Harmony with the Proposed Site and Adjacent Property (CZC 12.21.100(e)(5) (A-C, F)

The proposed use will be located within an established industrial area. The original development was approved sometime in the late 1980s or early 1990s. Over the years

several similar businesses have operated within this neighborhood. The Planning Commission approved a Conditional Use Permit for another independent used car dealership in 2023. The previous tenant of this space operated a motorsports accessory and modifications shop. Other businesses in this complex include a commercial drone retailer, a dog training facility, several specialty retailers, contractors, and carpet cleaners.

Again, the proposed use will occupy an existing space; thus, the use will not create an additional impact on potential or existing development in the vicinity. In addition, the use will not change the present requirements for transportation, traffic, water, sewer, or any other utilities or infrastructure. According to this information, the planning staff is of the opinion that this business would be suitable and harmonious with the proposed site and adjacent properties.

Impact on the Community and Safeguards to Minimize Impact (CZC 12.21.100(e)(5) (D, E, H-J)

The subject tenant space is currently vacant. Allowing this use would have a better economic influence on the city compared to leaving the suite empty for the foreseeable future. The only aesthetic adjustment would be a business sign, as required by the State of Utah for this type of use. A sign is already being displayed for this business, but a sign permit was not obtained. Planning staff recommends that the Commission include obtaining a sign permit and approval as a condition of the CUP. It appears, based on the information provided, that this use will have minimal noise, odor, or other irritants that would impact the community.

The applicant has explained that this would be a low volume effort. The operation will have 3-4 vehicles stored onsite at a time. The applicant has also explained that the business would serve customers by appointment 9am to 5pm, 5 days a week. He is anticipating 1-2 customers per week. According to this information staff is of the opinion that the proposed use will have little to no impact on the health, safety, and welfare of the surrounding area.

Adequate Access, Parking, Lighting, Fire Protection and Vehicular Circulations (CZC 12.21.100(e)(5)(G)

As the site is already developed, issues like utilities, transportation access, drainage, lighting, landscaping, open space, fire protection, and pedestrian/vehicular circulation have already been addressed. The main issues now are vehicle delivery and storage and on-site parking.

A common concern with auto sales is how the vehicles to be sold will be delivered to the site. Vehicles could be delivered by transport truck or driven individually to the site.

Delivery by transport truck would be difficult at this location as it only has one small access from 1250 West. Also, this complex houses several other businesses and a transport truck on site could create traffic flow and access issues for other users. According to the information submitted the vehicles will be delivered to the site under their own power. Even still, the Planning Staff suggests adding a condition of approval that no off-site loading or unloading be allowed in the public right-of-ways to mitigate this concern.

The Motor Vehicle Enforcement Division requires enough display space for at least 3 vehicles. According to the applicant, he is planning on storing and displaying 3-4 vehicles inside the shop.

The parking calculations are illustrated below per the requirements listed in CZC 12.52.300.

Suite	Use Type	Parking Requirement	# of Spaces Needed
#1 – S & S Auto Sales	Vehicle and equipment rental or sale	1 space per 250 square feet of gross floor area, plus 1 space for every 10 vehicles displayed – 4 spaces minimum	$1500/250 = 6$
#2 – Vacant/Occupant Unknown			
#3 & #4 – Rocky Mountain Unmanned Systems (RMUS)	Retail	1 space per 250 square feet of gross floor area	$3000/250 = 12$

This site has a total of 11 approved and striped parking spaces. Staff is aware that several businesses in this complex use the space behind their suites for additional parking. This space cannot be used in our parking calculations as no spaces have been approved by a site plan and no spaces are striped in accordance with the city code. According to the information provided and on city records, the current uses would need a minimum of 18 parking spaces. The site is deficient by 7 parking spaces and will not accommodate the current uses, the proposed use, and any future users of suite #2.

PLANNING STAFF RECOMMENDATIONS

SUGGESTED MOTION #1 – DENY

“I hereby make a motion for the Planning Commission to DENY a Conditional Use Permit for S & S Auto Sales located at 595 N 1250 W STE #1, with the following reasons for action (findings):

1. *The Planning Commission finds that the application does not comply with the off-street parking requirements for the proposed use, as well as all users/tenant spaces of the site, as established under CZC 12.52.300.*
2. *Therefore, the Planning Commission finds that the request for a Conditional Use Permit for Vehicle Rental or Sale, Used, Limited does not comply with the approval standards, as more specifically required in CZC 12.21.100(e)(3)(C). ”*

SUGGESTED MOTION #2 – TABLE

“I hereby make a motion for the Planning Commission to TABLE a Conditional Use Permit for S & S Auto Sales located at 595 N 1250 W STE #1 until such a time as the applicant has adequately addressed the matter of insufficient parking in accordance with CZC 12.52.300 for this use as well as all users/tenant spaces on the site, and suggest that the applicant explore the possibility of a parking modification per CZC 12.52.110, inside display spaces, and/or fewer display spaces overall. ”

Under Review

Application Review Status

Pre-Review	Ready for Payment	
South Davis Metro Fire Agency	Not Reviewed	09/28/2023
Engineering	Not Reviewed	
Planning Commission	Not Reviewed	
Legal	Not Reviewed	
Final-Review	Not Reviewed	

Fees

Standard or Temporary Fee	\$300.00
Subtotal	\$300.00
Amount Paid	\$300.00
Total Due	\$0.00

Payments

12/23/2023	Online	\$300.00
Total Paid		\$300.00

Application Form Data

(Empty fields are not included)

Applicant/Agent First Name
max

Applicant/Agent Last Name
mikhailov

Company Name
S & S auto sales

Contact Email

boroda1980@hotmail.com

Phone

(801) 808-2937

Mailing Address (Street)

2262 w autumn wood ln

City

taylorsville

State

UT

Zip Code

84129

Are you the owner of the property in the request for a conditional use permit?

NO

Project Name

S & S Auto Sales

Is this conditional use permit for a home occupation?

No

Parcel ID of Subject Property(s)

060060061

Acreage

2.668

Select your zone below

Industrial-High

Proposed use of property

used web based auto sales

Project Address (Street)

595 n 1250 w #1

City

centerville

State

UT

Zip

84014

Please describe how the conditional use permit request meets the approval standards of subsection 12.21.100(e)

This would not impact residential or traffic, business will comply with conditional use rules that would be set forward by the commission

Upload a Site Plan

 **Site Plan Submitted 11-2023.pdf**

What safeguards are being provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation?

The vehicles would be kept inside and wouldn't impact anything on the site Q1: How will the vehicles be transported to the site? The vehicles run and drive therefore they will come and go under own power Q2: How many vehicles will be onsite at a given time? 3-4 vehicles would be stored inside the shop Q3: Will there be any vehicle repair (mechanical or body). No Q4: Would there be a sign added to the building. Yes, also a state requirement for the kind of business (24 sq. sign is required) Q5: What are the operating hours of the business. We're by appointment from 9-5, 5 days a week Q6: How many customers do we expect. Going off previous experience we're roughly expecting 1-2 customers a week

What safeguards are provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use?

Business doesn't make noise

What safeguards are provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area?

Not applicable to the particular situation

Owner First Name

centerville flex project llc

Owner Last Name

centerville flex project llc

Owner Email

dmmilan2007@gmail.com

Owner Address (Street)

6905 s 1300 e #350

Owner City

cottonwood heights

Owner State

UT

Owner Zip Code

84047

Please upload a notarized signature of the primary property owner.

 **IMG_5697.pdf**

Are there other property owners?

NO

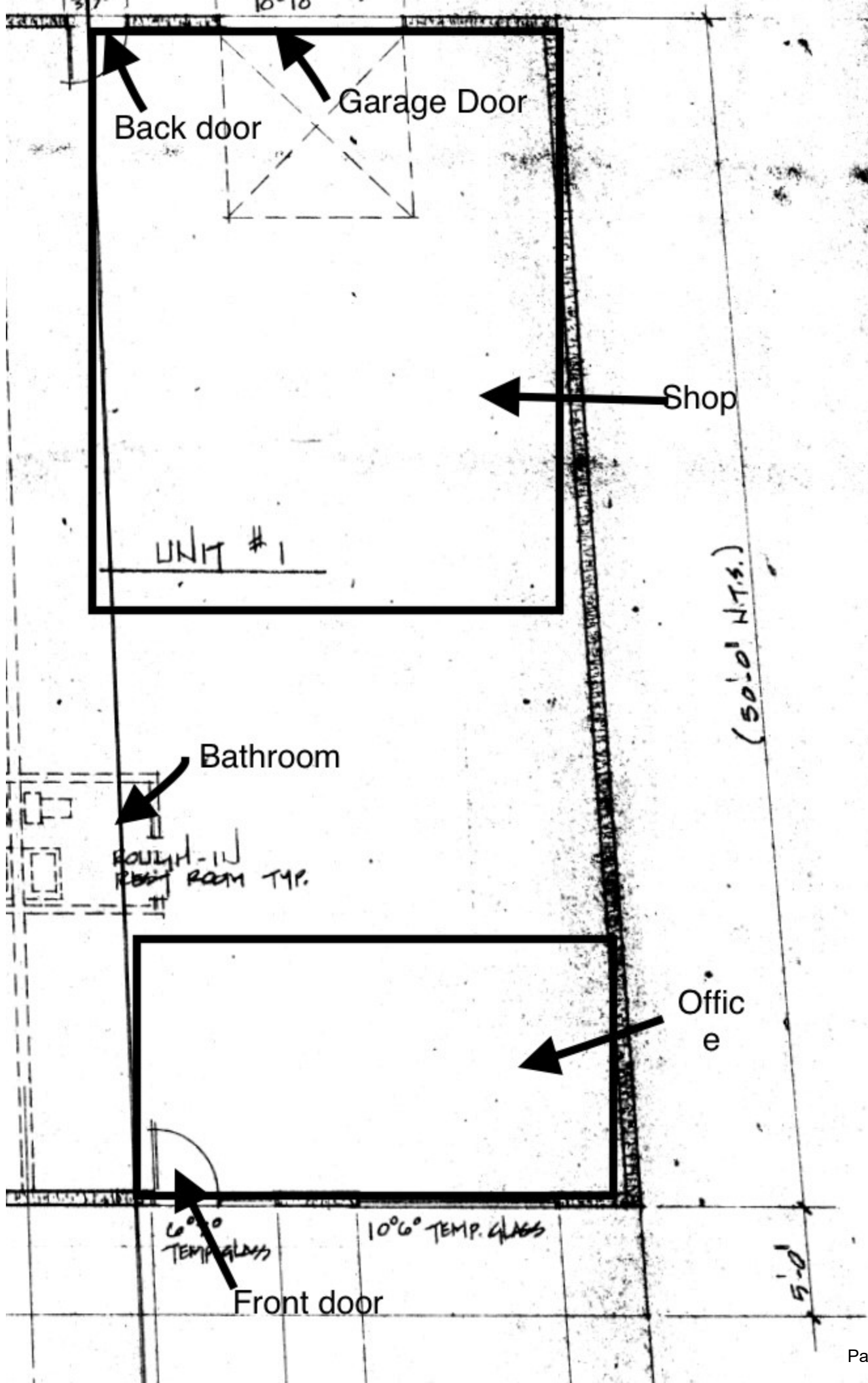
I have read and agree to comply with the information above



Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

max mikhailov - 09/28/2023 12:21 pm



AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH
COUNTY OF SALT LAKE

}
}ss
}

I (We), _____, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Centerville City Planning Staff have indicated they are available to assist me in making this application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____.

(Notary Public)

Residing in _____, Utah

My Commission Expires _____

AGENT AUTHORIZATION

I (we), Centerville Flex Project LLC, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) S&S Auto Sales & Service LLC to represent me (us) regarding the attached application to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

CENTERVILLE FLEX PROJECT LLC

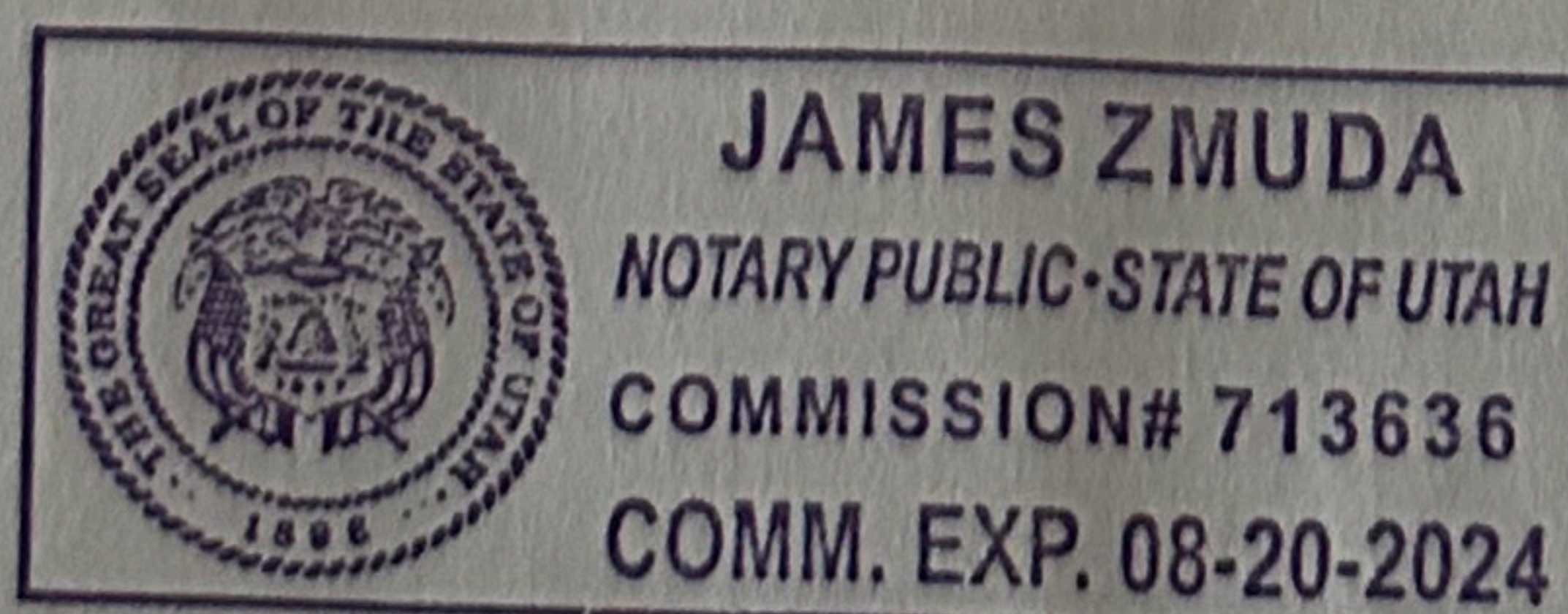
(Property Owner)

By David M. Milan
Its Manager

(Property Owner)

Dated this 23rd day of August, 2023, personally appeared before me David M. Milan, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

James Zmuda
(Notary Public)



Residing in SALT LAKE, Utah

My Commission Expires 8-20-24

CENTERVILLE
city

**PLANNING
COMMISSION**

Staff Report
1/10/2024

Item No. 4.

Title: PUBLIC HEARING - Municipal Code Amendments - Subdivision Ordinance Updates - LEGISLATIVE DECISION

Initiated By: Lisa Romney, City Attorney

Staff Representative: Lisa Romney, City Attorney

SUBJECT:

Consider various amendments to Title 15 (Subdivisions) regarding procedures and processes for review and approval of subdivisions in accordance with SB 174 (2023) - Ordinance No. 2024-01

RECOMMENDATION:

Recommend approval of Ordinance No. 2024-01 amending various provisions of Title 15 (Subdivisions) regarding procedures and processes for review and approval of subdivisions in accordance with SB 174 (2023).

BACKGROUND:

The Utah Legislature adopted SB 174 (2023) enacting a number of substantive changes to the Utah Land Use Development and Management Act. Among the many changes, SB 174 creates a new process all municipalities and counties must follow for approval of residential subdivisions. The City Council may no longer be an approving body for residential subdivisions. In addition, cities can no longer mandate conceptual subdivision review for residential subdivisions. Specific review and approval timelines have also been added. The City hired attorneys from the law firm of Smith Hartvigsen to draft recommended changes to the City's Subdivision Ordinance to bring our provisions into compliance with State law. Lisa Watts Baskin, an attorney from Smith Hartvigsen, will attend the meeting to present the proposed edits. The City must adopt these changes by February 1, 2024. Staff recommends and requests the Planning Commission recommend approval of the proposed edits to the City Council. The amendments are scheduled to be reviewed by the City Council on January 16, 2024, so we can meet the implementation deadline of February 1, 2024. As recommended by our consultants, additional changes will need to be made to our Zoning Code as well to bring certain provisions into compliance. We will bring these changes to the Planning Commission for consideration at a later date.

ATTACHMENTS:

1. FINAL DRAFT Centerville MC Title 15 Municipal Text Amendments - PC

15 Subdivisions

15.01 General Provisions

15.02 Concept Plan

15.03 Preliminary Plat

15.04 Final Plat

15.05 General Requirements For All Subdivisions

15.06 Requirements For PUD And Non-Residential Subdivisions

15.07 Public Improvements

15.08 Development And Impact Fees

15.09 Subdivision Plat Amendments

15.01 General Provisions

15.01.010 Short Title

15.01.020 Purpose

15.01.030 Interpretation

15.01.040 Definitions

15.01.050 General Considerations

15.01.060 General Responsibilities

15.01.070 Compliance Required

15.01.080 Required Certificates, Permits And Reviews

15.01.090 Penalties

15.01.100 Pending Ordinance Amendments

15.01.110 Appeals

15.01.120 Staff Authority

15.01.130 Public Hearings And Public Meetings

15.01.140 General Decision-Making Standards

15.01.010 Short Title

This Title shall be known as the "Centerville Subdivision Ordinance." This Title shall also be known as CMC 15 (Subdivisions). It may be cited and pleaded under either of the above stated designations.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.01.020 Purpose

The purpose and intent of this Title, and any rules, regulations, standards, and specifications adopted pursuant hereto are:

- (a) To promote and protect the public health, safety, and general welfare of the inhabitants of the City regarding the subdivision of land;

- (b) To regulate future growth and development within the City in accordance with the General Plan and to promote the efficient and orderly growth of the City;
- (c) To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the City including; ~~but not limited to~~, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights of way, dedication of land and streets, granting easements or rights of way, and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon;
- (d) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population; and
- (e) To provide for harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.01.030 Interpretation

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this Title impose greater restrictions than any statute, other regulation, or ordinance, the provisions of this Title shall prevail to the extent permitted by law. Where the provisions of any statute, other regulation, or ordinance impose greater restrictions than the provisions of this Title, the provisions of such statute, other regulation, or ordinance shall prevail.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.01.040 Definitions

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

- (a) “Administrative Land Use Authority” or “ALUA” means the Centerville City Planning Commission with the authority to review land use decisions on preliminary land use applications submitted for any single-family dwelling subdivision, two-family dwelling subdivision, or townhome subdivision. The ALUA may not include any member of the Centerville City Council, including the Mayor.
- (b) “Affected Entity” means a county, municipality, local district, special service district, school district, interlocal cooperation entity, specified public utility, or the Utah

Department Transportation, as more particularly defined in Utah Code § 10-9a-103.

- (c) "Alley" means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (d) "Applicant" means the owner of land or such owner's duly authorized agent who submits a subdivision land use application to the city to divide or subdivide or proposes proposed to be divide or subdivide the land into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. ~~subdivided or such owner's duly authorized agent~~ Any agent must have written authorization from the owner.
- (e) "Block" means the land surrounded by streets and other rights of way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City Council.
- (f) "Bond Agreement" means an agreement to install improvements secured by an escrow agreement with funds on deposit in an acceptable financial institution or a cash bond with the City, in an amount corresponding to the City Engineer's estimate. All bonds shall be on forms approved by the City Council wherever a bond is required pursuant to this Title.
- (g) "Building" means a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.
- (h) "Capital Project" means an organized undertaking which provides, or is intended to provide, the City with a capital asset. "Capital Asset" is defined according to generally accepted accounting principles.
- (i) "Checklist" means the published and maintained list of City requirements that comprise a complete preliminary or final subdivision application.
- (j) "City" means Centerville City.
- (k) "City Council" means the City Council of Centerville City.
- (l) "Collector Street" See, Streets.
- (m) "Community Development Department" means that department of the City authorized by the City to oversee the Planning Administrator, the Zoning Administrator, and the Building Inspector.
- (n) "Community Development Director" means the department director ~~person~~ appointed by the City or the Director's designee to perform the duties and responsibilities of Community Development Director and Zoning Administrator, including final subdivision plat review and approval as provided ~~defined~~ by City ordinances.

- (o) “Complete Application” means the preliminary subdivision land use application and final subdivision land use application when determined to be complete by the Community Development Director upon review of the City’s checklist and the required documents as provided in Utah Code Ann. § 10-9a-604.2.
- (p) “Concept Plan” means an optional sketch or ~~concept~~ drawing prior to the preliminary plat for subdivisions to enable the applicant ~~subdivider~~ to reach general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations and to receive guidance as to the requirements for subdivisions within the city.
- (q) "Condominium" means property conforming to the definition set forth in Utah Code § 57-8-3. A condominium is also a "subdivision" subject to these regulations and the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-1, et seq.
- (r) "Construction Codes" means the construction codes adopted by the City in CMC 7.05 (Fire Regulations) and CMC 10.03 (Construction Codes). These codes may also be referred to as building codes, fire codes or safety codes.
- (s) "Cul de sac" See, Streets.
- (t) "Developer" means, ~~as the case may be~~, either: (1) an applicant for subdivision approval; (2) an applicant for a building permit or another permit issued; or (3) the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.
- (u) "Easement" means authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property. An easement may be for use under, on the surface, or above the owner's property.
- (v) [Reserved]
- (w) "Fee Schedule" means the City Fee Schedule adopted by the City Council setting forth various fees charged by the City.
- (x) "Final Plat" means a map of a subdivision required of all subdivisions, except minor ~~small~~ subdivisions, which is prepared for final approval and recordation; has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; and is in conformity with the ordinances of the City and the Utah Land Use and Management Act, as set forth in Utah Code §§ 10-9a-101, et seq.
- (y) “Flag Lot” means an L-shaped lot that has been approved by the City consisting of a staff portion contiguous with the flag portion and used for the sole purpose of developing a single family detached structure. Flag lots are not permitted within the City.

- (z) "Flood, 100 Year" means a flood having a 1% chance of being equaled or exceeded in any given year.
- (aa) "Flood, 10 Year" means a flood having a 10% chance of being equaled or exceeded in any given year.
- (bb) "Flood Plain, 100 Year" means that area adjacent to a drainage channel which may be inundated by a 100 year flood as designated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.
- (cc) "Freeway." See, Streets.
- (dd) "General Plan" means the comprehensive, long range General Plan for proposed future development of land in the City, as provided in Utah Code § 10-9a-401.
- (ee) "Half Streets." See, Streets.
- (ff) "Lot" means a parcel or tract of land within a subdivision and abutting a public street, which is or may be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.
- (gg) [Reserved]
- (hh) "Master Street Plan" means that portion of the General Plan which defines the future alignments of streets and their rights of way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Utah Code § 10-9a-407.
- (ii) "Minor Subdivision" means a subdivision of not more than three (3) lots with not more than three (3) dwelling units per lot, excluding Internal Accessory Dwelling Units, that meets the minor subdivision waiver allowance criteria and procedural requirements in Utah Code § 10-9a-605. [Reserved]
- (jj) "Owner" means the owner in fee simple of real property as shown in the records of the Davis County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi public corporation, other entities authorized by the State of Utah, or any combination of the foregoing.
- (kk) "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.
- (ll) "Parkstrip" means the strip of land located within the public right of way between the

sidewalk and the curb and gutter.

- (mm) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- (nn) "Planned Development" means a development designed and approved pursuant to CZC 12.41 (Planned Development Overlay Zone), or any multi-family dwelling project or development that has been approved by the City in accordance with any applicable design standards.
- (oo) "Planning Administrator" means the person appointed by the City to perform duties and responsibilities of Planning Administrator, as defined in CZC 12 (Zoning).
- (pp) "Planning Commission" means the Centerville Planning Commission.
- (qq) "Preliminary Plat" means the initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this Title.
- (rr) "Protection Strip" means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.
- (ss) "Public Improvements" means streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the City in connection with subdivision, conditional use, or site plan approval.
- (tt) "Public Way" means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right of way.

(uu) "Review Cycle" means the occurrence of:

(1) the applicant's submittal of a complete subdivision land use application;

(2) the City's review of that subdivision land use application;

(3) the City's response to that subdivision land use application, in accordance with this section and Utah Code § 10-9a-604.2; and

~~(1)~~(4) the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

~~(uu)~~(vv) "Secondary Water System" means any system which is designed and intended to provide, transport and store water used for watering of crops, lawns, shrubberies,

flowers and other non culinary uses.

~~(vv)~~(ww) "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.

~~"Small Subdivision" means a subdivision of not more than 2 lots that meets the small subdivision waiver allowance criteria.~~

~~(ww)~~(xx) "Standards and Specifications" means the construction and engineering standards and specifications as adopted by the City. These standards may also be referred to as City standards, engineering standards, or specifications.

~~(xx)~~(yy) "Streets"

- (1) Street. A thoroughfare which has been dedicated to the City and accepted by the City Council, which the City has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been abandoned or made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.
- (2) Street, Freeway. A street with a fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.
- (3) Street, Half Street. The portion of a street within a subdivision comprising one half of the minimum required right of way.
- (4) Street, Major Arterial. A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in the Master Street Plan as a controlled access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.
- (5) Street, Minor Arterial. Similar to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.
- (6) Street, Major Collector. A street, existing or proposed, which is the main means of access to the major street system.
- (7) Street, Minor Collector. A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
- (8) Street, Local. A minor street which provides access to abutting properties and protection from through traffic.

(9) Street, Private. A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the City and maintained by the subdivider or other private agency.

(10) Street, Cul de sac. A minor terminal street provided with a turn around.

(11) Alley. A public right of way less than 26 feet in width.

~~(yy)~~(zz) “Subdivider” means any person who: (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision; (3) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision; or (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

~~(zz)~~(aaa) “Subdivision” means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. "Subdivision" includes: (1) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and (2) except as otherwise provided herein, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes. "Subdivision" does not include bona fide division or partition of agricultural land or recorded documents between adjacent property owners adjusting their mutual boundaries as more particularly defined and subject to the definitional exclusions set forth in Utah Code § 10-9a-103. Subdivision is not a minor subdivision.

(bbb) Subdivision Improvement Plans: The civil engineering plans associated with required infrastructure and municipally-controlled utilities required for a subdivision.

~~(aaa)~~(ccc) Subdivision Ordinance Review: The review by the city to verify that a subdivision land use application meets the criteria of the city’s subdivision ordinances.

(ddd) Subdivision Plan Review: The review of the applicant’s subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

~~(bbb)~~(eee) “Utilities” includes culinary waterlines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subdrains, electric power, natural gas, cable television and telephone transmission lines, underground conduits, and junction

boxes.

~~(eee)~~(fff) ~~az~~ “Water and Sewer Improvement Districts” means any water or sewer improvement districts existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.

~~(ddd)~~(ggg) “Zoning Administrator” means the person appointed by the City to perform the duties and responsibilities of Zoning Administrator or designee, as defined in CZC 12 (Zoning).

~~(eee)~~(hhh) “Zoning Ordinance” or ~~“Zoning Code”~~¹¹⁹ means the Centerville City Zoning Ordinance as set forth in CZC 12 (Zoning).

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017 Amended by Ord. 2019-16 on 8/20/2019

15.01.050 General Considerations

- (a) The General Plan shall guide the use and future development of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Zoning Code, and other applicable ordinances.
- (b) Trees, native land cover, natural watercourses, and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Zoning Code. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
- (c) Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. This Title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes, in accordance with and to the extent permitted by law.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.01.060 General Responsibilities

- (a) The ~~subdiv~~applicant ~~-may shall~~ prepare a concept plans ~~and shall prepare preliminary and final~~ ~~and subdivision~~ ~~-plans and plats~~ consistent with the standards contained herein and shall pay for the design, construction, and inspection of the public improvements required. The City shall process said plans and plats in accordance with the regulations set forth herein. The ~~applicant subdivider~~ shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until ~~applicant subdivider~~ has obtained the necessary approvals. ~~as outlined herein~~
- (b) The ~~Community Development Director~~ ~~Planning Administrator~~ shall conduct the subdivision ordinance review and subdivision plan review of the plans and plats for design; for conformity to the General Plan and to the Zoning Code; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.
- (c) ~~The Community Developer Director may refer p~~Plats ~~or and/or~~ plans of proposed subdivisions ~~may be referred by the Planning Administrator to the Community Development Department or any other~~ any City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The ~~Community Development Director~~ ~~Planning Administrator~~ is responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plats and plans.
- (d) The City Engineer shall review the subdivision improvement plans for compliance the engineering plans and specifications for the City required improvements for the subdivision and whether the proposed City required improvements are consistent with this Title and other applicable ordinances and shall be responsible for inspecting the City required improvements. Street layout and overall circulation shall be coordinated with transportation planning by the Planning Administrator.
- (e) The City Public Works Department shall review and make technical comments on the engineering plans and specifications for the City required improvements to the City Engineer and the Planning Administrator. The Public Works Director may assist the City Engineer in performing inspections.
- (f) The Planning Commission is authorized as the administrative land use authority or ALUA to make ~~charged with making reviews,~~ investigations, reports, ~~and~~ recommendations, and approval on preliminary subdivision land use applications ~~posed subdivisions~~ as to their conformity ~~ance~~ to the General Plan and Zoning Code, and other pertinent documents.
- (g) The City Attorney shall verify that the bond provided by the subdivider is acceptable, that the ~~applicant subdivider~~ dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the ~~applicant subdivider~~, and may review matters of title such as easements and restrictive covenants.

- (h) The ~~Community Development Director City Council~~ has final ~~authority jurisdiction to approve in the approval of~~ final subdivision plats, ~~establish the establishment of~~ requirements and design standards for public improvements, and ~~accept dedicated the acceptance of~~ lands and public improvements ~~that may be proposed for dedication~~ to the City.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.01.070 Compliance Required

- (a) It shall be unlawful for any person to subdivide any tract or parcel of land which is located ~~entirely wholly~~ or ~~partially in part~~ in the City except in compliance with this Title. No plat of any subdivision shall be recorded until it has been submitted and approved as provided herein. A plat shall not be approved if such plat is in conflict with any provision or portion of the General Plan, Master Street Plan, Zoning Code, this Title, or any other state law or City ordinance.
- (b) Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been installed or guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building ~~that depends~~ ~~depending~~ on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
- (c) ~~Any lot, plot, or tract~~ ~~lots, plots or tracts~~ of land located within a subdivision shall be subject to this Title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.
- (d) Except as otherwise provided, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected, and approved by the City, and all streets in the subdivision are rough graded.
- (e) A building permit may be issued for a lot within a subdivision prior to installation of all water, sewer and required utilities and rough grading of all streets within the subdivision upon a finding of the following conditions by the Building Official:
- (1) The lot fronts onto an already existing hard surfaced street;
 - (2) The main lines for utilities which will service the lot are located within the already existing and improved street;
 - (3) There is adequate fire flow protection and existing fire hydrants and fire protection devices for the lot as required by the Fire Code, as adopted by the City,

and other relevant City Ordinances;

- (4) There is adequate access to the lot for emergency utility vehicles;
 - (5) The issuance of the building permit will not threaten public health, safety and welfare;
 - (6) Written approval is obtained from the Fire Chief, Police Chief and City Engineer regarding issuance of the permit;
 - (7) Written approval is obtained from all public utilities and agencies involved regarding issuance of the permit or final subdivision approval; and
 - (8) Issuance of the permit will not result in the waiver of any other requirements or performance guarantees for the subdivision.
- (f) It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable, which improvements shall include paved streets. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.01.080 Review Timelines - Required Certificates, Permits And Reviews – Limited Review Cycles

- (a) ~~Any application~~ Applications for ~~each of~~ the separate stages of subdivision approval ~~(concept plan, on the preliminary plat, and final plat)~~ shall be made to the Community Development Department. ~~The applicant Applications shall use be made on~~ the respective forms provided by the City and ~~pay shall be accompanied by~~ the proper fees and deposits and ~~submit by~~ the documents and information required ~~in the checklist and~~ by this Title.
- (b) No later than 15 business days after the day on which the applicant submits a complete preliminary subdivision land use application to the Community Development Department for a residential subdivision for single-family, two-family, or townhomes, the Planning Commission or ALUA shall complete the initial review of the preliminary application, including subdivision improvement plans.
- ~~(b)~~(c) No later than 20 business days after the day on which the applicant submits a complete final subdivision land use application to the Community Development Department, including the plat, the City shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family, two-family, or townhomes, including all subdivision plan reviews. Action on any application for a stage of subdivision approval shall be completed in a timely manner after the date of submittal of a completed application and all required information and items to the

~~Community Development Department.~~

- ~~(d) On all All-preliminary and final subdivision land use applications, the applicant shall submit accurate and complete documents, plans, reports, studies, and information provided to the Community Development Department by an applicant shall be accurate and complete. Submission of inaccurate or incomplete information in connection with any application shall be grounds for denial of a pending application or revocation of an approved application.~~
- ~~(e) In reviewing a subdivision land use application, in addition to the City's checklist, the City may require specific additional information, corrections, and modifications regarding the applicant's plans in compliance with Utah Code Ann. Subsection 10-9a-604.2(5). The City shall be subject to the limited number of review cycles and the waiver of unaddressed changes or corrections as provided in Utah Code Ann. Subsections 10-9a-604.2(5)(c) and (d).~~
- ~~(f) If the applicant does not submit a revised plan within 20 business days after the City requests or requires any specific information, corrections, and modifications as provided herein, the City shall have an additional 20 business days to respond to the revised plans.~~
- ~~(g) In addition to the revised plans, the applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons to decline such revisions, if any, and the applicant's written explanation shall be comprehensive and specific, including but not limited to, citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.~~
- ~~(h) If the applicant fails or refuses to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not ensue until all comments are addressed.~~
- ~~(i) After the applicant has responded to the final review cycle, and the applicant has complied with each correction or modification requested in the City's previous review cycle, the City may not require additional revisions except to address applicant's changes in response to requested modifications or corrections.~~
- ~~(e)(j) Notwithstanding Subsection 15.01.080(i), the City may require additional revisions if the applicant makes a material change to a plan set and may restart the review process at the first review of the final application with respect to the portion of the plan set that the material change substantively affects.~~
- ~~(d)(k) If within six months after an application has been filed the applicant has not taken substantial action to obtain approval thereof, the application shall expire and any vested rights accrued thereunder shall terminate.~~

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.01.090 Penalties

It shall be a class C misdemeanor for any person to fail to comply with the provisions of this Title. In addition to any criminal prosecution, the City may pursue any other legal remedy to ensure compliance with this Title including, but not limited to, injunctive relief or enforcement through the civil enforcement procedures set forth in CMC 1.06 (Civil Penalties).

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.01.100 Pending Ordinance Amendments

- (a) When the City has formally initiated proceedings to amend the text of this Title, a person who thereafter files an application which may be affected by the proposed amendment shall not be entitled to rely on the existing text which may be amended.

(1) A proposed text amendment to this Title shall be deemed formally initiated when the amendment proposal first appears on a Planning Commission or City Council agenda, as the case may be, and such agenda has been noticed as required in this Chapter.

(2) An application shall be deemed “filed” when all materials required for the application, as set forth in this Title, have been submitted.

- (b) An application affected by a pending amendment to the text of this Title shall be subject to the following requirements:

(1) The application shall not be acted upon until ~~six months from the date when the pending amendment to the text of this Title was first noticed on a Planning Commission or City Council agenda, as the case may be, unless the~~ any proposed amendment to this Title is ~~sooner~~ enacted or defeated, ~~as the case may be.~~

~~(1)~~

~~(2)~~ (2) If a pending amendment to the text of this Title is enacted, ~~within six months after being noticed on a Planning Commission or City Council agenda, as the case may be,~~ an affected application which was filed while the amendment was pending shall conform to the enacted amendment.

~~(3)~~ (2) ~~If a pending amendment to the text of this Title is not enacted within six months after being noticed on a Planning Commission or City Council agenda, as the case may be, the amendment shall no longer be considered pending and any affected application may be approved without regard to the previously pending amendment.~~

- (c) The Zoning Administrator ~~shall provide written notice to~~ shall give an applicant affected by a pending amendment to the text of this Title written notice that:

(1) There is pending legislation;

- (2) The application may require changes to conform to a text amendment which may be enacted; and
- (3) Copies of the pending legislation are available at the Community Development office.
- (d) All provisions herein are intended to and shall comply with the provisions of Utah Code § 10-9a-509.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.01.110 Appeals

- (a) Any ~~applicant person or entity, or any officer, department, or board of the City,~~ adversely affected by a final decision of the ~~Community Development Director or~~ Zoning Administrator ~~or the Planning Commission~~ made in the administration or interpretation of the provisions of this Title ~~regarding the final subdivision land use application on the fourth or final review may file an appeal of 15.01.080,~~ may appeal that decision to the Board of Adjustment as the designated land use appeal authority for administrative decisions provided herein. A complete application for appeal shall be filed with City Recorder in a form established by the City within 14 days of the decision which is being appealed. The application for appeal shall include at a minimum the following information along with applicable appeal fees as set forth in the City Fee Schedule: (1) the name, address and telephone number of the appellant and the appellant's authorized agent, if any; (2) the decision being appealed; (3) the grounds for the appeal; and (4) a description of the alleged error in any final order, decision or determination of the person or body from which the appeal is taken in the administration or interpretation of this Title. The appeal shall set forth a description and allegation of every theory of relief that the appellant could raise in district court regarding the matter appealed.
- (b) After the application for appeal is deemed complete, the City Recorder shall schedule a public meeting before the Board of Adjustment for the appeal within a reasonable time after receipt of the appeal. Public notice of the public meeting shall be provided in accordance with the provisions of CMC 15.01.130. The appellant shall be notified of the appeal meeting date at least seven days prior to the meeting. Prior to the meeting, the City Recorder shall transmit to the City Council and the appellant all papers constituting the record of the decision which is being appealed. In the event the appellant is not the property owner, applicant, or agent of the property owner or applicant of a particular application being appealed, the City shall provide the property owner, applicant, or agent, as applicable, notice of the appeal meeting and a copy of the record in accordance with the provisions of this Section.
- (c) The Board of Adjustment shall review the record of decision and after due consideration shall reverse or affirm, wholly or in part, or may remand the administrative decision to the officer or body from whom the appeal was taken. The Board of Adjustment shall

review the administrative decision for correctness and shall give no deference to the decision of the person or body from which the appeal is taken. The person making an appeal shall have the burden of proving an error has been made. The Board of Adjustment shall notify the appellant in writing of its ruling.

- (d) The filing of a completed application for appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Board of Adjustment.
- (e) Any person or entity adversely affected by a final decision of the City Council regarding any subdivision application for which the City Council has jurisdiction of final approval or any final decision of the Board of Adjustment regarding an appeal of an administrative decision as provided herein, may appeal that decision to the district court in accordance with Utah Code § 10-9a-801.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.01.120 Staff Authority

For purposes of this Title, the Community Development Director or designee alone shall have the authority to approve the final subdivision land use application as provided in 15.04.130. The Community Development Department Planning Administrator and all other officers and employees of the City may act in an advisory capacity to the Planning Commission acting as the administrative land use authority on any preliminary subdivision land use application. Except as provided in 15.02 and 15.04, the Planning Administrator and all other officers and employees of the City act in an advisory capacity to the City Council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.01.130 Public Hearings And Public Meetings

Any public hearing or public meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this Section.

- (a) Scheduling a Public Hearing or Public Meeting. An application requiring a public hearing or public meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or public meeting regarding the application shall be considered in light of:
 - (1) The complexity of the application submitted;
 - (2) The number of other applications received which require a public hearing or public meeting;

- (3) Available staff resources; and
- (4) Applicable public notice requirements.

(b) Notice of Public Meeting. In accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-1, et seq., the applicable land use authority designated to act upon a subdivision application shall provide public notice of its meetings.

- (1) Annual Meeting Schedule. The applicable land use authority shall give public notice at least once each year of its annual meeting schedule specifying the date, time, and place of such meetings.
- (2) Individual Meeting. The applicable land use authority shall also provide not less than 24 hours public notice of the agenda, date, time, and place of each of its meetings in accordance with Utah Code § 52-4-202.
- (3) Public Notice Required. For purposes of Subsection (1) and (2), public notice of meetings and annual schedule shall be satisfied by:
 - i. Posting written notice at City Hall (except for an electronic meeting held without an anchor location pursuant to Utah Code § 52-4-207);
 - ii. Publishing notice on the Utah Public Notice Website; and
 - iii. Providing notice to at least one newspaper of general circulation within the geographic area of the City or a local media correspondent.
- (4) Emergency Meetings. When because of unforeseen circumstances it is necessary for the applicable land use authority to hold an emergency meeting to consider matters of an emergency or urgent nature, the noticing requirements set forth herein may be disregarded and the best notice practical will be given in accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-1, et seq.

~~(5)~~ Notice of Public Hearing. When this Title or any State statute requires a public hearing for any proposed subdivision, amendment to a subdivision, or any other land use application governed by this Title, notice of the first public hearing regarding such matter shall be provided in accordance with the

~~(6)~~(5) provisions set forth herein.

~~(7)~~(6) Contents. Public notice of the public hearing should include the following information:

- i. A statement summarizing the substance of the application;
- ii. The date, time, and place of the public hearing; and
- iii. The place where the application may be inspected by the public or

the person to contact for further information.

~~(8)~~(7) Notice for First Public Hearing. Public notice of the first public hearing on an application shall be provided at least three calendar days before the public hearing. Such notice shall be:

- i. Published on the Utah Public Notice Website;
- ii. Posted on the City website;
- iii. Mailed to each affected entity (as defined in Utah Code § 10-9a-103); and
- iv. Posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

~~(9)~~(8) Notice for Subsequent Public Hearings. Public notice of any additional or subsequent public hearings on an application shall be provided at least three calendar days before the public hearing by:

- i. Publishing notice on the Utah Public Notice Website; and
- ii. Posting on the City website.

~~(10)~~(9) Multi-Unit Residential, Commercial or Industrial Project Notice. Notice of the first public hearing to consider a preliminary plat describing a multi-unit residential development or a commercial or industrial development shall be mailed to each affected entity ~~(as defined in Utah Code § 10- 9a-103).~~

~~(10)~~ Vacation of Public Street Notice. Notice of any subdivision or plat amendment that involves a vacation, alteration, or amendment of a street shall be provided in accordance with Utah Code § 10-9a-208.

~~(11) Single-Family Residential, Two-Family Residential, or Townhomes Project Notice. If the administrative land use authority chooses to hold one public hearing to consider a preliminary subdivision land use application for a Single-Family, Two-Family, or Townhome residential project as provided in Utah Code Ann. Subsection 10-9a-604.1(7), notice of the public hearing shall be mailed to each affected entity as defined in Utah Code § 10-9a-208.~~

- (c) Applicant Notice. For each land use application filed in accordance with the provisions of this Title, the City shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application. The City shall provide each applicant a copy of each staff report regarding the application at least three business days before the public hearing or public meeting, subject to the waiver provisions of Utah Code § 10-9a-202. Such notice may be provided by mail, email, or other electronic means to the designated contact and mailing address or

email address provided by the applicant. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection (m).

- (d) **Additional Notice.** In addition to public notice of a public hearing as provided in this Section, the Zoning Administrator, in his or her sole discretion, may provide additional notice of any application, including, but not limited to, direct mailings to neighboring property owners. Any direct mailing, or other notice provided under this Subsection is intended as a courtesy only. Any error or failure on the part of the City to provide such courtesy notice shall not affect the adequacy or sufficiency of posted notice of the meeting or public hearing as required by law.
- (e) **High Priority Transportation Corridors Notice.** When required by law under Utah Code § 10-9a-206 and specifically requested in writing, the City may be required to provide the Utah Department of Transportation with electronic notice of any land use application received by the City that may adversely impact the development of any designated high priority transportation corridor within the City. When required by law under Utah Code § 10-9a-206 and specifically requested in writing, the City may be required to provide a large public transit district with electronic notice of any land use application received by the City that may impact the development of a major transit investment corridor.
- (f) **Standards and Specifications Notice.** Prior to implementing an amendment to adopted standards and specifications for public improvements that apply to subdivisions or development within the City, the City shall give 30 days mailed notice and an opportunity to comment to anyone who has requested such notice in writing pursuant to Utah Code § 10-9a-212.
- (g) **Challenge of Notice.** If notice required by this Section or any other applicable provision of this Title is not challenged in accordance with applicable appeal procedures within 30 days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.
- (h) **Examination of Application.** Upon reasonable request during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in accordance with the Utah Government Records Access and Management Act, as set forth in Utah Code §§ 63G-2-101, et seq., as amended. Copies of such materials shall be made available at reasonable cost in accordance with the City Fee Schedule.
- (i) **Public Hearing and Public Meeting Procedures.** An application shall be considered pursuant to the provisions of this Title and any policies and procedures established by the decision-making body or official for the conduct of its meetings.
- (j) **Withdrawal of Application.** An applicant may withdraw an application at any time

prior to action on the application by the decision-making body or official. Application fees shall not be refundable if prior to withdrawal:

- (1) A staff review of the application has been undertaken; or
- (2) Notice for a public hearing or public meeting on the application has been mailed, posted, or published.

(k) Record of Public Hearing or Public Meeting.

- (1) Written minutes and a recording shall be kept of all public hearings and meetings. Written minutes shall include:

- i. The date, time, and place of the meeting;
- ii. The names of members present and absent;
- iii. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- iv. The names of each person who provides testimony or comments to the public body and the substance in brief of their testimony or comments; and
- v. Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

- (2) The minutes, recordings, applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in Subsection ~~(i)~~.

- (l) Notification of Final Action. Notice of any final action or decision on a pending application by the decision-making body or official shall be provided to an applicant within a reasonable time. Such notice shall be provided by mail, email, or other electronic means to the designated contact and mailing address or email address provided by the applicant.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017 Amended by Ord. [2021-10](#) on 6/1/2021

15.01.140 General Decision-Making Standards

The decision-making standards set forth in this Section are based on the fundamental distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy which is applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

(a) Legislative Proceedings.

(1) The following types of applications under this Title are hereby declared to be legislative proceedings:

- i. Subdivision ordinance text adoption or amendment; and
- ii. Temporary regulations.

(2) Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

- i. The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- ii. In making such determination, the decision-making authority may consider the following:
 - a. Testimony presented at a public hearing or meeting; and
 - b. Personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the City.
- iii. The decision-making body should state on the record the basis for its decision.

(b) Administrative Proceedings.

(1) The following types of applications under this Title are hereby declared to be administrative proceedings:

- i. Concept plan;
- ii. Preliminary subdivision plat;
- iii. Final subdivision plat or plat amendment;
- iv. Special exception;
- v. Variance;
- vi. Nonconformity;

- vii. Routine and uncontested matter;
- viii. Administrative interpretation; and
- ix. Appeal of administrative decision.

(2) Decisions regarding an administrative application shall be based on the "substantial evidence" standard including at least the following:

- i. A statement of the standards for approval applicable to the application;
- ii. A summary of evidence presented to the decision-making body or official;
- iii. A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards set forth in this Title or other provisions of the Centerville Municipal Code; and
- iv. A statement of approval, approval with conditions, or disapproval, as the case may be.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.02 Concept Plan

15.02.010 Concept Plan

15.02.015 Optional Concept Plan

15.02.020 Concept Plan Submittal Requirements

15.02.030 Distribution

15.02.040 Reserved

15.02.050 Review And Approval By The Planning Commission

15.02.060 Expiration Of Concept Plan Approval

15.02.070 ~~Minor~~ ~~Small~~ Subdivision Waiver

15.02.010 Concept Plan

A concept plan shall be required of all subdividers, except the subdivision applicants for Single-Family Residences, Two-Family Residences, or Townhomes, which may be optional. -Concept plan review provides the subdivider with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the proposed subdivision of property. The applicant or applicant's duly authorized agent shall submit an application to the Community Development Department for subdivision concept plan review in accordance with the provisions of this Chapter, together with the appropriate application fees and deposits as set forth in the City Fee Schedule.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.02.015. Concept Plan (Optional) and Pre-application Meeting for a Single-Family Dwelling, Two-Family Dwelling, or Townhome Subdivision:

- (a) Preapplication Concept Review: Each applicant who proposes to subdivide land within the territorial limits of the city pursuant to Utah Code Ann. Subsection 10-9a-604.1(4) shall have the opportunity to request a preapplication review meeting with the city planning staff committee before preparing any plats, charts or plans. The city highly recommends a preapplication concept plan review meeting prior to submitting a Preliminary Subdivision Plat Application. A preapplication meeting and submission of a concept plan is optional and does not count toward the maximum number of review cycles for subdivision land use applications. Within ten (10) business days after the request, the city planning staff committee shall schedule the meeting to review the concept plan and give initial feedback.
- (b) The preapplication meeting is intended to provide and explain the city's subdivision requirements and general plan that apply to the proposed subdivision and to discuss the proposed plan of development of the tract. The city planning staff committee shall provide or make available on the city's website copies of applicable land use regulations; a complete list of standards required for the project; preliminary and final application checklists; and feedback on the concept plan if any.

- (c) Preapplication Sketch Submission: If a preapplication meeting is requested by the applicant, the applicant shall submit two (2) copies of conceptual sketches showing the proposed preliminary plat and site plan for review by the city planning staff committee. The provided sketches are expected to show the relationship to proposed traffic arteries, existing arteries, utilities, shopping centers, schools, parks, or other infrastructure or city facilities.
- (d) Information Form: The city shall provide a subdivision information form to the applicant to be completed and submitted by the applicant to the planning commission prior to submission of the complete preliminary subdivision plat and site plan.

15.02.020 Concept Plan Submittal Requirements

The subdivider shall submit three hard copies and one electronic copy of the proposed subdivision concept plan to the Community Development Department. The proposed concept plan shall include the following items.

- (a) The proposed name of the subdivision.
- (b) A vicinity plan showing significant natural and manmade features on the site and within 500 feet of any portion of it; the property boundaries of the proposed subdivision and adjacent properties; the names of adjacent property owners; topographic contours at no greater interval than five feet; and north arrow.
- (c) A proposed lot and street layout.
- (d) A description of the type of culinary and irrigation water system(s) proposed and documentation of water rights and secondary water shares.
- (e) A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage.
- (f) A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
- (g) The total acreage of the entire tract proposed for subdivision.
- (h) Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.02.030 Distribution

The Community Development Department, upon receipt of the complete submission, shall distribute copies of the concept plan to such government departments and other agencies or advisors as in the opinion of the Department or the Planning Commission may contribute to a decision in the best interest of the public.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.02.040 Reserved

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.02.050 Review And Approval By The Planning Commission

- (a) The Planning Commission shall schedule and hold a public hearing on the proposed concept plan. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of CMC 15.01.130. At the time and place specified, the Planning Commission shall hold a public hearing and review the submitted concept plan for compliance with the General Plan, Zoning Code, Subdivision Ordinance, and other applicable ordinances and regulations. The Planning Commission may approve or reject the proposed concept plan and may make findings and recommendations regarding the submitted concept plan, specifying any inadequacy in the information submitted, noncompliance with City ordinances or regulations, or questionable or undesirable design and/or engineering. Alternatively, the Planning Commission may refer the Concept Plan to the City Council for its review and approval or rejection.
- (b) The Planning Commission may require additional information, data or studies to be provided to the Planning Commission by the subdivider for the overall development before approval, rejection or referral is made by the Planning Commission regarding the proposed concept plan.
- (c) Approval of a proposed concept plan by the Planning Commission, or the City Council, as applicable, shall not constitute an approval or disapproval of the proposed subdivision, but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.02.060 Expiration Of Concept Plan Approval

Once a concept plan has been approved by the Planning Commission, or approved by the City Council if the concept plan was referred to the City Council, the subdivider may apply for preliminary plat approval consistent with the concept plan. Concept plan approval shall expire and have no further force or effect if a complete application for preliminary plat approval is not

submitted within 12 months from the date of approval of the concept plan. This time period may be extended for up to six months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved concept plan.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017 Amended by Ord. [2019-17](#) on 8/20/2019

15.02.070 Minor ~~Small~~ Subdivision Waiver

- (a) Upon review and approval of a concept plan for a ~~minor small~~ subdivision, the Planning Commission can waive the requirements for approval of a preliminary and a final plat if it can be shown that:
 - (1) The ~~minor small~~ subdivision does not require dedication of land for street or other public purpose;
 - (2) The ~~minor small~~ subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Master Street Plan; and
 - (3) The lots are not part of a ~~minor small~~ subdivision approved less than three years earlier.
- (b) Each of the lots in a ~~minor small~~ subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Board of Adjustment.
- (c) The Planning Commission may require as part of the approval of the concept plan for a ~~minor small~~ subdivision any improvements or utility easements that are required of other subdivisions, as set forth in this Title.
- (d) Although preliminary and final plat approval is not required for ~~minor small~~ subdivisions, applicants for ~~minor small~~ subdivisions shall be required to prepare and submit a final plat for recording in accordance with the requirements of Section 15.04.030 and comply with all public improvement, bonding, recording, and other applicable requirements for final plats as set forth in this Title.
- (e) ~~Minor Small~~ subdivision approval shall expire and have no further force or effect if the small subdivision is not recorded within 12 months from the date of approval of the small subdivision. This time period may be extended for up to six months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved small subdivision.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2019-17](#) on 8/20/2019

15.03 Preliminary Plat

15.03.010 Preliminary Plat - Purpose

15.03.015 Filing Deadline

15.03.020 Application And Fees

15.03.030 Plat Preparation And Required Information

15.03.040 Review And Approval By Planning Commission

15.03.050 Expiration Of Preliminary Plat Approval

15.03.060 Preliminary Plat for Residential Single-Family, Two-Family, or Townhome Subdivisions

15.03.070 Financial Guarantees for Residential Single-Family, Two-Family, or Townhome Subdivisions

15.03.010 Preliminary Plat - Purpose

The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat and to ensure compliance of the subdivision with City ordinances and regulations. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this Title and any other applicable City ordinances and regulations, except as provided in 15.03.060 and 15.03.070.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.03.015 Filing Deadline

Application for preliminary plat approval shall be made within the required time frame as set forth in Section 15.02.060 regarding expiration of concept plan approval.

HISTORY

Adopted by Ord. 2019-17 on 8/20/2019

15.03.020 Application And Fees

The subdivider of a subdivision, after completing the concept plan required in CMC 15.02 (Concept Plan), shall file an application for preliminary plat approval with the Community Development Department on a form prescribed by the City, together with three hard copies and one electronic copy of the preliminary plat. At the same time, the subdivider shall pay the application fees and deposits for preliminary plat review as provided in the City Fee Schedule.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.03.030 Plat Preparation And Required Information

The preliminary plat shall be drawn to scale not smaller than 100 feet to the inch, and shall include the following.

- (a) A north arrow.
- (b) The proposed name of the subdivision.
- (c) The location of the subdivision as it forms part of a larger tract, parcel, or lot.
- (d) A sketch of the prospective future street system of the unplatted portion of the property, and the street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the surrounding area and in accordance with the General Plan.
- (e) A vicinity map of the proposed subdivision, drawn at a scale of 500 feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets.
- (f) The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- (g) A contour map at intervals of at least two feet, showing all unusual topographic features with verification by a qualified engineer or land surveyor.
- (h) Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor registered to practice in the State of Utah.
- (i) The boundary lines of the tract, parcel or lot to be subdivided, with all dimensions shown.
- (j) Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within 100 feet thereof.
- (k) The location, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots with the size of each lot in square footage and proper labeling of spaces to be dedicated to the public.
- (l) The location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within 100 feet of the boundary thereof, showing whether recorded or claimed by usage.
- (m) The location and dimensions to the nearest existing bench mark or monument, and section line.
- (n) The location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography.
- (o) The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within 200 feet thereof, and all known wells or springs (consult Utah State Engineer's Office).

- (p) The location of the 100 year flood plain as determined by the Federal Emergency Management Agency (FEMA).
- (q) Proposed off site and on site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
- (r) A tentative plan by which the subdivider proposes to handle storm water drainage for an event with a 10 year return interval, as determined by the City Engineer.
- (s) Each sheet of the set shall contain the name of the project, scale (not less than 100 feet to the inch), sheet number, north arrow, and date of latest draft or revision.
- (t) Boundary lines of adjacent tracts of unsubdivided land within 100 feet of the tract proposed for subdivision, showing ownership and property monuments.
- (u) A tentative plan for providing street lighting in the subdivision.
- (v) Plans showing any required landscaping and/or parkstrip tree planting.
- (w) If the site requires substantial cutting, clearing, grading, or other earthmoving operations in the construction of improvements, the application shall include a soil erosion and sedimentation control plan prepared by a registered civil engineer.
- (x) Verification as to the accuracy of the plat by the owner.
- (y) The subdivider shall provide with the application the following documents:
 - (1) Copies of any agreements with adjacent property owners relevant to the proposed subdivision.
 - (2) A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations shall be submitted in accordance with the City Standards and Specifications.
 - (3) A copy of a preliminary title report evidencing satisfactory proof of ownership, other land owners of interest, including lienholders, legal description of all property within the subdivision, and easements of record encumbering any property within the subdivision.
 - (4) Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements therefor have been reviewed by the utilities.
 - (5) An adequate traffic report prepared by a qualified traffic engineer when required by the Planning Commission.
 - (6) If the proposed project is located within 100 feet of a critical flood area as defined by Davis County (which includes Deuel, Parrish, Barnard and Ricks Creek stream channels), the subdivider shall obtain and submit a Davis County Development and Construction permit and provide any required stream channel easements or restricted build areas.
 - (7) The subdivider shall comply with all other applicable federal, state and local laws

and regulations and shall provide evidence of such compliance if requested by the City.

- (8) Approval of any proposed subsurface drains in accordance with applicable provisions of CMC 9.06 (Subsurface Water) and a copy of proposed protective covenants in all cases where subsurface drains are to be located within the subdivision, as applicable.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.03.040 Review And Approval By Planning Commission

- (a) The Planning Commission shall schedule and hold a public hearing on the proposed preliminary subdivision plat. Notice of the public hearing and the public meeting shall be provided in accordance with CMC 15.01.130. At the time and place specified, the Planning Commission shall hold a public hearing and review the submitted preliminary plat for compliance with the standards and criteria set forth in this Title and all other ordinances of the City, including but not limited to the Zoning Code, General Plan, Master Street Plan, and applicable Construction Codes. The Planning Commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, noncompliance with City ordinances or regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including, but not limited to, the following: fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sewer service; traffic considerations; potential for flooding; etc. The subdivider shall be notified in writing of the action taken by and the findings of the Planning Commission regarding the submitted preliminary plat.
- (b) If the Planning Commission denies preliminary plat approval, no further review of the proposed subdivision shall be made by the Planning Commission and a new preliminary plat shall be required to re-initiate the subdivision process.
- (c) Granting of a preliminary plat approval by the Planning Commission shall not constitute a final approval of the subdivision by the Planning Commission. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.03.050 Expiration Of Preliminary Plat Approval

- (a) Once preliminary plat approval has been granted, the subdivider may apply for final plat approval. Preliminary plat approval shall expire and have no further force or effect if a complete application for final plat approval is not submitted within 12 months from the date of approval of the preliminary plat. This time period may be extended for up to six months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved preliminary plat.
- (b) In those cases where a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if a complete application for final plat approval for the first phase is submitted within 12 months from the date of approval of the preliminary plat and subsequent phases are recorded in accordance with the approved phasing plan.

15.030.060. Complete Application for Preliminary Subdivision Plan for a Single-Family, Two-Family, or Townhome Residential Subdivision:

- (a) Required: Each applicant shall prepare a preliminary plan of such subdivision, including subdivision improvement plans, and shall submit four (4) large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one digital full set submittal of all preliminary plans and plat to the planning commission and city staff. One copy of the submitted preliminary subdivision plan shall be delivered by the city staff to each of the following for the information and recommendation of such officials and departments: city engineer, fire department, police department, public works department, city administration, and other pertinent city departments. The Community Development Director shall determine if the applicant's submission is complete. No application may be processed before all fees have been paid.
- (b) The preliminary plans must be received by the city staff no later than fifteen (15) business days prior to the scheduled administrative land use authority meeting in order to allow sufficient time to be reviewed and to receive recommendations from the foregoing listed departments. The administrative land use authority, i.e., planning commission, may receive public comment and may hold no more than one public hearing as part of the authority's review process.
- ~~(a)~~(c) Scale; Information Required: The preliminary plan shall be drawn to a scale not fewer than one hundred feet to the inch (1" = 100'), and shall show:
 - (1) The proposed name of the subdivision.
 - (2) The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the applicant's tract, or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
 - (3) Sufficient information to locate accurately the property shown on the plan.

- (4) The name and address of the applicant; the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
 - (5) Contour map at appropriate intervals where required by the planning commission.
 - (6) The boundary lines of the tract to be subdivided.
 - (7) The location, widths and other dimensions of all existing or platted streets and other significant features such as railroad lines, watercourses, exceptional topography, and buildings within the tract or within two hundred feet (200') of the tract to be subdivided.
 - (8) Existing and proposed sanitary sewers, storm drains, water supply mains and culverts within the tract or within one hundred feet (100') thereof.
 - (9) The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.
 - (10) North point, scale and date.
- (d) Decision Of Planning Commission: The planning commission as the administrative land use authority shall complete the initial review of the complete preliminary subdivision application, including subdivision improvement plans, no later than fifteen (15) business days after the applicant's submission. The planning commission may approve or reject the preliminary plan and plat, or grant approval with any conditions stated by the planning commission. Approval of the preliminary plan and plat by the planning commission does not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plan and plat shall be retained in the city offices and one copy shall be made available to the applicant, if so requested. The planning commission's approval of the subdivision preliminary plan and plat shall be the authorization for the applicant to proceed with the finalization of plans and specifications of this chapter and with the preparation of the final plat and plan.
- (e) Improvement Plans: Prior to the construction of any improvements required in section 15.07 of this chapter, or to the submission of financial guarantees, the applicant shall furnish to the city engineer all subdivision improvement plans, information and data necessary for said improvements. These plans shall be examined by the city engineer and shall be approved if the city engineer determines them to be in accordance with the requirements of section 15.07. No construction of buildings may begin until after recording of the final plat.
- (f) The applicant's preliminary subdivision application(s) and materials will be maintained, published, and accessible at the Riverdale City offices. These materials shall include: the application; the owner's affidavit; the electronic copy of all plans in the PDF formatting; the preliminary subdivision plat drawings; and the breakdown of fees due upon approval of the application.
- (g) Term Of Approval: Approval of the preliminary plan and plat by the planning

commission shall be valid for a maximum period of twelve (12) months after approval, unless upon application of the applicant the planning commission grants the applicant a six (6) month extension. If the final plat has not been recorded within the twelve (12) month period, the preliminary plan and plat must again be submitted to the planning commission for reapproval.

15.03.070. Financial Guarantees for Improvements for a Single-Family, Two-Family, or Townhome Residential Subdivision:

Prior to the final plat being presented to the city planning staff committee for final review and consideration for approval or denial, the applicant shall satisfy one of the following requirements:

- (a) Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the amounts to be released pursuant to the terms and conditions of the developer's agreement;
or
- (b) Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the bond to be released pursuant to the terms and conditions of the developer's agreement.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017 Amended by Ord. 2019-17 on 8/20/2019

15.04 Final Plat

15.04.010 Final Plat

15.04.020 Filing Deadline

15.04.025 Application And Fees

15.04.030 Final Plat - Preparation And Required Information

15.04.040 Construction Plans - Preparation And Required Information

15.04.050 Review And Recommendation By Planning Commission

15.04.060 ~~Certification and Signatures by Mayor and City Recorder Review And Approval By City Council~~

15.04.070 Review By City Engineer

15.04.080 Review By City Attorney

15.04.090 Security For Public Improvements

15.04.095 Installation Of Improvements Prior To Recording Final Plat

15.04.100 Payment Of Fees

15.04.110 Recording Of Final Plat

15.04.120 Expiration Of Final Plat Approval

15.04.130 Complete Application for Final Subdivision Review for Single-Family, Two-Family, or Townhome Residential Subdivision

15.04.6015.04.010 Final Plat

The purpose of the final plat is to require formal approval by the Planning Commission and City Council before a subdivision plat is finalized and recorded in the office of the Davis County Recorder and to ensure compliance of the subdivision with applicable ordinances. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.04.020 Filing Deadline

Application for final plat approval shall be made within the required time frame as set forth in Section 15.03.050 regarding expiration of preliminary plat approval.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017 Amended by Ord. 2019-17 on 8/20/2019

15.04.025 Application And Fees

The subdivider shall file an application for final plat approval with the Community Development Department on forms prescribed by the City, together with three hard copies and one electronic

copy of the proposed final plat and construction drawings. At the same time, the subdivider shall pay to the City the application fees and deposits for the final subdivision as set forth in the City Fee Schedule.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.04.030 Final Plat — Preparation And Required Information

- (a) The final plat shall consist of approved tracing linen with the outside or trim line dimensions of 19^{1/2}" by 30^{1/2}" and the border line of the plat shall be drawn in heavy lines leaving a space of at least 1.5^{1/2}" on the left side and at least 0.5^{1/2}" margin on the other sides, or other format acceptable to the Davis County Recorder.
- (b) The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on the tracing linen, mylar, or comparable material, with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than 100 feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.
- (c) The final plat shall show the subdivision name and the general location of the subdivision in bold letters at the top of the sheet.
- (d) The plat shall contain a north arrow and scale of the drawing and the date.
- (e) The plat shall be signed by all required and authorized parties, property owners, and lienholders with appropriate notarial acknowledgments and the final plat shall contain all information set forth in this Section.
- (f) An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one foot to 20,000 feet.
- (g) The plat will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
- (h) The plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest 100th of a foot.
- (i) All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in

every case. The square footage of each lot and parcel shall be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.

- (j) The plat shall show the right of way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
- (k) All lots and blocks are to be numbered consecutively under a definite system approved by the Planning Commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
- (l) All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system as set forth in CMC 11.01.160. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing system as set forth in CMC 11.01.170. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
- (m) The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All existing and proposed easements shall be clearly labeled and identified.
- (n) The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat:
 - (1) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and
 - (2) All right of way monuments at angle points and intersections as approved by the City Engineer.
- (o) The final plat shall contain the name of the surveyor, together with the date of the survey, the scale of the map and number of sheets.
- (p) The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - (1) Registered land surveyor's "Certificate of Survey";
 - (2) Owners dedication certificate and signature line for each property owner of

record and significant lienholders;

- (3) Notary public's acknowledgment for each signature on the plat;
- (4) A correct metes and bounds description of all property included within the subdivision;
- (5) Plat shall contain blocks for signature of the Planning Commission, City Engineer, City Attorney, City Council (a signature line for the Mayor and an attestation by the City Recorder);
- (6) A block for the Davis County Recorder shall be provided in the lower right corner of the final plat;
- (7) Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, or by the City Attorney;
- (8) Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the City Attorney; a "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than 30 days before the proposed recordation of the final plat;
- (9) The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the City Standards and Specifications; and
- (10) When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.04.040 Construction Plans — Preparation And Required Information

The subdivider shall prepare and submit construction plans in accordance with the requirements and standards set forth in CMC 15.07 (Public Improvements).

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.04.050 Review And Recommendation By Planning Commission

The Planning Commission shall review the final plat to determine whether the final plat conforms with the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. As part of the Planning Commission's review, the Zoning

Administrator shall check the final plat for completeness and compliance with the requirements of this Title. If the submitted final plat is not acceptable, the Planning Commission shall notify the subdivider and specify the respects in which it is deficient. If the Planning Commission determines that the final plat is in conformity with all requirements and the ordinances of the City it shall recommend approval of the final plat to the City Council.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.04.060 Review And Approval By City Council Certification and Signatures

~~The City Council shall schedule and hold a public hearing on the proposed final plat. Public notice of the public hearing and public meeting shall be provided in accordance with the provisions of CMC 15.01.130. At the time and place specified, the City Council shall hold a public hearing and review the submitted final plat. The City Council shall not be bound by the recommendations of the City staff or the Planning Commission and may set its own conditions and requirements consistent with this Title. If the City Council determines that the final plat is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions as recommended by the City's staff and Planning Commission or on the City Council's own initiative, that all fees and deposits have been paid as required, and that the City Council is satisfied with the final plat of the subdivision, it may approve the final plat. If the City Council determines that the final plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, it may disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the City Council and unless certified and signed by the Mayor and City Recorder.~~

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.04.070 Review By City Engineer

The City Engineer shall review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this ordinance and all other applicable ordinances of the City and the State of Utah. The City Engineer shall sign the final plat if the City Engineer finds that the subdivision and the construction plans fully comply with the improvement standards required by this Title, that the survey description is correct, and that all easements are correctly described and located. The City Engineer shall complete review of the plat within a reasonable time after the plat is submitted for review to the Engineer. If the final plat complies, the City Engineer shall sign the plat in the appropriate signature block. If the final plat or the construction plans do not comply the City Engineer shall return the plat to the subdivider with comment.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.04.080 Review By City Attorney

The City Attorney shall review the final plat, the signed subdivision improvements agreement, the current title report, and the security for ensuring completion of the improvements, to verify compliance with the City's dedication and bonding requirements. The City Attorney may also review public easements, protective covenants and other documents where applicable. Upon approval of the items specified in this Section, the City Attorney shall sign the plat in the appropriate signature block.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.04.090 Security For Public Improvements

- (a) Prior to recording of an approved final plat, the developer shall enter into an Improvements Agreement acceptable to the City providing security to ensure completion of all public improvements required to be installed in connection with the subdivision. The Improvements Agreement shall be in a form approved by the City Council and may contain specific provisions approved by the City Attorney. The Improvements Agreement shall include, but is not limited to, the following provisions:
- (1) The public improvements shall be completed within a period of time not to exceed 18 months from the date the Improvements Agreement is fully executed by both parties. The term of the bond and security shall be of sufficient length to cover the construction period and required warranty period.
 - (2) The public improvements shall be completed to the satisfaction of the City and in accordance with the City Standards and Specifications, and the approved plans and specifications for the project.
 - (3) The security provided for the Improvements Agreement ("Bond") shall be equal to 120% of the City Engineer's estimated cost of the improvements to be installed, including landscaping when required to be installed in connection with the development in accordance with [CMC 15.05.070](#), [CZC 12.51 \(Landscaping\)](#), or other applicable Ordinance.
 - (4) The City shall have immediate access to the Bond proceeds in the event of default.
 - (5) The Bond proceeds may be reduced at intervals determined by the City upon the request of the developer as improvements are installed and completed. The amount of the reduction shall be determined by the City. Such requests may be made only once every 30 days and no reduction shall be authorized until such time as the City has inspected the improvements and found them to be in compliance with the City Standards and Specifications and the approved plans. All reductions shall be by written authorization of the City with the approval of the City Engineer. No Bond shall be reduced below 10% of the estimated cost of

the improvements plus the estimated cost of slurry seal until final acceptance of the improvements by the City Council following the warranty period set forth in CMC 15.05.100.

- (6) If the Bond proceeds are inadequate to pay the cost of the completion of the improvements according to the City Standards and Specifications and approved plans, for whatever reason, including previous reductions, the developer shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with City Council approval, a new, satisfactory Bond has been executed and delivered to the City, or other satisfactory arrangements have been made to ensure completion of the remaining improvements.
 - (7) In the event of default by the developer, the City's costs of administration, cost of obtaining the Bond proceeds, and costs of completing the improvements, including, but not limited to, administrative, engineering, legal, labor and materials costs, shall be deducted from any Bond proceeds. A minimum amount equal to 15% of the actual costs of the improvements shall be retained by the City as payment for its administrative costs expended in drawing on the Bond. The developer shall be required to reimburse the City for any deficiencies in the Bond funds to pay for such costs incurred by the City.
 - (8) The developer shall hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City certifies the improvements are complete and accepts the improvements, subject to the developer's warranty obligations set forth in CMC 15.05.100.
- (b) The Improvements Agreement shall be one of the following types as prescribed by the City:
- (1) A cash bond agreement accompanied by a cashier's check payable only to the City; or
 - (2) An escrow agreement and account with a federally insured bank or credit union. If the bank is located outside of the State of Utah and/or requires presentment of the sight draft outside of the State of Utah, additional language shall be provided in the Bond allowing for presentment by fax or other electronic means acceptable to the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017 Amended by Ord. [2019-16](#) on 8/20/2019

15.04.095 Installation Of Improvements Prior To Recording Final Plat

Pursuant to Utah Code § 10-9a-604.5, after approval of the final plat and final construction drawings by the City, the developer may engage in certain limited development activities to install required public improvements associated with the subdivision prior to recording of the final plat, subject to the developer entering into an "Infrastructure Development Agreement (Prior

to Recording Final Subdivision Plat)" with the City as approved by the City Council.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.04.100 Payment Of Fees

All required and unpaid fees, deposits and bonds shall be paid or posted, as applicable, by the subdivider to the City prior to recording of the final plat.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.04.110 Recording Of Final Plat

After City Council approval, filing of the Bond Agreement and Bond described in CMC 15.04.090, payment of all required fees and deposits, compliance with all conditions of approval and applicable ordinances, and signing of the plat by all required parties, property owners and lienholders, the final plat may be presented by the City Recorder to the Davis County Recorder for recordation. The City Recorder shall be responsible for recording all final subdivision plats and related documents. The developer is not authorized to record a final subdivision plat.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.04.120 Expiration Of Final Plat Approval

Final plat approval shall expire and have no further force or effect if the approved final plat is not recorded within 12 months from the date of City Council approval. This time period may be extended for up to six months for good cause shown if the subdivider petitions the City Council for an extension prior to the expiration date. Only one extension may be granted for each approved final plat. No extension will be granted for final plat approval if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases or provide additional bond funds as a condition of granting an extension.

15.04.130. Complete Application for Final Subdivision Review for a Single-Family, Two-Family, or Townhome Residential Subdivision:

- (a) Planning Staff Committee Review: Prior to final technical review of the final subdivision plan and plat, the applicant's engineer shall submit the proposed final plat, with any changes and modifications as directed at the preliminary review by the planning commission, along with a letter of certification that each lot meets the requirements of this title to the city planning staff committee. The Community Development Director

shall determine if the applicant's submission is complete. No application may be processed before all fees have been paid. The city planning staff committee, after reviewing the proposed final plat and confirming that all the above fees and financing guarantees have been satisfied, shall review the final subdivision plan and plat for appropriate final action.

- (b) Preparation Of Plat: After compliance with the provisions of subsection A. of this section, and sections 10-21-5 and 10-21-6, a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the city in conformance with the design standards of section 10-21-13 of this chapter and submitted within one year from the date of preliminary plan approval unless the time is extended by the planning commission; otherwise, such approval shall be considered to have been withdrawn. Four (4) large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one (1) digital full set submittal of all final plans and of the final plat shall be submitted to the city planning staff committee.
- (c) City Review Cycle Process: The city planning staff committee shall be permitted up to fifteen (15) business days to complete the initial review of the complete preliminary subdivision land use application, including the subdivision improvement plans, the ordinance review, and the plan to provide corrections and review comments thereto. Subdivision plat and plan responses and revisions, as provided by the applicant, may thereafter be re-submitted to the city planning staff committee to address the identified city planning staff committee's corrections and commentaries. However, the city may not review the subdivision plan and plat for more than four (4) total review cycles during the entire subdivision submittal and review process, excluding the preapplication review process if requested by the applicant. During the final review cycle, the city planning staff committee shall be allowed up to twenty (20) business days to take final action and provide the applicant with an official city decision regarding the final plan and plat submittal.
- (d) Waiver. Any change or correction that is not addressed or referenced in the city's plan review shall be considered waived unless: the change or correction is necessary to address the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure of the specific development; the modification or correction is necessary to protect public health or safety; or to enforce state or federal law.
- (e) Effect of Material Changes. If the applicant makes a material change to the plan set, the city may restart the review process as the first review of the final application regarding the portion of the plan set that the material change substantially affects.
- (f) Applicant's Failure to Submit Revised Plan. If the city requires a modification or correction of the final application, the applicant must submit the revised plan within twenty (20) business days. Applicant's failure to submit the required modifications or corrections within the twenty (20) business days shall result in an additional twenty (20) business days for the city to respond to the modified or corrected plans.
- (g) After the applicant has responded to the final review cycle, in compliance with each modification requested in the city planning staff committee's previous review cycle, the city planning staff committee may not require additional revisions if the applicant has

not materially changed the plan, except changes that were in response to previously requested modifications or corrections.

~~(a)~~(h) The applicant shall provide a written explanation to each of the city planning staff committee's review comments, identifying, and explaining the applicant's revisions and reasons for declining to make revisions, if any. The written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design, including an index of requested revisions or additions to each required correction. The review process is not considered complete if the applicant fails to address a review comment in the response. The subsequent review cycle may not begin until all comments are addressed.

~~(b)~~(i) On the fourth or final review, if the city planning staff committee fails to respond within twenty (20) business days, the city planning staff committee shall, upon request of the applicant, and within ten (10) business days after the request is received:

(1) for a dispute arising from the subdivision improvement plans, coordinate a meeting with the city appeal authority pursuant to Utah Code Annotated Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

~~(1)~~(2) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated appeal authority.

~~(e)~~(j) Drawing: The final plat, if approved by the city planning staff committee, shall consist of a sheet of approved tracing linen (mylar paper), to the outside or trim line dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch (1/2") margin on all four (4) sides. The approved plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with waterproof black drawing ink. The approved plat shall be made to a scale large enough to clearly show all details, in any case not fewer than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing shall be neat, clean cut and readable. The approved plat shall be signed by all parties listed in subsection J5. of this section, who are duly authorized and required to sign and shall contain the following information:

(1) A subdivision name, approved by the county recorder, and the general location of the subdivision, in bold letters at the top of the sheet.

(2) A north point and scale of the drawing, and the date.

(3) Accurately drawn boundaries, showing the proper bearing and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

(4) The names, widths, lengths, bearings, and curve data on centerlines of proposed streets, alleys, and easements; the boundaries, bearings, and dimensions of all

portions within the subdivision as intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the city planning staff committee. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system as outlined in Title 9, Chapter 5 of the city code.

~~(1)~~(5) The standard forms approved by the city planning staff committee as lettered for the following on the final approved plat:

- i. Description of land to be included in the subdivision.
- ii. Registered professional engineer and/or land surveyor's "certificate of survey".
- iii. Owner's dedication.
- iv. Notary public's acknowledgment.
- v. Planning commission's signature block for certificate of approval.
- vi. City engineer's signature block for certificate of approval.
- vii. City attorney's signature block for certificate of approval.
- ~~i-viii.~~ Mayor's certificate of acceptance signature block with space to allow for the signature to be attested by the city recorder.

(6) A three-inch by three-inch (3" x 3") space in the lower right-hand corner of the drawing for recording information.

~~(2)~~(7) After approving the final plat, the city planning staff committee shall submit the plat for approval to the city engineer, who shall bill the applicant for this review, and shall check the engineering requirements of the drawing. After approval and signature by the city engineer, the plat shall be submitted to the city attorney, planning commission, and mayor for signatures and certificate of acceptance. The final plat, bearing all official approvals as above required, shall be returned to the applicant for recording at the expense of the applicant. No subdivision shall be recorded in the office of the county recorder and no lot included in such subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot unless and until the plat is approved and accepted.

~~(d)~~(k) Expiration Of Final Subdivision Plat Approval; Extension Of Final Subdivision Plat Approval:

(1) After the final subdivision plat has been recorded in the Office of the Weber County Recorder, the applicant(s) may apply for building permits consistent with the approved and recorded final subdivision plat and consistent with the city requirements for a building permit. The approval of a final subdivision

application shall be effective for a period of one (1) year from the date the final subdivision application is approved by the city planning staff committee, at the end of which time the final subdivision plat shall have been recorded in the office of the Weber County Recorder.

(2) If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, and the city planning staff committee has not extended the approval of the final subdivision plat, the final subdivision approval shall be void and any vested rights thereunder will therefore be void, whereupon the city planning staff committee may require that a new subdivision plat be submitted and approval obtained pursuant to this section. A written request may be submitted to the city planning staff committee prior to expiration of the final subdivision plat for an extension of up to six (6) months. The city planning staff committee may grant such an extension for good cause. Once the application has expired, in order to reintroduce the proposed subdivision development, the applicant must submit a new application with all applicable fees.

15.0.130 HISTORY

Adopted by Ord. 2017-03 on 4/4/2017 Amended by Ord. 2019-17 on 8/20/2019

15.05 General Requirements For All Subdivisions

15.05.010 Subdivision Layout

15.05.020 Lots

15.05.030 Streets And Related Improvements

15.05.040 Protection Strips

15.05.050 Drainage

15.05.060 Utilities

15.05.070 Landscaping

15.05.080 Orderly Development Required

15.05.090 Building Permits

15.05.100 Warranty Period

15.05.010 Subdivision Layout

- (a) The subdivision layout shall conform to the General Plan.
- (b) Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, as determined by the Planning Commission, are located within a proposed subdivision, reasonable steps should be taken to preserve these features.
- (c) Where a railroad right of way abuts a subdivision, the plat shall make provisions for future grade separations whenever the City shall find such a requirement to be necessary.
- (d) The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Title, unless the general layout of the vicinity, line of ownership, topographical conditions, or locations of arterial streets or freeways justify or make necessary a variation from this requirement. The minimum width of a block shall not be less than 250 feet measured from center line of street to center line of street.
- (e) The maximum length of blocks shall be 1200 feet. In blocks over 800 feet in length, a dedicated public walkway through the block, at approximately the center of the block, may be required. Such walkways shall not be less than 10 feet in width unless otherwise approved by the City.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.05.020 Lots

- (a) All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.
- (b) All lots or parcels created by the subdivision shall have frontage on a dedicated street, improved to standards hereinafter required, equal to at least 50% of its minimum required

width. Land designated as public right of way shall be separate and distinct from lots adjoining such right of way and shall not be included in the area of such lots.

- (c) The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Code for the district in which the subdivision is located.
- (d) The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul de sac on which the lots face. The Planning Commission may recommend to the City Council exceptions to this requirement. Upon a showing of good cause, the City Council may allow exceptions to this requirement.
- (e) Corner lots for residential use should be platted 10 feet wider than interior lots in order to facilitate conformance with the required street setback requirements of the Zoning Code.
- (f) A lot shall not be divided by a City limit line. Each such boundary line should be made a lot line.
- (g) Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility, public purpose, or other purpose approved by the City Council.
- (h) Double frontage lots are not permitted unless approved by the City Council after receiving a recommendation from the Planning Commission. Double frontage lots may only be approved when backing on the following streets:
 - (1) Main Street, both sides;
 - (2) Frontage Road (800 West).
 - (3) Parrish Lane west of Main Street, both sides;
 - (4) Pages Lane west of 400 East, both sides;
 - (5) Porter Lane from Main Street to 400 West, south side only; and
 - (6) 400 West from Parrish Lane to 1375 North both sides.
- (i) The street frontage adjacent to the rear of approved double frontage lots shall be improved by the subdivider in accordance with the standards set forth in the City Standards and Specifications.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.05.030 Streets And Related Improvements

- (a) Subdividers shall locate streets within the subdivision so that the streets connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located

so that the adjacent land may be most efficiently subdivided.

- (b) Dedication of half streets is prohibited unless: a full right of way is to be obtained; curb, gutter, and sidewalk is constructed on the subdivider's side; and a minimum of 28 feet of asphalt is laid. The balance of street improvements will be provided by the applicable property owner.
- (c) All streets should conform to the width designated by the Master Street Plan wherever a subdivision is in an area for which a Master Street Plan has been adopted. For territory where the Master Street Plan does not designate a street, streets shall be provided as required by the Planning Commission and City Council.
- (d) Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider in all subdivisions. The City Council may, for good cause, after receiving a recommendation from the Planning Commission, modify or waive the requirement for sidewalks on streets.
- (e) Local streets shall approach an arterial or collector street at an angle of at least 85 degrees. Grades for streets shall be a minimum of 0.5% and a maximum of 12% for all streets except major and minor arterials which shall be 10% maximum.
- (f) Cul de sacs shall serve no more than 20 lots or units; shall be no longer than 400 feet, measured from the center point of the turn around to the center line of the intersecting street; and must be terminated with a turn around of not less than 100 feet in diameter. Downhill cul de sacs are not permitted unless adequate drainage and 100 year over flow is provided and such downhill cul de sacs must be approved by the City Council after receiving a recommendation from the Planning Commission and City Engineer.
- (g) Where a street is designed to remain only temporarily as a dead end street, a satisfactory temporary turn-around area and recordable easement shall be provided at the end thereof to remain and be available for public use so long as the dead end exists. The City may require improvements to be installed in temporary turn-around areas.
- (h) To assure conformity, the City shall furnish and install all required street signs and the cost thereof shall be charged to and paid by the subdivider in accordance with the City Fee Schedule.
- (i) Permanent monuments shall be furnished, accurately established, and set by the subdivider's surveyor at such points as are necessary to definitely establish all lines of the plat except those defining individual lots.
- (j) City approved street lights shall be installed at all street intersections, school or pedestrian crossings, or at bends or curves in the street by the subdivider.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.05.040 Protection Strips

- (a) Purpose. It is the intent and purpose of this Section that protection strips be authorized and approved by the City only in limited circumstances. It shall be the obligation of every developer desiring the approval of a protection strip to demonstrate to the City's satisfaction that approval of a protection strip is necessary to equitably allocate the burdens associated with development, and that the developer has exercised all other available options in pursuit of an equitable cost-sharing arrangement with contiguous property owners.
- (b) Protection Strips Allowed. Where subdivision streets parallel contiguous property of other owners, upon recommendation by the Planning Commission, and with approval of the City Council, and upon satisfaction of the requirements contained within this Section, developer may be authorized to retain ownership a protection strip of not less than one foot in width or greater than 10 feet in width, unless otherwise justified, between the street and adjacent property. All protection strips shall be located outside of but adjacent to the proposed right-of-way to be dedicated or other property designated for future public use and shall be maintained by the developer.
- (c) Agreement. Approval of a request for a protection strip shall be conditioned upon the execution of an agreement between the City and the developer setting forth the terms and conditions of the granting of the protection strip including the duration of the agreement, the conditions of repayment and conveyance of the protection strip property, and the specific location of the protection strip. The agreement shall be approved by the City Council and shall be recorded in the office of the Davis County Recorder. In addition, a protection strip shall be clearly shown on the subdivision plat map and shall be specifically indicated as undedicated property and a protection strip.
- (d) Limited Duration. In the event any protection strip has not been conveyed or dedicated to the adjacent property owner within 20 years from the date of the protection strip agreement, the developer or its representatives, successors and/or assigns shall convey title to the protection strip property to the City by special warranty deed, acceptable in form to the City. To secure developer's performance of this obligation, the City shall require that a deed be placed in escrow as a part of the protection strip agreement. The protection strip agreement and all obligations of the City regarding the protection strip shall terminate at the time the special warranty deed conveying the protection strip to the City is recorded.
- (e) Administration Fees. The City Council hereby finds that protection strips create an administrative burden on the City, which burden should properly be borne by the developer requesting approval of a protection strip. Before a protection strip agreement is approved or amended by the City, the developer desiring approval of or amendment to a protection strip agreement shall pay the City the administrative fees and deposits required for protection strips as set forth in the City Fee Schedule.
- (f) Cost Allocation. The protection strip agreement shall require that upon development of property adjacent to the protection strip, the developer convey the property contained within the protection strip to the adjacent property owner for consideration to be set forth within the agreement. Such consideration shall be calculated by the City Engineer and

shall be the sum of the following criteria: (1) the fair cost of the land held in the protection strip at the time of the agreement; (2) the cost of the street and utility improvements properly chargeable to the adjacent property; (3) a proportionate share of the value of the land in the street at the time of the agreement, as determined by the City Engineer; and (4) any additional amounts which the City Engineer deems reasonably necessary with respect to the protection strip or the agreement.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.05.050 Drainage

- (a) The subdivider shall construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to the City Standards and Specifications and the requirements of the Storm Drainage Master Plan.
- (b) The subdivider shall dedicate a right of way of 15 feet in width or greater as required by the City for storm drainage conforming substantially with the lines of any natural watercourse or channel, stream, creek, irrigation ditch, or floodplain that enters or traverses the subdivision as determined by Davis County Flood Control and/or the City Engineer. The subdivider shall also dedicate rights of way for any pipe, conduit, channel, and retention or detention area as recommended by the City Engineer.
- (c) The storm water drainage system for subdivider's subdivision shall be connected to an approved off site storm drain or facility acceptable to the City.
- (d) Storm drain, cross gutters, dipstone inlets, and other appurtenant structures shall be provided by the subdivider (within the limits of the subdivision) as required to adequately dispose of storm waters and the 10 year frequency storm flows developed within the limits of the subdivision and the existing flows entering the proposed subdivision from adjacent properties.
- (e) All storm water drainage systems, improvements and facilities installed by the developer shall comply with applicable provisions of CMC 16 (Stormwater), and shall require videotaping prior to final inspection in accordance with City Fee Schedule.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.05.060 Utilities

- (a) All utilities, including cable TV conduits, shall be provided through underground service, except where existing utilities are already in place. All underground utilities specified in this Section shall be installed prior to the installation of road base, surfacing, curbs, gutters and sidewalks. Underground utilities shall be installed only after streets have been rough graded to a line and grade approved by the City Engineer. If underground utilities are not installed prior to street surfacing sleeves shall be required.

- (b) A culinary water supply, which must be approved by the City Engineer shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the City and requirements of the City Engineer. Where an approved public water supply is available, the City shall cause to be installed, at the subdivider's expense, water mains, valves, pressure reducing valves, and service laterals to each lot within the subdivision.
- (c) Fire hydrants shall be installed by the City, at the subdivider's expense, at locations determined by the City Engineer and the Fire Department. Hydrants located within 350 feet of any building site in the subdivision shall be charged with water and must be operable before a building permit may be issued. Fire hydrant spacing shall not exceed 400 feet.
- (d) The subdivider shall connect with a public sanitary sewer and provide sewer mains and extend laterals from the sewer main to each lot in the subdivision.
- (e) Secondary water for the purpose of irrigation shall be made available to each lot in all residential subdivisions. The City Council may require nonresidential subdivisions to acquire secondary water. Construction of irrigation water facilities shall be subject to the approval of the appropriate pressure irrigation district, as signified by its letter of approval. The lines shall meet City culinary waterline standards and specifications. "As built" shall be provided by the developer and submitted to the City prior to final inspection. Valves shall be located sufficient for adequate control of service areas, as approved. The subdivider will be required, at its own expense, to construct all required off site facilities to connect to existing irrigation district facilities. The size of service connections allowed will be determined by the irrigation district. Two lots may be served by a common service line, divided, where desirable. The applicable connection fee shall be paid to the irrigation district prior to their approval of the final plat.
- (f) The use of any subsurface drains within a subdivision may be permitted on a limited basis, as deemed appropriate by the City, in accordance with the procedures and requirements set forth in CMC 9.06 (Subsurface Water) regarding subsurface drains, and shall require videotaping prior to final inspection in accordance with CMC 9.06.080.
- (g) City approved street lights shall be installed at all street intersections, school or pedestrian crossings, and at bends or curves in the street at intervals specified in the City Standards and Specifications.
- (h) Utility easements shall be provided within the subdivision as required for public utility purposes. All lots shall have at least a 10' wide front yard public utility easements, and at least two other 7' wide side or rear yard public utility easements. Additional easements, or increased width of easements, may be required as necessary to provide for adequate utility service and/or drainage within the subdivision and adjoining parcels. The City may also require separate waterline, storm drain or other utility easements for City owned facilities.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.05.070 Landscaping

- (a) Whenever, in the opinion of the Planning Commission, and/or the City Council, the cuts and fills in a subdivision are of sufficient size or visibility to demand special treatment, the subdivider may be required to landscape such areas with suitable permanent plant materials and to provide for the maintenance of such landscaping. The subdivider shall submit a landscaping plan for review and approval by the City. The landscaping plan shall indicate how maintenance of the landscaping will be performed and by whom.
- (b) Subdivisions in the Hillside Overlay Zone shall comply with all landscaping provisions of the Zoning Code, including, but not limited to, provisions of CZC 12.42 (Hillside Overlay Zone).

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.05.080 Orderly Development Required

Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the subdivision and that all of the improvements will be made available for the full, effective, and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee, or lessee of any of the lands subdivided within the time herein provided or in phases specified.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.05.090 Building Permits

Except as otherwise provided in CMC 15.01.070, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected and approved by the City for the entire subdivision, and all streets in the subdivision are rough graded. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.05.100 Warranty Period

The developer shall be required to warrant the developer's installed and accepted public improvements (and landscaping required to be bonded) comply with the City Standards and Specifications and applicable ordinances for design, materials, and workmanship, and will not fail in any material respect as a result of poor workmanship or materials within the required warranty period. The warranty period shall commence upon the date that all improvements required by the City to be installed within the subdivision have been completed to the satisfaction of the City, a final inspection of the improvements has been made, and the City has accepted the improvements ("Final Acceptance"). Except as otherwise provided herein, the warranty period for public improvements shall commence on the date of Final Acceptance and shall continue for a period of one year. As provided in Utah Code § 10-9a-103, the City may require a two year warranty period for improvements (and landscaping required to be bonded) if the City determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and the City has substantial evidence on record of: (1) prior poor performance of the applicant; or (2) that the area upon which the infrastructure or improvements will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspected soil. If any deficiencies are found by the City during the warranty period in the design, materials, or workmanship or failure of the improvements to comply with City Standards and Specifications or applicable ordinances, the developer shall promptly resolve such defects or deficiencies and request the City Engineer to reinspect the improvements. In the event the developer fails to remedy any defects or deficiencies during the warranty period, the City may use the Bond proceeds in accordance with the terms and conditions of the Improvements Agreement. At the end of the warranty period, the developer shall request the City Engineer to make a final warranty period inspection of all improvements. If the City Engineer verifies that the improvements are acceptable, the City Engineer shall notify the City Manager who shall refer the matter to the City Council. The City Council shall then review the matter and upon approval of the same shall release the balance of the security posted by the developer under the Improvements Agreement.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.06 Requirements For PUD And Non-Residential Subdivisions

15.06.010 Planned Unit Development

15.06.020 Non-Residential Subdivision Requirements

15.06.010 Planned Unit Development

- (a) Design Standards. The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the General Plan and design standards recommended by the Planning Commission and approved by the City Council. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.
- (b) Provisions for Common Open Space. The subdivider of a cluster subdivision or PUD shall submit plans of landscaping and improvements for the common open space. The subdivider shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A project must meet the requirements of the Zoning Code, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the project, surrounding residents, and the general public. The Planning Commission may place additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.
- (c) Guarantee of Common Open Space Improvements. As assurance of completion of common open space improvements, the subdivider at the request of the City Council, shall be required to file with the City Council an acceptable bond, or other agreement, in a form satisfactory to the City Attorney guaranteeing such completion within two years after such filing. Upon completion of the improvements for which a bond or other agreement has been filed, the subdivider shall call for inspection by the City Engineer, such inspection to be made within 14 days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds or security therefore shall be released. If the bonds or security are not released, refusal to release and reasons therefore shall be given the subdivider in writing.
- (d) Continuation of Common Open Space. As assurance of continuation of common open space used in accordance with the plans approved by the Planning Commission, the subdivider shall grant to the City, an "Open Space Easement" on and over the common open space prior to the recording to the final plat, which easement will not give the general public the right of access, but will provide that the common open space remains open.
- (e) Maintenance of the Common Open Space. In order to insure maintenance of the common open space and other improvements where so required, the subdivider, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a homeowners or property owners association. By proper covenants running with

the land and through the articles of incorporation and by laws of the association, it shall among other things, be provided:

- (1) That the membership in the association shall be mandatory for each lot or dwelling unit purchaser, their guaranties, successors, and assigns.
- (2) That the common open space restrictions shall be permanent and not just for a period of years.
- (3) That the association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and other facilities.
- (4) That all lot, unit, or homeowners shall pay their pro rata share of the cost of upkeep, maintenance, and operation.
- (5) That any assessment levied by the association may become a lien on the real property of any lot, unit, or homeowner which may be foreclosed and the property sold.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.06.020 Non-Residential Subdivision Requirements

- (a) The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the General Plan and the Zoning Code.
- (b) In addition to the principles and standards in this Title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (1) Proposed commercial, industrial or manufacturing parcels shall be suitable in area and dimensions to the types of commercial, industrial or manufacturing development anticipated, and to the requirements of the Zoning Code.
 - (2) Street rights of way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
 - (3) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries or adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.07 Public Improvements

15.07.010 Standards And Specifications

15.07.020 Construction Plans

15.07.030 Submittal Requirements

15.07.040 Preconstruction Meetings

15.07.050 Inspection

15.07.060 Requests For Inspection

15.07.070 Correcting Defective Work

15.07.010 Standards And Specifications

The City Council has established and adopted City Standards and Specifications setting forth standards and specifications for the design, construction, and inspection of public improvements. Any installation, construction, alteration, repair, maintenance or other work regarding public improvements or any work within the public rights of way within the City shall comply with the City Standards and Specifications. Any additional standards and specifications or amendments thereto for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks, and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage, and flood control facilities shall be prepared by the City Engineer. Any additional standards and specifications or amendments thereto for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over the same. All subdivision standards and specifications and amendments thereto which are under the control of the City shall be in writing and approved by the City Council before becoming effective. All subdividers shall comply with the City Standards and Specifications adopted by the City Council. All public improvements shall be installed in accordance with the City Standards and Specifications, the requirements of the City Engineer, the subdivision improvements agreement between the subdivider and the City, and all other applicable City Ordinances and regulations.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.07.020 Construction Plans

Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance with the City Standards and Specifications. Construction plans and drawings shall be submitted to the Community Development Department and the City Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the City Engineer. Except as otherwise provided in Section 15.04.095, no construction shall be started until the final plat has been recorded and the construction plans have been approved by the City. Plans for all the street utilities shall be drawn on the same plans.

HISTORY

15.07.030 Submittal Requirements

- (a) The submittal standards set forth in this Section are for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction.
- (b) Three hard copies and one electronic copy of construction plans shall be submitted with one set to be retained by the City Engineer, one set to be furnished to the City, and one set returned to the subdivider for corrections and revisions. After corrections and revisions by the subdivider, three hard copies and one electronic copy of the revised construction plans shall be submitted for final review by the City Engineer.
- (c) All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 24" x 36" (trim line) with 2" border on top, bottom, and right sides, and 1.5" border on the left side.
- (d) The plans shall include the following information:
 - (1) North arrow (plan)
 - (2) Elevations referenced to U.S.G.S. datum
 - (3) Stationing and elevations for profiles
 - (4) Title block located in lower right corner of sheet to include:
 - i. Project title (subdivision, etc.)
 - ii. Specific type and location of work
 - iii. Name of engineer or firm preparing drawings with license number
 - iv. Utah Engineers stamp shall be required on all construction plans
 - v. Date of plans
 - (5) Scale 1" = 20' or 1" = 40' horizontally; 1" = 2' or 4' vertical.
 - (6) Both plan view and profiles for curb and gutter plans shall be shown for each side of the street; street center line profile may be eliminated. Top of curb elevations with curve data must be shown for all curb returns.
 - (7) Size and location of culinary water lateral mains, meters, valves and hydrants (these plans to be finalized by the City Engineer).
 - (8) Type of pipe.
 - (9) Size and location of irrigation lateral mains, valves, fittings, etc.
 - (10) Size and location of sewer, storm drains, and subdrains, and manhole cleanouts.
- (e) As needed, each set of plans shall be accompanied by a separate sheet of details for

structures which are to be constructed.

- (f) All structures shall be designed in accordance with minimum requirements established by the City Standards and Specifications.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.07.040 Preconstruction Meetings

Prior to excavating or starting of any work, the subdivider shall call the City Engineer to meet together for a preconstruction meeting. The subdivider shall bring to the meeting all contractors responsible to build the improvements associated with the project. The purpose of this meeting shall be to:

- (a) Verify recordation of the plat and final approval of the plans;
- (b) Determine schedule of construction;
- (c) Determine names, addresses and phone numbers of contractors, inspectors and all persons involved;
- (d) Review plans and special conditions or requirements;
- (e) Review bond reduction request;
- (f) Coordinate inspection and testing; and
- (g) Discuss City Standards and Specifications.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.07.050 Inspection

Construction work involving the installation of public improvements in subdivisions shall be subject to inspection by the City Engineer. All inspections shall be conducted with reasonable diligence and based on objective inspection standards.

- (a) Daily inspection shall be required on the following types of work:
 - (1) Laying of street surfacing.
 - (2) Placing of concrete for curb and gutter, sidewalks, and other structures.
 - (3) Laying of drainage pipe, water pipe, valves, hydrants and testing.
- (b) Periodic inspection shall be required on the following:
 - (1) Street grading and gravel base.

- (2) Excavations for curb and gutter and sidewalks.
- (3) Excavations for structures.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.07.060 Requests For Inspection

Requests for inspections shall be made to the City Engineer by the person responsible for the construction. Requests for inspection on work shall be made one working day prior to the commencement of the work.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.07.070 Correcting Defective Work

Inspections shall be made by the City Engineer after various phases of the construction work is completed. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of 30 days from the date of City Engineer's inspection wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08 Development And Impact Fees

15.08.010 Definitions

15.08.020 Findings And Purpose

15.08.030 Service Areas Established

15.08.040 Impact Fees Levied

15.08.050 Time Of Collection

15.08.060 Use Of Fees

15.08.070 Adjustments

15.08.080 Accounting, Expenditure And Refund

15.08.090 Impact Fee Challenges And Appeals

15.08.100 Administrative Development Fees

15.08.010 Definitions

- (a) "Capital Facilities Plan" means the Capital Facility Plan adopted by Resolution of the City Council dated June 17, 1997, as the same shall be amended from time to time.
- (b) "City" means Centerville City, a Utah municipal corporation.
- (c) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (d) "Development approval" means any written authorization from the City that authorizes the commencement of development activity.
- (e) "Impact fee" means a payment of money imposed upon development activity as a condition of development approval.
- (f) "Service area" means the geographic area designated by the City which a defined set of public facilities provides service within the area.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.08.020 Findings And Purpose

The City Council hereby finds and determines:

- (a) There is a need for public facilities for new developments which have not been constructed and are required to be consistent with the General Plan and to protect the public health, safety and welfare.
- (b) The rapid and continuing growth of Centerville City necessitates the imposition and collection of impact fees pursuant to law that require development to pay its fair share of the cost of providing public facilities occasioned by the demands and needs of the development project at service levels necessary to promote and preserve the public

health, safety and welfare.

- (c) The City Council hereby adopts the reports from Leon J. Nielson - CPA dated May 23, May 29, and May 30, 1997, entitled "Culinary Water Impact Fees, Park Impact Fees, and Storm Drain Impact Fees which establish the costs for providing public facilities occasioned by development projects within the City and certain credits allowable against impact fees in the City.
- (d) The impact fees established by this Ordinance are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the City.
- (e) The impact fees established by this Ordinance do not exceed the reasonable cost of providing public facilities occasioned by development projects within the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08.030 Service Areas Established

The City shall constitute a single service area and all real property located within the corporate boundaries of the City shall be included.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08.040 Impact Fees Levied

The impact fees for the City service area are hereby established and/or levied and are contained in the development and impact fee schedule as adopted by the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08.050 Time Of Collection

Unless otherwise provided by the City Council, impact fees shall be payable prior to the issuance of a building permit by the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08.060 Use Of Fees

The fees shall be used solely to:

- (a) Pay for the described public facilities to be constructed by the City;

- (b) For reimbursing the City for the development's share of those capital improvements already constructed by the City; or
- (c) To reimburse developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impacts of the developers project(s).

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08.070 Adjustments

The City may, upon a proper showing, adjust the standard impact fee at the time the fee is charged to:

- (a) Respond to unusual circumstances in specific cases; and
- (b) Insure that the impact fees are imposed fairly; and
- (c) Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same; and
- (d) Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the community at large, provided such facilities are identified in the capital facilities plan and are required by the City as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08.080 Accounting, Expenditure And Refund

The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08.090 Impact Fee Challenges And Appeals

- (a) Any person or entity residing in or owning property within a service area, and any organization, association, or corporation representing the interests of persons or entities owning property within a service area, may file a declaratory judgment action challenging the validity of the fee.
- (b) Any person or entity required to pay an impact fee imposed by the City who believes the fee does not meet the requirements of law may file a written request for information with the City as provided by law.

- (c) Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Act and with any other relevant information relating to the impact fee.
- (d) Within 30 days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall:
 - (1) File a written appeal with the City Council by delivering a copy of such appeal to the City Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the City Council shall thereafter schedule a public hearing on the appeal at which time all interested persons will be given an opportunity to be heard. The City Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than 30 days after the challenge to the impact fee is filed. Any person or entity who has failed to comply with the administrative appeal remedies established by this Section may not file or join an action challenging the validity of any impact fee.
 - (2) Within 90 days of a decision upholding an impact fee by the City or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal that is adversely affected by the City Council's decision may petition the district court in and for Davis County for review of the decision.
 - (3) In the event of a petition to the district court, the City shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
 - (4) If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of Subsection (3).
 - (5) If there is a record:
 - i. The district court's review is limited to the record provided by the City; and
 - ii. The district court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City and the court determines that it was improperly excluded by the City.
 - (6) If there is an inadequate record, the district court may call witnesses and take evidence.
 - (7) The district court shall affirm the decision of the City if the decision is supported by substantial evidence in the record.
 - (8) The judge may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.08.100 Administrative Development Fees

- (a) In addition to construction and dedication of any required public improvements and the payment of Impact Fees, fees may also be established by the City for filing of various applications, inspection of improvements, and connection to water and sewer facilities. The amounts of these fees shall be listed in the City Fee Schedule and may be set or amended by resolution of the City Council.
- (b) No application or request shall be accepted or action taken thereon until the subdivider or owner has paid to the City the required fee(s) applicable to such application or request.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09 Subdivision Plat Amendments

15.09.010 Petition For Plat Amendment

15.09.020 Procedure

15.09.030 Public Hearing Requirements

15.09.040 Notice Requirements

15.09.050 Ground For Vacating Or Amending A Plat

15.09.060 Recording Of Amended Plat

15.09.070 Effect Of Street Vacation

15.09.080 Compliance With Ordinances

15.09.090 Subdivision Name Change

15.09.100 Exchange Of Title

15.09.110 Plat Correction

15.09.120 Appeal

15.09.130 Expiration Of Amended Plat Approval

15.09.010 Petition For Plat Amendment

Any fee owner of property, as shown on the last county assessment roll, in a recorded subdivision plat may file a petition with the City requesting to vacate or amend some or all of the subdivision plat. Any petition to vacate or amend a subdivision plat shall be filed in writing on forms provided by the City, and shall include, at a minimum, the following:

- (a) The name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition;
- (b) The signature of each owner identified in Subsection (a) who consents to the petition;
- (c) The appropriate fees and deposits as set forth in the City Fee Schedule;
- (d) An amended plat that complies with all the provisions and requirement for final plat as set forth in CMC 15.04.030 and the provisions of Utah Code § 10-9a-603, regarding plat requirements;
- (e) If the petition proposes to vacate some or all of a public street, right-of-way, or easement, the petition shall also include:
 - (1) The name and address of each owner of record of land that is:
 - i. Adjacent to the public street, right-of-way, or easement; or
 - ii. Accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and
 - (2) The signature of each owner under Subsection (1) who consents to the vacation.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

15.09.020 Procedure

Upon receipt of a petition to vacate or amend a subdivision plat, the Community Development Director, or his or her designee, shall review the application and prepare a staff report and recommendation to the City Council. The matter shall thereafter be referred to the City Council for review and consideration in accordance with the provisions of this Chapter. The City Council shall consider the plat amendment at a public meeting and shall hold a public hearing, if required, in accordance with the provisions of CMC 15.09.030.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.030 Public Hearing Requirements

- (a) Except as otherwise provided in Subsection (c), pursuant to City policy the City Council shall hold a public hearing on all plat amendment petitions.
- (b) Pursuant to State law, the City Council is required to hold a public hearing on a plat amendment petition within 45 days after the day on which a completed petition is filed if: (i) any owner within the plat notifies the City of the owner's objection in writing within 10 days of mailed notification; or (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- (c) The City Council is not required to hold a public hearing on the proposed plat amendment if: (i) the petition seeks to join two or more of the owner's contiguous, residential lots; and (ii) notice has been given to adjacent property owners in accordance with applicable City Ordinances and State law.
- (d) If the petition proposes to vacate some or all of a public street, right-of-way, or easement, the public hearing and notice thereof shall be conducted in accordance with the provisions of Utah Code § 10-9a- 208.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.040 Notice Requirements

- (a) The City shall provide notice of public meetings and public hearings regarding a petition for plat amendment in accordance with the provisions of CMC 15.01.130 regarding public hearings and public meetings.
- (b) In addition to the notice requirements set forth in CMC 15.01.130, notice of all plat amendments shall be provided in accordance with Utah Code § 10-9a-207. Pursuant to Section 10-9a-207, the City is required to provide notice of the date, time, and place of at least one public meeting regarding the proposed plat amendment, which notice shall be provided at least 10 calendar days before the public meeting and shall be:

- (1) Mailed and addressed to the record owner of each parcel within 300 feet of the property proposed for subdivision plat amendment; or
 - (2) Posted on the property proposed for subdivision plat amendment in a visible location with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (c) In addition to the notice requirements set forth in this Section, notice of all plat amendments involving a vacation or amendment to a public street, right-of-way, or easement shall be provided in accordance with Utah Code § 10-9a-208. Pursuant to Section 10-9a-208, the City is required to provide notice of the date, time, and place of the public hearing regarding a plat amendment involving the vacation or amendment to a public street, right-of-way, or easement at least 10 days before the public hearing, which notice shall be:
- (1) Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;
 - (2) Mailed to each affected entity;
 - (3) Posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public;
 - (4) Published on the City website until the public hearing concludes; and
 - (5) Published on the Utah Public Notice Website.
- (d) Pursuant to Utah Code § 10-9a-608, the City shall provide notice of all plat amendment petitions by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the City Council may approve the vacation or amendment of the plat.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017 Amended by Ord. [2021-10](#) on 6/1/2021

15.09.050 Ground For Vacating Or Amending A Plat

- (a) The City Council may approve the vacation or amendment of a subdivision plat that does not include the vacation of some or all of a public street, right-of-way, or easement, by signing an amended plat showing the vacation or amendment, if the City Council finds:
 - (1) There is good cause for the vacation or amendment; and
 - (2) No public street, right-of-way or easement has been vacated or amended.
- (b) The City Council may approve the vacation or amendment of a subdivision plat that includes the vacation of some or all of a public street, right-of-way, or easement, by

adopting an ordinance granting the petition to vacate some or all of a public street, right-of-way, or easement, and recording the ordinance and/or an amended plat reflecting the vacation, if the City Council finds:

- (1) Good cause exists for the vacation; and
 - (2) Neither the public interest nor any person will be materially injured by the vacation.
- (c) The City Council may vacate a subdivision or a portion of a subdivision by making the findings set forth in Subsection (a) or (b), as applicable, and recording in the Davis County Recorder's Office an ordinance describing the subdivision or the portion of the subdivision being vacated.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.060 Recording Of Amended Plat

The City shall ensure that any approved amended plat is recorded in the Davis County Recorder's Office. An amended plat may not be submitted to the county recorder for recording unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. A management committee may sign and dedicate an amended plat as provided in the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-101, et seq. Pursuant to Utah Code § 10-9a-609, if an amended plat is approved and recorded in accordance with this Chapter, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.070 Effect Of Street Vacation

In accordance with Utah Code § 10-9a-609.5, any action of the City Council approving the vacating of some or all of a public street, right-of-way, or easement, that has been dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated street, right-of-way, or easement, and may not be construed to impair any right-of-way or easement of any lot owner or the franchise rights of any public utility.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.080 Compliance With Ordinances

All plat amendments shall comply with and be subject to City Ordinances, including, but not

limited to, applicable provisions of this Title and the Zoning Code, and applicable provisions of Utah Code § 10-9a-608, regarding the vacating or amending of a subdivision plat.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.090 Subdivision Name Change

- (a) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the Davis County Recorder's Office.
- (b) The name of a recorded subdivision may be changed by recording an amended plat making that change in accordance with the procedures set forth in Utah Code § 10-9a-608, and the provisions set forth in this Chapter regarding plat amendments.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.100 Exchange Of Title

- (a) In accordance with the provisions of Utah Code § 10-9a-608, the owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Zoning Administrator in accordance with the provisions of this Section.
- (b) An application for exchange of title approval shall be filed in writing with the Community Development Department on forms provided by the City, and shall include, at a minimum, the following:
 - (1) Three hard copies and one electronic copy of a survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, showing:
 - i. The two affected lots or parcels;
 - ii. The location of existing buildings on the lots or parcels;
 - iii. The proposed location of the new lot or parcel line;
 - iv. Any existing easements, driveways, utilities and infrastructure improvements;
 - v. The frontage calculations for the two lots before and after the exchange of title; and
 - vi. The size of the two lots before and after the exchange of title.
 - (2) The applicable fees and deposits as set forth in the City Fee Schedule.

- (3) The proposed notice of approval and conveyance of title documents.
- (c) The Zoning Administrator shall review all applications for exchange of title approval and shall approve such requests if the exchange of title will not result in a violation of any land use ordinance of the City.
- (d) No exchange of title shall be permitted which would result in the creation of a new dwelling lot or housing unit or the creation of a remnant piece of land that did not previously exist.
- (e) If an exchange of title is approved by the Zoning Administrator, a notice of approval acceptable to the City shall be recorded in the Davis County Recorder's Office, which notice of approval shall:
- (1) Be executed by each owner included in the exchange and by the Zoning Administrator;
 - (2) Contain an acknowledgment for each party executing the notice in accordance with the provision of the Utah Recognition of Acknowledgments Act, as set forth in Utah Code §§ 57-2a- 1, et seq.; and
 - (3) Recite the descriptions of both the original parcels and the parcels created by the exchange of title.
- (f) A notice of approval recorded under this Section does not act as a conveyance of title to real property. If an exchange of title is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved changed with the Davis County Recorder's Office.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.110 Plat Correction

Minor typographical or clerical errors in a subdivision plat may be corrected in accordance with and subject to the provisions of Utah Code § 57-3-106.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.120 Appeal

Any person adversely affected by a final decision of the City Council regarding plat amendments as provided in this Chapter may file a petition for review of the decision with the district court as provided in Utah Code § 10-9a-801, within 30 days after the City Council decision is final.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

15.09.130 Expiration Of Amended Plat Approval

Amended plat approval shall expire and have no further force or effect if the approved amended plat is not recorded within 12 months from the date of City Council approval. This time period may be extended for up to six months for good cause shown if the subdivider petitions the City Council for an extension prior to the expiration date. Only one extension may be granted for each approved amended plat. No extension will be granted for amended plat approval if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases or provide additional bond funds as a condition of granting an extension.

HISTORY

Adopted by Ord. [2019-17](#) on 8/20/2019

CENTERVILLE
city

**PLANNING
COMMISSION**

Staff Report
1/10/2024

Item No. 5.

Title: PUBLIC HEARING - Municipal Code Amendments - Impact Fee Ordinance Updates - LEGISLATIVE DECISION

Initiated By: Lisa Romney, City Attorney

Staff Representative: Lisa Romney, City Attorney

SUBJECT:

Consider amendments to Title 15 (Subdivisions) of the Centerville Municipal Code repealing impact fee provisions and enacting Title 20 (Impact Fees) codifying various impact fee enactments - Ordinance No. 2024-02

RECOMMENDATION:

Recommend approval of Ordinance No. 2024-02 amending various provisions of Title 15 (Subdivisions) of the Centerville Municipal Code to repeal impact fee provisions and enacting Title 20 (Impact Fees) codifying various impact fee enactments.

BACKGROUND:

The City has adopted Title 15 (Subdivisions) of the Centerville Municipal Code regarding subdivision development, including Chapter 15.08 addressing Impact Fees. The City has also adopted Impact Fee Ordinances for Culinary Water Impact Fees, Park Impact Fees, and Storm Water Impact Fees. These Impact Fee Ordinances were adopted as stand-alone ordinances and the provisions of these ordinances have not been codified in the Centerville Municipal Code. Staff recommends consolidating and codifying the administrative provisions of these Impact Fee Ordinances into a new Title 20 (Impact Fees) of the Centerville Municipal Code and repealing Chapter 15.08 of the Subdivision Ordinance. The repeal of Chapter 15.08 and codification of the administrative procedures and provisions of the Impact Fee Ordinances will provide more uniform procedures for accounting, reporting, expending, adjusting, challenging, and appealing impact fees. Such amendments will also bring such provisions up to date with current State law. The Planning Commission is generally not required to provide input or recommendation regarding impact fees or impact fee ordinance amendments, but this matter is brought before the Planning Commission to address proposed amendments to the Subdivision Ordinance. See, UCA 11-36a-504.

ATTACHMENTS:

1. Ordinance No. 2024-02 - Impact Fee Ordinance
2. Ordinance No. 2013-10 - Culinary Water Impact Fee
3. Ordinance No. 2014-13 - Storm Drain Impact Fees
4. Ordinance No. 2018-03 - Park Impact Fees

ORDINANCE NO. 2024-02

An ORDINANCE AMENDING, RENUMBERING, AND CODIFYING THE CENTERVILLE CITY IMPACT FEES INCLUDING THE RELATED IMPACT FEES FACILITIES PLANS AND WRITTEN IMPACT FEES ANALYSES FOR THE CULINARY WATER IMPACT FEES, THE PARK IMPACT FEES, AND THE STORM WATER IMPACT FEES

WHEREAS, Centerville City (the “City”) is a political subdivision of the State of Utah, authorized and organized under applicable provisions of Utah law; and

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a of the Utah Code Annotated, as amended (“*Impact Fees Act*” or “*Act*”), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

WHEREAS, the City has previously enacted by separate uncodified ordinances and currently imposes impact fees for culinary water, park, and storm water facilities, including adoption of the statutorily required supporting impact fee analyses and impact fee facilities plans for such impact fees; and

WHEREAS, the City desires to amend, renumber, and codify the provisions of the various uncodified impact fee ordinances and to codify such provisions in the Centerville Municipal Code as a new Title 20 (Impact Fees);

WHEREAS, the proposed renumbering and codifying of the impact fee ordinances as provided herein is intended to be adopted and updated in accordance with applicable provisions of the Impact Fees Act for the purpose of appropriately assigning capital infrastructure costs to development in an equitable and proportionate manner as more particularly provided herein and setting forth guidelines and policies regarding the use and implementation of such impact fees; and

WHEREAS, the City has provided the required notice and held a public hearing before the City Council regarding the proposed amendments, renumbering, and codification of the impact fee ordinances in accordance with applicable provisions of the Impact Fees Act; and

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

Section 1. Repeal. Chapter 15.08 of the Centerville Municipal Code regarding Development and Impact Fees is hereby repealed as of the effective date of this Ordinance and the effective date of enactment of Title 20 of the Centerville Municipal Code regarding Impact Fees.

Section 2. Enactment. Title 20 of the Centerville Municipal Code regarding Impact Fees is hereby enacted as more particularly set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. 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 4. Effective Date. In accordance with provisions of Utah Code § 11-36a-401, the impact fee enactment adopted herein may not take effect until 90 days after the day on which the impact fee enactment is approved by the City Council. Therefore, the impact fee enactment adopted herein shall take effect on April 15, 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 16th DAY OF JANUARY, 2024.**

CENTERVILLE CITY

ATTEST:

_____ Jennifer Robison, City Recorder	By: _____ Mayor Clark A. Wilkinson
--	---------------------------------------

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hayman	_____	_____	_____
Councilmember Hirst	_____	_____	_____
Councilmember Mecham	_____	_____	_____
Councilmember Plummer	_____	_____	_____
Councilmember Summerhays	_____	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted as required by law.

_____ JENNIFER ROBISON, City Recorder	DATE: _____
--	-------------

RECORDED this ____ day of _____, 2024.

PUBLISHED OR POSTED this ____ of _____, 2024.

EFFECTIVE DATE: April 15, 2024

Exhibit A

Centerville Municipal Code - Title 20 (Impact Fees)

20 Impact Fees

20.01 General Provisions

20.02 Impact Fee Enactments

20.03 Notices and Hearings

20.04 Accounting and Expenditures

20.05 Adjustments and Credits

20.06 Challenges and Appeals

20.07 Culinary Water Impact Fees

20.08 Park Impact Fees

20.09 Storm Water Impact Fees

20.01 General Provisions

20.01.010 Title

20.01.020 Purpose

20.01.030 Authority

20.01.040 Definitions

20.01.050 Severability

20.01.060 Interpretation

20.01.070 Effective Date

20.01.080 Disclaimer

20.01.010 Title

This Title shall be known as the “Centerville Impact Fees Ordinance.” This Title shall also be known as Title 20 of the Centerville Municipal Code or CMC 20 (Impact Fees). This Title may be cited under either designation and referred to herein as this Title.

20.01.020 Purpose

This Title establishes the City’s impact fees policies and procedures and is enacted pursuant to the Impact Fees Act as set forth in Utah Code §§ 11-36a-101, et seq. The purpose of this Title is to set forth provisions regarding impact fees imposed by the City, provide a schedule of impact fees for development activity within the City, describe certain capital improvements to be funded by such impact fees, and set forth direction for challenging, modifying, and appealing impact fees imposed by the City.

20.01.030 Authority

This Title is adopted pursuant to authority provided in the Impact Fees Act as set forth in Utah Code §§ 11-36a-101, et seq. The City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Impact Fees Act.

20.01.040 Definitions

Words and phrases that are defined in the Impact Fees Act shall have the same definition in this Title. In the event of conflict between definitions set forth herein and those set forth in State law, the definitions set forth in State law shall govern. The following words and phrases are defined as follows:

- (a) “City” means Centerville City, a political subdivision of the State of Utah.
- (b) “Development Activity” means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (c) “Development Approval” means any written authorization from the City that authorizes the commencement of development activity and any other approval as defined in Utah Code § 11-36a-102.
- (d) “Impact Fee” means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fee does not include a tax, special assessment, building permit fee, hookup fee, fee for project improvements, or other reasonable permit or application fee.
- (e) “Impact Fee Analysis” means the written analysis for each impact fee imposed by the City as required by Utah Code § 11-36a-303.
- (f) “Impact Fee Facilities Plan” means the facilities plan for each impact fee imposed by the City as required by Utah Code § 11-36a-301.
- (g) “Impact Fees Act” means the Utah Impact Fees Act as set forth in Utah Code §§ 11-36a-101, et seq.
- (h) “Level of Service” means the defined performance standard or unit of demand for each capital component of a public facility within the a service area.
- (i) “Project Improvements” means site improvements and facilities that are: planned and designed to provide service for development resulting from a development activity; necessary for the use and convenience of the occupants or users of development resulting from a development activity; and not identified or reimbursed as a system improvement. Project Improvements does not include system improvements as more particularly defined herein.
- (j) “Proportionate Share” means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.
- (k) “Public Facilities” means impact fee facilities as defined in the Impact Fees Act that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity. As defined in the Impact Fees Act, impact fee facilities include, but are not limited to, water rights and water supply, treatment, storage, and distribution facilities; wastewater collection and treatment facilities; stormwater, drainage, and flood control facilities; municipal power facilities; roadway facilities; parks, recreation facilities, open space, and trails; public safety facilities; environmental mitigation; or municipal gas facilities.
- (l) “Service Area” means a geographic area designated by the City on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area.

- (m) “System Improvements” means existing public facilities that are identified in the impact fee analysis under Utah Code § 11-36a-304 and designed to provide services to service areas within the community at large, and future public facilities identified in the impact fee analysis under Utah Code § 11-36a-304 that are intended to provide services to service areas within the community at large. System improvements do not include project improvements as defined herein.

20.01.050 Severability

If any section, subsection, paragraph, clause, or phrase of this Title is declared invalid for any reason, such decision shall not affect the remaining portions of this Title, which shall remain in full force and effect, and for this purpose, the provisions of this Title are declared to be severable.

20.01.060 Interpretation

This Title has been divided into sections, subsections, paragraphs, and clauses for convenience only and the interpretation of this Title shall not be affected by such division or by any heading contained herein.

20.01.070 Effective Date

In accordance with the provisions of Utah Code § 11-36a-401, this Title and the impact fees adopted herein or pursuant hereto, shall not take effect until 90 days after the day on which the ordinance is approved. All impact fees in place at the time of adoption of this Title shall remain in full force and effect until and unless repealed and replaced by the provisions of this Title after the 90-day waiting period.

20.01.080 Disclaimer

Nothing in this Title may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this Title that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this Title.

20.02	Impact Fee Enactments
20.02.010	Impact Fee Enactment
20.02.020	Impact Fee Facilities Plan
20.02.030	Impact Fee Analysis
20.02.040	Calculating Impact Fees
20.02.050	Certification
20.02.060	Compliance
20.02.070	Public Facilities Restrictions
20.02.080	Level of Service Restrictions
20.02.090	Accessory Dwelling Unit Restrictions
20.02.100	School Restrictions

20.02.010 Impact Fee Enactment

Before imposing or amending an impact fee, the City is required to prepare and adopt by ordinance an impact fee enactment in accordance with Utah Code § 11-36a-401. The impact fee enactment shall be prepared to include all of the elements and requirements set forth in Utah Code § 11-36a-402. An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved by the City Council as more particularly provided in CMC § 20.01.070 and Utah Code § 11-36a-401.

20.02.020 Impact Fee Facilities Plan

Before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity in accordance with Utah Code § 11-36a-301. The impact fee facilities plan shall identify and include all of the elements and requirements set forth in Utah Code § 11-36a-302.

20.02.030 Impact Fee Analysis

Before imposing or amending an impact fee, the City is required to prepare an impact fee analysis for each impact fee in accordance with Utah Code § 11-36a-303. The City is also required to prepare a summary of the impact fee analysis designed to be understood by a lay person. The impact fee analysis shall identify and include all of the elements and requirements set forth in Utah Code § 11-36a-304.

20.02.040 Calculating Impact Fees

In calculating an impact fee, the City may include those costs, services, and expenses set forth in Utah Code § 11-36a-305. In calculating impact fees, the City shall base such amounts on realistic estimates and the assumptions underlying those estimates shall be disclosed in the impact fee analysis. An impact fee imposed by the City may not exceed the highest fee justified by the applicable impact fee analysis.

20.02.050 Certification

The impact fee facilities plan and impact fee analysis for any impact fee imposed by the City must include a written certification from the person or entity that prepared the impact fee facilities plan and impact fee analysis in accordance with Utah Code § 11-36a-306.

20.02.060 Compliance

An impact fee imposed by the City shall comply with the requirements of the Impact Fees Act, as set forth in Utah Code §§ 11-36a-101, et seq.

20.02.070 Public Facilities Restrictions

Pursuant to Utah Code § 11-36a-201, impact fees may only be established for public facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity, as more particularly defined in CMC § 20.01.020 and Utah Code § 11-36a-102.

20.02.080 Level of Service Restrictions

Pursuant to Utah Code § 11-36a-202, the City may not impose an impact fee to:

- (a) Cure deficiencies in a public facility serving existing development;
- (b) Raise the established level of service of a public facility serving existing development; or
- (c) Recoup more than the City's costs actually incurred for excess capacity in an existing system improvement.

20.02.090 Accessory Dwelling Unit Restrictions

Pursuant to Utah Code § 11-36a-202, the City may not impose an impact fee on development activity that consists of the construction of an internal accessory dwelling unit, as defined in Utah Code § 10-9a-530, within an existing primary dwelling.

21.02.100 School Restrictions

Certain restrictions apply to imposing an impact fee on a school district or charter school as more particularly set forth in Utah Code §§ 11-36a-202, 11-36a-206, and 10-9a-305.

20.03 Notice and Hearing

20.03.010 Notice of Intent to Prepare or Amend Impact Fee Facilities Plan

20.03.020 Notice to Adopt or Amend Impact Fee Facilities Plan

20.03.030 Public Hearing to Adopt or Amend Impact Fee Facilities Plan

20.03.040 Notice of Intent to Prepare Impact Fee Analysis

20.03.050 Notice of Intent to Adopt or Amend Impact Fee Enactment

20.03.060 Public Hearing to Adopt or Amend Impact Fee Enactment

20.03.070 Exemption

20.03.010 Notice of Intent to Prepare or Amend Impact Fee Facilities Plan

Before preparing or amending an impact fee facilities plan, the City shall provide notice of its intent to prepare or amend an impact fee facilities plan in accordance with applicable provisions of Utah Code § 11-36a-501.

20.03.020 Notice to Adopt or Amend Impact Fee Facilities Plan

Before adopting or amending an impact fee facilities plan, the City shall provide notice of its intent to adopt or amend an impact fee facilities plan in accordance with applicable provisions of Utah Code § 11-36a-502.

20.03.030 Public Hearing to Adopt or Amend Impact Fee Facilities Plan

Before adopting or amending an impact fee facilities plan, the City shall hold a public hearing to hear public comment on the adoption or amendment to the impact fee facilities plan in accordance with applicable provisions of Utah Code § 11-36a-502.

20.03.040 Notice of Intent to Prepare Impact Fee Analysis

Before preparing or contracting to prepare an impact fee analysis, the City shall provide notice of its intent to prepare or contract to prepare an impact fee analysis in accordance with the requirements of Utah Code § 11-36a-503.

20.03.050 Notice of Intent to Adopt or Amend Impact Fee Enactment

Before adopting or amending an impact fee enactment, the City shall provide notice of its intent to adopt or amend an impact fee enactment in accordance with applicable provisions of Utah Code § 11-36a-504. The City shall also make a copy of the impact fee enactment and impact fee analysis available to the public in accordance with applicable provisions of Utah Code § 11-36a-504.

20.03.060 Public Hearing to Adopt or Amend Impact Fee Enactment

Before adopting or amending an impact fee enactment, the City shall hold a public hearing to hear public comment on the adoption or amendment to the impact fee enactment in accordance with applicable provisions of Utah Code § 11-36a-504.

20.03.070 Exemption

In accordance with Utah Code § 11-36a-403, an impact fee enactment that repeals or suspends the collection of impact fees is exempt from the noticing provisions set forth in this Chapter and in Utah Code § 11-36a-501, et seq.

20.04 Accounting and Expenditures

- 20.04.010 Impact Fees Accounting**
- 20.04.020 Impact Fees Reporting**
- 20.04.030 Impact Fees Expenditures**
- 20.04.040 Timing of Expenditures**
- 20.04.050 Impact Fees Refunds**
- 20.04.060 Other Impact Fees**
- 20.04.070 Additional Fees and Costs**
- 20.04.080 Fees Effective at Time of Payment**
- 20.04.090 Imposition of Additional Fee or Refund after Development**

20.04.010 Impact Fees Accounting

The City shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected, deposit a receipt for an impact fee in the appropriate ledger account, and retain the interest earned on each fund or ledger account in the fund or ledger account in accordance with Utah Code § 11-36a-601.

20.04.020 Impact Fees Reporting

At the end of each fiscal year, the City shall prepare a report for each impact fee fund or ledger account that complies with Utah Code § 11-36a-601. The annual impact fee report shall be certified by the Finance Director and transmitted to the State Auditor within 180 days after the day on which the fiscal year ends.

20.04.030 Impact Fees Expenditures

Pursuant to Utah Code § 11-36a-602, the City may expend impact fees only for a system improvement: (i) identified in the applicable impact fees facilities plan; and (ii) for the specific public facility type for which the fee was collected. Impact fees will be expended on a first-in first-out basis as described in CMC § 20.04.040.

20.04.040 Timing of Expenditures

Except as otherwise provided by law, the City shall expend or encumber impact fees with respect to a lot for a permissible use and within six years after the impact fee with respect to that lot is collected. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended. Pursuant to Utah Code § 11-36a-602, the City may hold the impact fees for longer than six years if the City identifies in writing: (i) an extraordinary and compelling reason why the impact fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

20.04.050 Impact Fees Refunds – Developer Requested

Pursuant to Utah Code § 11-36a-603, the City shall refund any impact fees paid by a developer, plus interest earned, when: (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the impact fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities

and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

20.04.060 Impact Fees Refunds – Failure to Spend or Encumber

If the City fails to spend or encumber an impact fee in accordance with Utah Code § 11-36a-602, the City shall refund the impact fee to the original owner or claimants in accordance with Utah Code § 11-36a-603. The City may retain an unclaimed refund in accordance with Utah Code § 11-36a-603 and shall expend any such unclaimed refund on capital facilities identified in the current capital facilities plan for the type of public facility for which the impact fee was collected.

20.04.060 Other Impact Fees

To the extent allowed by law, the City Council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

20.04.070 Additional Fees and Costs

The impact fees authorized herein are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the impact fees set forth in the City Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

20.04.080 Fees Effective at Time of Payment

The City will collect impact fees at the time of subdivision approval, building permit issuance, or any other trigger point set forth in the City Fee Schedule for the applicable impact fee. The impact fees will be calculated by the City. Unless the City is otherwise bound by a contractual requirement, the impact fees shall be determined by the fees set forth in the City Fee Schedule in effect at the time of payment.

20.04.090 Imposition of Additional Fee or Refund after Development

Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

20.05 Adjustments and Credits

20.05.010 Adjustments

20.05.020 Credits

20.05.030 Waiver for Public Purpose

20.05.010 Adjustments

In accordance with Utah Code § 11-36a-402, the City may adjust the standard impact fee at the time the fee is charged to respond to unusual circumstances in specific cases or to ensure that impact fees are imposed fairly. The City may also adjust the standard impact fee in response to a request for an 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. To the extent required by law, the City may adjust the amount of the impact fee on a particular development based on written information and data submitted by the developer deemed sufficient by the City to show a discrepancy between the impact fee being assessed and the actual impact of the development on the system.

20.05.020 Credits

In accordance with Utah Code § 11-36a-402, a developer may be allowed a credit against an impact fee or a proportionate reimbursement of an impact fee if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; *provided* that the system improvement is identified in the City's Impact Fee Facilities Plan and is required by the City as a condition of approving the development activity. To the extent required in Utah Code § 11-36a-402, the City shall provide a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, as defined herein and identified in the City's Impact Fee Facilities Plan, or are dedicated to the public and offset the need for an identified system improvement.

20.05.030 Waiver for Public Purpose

In accordance with Utah Code § 11-36a-403, the City Council may, on a project by project basis, authorize exceptions or adjustments to the impact fees for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include low or moderate income housing or other development activities with a broad public purpose. The City Council may elect to waive or adjust impact fees for such projects. Applications for exceptions are to be filed with the City at the time the developer first requests the extension of service to the development or property.

20.06 Challenges and Appeals

20.06.010	Requests for Information
20.06.020	Advisory Opinion
20.06.030	Challenges
20.06.040	Procedure for Challenges
20.06.050	Time Limitations
20.06.060	Sole Remedy
20.06.070	Administrative Appeal
20.06.080	Arbitration
20.06.090	Mediation
20.06.100	Declaratory Judgment

20.06.010 Requests for Information

A person or entity required to pay an impact fee who believes the the impact fee does not meet the requirements of law may file a written request for information with the City Recorder in accordance with and subject to the provisions of Utah Code § 11-36a-701. As required by law, within two weeks after the receipt of the request for information, the City Recorder shall provide the person or entity with the applicable impact fee facilities plan, impact fee analysis, and any other relevant information relating to the applicable impact fee.

20.06.020 Advisory Opinion

A local government, private entity, or a potentially aggrieved person may request an advisory opinion from a neutral third party to determine compliance with the Impact Fees Act by filing a request for a written advisory opinion with the Office of the Property Rights Ombudsman in accordance with the procedures and provisions of Utah Code § 13-43-205. The statutory deadline for filing a request for an advisory opinion is set forth in Utah Code § 13-43-205. Unless otherwise provided by law, an advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to nor admissible as evidence in a dispute involving land use law and does not stay the progress of a land use application or the effect of a land use decision. However, if an impact fee that is the subject of an advisory opinion under Utah Code § 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances, and is resolved consistent with the advisory opinion, the substantially prevailing party on the cause of action may collect reasonable attorney fees and court costs and a refund of impact fees held to be in violation of the Impact Fees Act, as more particularly provided in Utah Code § 11-36a-701.

20.06.030 Challenges

A person or entity that has paid an impact fee that the City has imposed may challenge the impact fee in accordance with applicable provisions of Utah Code § 11-36a-701, et seq. Except as otherwise provided by law, a person or entity that has paid an impact fee that the City has imposed may generally challenge: (1) the impact fee; (2) whether the City complied with the notice requirements of the Impact Fees Act with respect to the imposition of the impact fee; and (3) whether the City complied with other procedural requirements of the Impact Fees Act for imposing the impact fee.

20.80.040 Procedure for Challenges

A challenge to an impact fee may be initiated by filing: (1) an appeal to the City Council pursuant to the administrative appeal procedures set forth in CMC § 20.06.070; (2) a request for arbitration as provided in Utah Code § 11-36a-705; or (3) an action in district court.

20.06.050 Time Limitations

A person or entity that initiates a challenge to an impact fee may not initiate that challenge unless it is initiated within the applicable time limitations set forth in Utah Code § 11-36a-702 for the applicable type of challenge. Pursuant to Utah Code § 11-36a-702, the deadline to file an action in district court challenging an impact fee is tolled from the date that a challenge is filed using the administrative appeals procedure set forth in CMC § 20.06.070 until 30 days after the day on which a final decision is rendered in the administrative appeals process. Pursuant to Utah Code § 11-36a-705, the filing of a written request for arbitration tolls the time limitations set forth in Utah Code § 11-36a-702 until the day on which the arbitrator or arbitration panel issues a decision.

20.06.060 Sole Remedy

The sole remedy for a challenge to the City's compliance with noticing requirements with respect to imposition of the impact fee is the equitable remedy of requiring the City to correct the defective notice and repeat the process, as provided in Utah Code § 11-36a-701. The sole remedy for a challenge to City's impact fee is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated, as provided in Utah Code § 11-36a-701. The sole remedy for a successful challenge under Utah Code § 11-36a-701 which determines an impact fee process was invalid or an impact fee is in excess of the fee allowed by law, is a declaration that, until the City enacts a new impact fee study, the City may charge an impact fee only as the court determines would have been appropriate if it had been properly enacted, as provided in Utah Code § 11-36a-703.

20.06.070 Administrative Appeal

The City hereby adopts an administrative appeal procedure to consider and decide challenges to impact fees imposed by the City. Any person or entity that has paid an impact fee to the City may challenge or appeal the impact fee to the City Council by filing written notice of administrative appeal with the City Recorder within 30 days after the day on which the person or entity paid the impact fee. The notice of appeal shall set forth the grounds for the appeal and shall include any applicable filing fees as set forth in the City Fee Schedule. Upon receiving the written notice of appeal, the City Council shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the impact fee. The City Council shall hold a hearing and make a decision on the appeal within 30 days after the day on which the administrative appeal is filed as required by Utah Code § 11-36a-703. To the extent provided in Utah Code § 11-36a-703, a person or entity is not required to exhaust administrative remedies by filing an administrative appeal with the City before filing an action in district court.

20.06.080 Arbitration

A person or entity intending to challenge an impact fee under Utah Code § 11-36a-703 shall file a written request for arbitration with the City within the time limitations set forth in Utah Code § 11-36a-702 for the applicable type of challenge. If a person or entity files a written request for arbitration as provided herein, an arbitrator or arbitration panel shall be selected in accordance with the procedures set forth in Utah Code § 11-36a-705. The arbitrator or arbitration panel shall hold a hearing and issue a written decision on the challenge in accordance with the time requirements set forth in Utah Code § 11-36-705. Except as otherwise provided in Utah Code § 11-36a-705, the arbitration shall be governed by the Utah Uniform Arbitration Act, as set forth in Utah Code §§ 78B-11-101, et seq.

20.06.090 Mediation

In addition to the methods of challenging an impact fee as provided herein, a specified public agency may require the City to participate in mediation of any applicable impact fee in accordance with the provisions of Utah Code § 11-36a-704. To require mediation, the specified public agency shall submit a written request for mediation to the City. The specified public agency may submit a request for mediation under Utah Code § 11-36a-704 at any time, but no later than 30 days after the day on which an impact fee is paid. To the extent required by law, upon the submission of a request for mediation as provided herein, the City shall cooperate with the specified public agency to select a mediator and to participate in the mediation process.

20.06.100 Declaratory Judgement

A person or entity residing in or owning property within any defined impact fee service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a defined impact fee service area, has standing to file a declaratory judgment action challenging the validity of an impact fee in accordance with and subject to the provisions of Utah Code § 11-36a-701.

20.07 Culinary Water Impact Fees

- 20.07.010 Culinary Water Impact Fee Enactment**
- 20.07.020 Culinary Water Impact Facilities Plan**
- 20.07.030 Culinary Water Impact Fee Analysis**
- 20.07.040 Culinary Water Impact Fee Service Area**
- 20.07.050 Culinary Water Impact Fee**
- 20.07.060 Conflicts and Repeal**

20.07.010 Culinary Water Impact Fee Enactment

The City adopted Ordinance No. 2013-10 enacting the Culinary Water Impact Fee. Except as otherwise provided in CMC 20.07.060 regarding conflicts and repeal, Ordinance No. 2013-10 is hereby adopted in its entirety and incorporated herein by this reference. A copy of Ordinance No. 2013-10 can be accessed at the following link: [Ordinance No. 2013-10](#).

20.07.020 Culinary Water Impact Fee Facilities Plan

The City adopted the Culinary Water Impact Fee Facilities Plan. Except as otherwise provided in CMC 20.07.060 regarding conflicts and repeal, the Culinary Water Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Culinary Water Impact Fee Facilities Plan can be accessed at the following link: [Culinary Water Impact Fee Facilities Plan](#).

20.07.030 Culinary Water Impact Fee Analysis

The City adopted the Culinary Water Impact Fee Analysis. Except as otherwise provided in CMC 20.07.060 regarding conflicts and repeal, the Culinary Water Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Culinary Water Impact Fee Analysis can be accessed at the following link: [Culinary Water Impact Fee Analysis](#).

20.07.040 Culinary Water Impact Fee Service Area

The service area for the Culinary Water Impact Fees includes all of the area within the corporate limits and jurisdictional boundaries of Centerville City.

20.07.050 Culinary Water Impact Fee

The City Council has previously approved the Culinary Water Impact Fee in accordance with Ordinance No. 2013-10, as more particularly set forth in Section 12.030 (Water Development Impact Fees) of the Centerville Fee Schedule. The City reserves the right to establish or amend the Culinary Water Impact Fee as established in this Title by Resolution enacting or amending the Centerville Fee Schedule. In no event will the Culinary Water Impact Fee set forth in the Centerville Fee Schedule exceed the maximum supportable Culinary Water Impact Fee as set forth in Ordinance No. 2013-10.

20.07.060 Conflicts and Repeal

In the event of conflict between the provisions of any of the documents adopted herein by reference and the provisions of this Title, the provisions of this Title shall apply. In the event of

conflict between any of the documents adopted herein by reference or the provisions of this Title with the provisions of State law, the provisions of State law shall govern. The procedural, administrative, and statutory provisions set forth in this Title regarding impact fee accounting, reporting, expenditures, refunds, adjustments, credits, waivers, challenges, appeals, definitions, noticing, and enactments hereby repeal and replace any similar provisions set forth in the Culinary Water Impact Fee Enactment, the Culinary Water Impact Fee Facilities Plan, and the Culinary Water Impact Fee Analysis.

20.08 Park Impact Fees

- 20.080.010 Park Impact Fee Enactment**
- 20.080.020 Park Impact Facilities Plan**
- 20.080.030 Park Impact Fee Analysis**
- 20.080.040 Park Impact Fee Service Area**
- 20.080.050 Park Impact Fee**
- 20.080.060 Conflicts and Repeal**

20.080.010 Park Impact Fee Enactment

The City adopted Ordinance No. 2018-03 enacting the Park Impact Fee. Except as otherwise provided in CMC 20.08.060 regarding conflicts and repeal, Ordinance No. 2018-03 is hereby adopted in its entirety and incorporated herein by this reference. A copy of Ordinance No. 2018-03 can be accessed at the following link: [Ordinance No. 2018-03](#).

20.080.020 Park Impact Fee Facilities Plan

The City adopted the Park Impact Fee Facilities Plan. Except as otherwise provided in CMC 20.08.060 regarding conflicts and repeal, the Park Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Park Impact Fee Facilities Plan can be accessed at the following link: [Park Impact Fee Facilities Plan](#).

20.080.030 Park Impact Fee Analysis

The City adopted the Park Impact Fee Analysis. Except as otherwise provided in CMC 20.08.060 regarding conflicts and repeal, the Park Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Park Impact Fee Analysis can be accessed at the following link: [Park Impact Fee Analysis](#).

20.080.040 Park Impact Fee Service Area

The service area for the Park Impact Fees includes all of the area within the corporate limits and jurisdictional boundaries of Centerville City.

20.080.050 Park Impact Fee

The City Council has previously approved the Park Impact Fee in accordance with Ordinance No. 2018-03, as more particularly set forth in Section 12.010 (Park Impact Fees) of the Centerville Fee Schedule. The City reserves the right to establish or amend the Park Impact Fee as established in this Title by Resolution enacting or amending the Centerville Fee Schedule. In no event will the Park Impact Fee set forth in the Centerville Fee Schedule exceed the maximum supportable Park Impact Fee as set forth in Ordinance No. 2018-03.

20.080.060 Conflicts and Repeal

In the event of conflict between the provisions of any of the documents adopted herein by reference and the provisions of this Title, the provisions of this Title shall apply. In the event of

conflict between any of the documents adopted herein by reference or the provisions of this Title with the provisions of State law, the provisions of State law shall govern. The procedural, administrative, and statutory provisions set forth in this Title regarding impact fee accounting, reporting, expenditures, refunds, adjustments, credits, waivers, challenges, appeals, definitions, noticing, and enactments hereby repeal and replace any similar provisions set forth in the Park Impact Fee Enactment, the Park Impact Fee Facilities Plan, and the Park Impact Fee Analysis.

20.09 Storm Drain Impact Fees

- 20.090.010 Storm Drain Impact Fee Enactment**
- 20.090.020 Storm Drain Impact Facilities Plan**
- 20.090.030 Storm Drain Impact Fee Analysis**
- 20.090.040 Storm Drain Impact Fee Service Area**
- 20.090.050 Storm Drain Impact Fee**
- 20.090.060 Conflicts and Repeal**

20.090.010 Storm Drain Impact Fee Enactment

The City adopted Ordinance No. 2014-13 enacting the Storm Drain Impact Fee. Except as otherwise provided in CMC 20.09.060 regarding conflicts and repeal, Ordinance No. 2014-13 is hereby adopted in its entirety and incorporated herein by this reference. A copy of Ordinance No. 2014-13 can be accessed at the following link: [Ordinance No. 2014-13](#).

20.090.020 Storm Drain Impact Fee Facilities Plan

The City adopted the Storm Drain Impact Fee Facilities Plan. Except as otherwise provided in CMC 20.09.060 regarding conflicts and repeal, the Storm Drain Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Storm Drain Impact Fee Facilities Plan can be accessed at the following link: [Storm Drain Impact Fee Facilities Plan](#).

20.090.030 Storm Drain Impact Fee Analysis

The City adopted the Storm Drain Impact Fee Analysis. Except as otherwise provided in CMC 20.09.060 regarding conflicts and repeal, the Storm Drain Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Storm Drain Impact Fee Analysis can be accessed at the following link: [Storm Drain Impact Fee Analysis](#).

20.090.040 Storm Drain Impact Fee Service Area

The service area for the Storm Drain Impact Fees includes all of the area within the corporate limits and jurisdictional boundaries of Centerville City.

20.090.050 Storm Drain Impact Fee

The City Council has previously approved the Storm Drain Impact Fee in accordance with Ordinance No. 2014-13, as more particularly set forth in Section 12.020 (Storm Drain Impact Fees) of the Centerville Fee Schedule. The City reserves the right to establish or amend the Storm Drain Impact Fee as established in this Title by Resolution enacting or amending the Centerville Fee Schedule. In no event will the Storm Drain Impact Fees set forth in the Centerville Fee Schedule exceed the maximum supportable Storm Drain Impact Fee as set forth in Ordinance No. 2014-13.

20.090.060 Conflicts and Repeal

In the event of conflict between the provisions of any of the documents adopted herein by reference and the provisions of this Title, the provisions of this Title shall apply. In the event of

conflict between any of the documents adopted herein by reference or the provisions of this Title with the provisions of State law, the provisions of State law shall govern. The procedural, administrative, and statutory provisions set forth in this Title regarding impact fee accounting, reporting, expenditures, refunds, adjustments, credits, waivers, challenges, appeals, definitions, noticing, and enactments hereby repeal and replace any similar provisions set forth in the Storm Drain Impact Fee Enactment, the Storm Drain Impact Fee Facilities Plan, and the Storm Drain Impact Fee Analysis.

ORDINANCE NO. 2013-10

AN ORDINANCE ADOPTING AN AMENDED AND UPDATED CULINARY WATER IMPACT FEE FACILITIES PLAN AND A CULINARY WATER IMPACT FEE ANALYSIS; ADOPTING AMENDED AND UPDATED CULINARY WATER IMPACT FEES; ADOPTING CERTAIN POLICIES RELATED TO CULINARY WATER IMPACT FEES; AND ESTABLISHING A SERVICE AREA FOR PURPOSES OF THE CULINARY WATER IMPACT FEES.

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

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a of the Utah Code Annotated, as amended ("*Impact Fees Act*" or "*Act*"), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

WHEREAS, the City has previously enacted and imposed impact fees for culinary water facilities, known and referred to as the Water Development Fees, as more particularly set forth in Section III of the Centerville City Consolidated Fee Schedule; and

WHEREAS, the City desires to update and amend such fees to be referred to hereafter as "Culinary Water Impact Fees" in accordance with applicable provisions of the Impact Fees Act in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner as more particularly provided herein; and

WHEREAS, the City properly noticed its intent to prepare the Culinary Water Impact Fee Facilities Plan and the Culinary Water Impact Fee Analysis as required by law and the City has, through its consultants, completed the Culinary Water Impact Fee Facilities Plan and Impact Fee Analysis in accordance with applicable provisions of the Impact Fees Act, which Culinary Water Impact Fee Facilities Plan and Impact Fee Analysis are more particularly described and adopted herein; and

WHEREAS, the City has provided the required notice and held a public hearing before the City Council regarding the proposed Culinary Water Impact Fees, Culinary Water Impact Fee Facilities Plan and Culinary Water Impact Fee Analysis in accordance with applicable provisions of the Impact Fees Act; and

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

SECTION I ORDINANCE REPEALED

The provisions of Ordinance No. 97-21 specifically adopting and amending Water Development Fees are hereby repealed and superceded by the provisions of this Ordinance to the extent they relate to Culinary Water Impact Fees. To the extent any provisions of Title 15, Chapter 8, are in conflict with the provisions of this Ordinance regarding Culinary Water Impact Fees, the provisions of this Ordinance shall govern. This Ordinance may be referred to and cited as the "Culinary Water Impact Fees Ordinance."

SECTION II PURPOSE

This Culinary Water Impact Fees Ordinance establishes the City's Culinary Water Impact Fees policies and procedures and is promulgated pursuant to Title 11, Chapter 36a, Part 4, Enactment of Impact Fees, and other requirements of the Impact Fees Act. This Ordinance amends and adopts Culinary Water Impact Fees for culinary water facilities within the City Service Area as defined herein, provides a schedule of Culinary Water Impact Fees for development activity, and sets forth direction for challenging, modifying and appealing Culinary Water Impact Fees. This Ordinance does not replace, supercede, or modify any ordinance regarding impact fees unrelated to culinary water facilities and improvements.

SECTION III DEFINITIONS

Words and phrases that are defined in the Impact Fees Act shall have the same definition in this Culinary Water Impact Fees Ordinance. The following words and phrases are defined as follows:

1. "*City*" means a political subdivision of the State of Utah and is referred to herein as the City of Centerville, Utah.

2. "*Development Activity*" means, except as otherwise provided in the Impact Fees Act, any construction or expansion of a building, structure or use, any change in use of a building or structure, or any changes in the use of land within the Service Area that creates additional demand and need for public facilities related to culinary water.

3. "*Development Approval*" means any written authorization from the City that authorizes the commencement of development activity.

4. "*Impact Fee*" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. "Impact fee" does not include a tax, special assessment, building permit fee, hookup fee, fee for project improvements, or other reasonable permit or application fee.

5. *"Impact Fee Analysis"* means the written analysis of each impact fee required by Section 11-36a-303 of the Impact Fees Act.

6. *"Impact Fee Facilities Plan"* means the plan required by Section 11-36a-301 of the Impact Fees Act.

7. *"Project Improvements"* means site improvements and facilities that are: planned and designed to provide service for development resulting from a Development Activity; necessary for the use and convenience of the occupants or users of development resulting from a Development Activity; and not identified or reimbursed as a system improvement. "Project Improvements" does not mean system improvements as more particularly defined herein.

8. *"Proportionate Share"* means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any Development Activity.

9. *"Public Facilities"* means impact fee facilities as defined in the Impact Fees Act that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity. For purposes of this Ordinance, and as defined in the Impact Fees Act, impact fee facilities include "water rights and water supply, treatment, storage, and distribution facilities" of the City for the Service Area.

10. *"Service Area"* means a geographic area designated by the City on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area. The Service Area for purposes of this Ordinance is more particularly described in Section V.

11. *"System Improvements"* means existing public facilities that are: identified in the impact fee analysis under Section 11-36a-304 of the Impact Fees Act; and designed to provide services to service areas within the community at large and future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide service to service areas within the community at large. "System improvements" do not include project improvements as defined herein.

SECTION IV STATUTORY AUTHORITY AND RESTRICTIONS

1. *Impact Fees Act Authority.* The City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Impact Fees Act. An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fees may only be established for public facilities as defined in Section 11-36a-102 that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision. Public facilities for which impact fees may be imposed includes public facilities for culinary water.

2. *Impact Fees Act Restrictions.* Pursuant to Section 11-36a-202 of the Impact Fees Act, the City may not impose an impact fee to: (1) cure deficiencies in public facilities serving existing development; (2) raise the established level of service of a public facility serving existing development; (3) recoup more than the local political subdivision's costs actually incurred for excess capacity in an existing system improvement; or (4) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement.

SECTION V SERVICE AREA

The Impact Fees Act requires the City to establish one or more service areas within which the City will calculate and impose a particular impact fee. The service area within which the proposed Culinary Water Impact Fees will be imposed includes all of the area within the corporate limits and jurisdictional boundaries of the City. The Service Area is more particularly described and set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

SECTION VI IMPACT FEE FACILITIES PLAN

1. *Impact Fee Facilities Plan Required.* Pursuant to Section 11-36a-301 of the Impact Fees Act, before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity. The impact fee facilities plan shall identify the demands placed upon existing public facilities by new development activity and the proposed means by which the City will meet those demands.

2. *Culinary Water Impact Fee Facilities Plan.* The City has, through its consultants, researched and analyzed the factors set forth in Section 11-36a-302 of the Impact Fees Act and has caused to be prepared a Culinary Water Impact Fee Facilities Plan ("IFFP"), as more particularly set forth in **Exhibit B**, attached hereto and incorporated herein by this reference. The Culinary Water IFFP has been prepared based on reasonable growth assumptions for the City and general demand characteristics of current and future users of Culinary Water facilities. The Culinary Water IFFP identifies the impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity. As shown in the Culinary Water IFFP, the City has considered all revenue sources to finance the impacts on system improvements, including grants, bonds, interfund loans, impact fees, and anticipated or accepted dedications of system improvements. The Culinary Water IFFP establishes that impact fees are necessary to maintain a proposed level of service that complies with applicable provisions of Section 11-36a-302 of the Impact Fees Act.

3. *Plan Certification.* The Culinary Water IFFP includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the plan certifying that the Culinary Water IFFP complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Culinary Water IFFP and Culinary Water IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Culinary Water IFFP and Culinary Water IFA, together with the summary and this Ordinance, in the Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing.

5. *Adoption of Culinary Water Impact Fee Facilities Plan.* The Culinary Water IFFP as set forth in **Exhibit B**, is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VII WRITTEN IMPACT FEE ANALYSIS

1. *Written Impact Fee Analysis Required.* Pursuant to Section 11-36a-303 of the Impact Fees Act, each local political subdivision intending to impose an impact fee shall prepare a written analysis of each impact fee to be imposed and a summary of the impact fee analysis designed to be understood by a lay person. The impact fee analysis shall identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity; identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility; demonstrate how the anticipated impacts are reasonably related to the anticipated development activity; estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity; and identify how the impact fee is calculated.

2. *Culinary Water Impact Fee Analysis.* The City has, through its consultants, researched and analyzed the factors set forth in Section 11-36a-304 of the Impact Fees Act, including the proportionate share analysis required therein, and has caused to be prepared a Culinary Water Impact Fee Analysis ("IFA"), as more particularly set forth in **Exhibit B**, attached hereto and incorporated herein by this reference. The Culinary Water IFA identifies the impacts upon public facilities required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity, and identify how the Culinary Water Impact Fees are calculated.

3. *Analysis Certification.* The Culinary Water IFA includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the analysis certifying that the Culinary Water IFA complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Culinary Water IFFP and Culinary Water IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Culinary Water IFFP and Culinary Water IFA, together with the summary and this Ordinance, in Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing.

5. *Adoption of Culinary Water Impact Fee Analysis.* The Culinary Water IFA as set forth in **Exhibit B**, is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VIII CALCULATION OF IMPACT FEES

1. *Impact Fee Calculations.* Pursuant to Section 11-36a-305, in calculating an impact fee, the City may include: the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements. In calculating the proposed Culinary Water Impact Fees, the City has based such amounts calculated on realistic estimates and the assumptions underlying such estimates are more particularly disclosed in the Culinary Water IFA set forth in **Exhibit B**.

2. *Previously Incurred Costs.* To the extent that new growth and development will be served by previously constructed improvements, the City's Culinary Water Impact Fees may include public facility costs and outstanding bond costs related to the Culinary Water improvements previously incurred by the City. These costs may include all projects included in the Culinary Water IFFP which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

SECTION IX IMPACT FEE SCHEDULE AND FORMULA

1. *Impact Fee Schedule or Formula Required.* Pursuant to Section 11-36a-402 of the Impact Fees Act, the City is required to provide a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the City will use to calculate each impact fee.

2. *Maximum Culinary Water Impact Fee Schedule.* Based on the Culinary Water IFA, the maximum Culinary Water Impact Fees which the City may impose on development activity within the defined Service Area for Culinary Water facilities is set forth in the following schedule:

Maximum Culinary Water Impact Fee Schedule

METER SIZE (INCHES)	ERC MULTIPLIER	IMPACT FEE PER METER SIZE	EXISTING IMPACT FEE	% CHANGE
3/4"	1.00	\$2,027	\$1,200	69%
1	2.50	\$5,068	\$3,000	69%
1 1/2	6.00	\$12,162	\$7,200	69%
2	10.00	\$20,270	\$12,000	69%
3	22.50	\$45,608	\$27,000	69%
4	62.50	\$126,688	\$75,000	69%

* Meter used by Centerville City for 3/4" connections is 5/8" x 3/4" with a maximum flow rate of 20 gallons per minute.

3. *Rates Established by Resolution.* The City Council, by this Ordinance, approves the maximum Culinary Water Impact Fees in accordance with the Culinary Water IFA set forth in **Exhibit B**. The City reserves the right to establish the Culinary Water Impact Fees as established in this Ordinance by Rate Resolution or Resolution amending the Consolidated Fee Schedule. In no event will the Culinary Water Impact Fees established by Resolution exceed the maximum supportable Culinary Water Impact Fee Schedule as set forth herein.

SECTION X ADJUSTMENTS AND CREDITS

1. *Adjustments.* In accordance with Section 11-36a-402 of the Impact Fees Act, the City may adjust the Culinary Water Impact Fees at the time the fee is charged to respond to unusual circumstances in specific cases, to address development activity by the State or school district, or to ensure that impact fees are imposed fairly. The Culinary Water Impact Fees may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The Culinary Water Impact Fees assessed to a particular development may also be adjusted should the developer supply sufficient written information, studies and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

2. *Developer Credits.* In accordance with Section 11-36a-402 of the Impact Fees Act, a developer may be allowed a credit against Culinary Water Impact Fees or proportionate reimbursement of Culinary Water Impact Fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement; or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; *provided* that the system improvement is: (i) identified in the City's Culinary Water IFFP; and (ii) is required by the City as a condition of approving the development activity. To the extent required in Section 11-36a-402, the City shall provide a credit against Culinary Water Impact Fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, as defined herein and included in the Culinary Water IFFP; or are dedicated to the public and offset the need for an identified system improvement.

3. *Waiver for "Public Purpose".* The City Council may, on a project by project basis, authorize exceptions or adjustments to the Culinary Water Impact Fees for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include affordable housing and other development activities with broad public purposes. The City Council may elect to waive or adjust Culinary Water Impact Fees for such projects. Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

SECTION XI NOTICE AND HEARING

1. *Notice.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Culinary Water IFFP and Culinary Water IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Culinary Water IFFP and Culinary Water IFA, together with the summary and this Ordinance, in Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing. Notice has also been provided in accordance with applicable provisions of *Utah Code Ann.* § 10-9a-205.

2. *Hearing.* The City Council held a public hearing regarding the Culinary Water IFFP, the Culinary Water IFA, and this Culinary Water Impact Fee Ordinance, on August 6, 2013, and a copy of the Ordinance was available in its substantially final form at the Centerville Branch of the Davis County Public Library and the City Recorder's Office in the Centerville City Hall at least ten (10) days before the date of the hearing, all in conformity with the requirements of *Utah Code Ann.* § 10-9a-205 and applicable noticing provisions of the Impact Fees Act.

SECTION XII IMPACT FEE ACCOUNTING AND EXPENDITURES

1. *Impact Fees Accounting.* Pursuant to Section 11-36a-601 of the Impact Fees Act, the City will establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected, deposit a receipt for an impact fee in the appropriate ledger account established herein, and retain the interest earned on each fund or ledger account in the fund or ledger account.

2. *Reporting.* At the end of each fiscal year, the City shall prepare a report on each fund or ledger account showing the source and expenditures as required by law. Annually, the City shall produce and transmit to the State Auditor a certified report in accordance with Section 11-36a-601 in a format developed by the State Auditor.

3. *Impact Fee Expenditures.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may expend Culinary Water Impact Fees only for a system improvement: (i) identified in the Culinary Water IFFP; and (ii) for the specific public facility type for which the fee was collected. Impact fees will be expended on a First-In First-Out basis.

4. *Time of Expenditure.* Except as otherwise provided by law, the City shall expend or encumber Culinary Water Impact Fees for a permissible use within six (6) years of their receipt. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

5. *Extension of Time.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may hold the impact fees for longer than six (6) years if it identifies in writing: (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

6. *Refunds.* Pursuant to Section 11-36a-603 of the Impact Fees Act, the City shall refund any Culinary Water Impact Fees paid by a developer, plus interest earned, when: (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

7. *Other Impact Fees.* To the extent allowed by law, the City Council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

8. *Additional Fees and Costs.* The Culinary Water Impact Fees authorized herein are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Culinary Water Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

9. *Fees Effective at Time of Payment.* Unless otherwise provided in the City's Consolidated Fee Schedule, the City will collect the Culinary Water Impact Fees at the time of building permit issuance. The fees will be calculated by the City. Unless the City is otherwise bound by a contractual requirement, the Culinary Water Impact Fees shall be determined from the fee schedule in effect at the time of payment.

10. *Imposition of Additional Fee or Refund after Development.* Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Culinary Water Impact Fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional Culinary Water Impact Fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

SECTION XIII CHALLENGES TO IMPACT FEES

1. *Request for Information.* Pursuant to Section 11-36a-701, a person or entity required to pay a Culinary Water Impact Fee who believes the the impact fee does not meet the requirements of law may file a written request for information with the City Manager. As required by law, the City Manager shall, within two (2) weeks after the receipt of the request for information provide the person or entity with the Culinary Water IFFP, the Culinary Water IFA, and any other relevant information relating to the Culinary Water Impact Fee.

2. *Advisory Opinion.* A potentially aggrieved person may request an advisory opinion from a neutral third party regarding compliance of the Culinary Water Impact Fees with the Impact Fees Act by filing such request with the Office of the Property Rights Ombudsman in accordance with the procedures and provisions of Title 13, Chapter 43, known as the Property Rights Ombudsman Act. The aggrieved party requesting an advisory opinion is not required to exhaust the administrative appeals procedures set forth in Subsection 4 before requesting an advisory opinion.

3. *Appeal.* A person or entity that has paid Culinary Water Impact Fees under the provisions of this Ordinance may challenge such impact fees pursuant to the provisions set forth in Title 11, Chapter 36a, Part 7 of the Impact Fees Act regarding Challenges.

a. *Grounds for Challenge.* Pursuant to Section 11-36a-701, a person or entity that has paid Culinary Water Impact Fees under the provisions of this Ordinance

may challenge: (1) the impact fees; (2) whether the City complied with the notice requirements of the Impact Fees Act with respect to the imposition of the impact fees; and/or (3) whether the City complied with other procedural requirements of the Impact Fees Act for imposing the impact fee.

b. *Sole Remedy.* The sole remedy for challenging the notice requirements is the equitable remedy of requiring the City to correct the defective notice and repeat the process. The sole remedy for challenging the impact fee is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated. Reasonable attorneys fees may be awarded to the substantially prevailing party to the extent provided in the Impact Fees Act.

c. *Initiation.* A challenge to an impact fee is initiated by filing:

- i. An appeal to the City Council pursuant to the administrative appeal procedures set forth herein;
- ii. A request for arbitration as provided in Section 11-36a-705 of the Impact Fees Act; or
- iii. An action in district court.

d. *Time Restrictions.* The time for filing a challenge to the impact fees shall be filed in accordance with the time limitations set forth in Section 11-36a-702, depending upon the type of challenge. The deadline to file an action in district court is tolled from the date that a challenge is filed using the administrative procedures set forth in Subsection 4 until thirty (30) days on which a final decision is rendered in the administrative appeals procedure.

4. *Administrative Appeal Procedure.* The City hereby adopts an administrative appeal procedure to consider and decide challenges to the Culinary Water Impact Fees. Any person or entity that has paid a Culinary Water Impact Fee pursuant to this Ordinance may challenge or appeal the impact fee by filing written notice of administrative appeal with the City Manager within thirty (30) days after the day on which the person or entity paid the impact fee. The notice of appeal shall set forth the grounds for the appeal and shall include any applicable filing fees as set forth in the City's Consolidated Fee Schedule. Upon receiving the written notice of appeal, the City Council shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee. The City Council shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

5. *Mediation.* In addition to the methods of challenging an impact fee as provided herein, a specified public agency may require the City to participate in mediation of any applicable impact fee in accordance with the provisions of Section 11-36a-704 of the Impact Fees

Act. A written request for mediation must be filed in accordance with Section 11-36a-704 no later than thirty (30) days after the day on which the impact fee is paid.

6. *Declaratory Judgment Action.* Pursuant to Section 11-36a-701, a person or entity residing in or owning property within the Service Area, or an organization, association, or a corporation representing the interests of persons or entities owning property within the Service Area, are deemed to have standing to file a declaratory judgment action challenging the validity of an impact fee.

SECTION XIV MISCELLANEOUS

1. *Severability.* If any section, subsection, paragraph, clause or phrase of this Culinary Water Impact Fee Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Culinary Water Impact Fee Ordinance are declared to be severable.

2. *Interpretation.* This Culinary Water Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Ordinance shall not be affected by such division or by any heading contained herein.

3. *Other Impact Fees Not Repealed.* Except as otherwise specifically provided herein, this Culinary Water Impact Fee Ordinance shall not repeal, modify or affect any impact fee of the City in existence as of the effective date of this Ordinance.

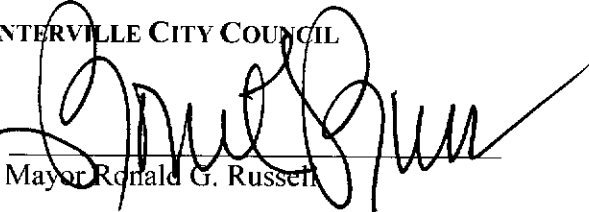
SECTION XV EFFECTIVE DATE

In accordance with the provisions of *Utah Code Ann.* § 11-36a-401, this ordinance and the impact fees adopted herein or pursuant hereto shall not take effect until ninety (90) days after the day on which the ordinance is approved.

[Signature Page to Follow]

PASSED AND APPROVED this 6 day of August, 2013.

CENTERVILLE CITY COUNCIL

By: 

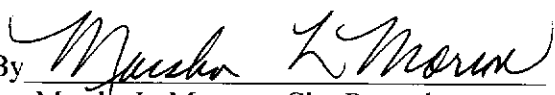
Mayor Ronald G. Russell

[SEAL]

VOTING:

Council Member Allen	Yea <u>X</u>	Nay <u> </u>	
Council Member Averett	Yea <u>X</u>	Nay <u> </u>	
Council Member Higginson	Yea <u> </u>	Nay <u> </u>	<i>Absent</i>
Council Member Lindstrom	Yea <u>X</u>	Nay <u> </u>	
Council Member Wright	Yea <u>X</u>	Nay <u> </u>	

ATTEST:

By 
Marsha L. Morrow, City Recorder

DEPOSITED in the office of the City Recorder this 7 day of August, 2013.

RECORDED this 7 day of August, 2013.



EXHIBIT A

CULINARY WATER IMPACT FEE SERVICE AREA



Date: 7/18/2013



Culinary Water Impact Fee Service Area



EXHIBIT B

**CULINARY WATER IMPACT FEE FACILITIES PLAN AND CULINARY WATER IMPACT FEE
ANALYSIS**

CENTERVILLE CITY CULINARY WATER IMPACT FEE FACILITIES PLAN (IFFP) AND IMPACT FEE ANALYSIS (IFA)



**LEWIS  YOUNG
ROBERTSON & BURNINGHAM, INC.**

GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101
(P) 801-596-0700 - (TF) 800-581-1100 - (F) 801-596-2800 - WWW.LEWISYOUNG.COM



TABLE OF CONTENTS

IMPACT FEE CERTIFICATION	3
DEFINITIONS	4
SECTION 1: EXECUTIVE SUMMARY	5
PROPOSED CULINARY WATER IMPACT FEE	5
SECTION 2: GENERAL IMPACT FEE METHODOLOGY	7
SECTION 3: OVERVIEW OF SERVICE AREA, DEMAND, AND LOS	9
SERVICE AREAS	9
DEMAND UNITS	9
LEVEL OF SERVICE STANDARDS	9
SECTION 4: EXISTING FACILITIES INVENTORY	11
EXISTING SYSTEM VALUE	11
EXCESS CAPACITY	11
SECTION 5: CAPITAL FACILITY ANALYSIS	14
SYSTEM VS. PROJECT IMPROVEMENTS	14
FUNDING OF FUTURE FACILITIES	14
PROPOSED CREDITS OWED TO DEVELOPMENT	15
EQUITY OF IMPACT FEES	16
NECESSITY OF IMPACT FEES	16
SECTION 6: CULINARY WATER IMPACT FEE CALCULATION	17
PROPOSED CULINARY WATER IMPACT FEE	17
CONSIDERATION OF ALL REVENUE SOURCES	18
EXPENDITURE OF IMPACT FEES	18
GROWTH-DRIVEN EXTRAORDINARY COSTS	18
SUMMARY OF TIME PRICE DIFFERENTIAL	18



IMPACT FEE CERTIFICATION

IFFP Certification

Lewis Young Robertson & Burningham, Inc. and Centerville City jointly certify that the Impact Fee Facilities Plan ("IFFP") prepared for culinary water services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. complies in each and every relevant respect with the Impact Fees Act.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.
CENTERVILLE CITY

IFA Certification

Lewis Young Robertson & Burningham, Inc. certifies that the Impact Fee Analysis ("IFA") prepared for culinary water services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 - d. offsets costs with grants or other alternate sources of payment; and
3. complies in each and every relevant respect with the Impact Fees Act.

Lewis Young Robertson & Burningham, Inc. makes this certification with the following caveats:

1. All of the recommendations for implementation of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



DEFINITIONS

The following acronyms are used in this document and expanded below:

ERC:	Equivalent Residential Connection
GPM:	Gallons per Minute
IFA:	Impact Fee Analysis
IFFP:	Impact Fee Facilities Plan
LOS:	Level of Service
LYRB:	Lewis Young Robertson and Burningham, Inc.



SECTION 1: EXECUTIVE SUMMARY

The purpose of the Culinary Water Impact Fee Facilities Plan ("IFFP"), with supporting Impact Fee Analysis ("IFA"), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act," and help Centerville City (the "City") plan necessary capital improvements for future growth. This document will address the future culinary water infrastructure needed to serve the City through the next six years, as well as the appropriate impact fees the City may charge to new growth to maintain the level of service ("LOS"). The Centerville City Culinary Water System Master Plan Update 2010, along with updated information from the City, provides much of the information utilized in the analysis for the purposes of calculating impact fees.

- **Impact Fee Service Area:** The service area for culinary water impact fees includes all areas within the City. This document identifies capital projects that will help to maintain the same level of service enjoyed by existing residents into the future.
- **Demand Analysis:** The demand units utilized in this analysis are based on typical usage patterns measured in gallons per minute (GPM) and equivalent residential connections (ERCs) generated from residential and commercial land-use types. As residential and commercial growth occurs within the City, additional ERCs will be generated. The culinary water capital improvements identified in this study are based on maintaining the current level of service.
- **Level of Service:** The existing and proposed level of service for the source component is approximately 0.50 GPM per ERC. The City has chosen to adopt a lower level of service than currently exists for the storage component. The proposed level of service is 540 gallons per ERC, or the state standard. The distribution level of service is based on hydraulic modeling shown in the Master Plan.
- **Excess Capacity:** The source component has no excess capacity at the existing LOS of 0.50 GPM per ERC and therefore a buy-in component for future growth will not be contemplated in this analysis. The buy-in cost to growth calculated for storage is approximately \$385,547. The buy-in cost to growth calculated for the distribution component is approximately \$890,507.
- **Capital Facilities Analysis:** Due to the lack of excess capacity for the source component, the City will be constructing the Chase Lane Well at a cost of approximately \$1,030,000. The Chase Lane Well will add 800 GPM, which will serve 1,593 ERCs at the 0.50 GPM LOS.
- **Outstanding Debt:** In 2012 the City issued \$4.2 million in bonds, a portion of which will be used for future improvements to the water system, including the Chase Lane Well source improvements. The total interest amount associated with the Series 2012 bonds is approximately \$979,088. Interest cost associated the bonded indebtedness is an eligible cost that can be paid with impact fees. The proportional interest cost assignable to new growth is \$239,877.
- **Funding of Future Facilities:** This analysis assumes future growth related facilities will be funded through a combination of utility revenues, previously issued debt proceeds, and impact fee revenues.

PROPOSED CULINARY WATER IMPACT FEE

The culinary water impact fees proposed in this analysis will be assessed within all areas of the City. The tables below illustrate the appropriate buy-in component related to storage and distribution and the fee associated with projects occurring within the next six years related to the source. The impact fee calculations also include debt related expenses. The proportionate share analysis determines the proportionate cost assignable to new development based on the amount of excess capacity that will serve future growth within the individual components and based on the proposed capital projects and the estimated ERCs served by the proposed projects.

TABLE 1.1: IMPACT FEE PER ERC

	TOTAL COST TO CITY	% TO GROWTH	COST TO GROWTH	ERCs SERVED	FEE PER ERC
Excess Capacity (Buy-In Component)					
Storage	\$2,965,747	13.0%	\$385,547	1,046	\$369
Distribution (Total Minus Dev Contributions)	\$7,546,670	11.8%	\$890,507	1,046	\$851
Cost to Future Growth					
Source	\$1,030,000	100.0%	\$1,030,000	1,593	\$646
Outstanding Debt (Interest)	\$979,088	24.5%	\$239,877	1,593	\$151
Other					
Professional Expense	\$10,040	100.0%	\$10,040	1,046	\$10
Total	\$12,531,545		\$2,555,971		\$2,027

COST TO NEW GROWTH CALCULATIONS:

Excess Capacity Storage: Estimated ERCs in the planning horizon are anticipated to be 1,046. Using a level of service of 540 gallons per ERC, approximately 564,840 gallons would be required in the planning horizon, or 13 percent of the current storage capacity of 4,330,000. This same 13 percent is applied to the total cost of existing storage improvements to calculate the cost of growth included in the impact fee.

Excess Capacity Distribution: The distribution system is anticipated to serve through buildout or approximately 8,883 ERCs. The ERCs anticipated in the planning horizon (1,046) make up 11.8 percent of the total buildout projection. This percentage is applied to the total cost of existing distribution improvements to calculate the cost of growth included in the impact fee.

Cost to Future Growth Source: 100 percent of the costs for source are considered growth related. However, the future source improvements are anticipated to serve more ERCs than projected within the planning horizon. Future source improvements will serve approximately 1,593 ERCs, thus the total cost to growth is spread over this amount.

Cost to Future Growth Debt: The future cost to growth for source improvements makes up 24.5 percent of the total par amount for the Series 2012 bonds. This same percentage is applied to the interest cost for the Series 2012 bonds and is included in the impact fee.

Other: 100% of the cost to update the IFFP and IFA in the planning horizon (through 2019) is attributed to growth.

TABLE 1.2: IMPACT FEE PER METER SIZE

METER SIZE (INCHES)	ERC MULTIPLIER	IMPACT FEE PER METER SIZE	EXISTING IMPACT FEE	% CHANGE
3/4	1.00	\$2,027	\$1,200	69%
1	2.50	\$5,068	\$3,000	69%
1 1/2	6.00	\$12,162	\$7,200	69%
2	10.00	\$20,270	\$12,000	69%
3	22.50	\$45,608	\$27,000	69%
4	62.50	\$126,688	\$75,000	69%

Source: ERC Multipliers provided by Centerville City

NON-STANDARD CULINARY WATER 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 lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. To determine the impact fee for a non-standard use, the City should use the following formula:

FORMULA FOR NON-STANDARD WATER IMPACT FEES:

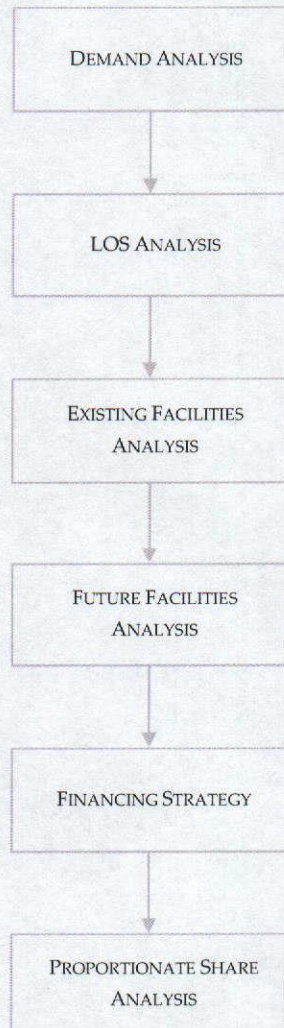
$$\text{Estimated Usage (GPM)} / 0.50 \text{ (GPM)} * \$2,027 = \text{Impact Fee}$$

¹ 11-36a-402(1)(c)

² 11-36a-302(2)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE
METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP is designed to identify the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which are intended to be funded by impact fees. The IFA is designed to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. Each component must consider the historic level of service provided to existing development and ensure that impact fees are not used to raise that level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact public facilities.

LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing "Level of Service" ("LOS"). Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the level of service which is provided to a community's existing residents and ensures that future facilities maintain these standards. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, the Impact Fee Facilities Plan provides an inventory of the City's existing system facilities. To the extent possible, the inventory valuation should consist of the following information:

- ☞ Original construction cost of each facility;
- ☞ Estimated date of completion of each future facility;
- ☞ Estimated useful life of each facility; and,

The inventory of existing facilities is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the level of service. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

**FINANCING STRATEGY – CONSIDERATION OF ALL REVENUE SOURCES**

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future (UCA 11-36a-302).

² 11-36a-302(2)

³ 11-36a-302(3)



SECTION 3: OVERVIEW OF SERVICE AREA, DEMAND, AND LOS

SERVICE AREAS

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁴ The impact fees identified in this document will be assessed to a single, city-wide service area. It is anticipated that the growth projected over the next six years and through build-out, will impact the City's existing services. Culinary water infrastructure will need to be expanded in order to maintain the existing level of service. Impact fees have become an ideal mechanism for funding growth-related infrastructure. This analysis is designed to accurately assess the true impact of a particular user upon the City's infrastructure and prevent existing users from subsidizing new growth. This analysis also ensures that new growth isn't paying for existing system deficiencies.

TABLE 3.1: CITY-WIDE ERC GROWTH PROJECTIONS

YEAR	ERC EST.
2013	6,911
2014	7,075
2015	7,243
2016	7,416
2017	7,592
2018	7,772
2019	7,957
Growth from 2013-2019	1,046

Source: Centerville City Culinary Water System Master Plan Update, April 2010, pg. 14

DEMAND UNITS

As shown in Table 3.1, the growth in ERCs is expected to reach 7,957 units by 2019, based on a growth rate of approximately 2.38 percent. This represents an increase of 1,046 ERCs from 2013. The City anticipates 1,972 additional ERCs from 2013 to buildout.⁵

LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the level of service to current or future users of capital improvements. Therefore, it is important to identify the existing and proposed culinary water level of service to ensure that the new capacities of projects financed through impact fees do not exceed the established standard.

SOURCE

The existing and proposed LOS for the source component is approximately 0.50 GPM per ERC as shown in table 3.2. This is based on the total existing source production of 4,150 GPM, less 680 GPM for emergency back-up and outdoor irrigation. The net source supply (3,470 GPM) is then divided by the number of ERCs in 2013 to calculate the GPM per ERC.

TABLE 3.2: SOURCE LEVEL OF SERVICE (LOS)

ASSET NAME	LOCATION	GALLONS PER MINUTE (GPM)	GPM PER ERC
Rick's Creek	Main Street	900	0.13
Carrington	50 East 1420 North	850	0.12
City Hall	100 East 300 North	800	0.12
Church	200 South 200 East	900	0.13
Lyons	50 East Center Street	400	0.06
Weber Basin Source		300	0.04
Total Source Supply		4,150	0.60
Less Required Emergency Back-up & Outdoor Irrigation		(680)	
Total Source Supply (Less Required State Emergency Back-up & Outdoor Irrigation)		3,470	0.50

Source: Centerville City Culinary Water System Master Plan Update, April 2010, page 7, figure 2 for Wells and page 14 for Emergency Back-up and Outdoor Irrigation Requirements. Production based on 8 hours per day for 365 days

⁴ UC 11-36a-402(a)

⁵ Buildout ERCs were calculated based on existing land use data provided by the City.



STORAGE

The existing level of service for the storage component is approximately 627 gallons per ERC as shown in table 3.3. This is based on the total existing storage capacity of 5,500,000 gallons less 1,170,000 gallons for fire storage and emergency. The net storage (4,330,000 gallons) is then divided by the number of ERCs in 2013 to calculate the gallons per ERC. While the existing level of service for storage is approximately 627 gallons per ERC, the City may choose to adopt a lower proposed level of service for the calculation of the impact fees. The City has chosen to adopt the state required level of service for storage of 540 gallons per ERC.⁶

TABLE 3.3: STORAGE LEVEL OF SERVICE (LOS)

ASSET NAME	LOCATION	GALLON CAPACITY	GALLONS PER ERC
Island View	950 East 200 South	1,000,000	145
1st South	700 East 100 South	1,500,000	217
Parrish Lane	700 East	1,000,000	145
Green Steel	700 East 1100 North	500,000	72
Rolling Hills	400 East 1975 North	500,000	72
Ricks Creek	450 East 1500 North	1,000,000	145
Total Storage Capacity		5,500,000	796
Less Required Emergency & Fire Storage		(1,170,000)	
Total Storage Capacity (Less Required State Emergency & Fire Storage)		4,330,000	627
Adopted LOS			540

Source: Centerville City Culinary Water System Master Plan Update, April 2010, page 5, figure 1 for Reservoirs and page 16 for Emergency and Fire Storage.

DISTRIBUTION

The 2010 Centerville City Culinary Water System Master Plan does not outline any future growth related priority distribution improvements. As stated in the Master Plan, the System has been modeled using the EPANET computer program developed by the National Risk Management Research Laboratory. The model was calibrated at various locations with different flows and with average daily demand to verify static pressures. The calibration runs were done within 1 to 5 psi for dynamic results and the static calibration was done within 1 psi.⁷ Based on this analysis, the system has sufficient capacity to handle new development activity through 2019.

⁶ Centerville City Culinary Water System Master Plan, April 2010, page 16, table 4.

⁷ Centerville City Culinary Water System Master Plan, April 2010, page 10

SECTION 4: EXISTING FACILITIES INVENTORY

EXISTING SYSTEM VALUE

Based on information provided by the City, the existing system is valued as shown below. These values represent amounts that can be included in any excess capacity calculations and exclude other revenue sources such as grants, donations or developer contributions.

TABLE 4.1: EXISTING SYSTEM VALUE

PROJECT	TOTAL COST	CONTRIBUTIONS	CITY PAID
Source	\$2,074,697	\$50,543	\$2,024,154
Storage	\$2,965,747	-	\$2,965,747
Distribution	\$12,203,563	\$4,656,893	\$7,546,670

EXCESS CAPACITY

The intent of the equity buy-in component is to recover the costs of the unused capacity in existing infrastructure from new development. This section addresses any excess capacity within the culinary water system.

SOURCE

Based on the existing level of service of 0.50 GPM per ERC, there is no excess capacity within the existing system. Currently demand and capacity are equal at 3,470 GPM, serving approximately 6,911 ERCs. However, in order to maintain that same level of service of 0.50 GPM per ERC in the future, the City will need to expand the capacity of the source component. An additional 525 GPM of source capacity will need to be added to serve the 1,046 new ERCs projected through 2019.

TABLE 4.2: ILLUSTRATION OF EXCESS CAPACITY OF SOURCE COMPONENT

SOURCE	VOLUME (GPM)	ERCs SERVED
Existing Source Capacity	3,470	6,911
Current Source Demand (2013)	3,470	6,911
Excess Capacity	0	0
	ERCs in Planning Horizon	1,046
	Difference	(1,046)
New Source Needed (GPM) at 0.50 GPM/ERC		525

STORAGE

A comparison of existing storage capacity relative to the future storage requirements per ERC illustrates excess capacity within the system. The total capacity of the existing storage system is 4,330,000 Gallons. However, the City's current demand for storage is only 3,731,940 gallons, leaving an excess capacity of 598,060 gallons. ERCs are expected to grow by 1,046 through the six-year planning horizon (2013-2019) resulting in a need for an additional 564,840 gallons. This equates to 13 percent of the total capacity within the storage system, leaving approximately one percent or 33,220 gallons available for growth after 2019.

TABLE 4.3: ILLUSTRATION OF EXCESS CAPACITY AND NEW STORAGE REQUIREMENTS

TANK	GALLONS	ERCs SERVED	% OF TOTAL CAPACITY
Existing Storage Capacity	4,330,000	8,019	100.0%
Current Storage Demand (2013)	3,731,940	6,911	86.2%
Excess Capacity	598,060	1,108	13.8%
Future Demand (2013-2019)	564,840	1,046	13.0%
Difference	33,220	62	0.8%

Note: Based on a LOS of 540 gallons/ERC.



The total value of the existing storage facilities (based on the City's depreciation schedule) is \$2,965,747. The future demand over the six-year planning horizon will utilize 13 percent of the total capacity of the existing system. Thus, the total buy-in cost to growth for storage is \$385,547. Table 4.4 displays this buy-in calculation.

TABLE 4.4: DETERMINATION OF VALUE OF EXISTING STORAGE FACILITIES RELATED TO NEW GROWTH

COSTS TO CITY		
Total Value of Existing Facilities	\$2,965,747	Based on existing depreciation schedules less developer improvements and other contributions
Percent Excess Capacity Utilized for Demand 2013-2019	13.0%	See Table 4.3: New ERC Growth through 2019 (1,046) / Total Storage Capacity in ERCs (8,019)
Buy-in Cost to Growth	\$385,547	

DISTRIBUTION

Based on the analysis provided in the Master Plan, the system has sufficient capacity to handle new development activity through 2019. As a result, the impact fee analysis includes a buy-in component for existing distribution improvements. The buy-in is calculated by apportioning a percentage of the existing distribution costs to new development through buildout as shown in the table below.

TABLE 4.5: DETERMINATION OF VALUE OF EXISTING DISTRIBUTION FACILITIES RELATED TO NEW GROWTH

YEAR	
New ERC's from 2013-2019	1,046
Total ERC Capacity	8,883
Percent Buy-In to New Growth	11.8%
Existing Value of Distribution Improvements (less developer improvements and other contributions)	\$7,546,670
Value to New Growth (11.8%)	\$890,507

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City has funded its existing capital infrastructure through a combination of different revenue sources, including general utility fund revenues, the issuance of debt, and grant monies. This analysis has removed all funding that has come from federal grants and donations from non-resident citizens to ensure that none of those infrastructure items are included in the level of service.

The City has one piece of outstanding debt related to the system's capacity: the 2012 Water Revenue and Refunding Bonds. This outstanding debt was issued for the purpose of improving the existing system, while at the same time increasing capacity within the system.

2012 WATER REVENUE AND REFUNDING BONDS

In 2012, the City issued \$4,210,000 in Water Revenue and Refunding Bonds. An estimated \$1,656,000 of the total bond amount was used to pay off the 2002A and 2003 bonds previously issued by the City. Of the remaining \$2.5 million of the 2012 bonds, \$1,030,000 will be used for growth related improvements. This equates to 24.5% of the total bond amount.

The principal and interest payments for the 2012 bonds are shown in the table below. The total interest cost for the 2012 bonds by year 2031 will be \$979,088. Since interest costs are an eligible cost that can be paid for with impact fees, the cost to new growth is \$239,877, or 24.5% of the total interest costs of the bonds.

TABLE 4.6: ILLUSTRATION OF OUTSTANDING DEBT & INTEREST COSTS

2012 WATER REVENUE & REFUNDING BONDS, SERIES 2012			
YEAR	PRINCIPAL	COUPON	INTEREST
2012	335,000.00	2.00%	59,100.10



2012 WATER REVENUE & REFUNDING BONDS, SERIES 2012			
YEAR	PRINCIPAL	COUPON	INTEREST
2013	355,000.00	2.00%	109,562.50
2014	365,000.00	2.00%	102,462.50
2015	405,000.00	4.00%	95,162.50
2016	425,000.00	2.50%	78,962.50
2017	185,000.00	2.25%	68,337.50
2018	265,000.00	2.50%	64,175.00
2019	285,000.00	2.50%	57,550.00
2020	305,000.00	2.50%	50,425.00
2021	100,000.00	2.50%	42,800.00
2022	100,000.00	2.50%	40,300.00
2023	105,000.00	3.00%	37,800.00
2024	110,000.00	3.00%	34,650.00
2025	110,000.00	3.00%	31,350.00
2026	115,000.00	3.00%	28,050.00
2027	120,000.00	3.00%	24,600.00
2028	120,000.00	4.00%	21,000.00
2029	130,000.00	4.00%	16,200.00
2030	135,000.00	4.00%	11,000.00
2031	140,000.00	4.00%	5,600.00
Totals:	\$4,210,000		\$979,087.60

SECTION 5: CAPITAL FACILITY ANALYSIS

The estimated costs attributed to new growth were analyzed based on existing development versus future development patterns, as well as through an analysis of flow data. From this analysis, a portion of future development costs were attributed to new growth and included in this impact fee analysis as shown in table 5.1. Capital projects related to curing existing deficiencies were not included in the calculation of the impact fees. The costs of projects related to curing existing deficiencies cannot be funded through impact fees.

Total future project costs equate to \$1,030,000, as shown in the table below. These projects meet the future source needs related to new growth and are all growth related improvements. The future projects will add 800 GPM in additional source capacity, which will serve 1,593 ERCs based on the LOS of 0.50 GPM/ERC. The planning horizon only anticipated 1,046 ERCs, thus the new source improvements will serve growth beyond the planning horizon of 2019.

TABLE 5.1: ILLUSTRATION OF CAPITAL IMPROVEMENTS

PROJECT	GPM	ERCs SERVED	NEW ERC'S (2013-2019)	% TO GROWTH	TOTAL COST	TOTAL COST TO CITY	COST TO GROWTH
Chase Lane Well							
Chase Lane Well Drill & Engineering	800	1,593	1,046	100%	\$425,000	\$425,000	
Chase Lane Well Pump House	800	1,593	1,046	100%	\$450,000	\$450,000	
Chase Lane Well Property	800	1,593	1,046	100%	\$70,000	\$70,000	
Transmission Line	800	1,593	1,046	100%	\$85,000	\$85,000	
Total Source:	800	1,593	1,046	100%	\$1,030,000	\$1,030,000	\$1,030,000

The City has determined the projects included in this Impact Fee Facilities Plan using capital project and engineering data, planning analysis and other information. The City has provided all future capital project data including project descriptions and estimated project costs. The accuracy and correctness of this plan is contingent upon the accuracy of the data and assumptions. Any deviations or changes in the assumptions due to changes in the economy or other relevant information used by the City for this study may cause this plan to be inaccurate and require modifications.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to service areas within the community at large.⁸ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.⁹ To the extent possible, this analysis only includes the costs of system improvements related to new growth within the proportionate share analysis.

FUNDING OF FUTURE FACILITIES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.¹⁰ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.¹¹

⁸ UC 11-36a-102(20)

⁹ UC 11-36a-102(13)

¹⁰ 11-36a-302(2)

¹¹ 11-36a-302(3)



In considering the funding of future facilities, the City has determined the portion of future projects that will be funded by impact fees as growth-related, system improvements. Impact fees are an appropriate funding and repayment mechanism of the growth-related improvements. Where applicable, impact fees will offset the cost of future facilities. However, impact fees cannot be used to fund non-qualified expenses (i.e. to cure existing deficiencies, to raise the level of service, to recoup more than the actual cost of system improvements, or to fund overhead). Other revenues such as utility rate revenues, property taxes, sales tax revenues, grants, or loans can be used to fund these types of expenditures, as described below.

UTILITY RATE REVENUES

Utility rate revenues serve as the primary funding mechanism within enterprise funds. Rates are established to ensure appropriate coverage of all operations and maintenance expenses, debt service coverage, and capital project needs. Impact fee revenues are generally considered non-operating revenues and help offset future capital costs.

PROPERTY TAX REVENUES

Property tax revenues are not specifically identified in this analysis as a funding source for growth-related capital projects, but inter-fund loans can be made from the general fund which would ultimately include some property tax revenues. Inter-fund loans would be repaid once sufficient impact fee revenues have been collected. The City does not currently assess interest on money borrowed from the general fund; however, the City may adopt a policy to do so.

GRANTS, DONATIONS AND DEVELOPER CONTRIBUTIONS

Grants, donations or developer contributions are not currently contemplated in this IFFP. However, the impact fees should be adjusted if grant monies are received. New development may be entitled to a reimbursement for any grants or donations received by the City for growth related projects, or for developer funded IFFP projects.

IMPACT FEE REVENUES

Impact fees have become an ideal mechanism for funding growth-related infrastructure. Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing level of service. Increases to an existing level of service cannot be funded with impact fee revenues. Analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

DEBT FINANCING

In the event the City has not amassed sufficient impact fees to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of principal and interest.

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the 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 local political subdivision or private entity and the developer agree will reduce the need for a system improvement.¹²

The facilities must be considered system improvements or be dedicated to the public, and offset the need for an improvement identified in the IFFP.

¹² 11-36a-402



EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues such as general fund revenues will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

SECTION 6: CULINARY WATER IMPACT FEE CALCULATION

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are calculated based on many variables centered on proportionality and level of service. The City currently provides culinary water to its residents and businesses. As a result of new growth, the culinary system is in need of expansion to perpetuate the level of service that the City has historically maintained. The Centerville City Culinary Water System Master Plan Update 2010 outlines the recommended capital projects that will maintain the established level of service.

PROPOSED CULINARY WATER IMPACT FEE

PLAN BASED (FEE BASED ON DEFINED CIP)

Impact fees can be calculated based on a defined set of costs specified for future development. The improvements are identified in a capital plan as growth related projects. The total project costs are divided by the total demand units the projects are designed to serve. Under this methodology, it is important to identify the existing level of service and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality share and level of service.

CULINARY WATER IMPACT FEE CALCULATION

The culinary water impact fees proposed in this analysis will be assessed within all areas of the City. The tables below illustrate the appropriate buy-in component, the fee associated with projects occurring in the next six years and the applicable costs related to the conveyance of new water sources. The impact fee calculations also include any debt related expense. The proportionate share analysis determines the proportionate cost assignable to new development based on the proposed capital projects and the estimated ERC demand served by the proposed projects, in this case, the ERCs over the next six years.

TABLE 6.1: CALCULATION OF PROPORTIONATE IMPACT FEE

	TOTAL COST TO CITY	% TO GROWTH	COST TO GROWTH	ERCs SERVED	FEE PER ERC
Excess Capacity (Buy-In Component)					
Storage	\$2,965,747	13.0%	\$385,547	1,046	\$369
Distribution (Total Minus Dev Contributions)	\$7,546,670	11.8%	\$890,507	1,046	\$851
Cost to Future Growth					
Source	\$1,030,000	100.0%	\$1,030,000	1,593	\$646
Outstanding Debt (Interest)	\$979,088	24.5%	\$239,877	1,593	\$151
Other					
Professional Expense	\$10,040	100.0%	\$10,040	1,046	\$10
Total	\$12,531,545		\$2,555,971		\$2,027

COST TO NEW GROWTH CALCULATIONS:

Excess Capacity Storage: Estimated ERCs in the planning horizon are anticipated to be 1,046. Using a level of service of 540 gallons per ERC, approximately 564,840 gallons would be required within the planning horizon. This makes approximately 13 percent of the current storage capacity of 4,330,000. This same 13 percent is applied to the total cost of existing storage improvements to calculate the cost of growth included in the impact fee.

Excess Capacity Distribution: The distribution system is anticipated to serve through buildout or approximately 8,883 ERCs. The ERCs anticipated in the planning horizon (1,046) make up 11.8 percent of the total buildout projection. This percentage is applied to the total cost of existing distribution improvements to calculate the cost of growth included in the impact fee.

Cost to Future Growth Source: 100 percent of the costs for source are considered growth related. However, the future source improvements are anticipated to serve more ERCs than projected within the planning horizon. Future source improvements will serve approximately 1,593 ERCs, thus the total cost to growth is spread over this amount.

Cost to Future Growth Debt: The future cost to growth for source improvements makes up 24.5 percent of the total par amount for the Series 2012 bonds. This same percentage is applied to the interest cost for the Series 2012 bonds and is included in the impact fee.

Other: 100% of the cost to update the IFFP and IFA in the planning horizon (through 2019) is attributed to growth.



A total of \$2.56 million is identified as the necessary buy-in and future capital cost to maintain the level of service for new development activity. The professional expense includes the current cost to update the IFFP and IFA. The costs to growth for the excess capacity, the professional expense, the costs for future projects and outstanding interest are apportioned based on the ERCs anticipated to be served by these facilities. The total fee per ERC is estimated at \$2,027. The impact fee per meter size is illustrated in the Table 6.2.

TABLE 6.2: IMPACT FEE PER METER SIZE

METER SIZE (INCHES)	ERC MULTIPLIER	IMPACT FEE PER METER SIZE	EXISTING IMPACT FEE	% CHANGE
3/4	1.00	\$2,027	\$1,200	69%
1	2.50	\$5,068	\$3,000	69%
1 1/2	6.00	\$12,162	\$7,200	69%
2	10.00	\$20,270	\$12,000	69%
3	22.50	\$45,608	\$27,000	69%
4	62.50	\$126,688	\$75,000	69%

Source: ERC Multipliers provided by Centerville City

NON-STANDARD CULINARY WATER IMPACT FEES

The City reserves the right under the Impact Fees Act¹³ to assess an adjusted fee that more closely matches the true impact that the land use will have upon the City's culinary water system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category. The impact fee for non-standard development would be determined based on the water utilization (in GPM) divided by the average gallons per minute per ERC (0.50), multiplied by the impact fee per ERC, as shown below.

FORMULA FOR NON-STANDARD WATER IMPACT FEES:

$$\text{Estimated Usage (GPM)} / 0.50 \text{ (GPM)} * \$2,027 = \text{Impact Fee}$$

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See Section 5 for further discussion regarding the consideration of revenue sources.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered with six years after each impact fee is paid. Impact fees collected in the next five to six years should be spent only on those projects outlined in the IFFP as growth related costs to maintain the LOS.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. While an inflation component may be included in the impact fee analysis to reflect the future cost of facilities, it is not considered in the cost estimates in this study. However, the City has included the interest cost associated with the 2012 Bond.

¹³ UC 11-36a-402(1)(c)

ORDINANCE NO. 2014-13

AN ORDINANCE ADOPTING A STORM DRAIN IMPACT FEE FACILITIES PLAN AND A STORM DRAIN IMPACT FEE ANALYSIS; ADOPTING AN AMENDED AND UPDATED STORM DRAIN IMPACT FEE; AND ESTABLISHING A SERVICE AREA FOR PURPOSES OF THE STORM DRAIN IMPACT FEES.

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

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a of the Utah Code Annotated, as amended ("*Impact Fees Act*" or "*Act*"), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

WHEREAS, the City has previously enacted and imposed impact fees for storm drain facilities, known and referred to as the Storm Drainage Fees, as more particularly set forth in Section I.F. of the Centerville City Consolidated Fee Schedule; and

WHEREAS, the City desires to update and amend such fees to be referred to hereafter as "Storm Drain Impact Fees" in accordance with applicable provisions of the Impact Fees Act in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner as more particularly provided herein; and

WHEREAS, the City properly noticed its intent to prepare the Storm Drain Impact Fee Facilities Plan and the Storm Drain Impact Fee Analysis as required by law and the City has, through its consultants, completed the Storm Drain Impact Fee Facilities Plan and Impact Fee Analysis in accordance with applicable provisions of the Impact Fees Act, which Storm Drain Impact Fee Facilities Plan and Impact Fee Analysis are more particularly described and adopted herein; and

WHEREAS, the City has provided the required notice and held a public hearing before the City Council regarding the proposed Storm Drain Impact Fees, Storm Drain Impact Fee Facilities Plan and Storm Drain Impact Fee Analysis in accordance with applicable provisions of the Impact Fees Act; and

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

SECTION I ORDINANCE REPEALED

The provisions of Ordinance No. 97-21 specifically adopting and amending Storm Drain Impact Fees are hereby repealed and superceded by the provisions of this Ordinance to the extent they relate to Storm Drain Impact Fees. To the extent any provisions of Title 15, Chapter 8, are in conflict with the provisions of this Ordinance regarding Storm Drain Impact Fees, the provisions of this Ordinance shall govern. This Ordinance may be referred to and cited as the "Storm Drain Impact Fees Ordinance."

SECTION II PURPOSE

This Storm Drain Impact Fees Ordinance establishes the City's Storm Drain Impact Fees policies and procedures and is promulgated pursuant to Title 11, Chapter 36a, Part 4, Enactment of Impact Fees, and other requirements of the Impact Fees Act. This Ordinance amends and adopts Storm Drain Impact Fees for storm drain facilities within the City Service Area as defined herein, provides a schedule of Storm Drain Impact Fees for development activity, and sets forth direction for challenging, modifying and appealing Storm Drain Impact Fees. This Ordinance does not replace, supercede, or modify any ordinance regarding impact fees unrelated to Storm Drain facilities and improvements.

SECTION III DEFINITIONS

Words and phrases that are defined in the Impact Fees Act shall have the same definition in this Storm Drain Impact Fees Ordinance. The following words and phrases are defined as follows:

1. "*City*" means a political subdivision of the State of Utah and is referred to herein as the City of Centerville, Utah.
2. "*Development Activity*" means, except as otherwise provided in the Impact Fees Act, any construction or expansion of a building, structure or use, any change in use of a building or structure, or any changes in the use of land within the Service Area that creates additional demand and need for public facilities related to storm drainage.
3. "*Development Approval*" means any written authorization from the City that authorizes the commencement of development activity.
4. "*Impact Fee*" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. "Impact fee" does not include a tax, special assessment, building permit fee, hookup fee, fee for project improvements, or other reasonable permit or application fee.

5. “*Impact Fee Analysis*” means the written analysis of each impact fee required by Section 11-36a-303 of the Impact Fees Act.

6. “*Impact Fee Facilities Plan*” means the plan required by Section 11-36a-301 of the Impact Fees Act.

7. “*Project Improvements*” means site improvements and facilities that are: planned and designed to provide service for development resulting from a Development Activity; necessary for the use and convenience of the occupants or users of development resulting from a Development Activity; and not identified or reimbursed as a system improvement. “Project Improvements” does not mean system improvements as more particularly defined herein.

8. “*Proportionate Share*” means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any Development Activity.

9. “*Public Facilities*” means impact fee facilities as defined in the Impact Fees Act that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity. For purposes of this Ordinance, and as defined in the Impact Fees Act, impact fee facilities include “storm water, drainage, and flood control facilities” of the City for the Service Area.

10. “*Service Area*” means a geographic area designated by the City on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area. The Service Area for purposes of this Ordinance is more particularly described in Section V.

11. “*System Improvements*” means existing public facilities that are: identified in the impact fee analysis under Section 11-36a-304 of the Impact Fees Act; and designed to provide services to service areas within the community at large and future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide service to service areas within the community at large. “System improvements” do not include project improvements as defined herein.

SECTION IV STATUTORY AUTHORITY AND RESTRICTIONS

1. *Impact Fees Act Authority.* The City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Impact Fees Act. An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fees may only be established for public facilities as defined in Section 11-36a-102 that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision. Public facilities for which impact fees may be imposed include public facilities for storm water, drainage, and flood control facilities.

2. *Impact Fees Act Restrictions.* Pursuant to Section 11-36a-202 of the Impact Fees Act, the City may not impose an impact fee to: (1) cure deficiencies in public facilities serving existing development; (2) raise the established level of service of a public facility serving existing development; (3) recoup more than the local political subdivision's costs actually incurred for excess capacity in an existing system improvement; or (4) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement.

SECTION V SERVICE AREA

The Impact Fees Act requires the City to establish one or more service areas within which the City will calculate and impose a particular impact fee. The service area within which the proposed Storm Drain Impact Fees will be imposed includes all of the area within the corporate limits and jurisdictional boundaries of the City. The Service Area is more particularly described and set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

SECTION VI IMPACT FEE FACILITIES PLAN

1. *Impact Fee Facilities Plan Required.* Pursuant to Section 11-36a-301 of the Impact Fees Act, before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity. The impact fee facilities plan shall identify the demands placed upon existing public facilities by new development activity and the proposed means by which the City will meet those demands.

2. *Storm Drain Impact Fee Facilities Plan.* The City has, through its consultants, researched and analyzed the factors set forth in Section 11-36a-302 of the Impact Fees Act and has caused to be prepared a Storm Drain Impact Fee Facilities Plan ("IFFP"), as more particularly set forth in **Exhibit B**, attached hereto and incorporated herein by this reference. The Storm Drain IFFP has been prepared based on reasonable growth assumptions for the City and general demand characteristics of current and future users of storm drain facilities. The Storm Drain IFFP identifies the impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity. As shown in the Storm Drain IFFP, the City has considered all revenue sources to finance the impacts on system improvements, including grants, bonds, interfund loans, impact fees, and anticipated or accepted dedications of system improvements. The Storm Drain IFFP establishes that impact fees are necessary to maintain a proposed level of service that complies with applicable provisions of Section 11-36a-302 of the Impact Fees Act.

3. *Plan Certification.* The Storm Drain IFFP includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the plan certifying that the Storm Drain IFFP complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Storm Drain IFFP and Storm Drain IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Storm Drain IFFP and Storm Drain IFA, together with the summary, and this Ordinance, in the Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing.

5. *Adoption of Storm Drain Impact Fee Facilities Plan.* The Storm Drain IFFP as set forth in **Exhibit B**, is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VII IMPACT FEE ANALYSIS

1. *Impact Fee Analysis Required.* Pursuant to Section 11-36a-303 of the Impact Fees Act, each local political subdivision intending to impose an impact fee shall prepare a written analysis of each impact fee to be imposed and a summary of the impact fee analysis designed to be understood by a lay person. The impact fee analysis shall identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity; identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility; demonstrate how the anticipated impacts are reasonably related to the anticipated development activity; estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity; and identify how the impact fee is calculated.

2. *Storm Drain Impact Fee Analysis.* The City has, through its consultants, researched and analyzed the factors set forth in Section 11-36a-304 of the Impact Fees Act, including the proportionate share analysis required therein, and has caused to be prepared a Storm Drain Impact Fee Analysis ("IFA"), as more particularly set forth in **Exhibit B**, attached hereto and incorporated herein by this reference. The Storm Drain IFA identifies the impacts upon public facilities required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity, and identify how the Storm Drain Impact Fees are calculated.

3. *Analysis Certification.* The Storm Drain IFA includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the analysis certifying that the Storm Drain IFA complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Storm Drain IFFP and Storm Drain IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Storm Drain IFFP and Storm Drain IFA, together with the summary, and this Ordinance, in Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing.

5. *Adoption of Storm Drain Impact Fee Analysis.* The Storm Drain IFA as set forth in **Exhibit B**, is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VIII CALCULATION OF IMPACT FEES

1. *Impact Fee Calculations.* Pursuant to Section 11-36a-305, in calculating an impact fee, the City may include: the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements. In calculating the proposed Storm Drain Impact Fees, the City has based such amounts calculated on realistic estimates and the assumptions underlying such estimates are more particularly disclosed in the Storm Drain IFA set forth in **Exhibit B**.

2. *Previously Incurred Costs.* To the extent that new growth and development will be served by previously constructed improvements, the City's Storm Drain Impact Fees may include public facility costs and outstanding bond costs related to the Storm Drain improvements previously incurred by the City. However, as provided in the Storm Drain IFA, a buy-in component is not contemplated in the analysis and therefore the interest costs associated with any outstanding storm bond obligations have not been included in the calculation of the Storm Drain Impact Fee.

SECTION IX IMPACT FEE SCHEDULE AND FORMULA

1. *Impact Fee Schedule or Formula Required.* Pursuant to Section 11-36a-402 of the Impact Fees Act, the City is required to provide a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the City will use to calculate each impact fee.

2. *Maximum Storm Drain Impact Fee Schedule.* Based on the Storm Drain IFA, the maximum Storm Drain Impact Fees which the City may impose on development activity within the defined Service Area for storm drain facilities is set forth in the following schedule:

Maximum Storm Drain Impact Fee Schedule

TABLE 1.2: IMPACT FEE CHANGE

IMPACT FEE SUMMARY	IMPACT FEE	EXISTING	CHANGE
Residential	\$3,911	\$2,000.00	96%
Commercial	\$3,911	\$4,000.00	-2%

3. *Rates Established by Resolution.* The City Council, by this Ordinance, approves the maximum Storm Drain Impact Fees in accordance with the Storm Drain IFA set forth in **Exhibit B**. The City reserves the right to establish the Storm Drain Impact Fees as established in this Ordinance by Rate Resolution or Resolution amending the Consolidated Fee Schedule. In no event will the Storm Drain Impact Fees established by Resolution exceed the maximum supportable Storm Drain Impact Fee Schedule as set forth herein.

SECTION X ADJUSTMENTS AND CREDITS

1. *Adjustments.* In accordance with Section 11-36a-402 of the Impact Fees Act, the City may adjust the Storm Drain Impact Fees at the time the fee is charged to respond to unusual circumstances in specific cases, to address development activity by the State or school district, or to ensure that impact fees are imposed fairly. The Storm Drain Impact Fees may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The Storm Drain Impact Fees assessed to a particular development may also be adjusted should the developer supply sufficient written information, studies and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

2. *Developer Credits.* In accordance with Section 11-36a-402 of the Impact Fees Act, a developer may be allowed a credit against Storm Drain Impact Fees or proportionate reimbursement of Storm Drain Impact Fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement; or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; *provided that* the system improvement is: (i) identified in the City's Storm Drain IFFP; and (ii)

is required by the City as a condition of approving the development activity. To the extent required in Section 11-36a-402, the City shall provide a credit against Storm Drain Impact Fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, as defined herein and included in the Storm Drain IFFP; or are dedicated to the public and offset the need for an identified system improvement.

3. *Waiver for "Public Purpose".* The City Council may, on a project by project basis, authorize exceptions or adjustments to the Storm Drain Impact Fees for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include affordable housing and other development activities with broad public purposes. The City Council may elect to waive or adjust Storm Drain Impact Fees for such projects. Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

SECTION XI NOTICE AND HEARING

1. *Notice.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Storm Drain IFFP and Storm Drain IFA, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Storm Drain IFFP and Storm Drain IFA, together with the summary, and this Ordinance, in Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing. Notice has also been provided in accordance with applicable provisions of *Utah Code Ann.* § 10-9a-205.

2. *Hearing.* The City Council held a public hearing regarding the Storm Drain IFFP, the Storm Drain IFA, and this Storm Drain Impact Fee Ordinance, on July 1, 2014, and a copy of the Ordinance was available in its substantially final form at the Centerville Branch of the Davis County Public Library and the City Recorder's Office in the Centerville City Hall at least ten (10) days before the date of the hearing, all in conformity with the requirements of *Utah Code Ann.* § 10-9a-205 and applicable noticing provisions of the Impact Fees Act.

SECTION XII IMPACT FEE ACCOUNTING AND EXPENDITURES

1. *Impact Fees Accounting.* Pursuant to Section 11-36a-601 of the Impact Fees Act, the City will establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected, deposit a receipt for an impact fee in the appropriate ledger account established herein, and retain the interest earned on each fund or ledger account in the fund or ledger account.

2. *Reporting.* At the end of each fiscal year, the City shall prepare a report on each fund or ledger account showing the source and expenditures as required by law. Annually, the City shall produce and transmit to the State Auditor a certified report in accordance with Section 11-36a-601 in a format developed by the State Auditor.

3. *Impact Fee Expenditures.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may expend Storm Drain Impact Fees only for a system improvement: (i) identified in the Storm Drain IFFP; and (ii) for the specific public facility type for which the fee was collected. Impact fees will be expended on a First-In First-Out basis.

4. *Time of Expenditure.* Except as otherwise provided by law, the City shall expend or encumber Storm Drain Impact Fees for a permissible use within six (6) years of their receipt. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

5. *Extension of Time.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may hold the impact fees for longer than six (6) years if it identifies in writing: (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

6. *Refunds.* Pursuant to Section 11-36a-603 of the Impact Fees Act, the City shall refund any Storm Drain Impact Fees paid by a developer, plus interest earned, when: (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

7. *Other Impact Fees.* To the extent allowed by law, the City Council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

8. *Additional Fees and Costs.* The Storm Drain Impact Fees authorized herein are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Storm Drain Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

9. *Fees Effective at Time of Payment.* Unless otherwise provided in the City's Consolidated Fee Schedule, the City will collect the Storm Drain Impact Fees prior to final plat recording or prior to building permit issuance, as applicable. The fees will be calculated by the

City. Unless the City is otherwise bound by a contractual requirement, the Storm Drain Impact Fees shall be determined from the fee schedule in effect at the time of payment.

10. *Imposition of Additional Fee or Refund after Development.* Should any developer undertake development activities such that the ultimate acreage or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Storm Drain Impact Fee is not initially charged against all acreage within the development, the City shall be entitled to charge an additional Storm Drain Impact Fee to the developer or other appropriate person covering the acreage for which an impact fee was not previously paid.

SECTION XIII

CHALLENGES TO IMPACT FEES

1. *Request for Information.* Pursuant to Section 11-36a-701, a person or entity required to pay a Storm Drain Impact Fee who believes the the impact fee does not meet the requirements of law may file a written request for information with the City Manager. As required by law, the City Manager shall, within two (2) weeks after the receipt of the request for information provide the person or entity with the Storm Drain IFPP, the Storm Drain IFA, and any other relevant information relating to the Storm Drain Impact Fee.

2. *Advisory Opinion.* A potentially aggrieved person may request an advisory opinion from a neutral third party regarding compliance of the Storm Drain Impact Fees with the Impact Fees Act by filing such request with the Office of the Property Rights Ombudsman in accordance with the procedures and provisions of Title 13, Chapter 43, known as the Property Rights Ombudsman Act. The aggrieved party requesting an advisory opinion is not required to exhaust the administrative appeals procedures set forth in Subsection 4 before requesting an advisory opinion.

3. *Appeal.* A person or entity that has paid Storm Drain Impact Fees under the provisions of this Ordinance may challenge such impact fees pursuant to the provisions set forth in Title 11, Chapter 36a, Part 7 of the Impact Fees Act regarding Challenges.

a. *Grounds for Challenge.* Pursuant to Section 11-36a-701, a person or entity that has paid Storm Drain Impact Fees under the provisions of this Ordinance may challenge: (1) the impact fees; (2) whether the City complied with the notice requirements of the Impact Fees Act with respect to the imposition of the impact fees; and/or (3) whether the City complied with other procedural requirements of the Impact Fees Act for imposing the impact fee.

b. *Sole Remedy.* The sole remedy for challenging the notice requirements is the equitable remedy of requiring the City to correct the defective notice and repeat the process. The sole remedy for challenging the impact fee is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee

should have been if it had been correctly calculated. Reasonable attorneys fees may be awarded to the substantially prevailing party to the extent provided in the Impact Fees Act.

c. *Initiation.* A challenge to an impact fee is initiated by filing:

- i. An appeal to the City Council pursuant to the administrative appeal procedures set forth herein;
- ii. A request for arbitration as provided in Section 11-36a-705 of the Impact Fees Act; or
- iii. An action in district court.

d. *Time Restrictions.* The time for filing a challenge to the impact fees shall be filed in accordance with the time limitations set forth in Section 11-36a-702, depending upon the type of challenge. The deadline to file an action in district court is tolled from the date that a challenge is filed using the administrative procedures set forth in Subsection 4 until thirty (30) days on which a final decision is rendered in the administrative appeals procedure.

4. *Administrative Appeal Procedure.* The City hereby adopts an administrative appeal procedure to consider and decide challenges to the Storm Drain Impact Fees. Any person or entity that has paid a Storm Drain Impact Fee pursuant to this Ordinance may challenge or appeal the impact fee by filing written notice of administrative appeal with the City Manager within thirty (30) days after the day on which the person or entity paid the impact fee. The notice of appeal shall set forth the grounds for the appeal and shall include any applicable filing fees as set forth in the City's Consolidated Fee Schedule. Upon receiving the written notice of appeal, the City Council shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee. The City Council shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

5. *Mediation.* In addition to the methods of challenging an impact fee as provided herein, a specified public agency may require the City to participate in mediation of any applicable impact fee in accordance with the provisions of Section 11-36a-704 of the Impact Fees Act. A written request for mediation must be filed in accordance with Section 11-36a-704 no later than thirty (30) days after the day on which the impact fee is paid.

6. *Declaratory Judgment Action.* Pursuant to Section 11-36a-701, a person or entity residing in or owning property within the Service Area, or an organization, association, or a corporation representing the interests of persons or entities owning property within the Service Area, are deemed to have standing to file a declaratory judgment action challenging the validity of an impact fee.

**SECTION XIV
MISCELLANEOUS**

1. *Severability.* If any section, subsection, paragraph, clause or phrase of this Storm Drain Impact Fee Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Storm Drain Impact Fee Ordinance are declared to be severable.

2. *Interpretation.* This Storm Drain Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Ordinance shall not be affected by such division or by any heading contained herein.

3. *Other Impact Fees Not Repealed.* Except as otherwise specifically provided herein, this Storm Drain Impact Fee Ordinance shall not repeal, modify or affect any impact fee of the City in existence as of the effective date of this Ordinance.

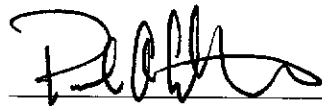
**SECTION XV
EFFECTIVE DATE**

In accordance with the provisions of *Utah Code Ann.* § 11-36a-401, this ordinance and the impact fees adopted herein or pursuant hereto shall not take effect until ninety (90) days after the day on which the ordinance is approved.

[Signature Page to Follow]

PASSED AND APPROVED this 1st day of July, 2014.

CENTERVILLE CITY COUNCIL

By: 
Mayor Paul A. Cutler

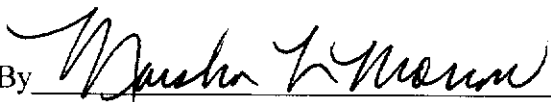
[SEAL]



VOTING:

Council Member Averett	Yea	☒	Nay	☐
Council Member Fillmore	Yea	☒	Nay	☐
Council Member Higginson	Yea	☒	Nay	☐
Council Member Ivie	Yea	☒	Nay	☐
Council Member Wright	Yea	☒	Nay	☐

ATTEST:

By 
Marsha L. Morrow, City Recorder

DEPOSITED in the office of the City Recorder this 3 day of July, 2014.

RECORDED this 3 day of July, 2014.

EXHIBIT A

STORM DRAIN IMPACT FEE SERVICE AREA



Date: 6/17/2014



Centerville City Storm Drain Impact Fee Service Area

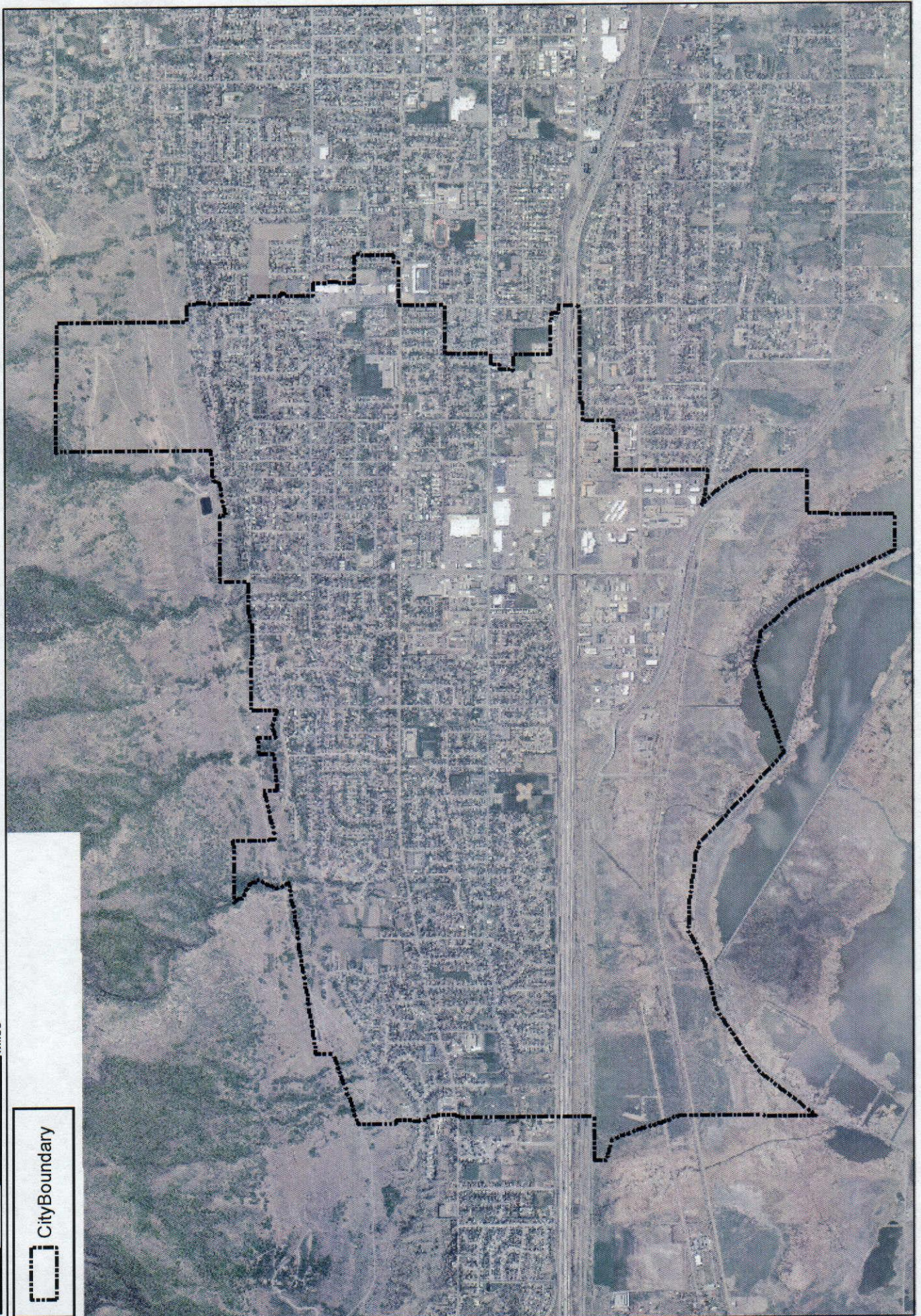


EXHIBIT B

STORM DRAIN IMPACT FEE FACILITIES PLAN AND STORM DRAIN IMPACT FEE ANALYSIS

STORM DRAIN IMPACT FEE FACILITIES PLAN (IFFP) AND IMPACT FEE ANALYSIS (IFA)

CENTERVILLE CITY



JUNE 2014



LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

GATEWAY PLAZA BUILDING • 41 N. RIO GRANDE, STE 101 • SALT LAKE CITY, UT 84101
(P) 801 596-0700 • (TF) 800 581-1100 • (F) 801 596-2800 • www.LewisYoung.com

TABLE OF CONTENTS

IMPACT FEE CERTIFICATION	3
SECTION 1: EXECUTIVE SUMMARY.....	4
SECTION 2: GENERAL IMPACT FEE METHODOLOGY	6
SECTION 3: OVERVIEW OF SERVICE AREA, DEMAND, AND LOS.....	8
SERVICE AREAS	8
DEMAND UNITS.....	8
LEVEL OF SERVICE STANDARDS.....	8
SECTION 4: EXISTING FACILITIES INVENTORY	9
EXCESS CAPACITY	9
SECTION 5: CAPITAL FACILITY ANALYSIS	10
SYSTEM VS. PROJECT IMPROVEMENTS.....	11
FUNDING OF FUTURE FACILITIES	11
PROPOSED CREDITS OWED TO DEVELOPMENT	12
EQUITY OF IMPACT FEES.....	12
NECESSITY OF IMPACT FEES.....	12
SECTION 6: STORM DRAIN IMPACT FEE CALCULATION.....	13
PROPOSED STORM DRAIN IMPACT FEE	13
CONSIDERATION OF ALL REVENUE SOURCES.....	14
EXPENDITURE OF IMPACT FEES	14
GROWTH-DRIVEN EXTRAORDINARY COSTS	14
SUMMARY OF TIME PRICE DIFFERENTIAL	14

IMPACT FEE CERTIFICATION

IFFP CERTIFICATION

Lewis Young Robertson & Burningham, Inc. and Centerville City jointly certify that the Impact Fee Facilities Plan ("IFFP") prepared for storm drain services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. complies in each and every relevant respect with the Impact Fees Act.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.
CENTERVILLE CITY

IFA CERTIFICATION

Lewis Young Robertson & Burningham, Inc. certifies that the Impact Fee Analysis ("IFA") prepared for storm drain services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 - d. offsets costs with grants or other alternate sources of payment; and
3. complies in each and every relevant respect with the Impact Fees Act.

Lewis Young Robertson & Burningham, Inc. makes this certification with the following caveats:

1. All of the recommendations for implementation of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

SECTION I: EXECUTIVE SUMMARY

The purpose of the Storm Drain Impact Fee Facilities Plan ("IFFP"), with supporting Impact Fee Analysis ("IFA"), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act," and help Centerville City (the "City") plan necessary capital improvements for future growth. This document will address the future storm drain infrastructure needed to serve the City through the next six to ten years, as well as the appropriate impact fees the City may charge to new growth to maintain the level of service ("LOS"). The **Centerville City Drainage Master Plan Update 2014**, along with information from the City, provides the information utilized in the analysis for the purposes of calculating impact fees.

- ☐ **Impact Fee Service Area:** The service area for storm drain impact fees includes all areas within the City. This document identifies capital projects that will help to maintain the same level of service enjoyed by existing residents into the future.
- ☐ **Demand Analysis:** The demand unit utilized in this analysis is acres of residential and commercial land. As residential and commercial growth occurs within the City, it generates an impact on the storm drain system. The storm drain capital improvements identified in this study are based on maintaining the current level of service.
- ☐ **Level of Service:** The existing and proposed level of service for the City's storm system is based on a 10 year storm event, while the County Drainage Systems (stream channels) are designed to handle the 100 year storm event. This is the basic level of service that is being provided to the residents at this time.¹
- ☐ **Excess Capacity:** While the storm drain system may have excess in individual lines, it was determined that system-wide excess capacity is minimal or too difficult to evaluate. As a result, the City has chosen to exclude a buy-in portion within the calculation of the impact fee.
- ☐ **Capital Facilities Analysis:** Due to the projected growth within the City, approximately \$3,684,000 of future storm drain improvements will be needed in the next ten years. Approximately \$797,210 is attributed to growth.
- ☐ **Outstanding Debt:** Since a buy-in component is not contemplated in this analysis, the interest cost associated with any outstanding storm bond obligations has not been included in the calculation of the impact fee.
- ☐ **Funding of Future Facilities:** This analysis assumes future growth related facilities will be funded through a combination of utility revenues and impact fee revenues.

PROPOSED STORM DRAIN IMPACT FEE

The storm drain impact fees proposed in this analysis will be assessed within all areas of the City. The tables below illustrate the appropriate fee associated with storm drain projects occurring within the next ten years.

TABLE I.1: IMPACT FEE PER ACRE

STORM DRAIN PROPORTIONATE SHARE ANALYSIS	GROWTH RELATED COSTS	% TO IFFP	COST TO IFFP	UNDEVELOPED ACRES	FEE PER ACRE
Buy-In Component	-	-	-	208	-
Future Storm Drain Projects	\$797,210	100%	\$797,210	208	\$3,833
Proposed Financing Costs	-	100%	-	208	-
Professional Expenses	\$16,200	100%	\$16,200	208	\$78
(Less Impact Fee Fund Balance)	-	100%	-	208	-
Total	\$813,410		\$813,410		\$3,911

¹ Storm Drain Master Plan Update 2014, Executive Summary, page 2

TABLE 1.2: IMPACT FEE CHANGE

IMPACT FEE SUMMARY	IMPACT FEE	EXISTING	CHANGE
Residential	\$3,911	\$2,000.00	96%
Commercial	\$3,911	\$4,000.00	-2%

NON-STANDARD STORM DRAIN 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.² 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.

NOTICE
DRAFT

² 11-36a-402(1)(c)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE
METHODOLOGY

DEMAND ANALYSIS

LOS ANALYSIS

EXISTING FACILITIES
ANALYSIS

FUTURE FACILITIES
ANALYSIS

FINANCING STRATEGY

PROPORTIONATE SHARE
ANALYSIS

The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP is designed to identify the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which are intended to be funded by impact fees. The IFA is designed to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. Each component must consider the historic level of service provided to existing development and ensure that impact fees are not used to raise that level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact system facilities.

LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing "Level of Service" ("LOS"). Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the level of service which is provided to a community's existing residents and ensures that future facilities maintain these standards. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible the Impact Fee Facilities Plan provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the level of service. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.³ In conjunction with this revenue analysis, there must be a determination that impact

³ 11-36a-302(2)

fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁴

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future (UCA 11-36a-302).

NOTICE
DRAFT

⁴ 11-36a-302(3)

SECTION 3: OVERVIEW OF SERVICE AREA, DEMAND, AND LOS

SERVICE AREAS

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁵ The impact fees identified in this document will be assessed to a single, city-wide service area. It is anticipated that the growth projected over the next six to ten years and through build-out, will impact the City's existing services. Storm Drain infrastructure will need to be expanded in order to maintain the existing level of service. Impact fees have become an ideal mechanism for funding growth-related infrastructure. This analysis is designed to accurately assess the true impact of a particular user upon the City's infrastructure and prevent existing users from subsidizing new growth. This analysis also ensures that new growth isn't paying for existing system deficiencies.

DEMAND UNITS

As shown in Table 3.1, the total amount of undeveloped acres in the City equals 625 acres. Of these undeveloped acres, approximately 208 acres will be served by the proposed IFFP projects completed within the next ten years.

TABLE 3.1: CITY-WIDE GROWTH PROJECTIONS

	ACRES
Acres Developed	1,543
Acres Undeveloped	625
Acres Developed in IFFP Horizon	208
Source: Centerville City	

LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the level of service to current or future users of capital improvements. Therefore, it is important to identify the storm drain level of service to ensure that the new capacities of projects financed through impact fees do not

exceed the established standard. The Storm Drain Master Plan states the following regarding the existing and proposed level of service:

"In general, City Drainage systems are designed to handle the 10 year storm event, while the County Drainage Systems (stream channels) are designed to handle the 100 year storm event. This is the basic level of service that is being provided to the residents at this time. While there are still some areas of the City that are located within the 100 year flood plain, most of the flood plains are limited to undeveloped areas in the City."⁶

⁵ UC 11-35a-402(1)(a)

⁶ Storm Drain Master Plan Update 2014, Executive Summary, page 2

SECTION 4: EXISTING FACILITIES INVENTORY

EXCESS CAPACITY

The intent of the equity buy-in component is to recover the costs of the unused capacity in existing infrastructure from new development. While the storm drain system may have excess capacity in individual lines, it was determined that system-wide excess capacity is minimal or too difficult to evaluate. As a result, the City has chosen to exclude a buy-in portion within the calculation of the impact fee.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City has funded its existing capital infrastructure through a combination of different revenue sources, including general utility fund revenues, the issuance of debt, and revenues received from other governmental agencies. This analysis has removed all funding that has come from federal grants and donations from non-resident citizens to ensure that none of those infrastructure items are included in the level of service.

The City has one piece of outstanding debt related to the system's capacity: the 2012 Water Revenue and Refunding Bonds, of which approximately \$945,000 is related to Storm Drain infrastructure. The Series 2012 bonds refunded the 2002A Water Revenue Bonds and the 2003 Water Revenue Bonds. A portion of these bonds were originally used to fund the existing storm drain system. However, since a buy-in component is not contemplated in this analysis, the interest cost associated with these bonds has not been included in the calculation of the impact fee.

NOTICE
DRAFT

SECTION 5: CAPITAL FACILITY ANALYSIS

The estimated costs attributed to new growth were analyzed based on existing development versus future development patterns. From this analysis, a portion of future development costs were attributed to new growth and included in this impact fee analysis as shown in Table 5.1. Capital projects related to curing existing deficiencies were not included in the calculation of the impact fees. The costs of projects related to curing existing deficiencies cannot be funded through impact fees.

Total future project costs equate to \$3,684,000, as shown in the table below. Approximately \$797,210 is related to new growth.

TABLE 5.1: ILLUSTRATION OF CAPITAL IMPROVEMENTS SCHEDULED TO BE COMPLETED IN THE NEXT 10 YEARS

#	DESCRIPTION	TOTAL	CITY	COUNTY	UDOT	DEVELOPER	GROWTH
1	Legacy Trail and Sheep Rd at 1000 N. - new 72 x 44" culvert "	67,000	33,500	33,500	-	-	-
2	Lund Lane - new 36 culvert at UTA / UPRR "	225,000	75,000	-	-	150,000	-
3	400 East - 850 South to 700 South	82,000	82,000	-	-	-	-
4	Nola Drive - 1200 North to 1350 North	126,000	126,000	-	-	-	-
5	Main Street - 100 North to 50 South - Replace old 15 to 18" CMP "	152,000	38,000	-	114,000	-	-
6	Main Street - Pheasant Drive to Chase Lane including crossing at Pheasant Drive - Replace old CMP	253,000	63,250	-	189,750	-	-
7	Main Street - 1075 North (J.P. Stewart south property line) - replace 24 CMP w/ 36" RCP "	69,000	17,250	-	51,750	-	-
8	Main Street crossing at Rigby property -replace 24 CMP w/ 24" RCP also includes new 18" system running east "	224,000	53,760	-	53,760	-	116,480
9	Main Street crossing at 1700 North (Jennings Lane) - replace 24 CMP w/ 24" RCP also includes new 18" system running east "	185,000	44,400	-	44,400	-	96,200
10	Main Street - 725 South (Centerville Jr.High south property line) - replace 24 CMP "	49,000	12,250	-	36,750	-	-
11	Frontage Rd - 100 South (Kohl's south property line) - replace 24 CMP w/ 36" RCP "	51,000	43,860	-	-	-	7,140
12	Frontage Rd - 400 North (Parrish Lane) -replace 36 CMP "	175,000	175,000	-	-	-	-
13	Frontage Rd - 625 North (McDonald's North PL) - replace 24 CMP "	40,000	40,000	-	-	-	-
14	Frontage Rd - 750 North (Creekview) - replace 24 CMP "	41,000	41,000	-	-	-	-
15	Frontage Rd - 1000 North (Barnard and Parrish Overflow) - new 48 culvert "	100,000	41,500	41,500	-	-	17,000
16	Frontage Rd - 1300 N. (Community Park) -replace 42 CMP "	70,000	70,000	-	-	-	-
17	Frontage Rd - 1375 N. (North PL Community Park) replace 2 - 24 possibly with one new 36" culvert at new grade "	60,000	60,000	-	-	-	-
18	Frontage Rd - 1875 N. (Villa de France) -replace 24 CMP - new 36" culvert "	65,000	65,000	-	-	-	-
19	Frontage Rd - 2050 N. (Lexington) - replace 24 CMP "	45,000	21,600	-	-	-	23,400
20	Frontage Rd - 2150 N. (Millet) - replace 24 CMP w/ 24" RCP "	49,000	23,520	-	-	-	25,480
21	Frontage Rd - 2175 N. - replace 24 CMP w/ 24" RCP "	51,000	24,480	-	-	-	26,520
22	Frontage Rd - Air Products & Tri-City -replace 2 - 24 CMP w/ 2 - 24" RCP "	75,000	36,000	-	-	-	39,000
23	UDOT Maintenance Shed - Barnard Creek -1250 West to Legacy Trail - replace 24 CMP w/ 36" RCP "	160,000	80,000	40,000	40,000	-	-
24	Home Depot Storm drain, drainage ditch and Detention Basin cleaning	250,000	250,000	-	-	-	-
25	I - 15 - Lund Lane - replace 24 CMP w/ 36" RCP "	367,000	130,285	-	130,285	-	106,430
26	I - 15 / UTA / UPRR - Air Products & Tri-City - replace 2 - 24 CMP w/ 2 - 24" RCP "	653,000	156,720	-	156,720	-	339,560
Totals		\$3,684,000	\$1,804,375	\$115,000	\$817,415	\$150,000	\$797,210

The City has determined the projects included in this Impact Fee Facilities Plan using capital project and engineering data, planning analysis and other information. The City has provided all future capital project data including project descriptions and estimated project costs. The accuracy and correctness of this plan is contingent upon the accuracy of the data and assumptions. Any deviations or changes in the assumptions due to changes in the economy or other relevant information used by the City for this study may cause this plan to be inaccurate and require modifications.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to service areas within the community at large.⁷ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.⁸ To the extent possible, this analysis only includes the costs of system improvements related to new growth within the proportionate share analysis.

FUNDING OF FUTURE FACILITIES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.⁹ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.¹⁰

In considering the funding of future facilities, the City has determined the portion of future projects that will be funded by impact fees as growth-related, system improvements. Revenues from other government agencies (i.e. Davis County and UDOT) have been identified to help offset future capital costs. If these revenues are not available in the future, the impact fee analysis should be revised.

Other revenues such as utility rate revenues, property taxes, sales tax revenues, grants, or loans can be used to fund these types of expenditures, as described below.

Utility Rate Revenues: Utility rate revenues serve as the primary funding mechanism within enterprise funds. Rates are established to ensure appropriate coverage of all operations and maintenance expenses, debt service coverage, and capital project needs. Impact fee revenues are generally considered non-operating revenues and help offset future capital costs.

Property Tax Revenues: Property tax revenues are not specifically identified in this analysis as a funding source for growth-related capital projects, but inter-fund loans can be made from the general fund which would ultimately include some property tax revenues. Inter-fund loans would be repaid once sufficient impact fee revenues have been collected. The City does not currently assess interest on money borrowed from the general fund; however, the City may adopt a policy to do so.

Grants, Donations and Other Contributions: Grants and donations are not expected as a future funding source. The impact fees should be adjusted if grant monies are received. New development may be entitled to a reimbursement for any grants or donations received by the City for growth related projects, or for developer funded IFFP projects. It is anticipated that future project improvements will be funded by the developer. These costs have been removed from the calculation of the impact fee.

Debt Financing: In the event the City has not amassed sufficient impact fees to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be included in the impact fee. This allows the City to finance and quickly construct

⁷ 11-36a-102(21)

⁸ 11-36a-102(14)

⁹ 11-36a-302(2)

¹⁰ 11-36a-302(3)

infrastructure for new development and reimburse itself later from impact fee revenues for the costs of principal and interest. However, financing costs are not included in this analysis as a means to fund future projects.

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the 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 local political subdivision or private entity and the developer agree will reduce the need for a system improvement.¹¹

The facilities must be considered system improvements or be dedicated to the public, and offset the need for an improvement identified in the IFFP.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues such as general fund revenues will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

¹¹ 11-36a-402(2)

SECTION 6: STORM DRAIN IMPACT FEE CALCULATION

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are calculated based on many variables centered on proportionality and level of service. The City currently provides storm drain services to its residents and businesses. As a result of new growth, the storm drain system is in need of expansion to perpetuate the level of service that the City has historically maintained. The Centerville City Drainage Master Plan Update 2014, along with information from the City, provides the information utilized in the analysis for the purposes of calculating impact fees.

PROPOSED STORM DRAIN IMPACT FEE PLAN BASED (FEE BASED ON DEFINED CIP)

Impact fees can be calculated based on a defined set of costs specified for future development. The improvements are identified in a capital plan as growth related projects. The total project costs are divided by the total demand units the projects are designed to serve. Under this methodology, it is important to identify the existing level of service and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality share and level of service.

STORM DRAIN IMPACT FEE CALCULATION

The storm drain impact fees proposed in this analysis will be assessed within all areas of the City. The tables below illustrate the appropriate fee associated with storm drain projects occurring within the next ten years. The proportionate share analysis determines the proportionate cost assignable to new development based on the proposed capital projects and the acres served by the proposed projects.

TABLE 6.1: IMPACT FEE PER ACRE

STORM DRAIN PROPORTIONATE SHARE ANALYSIS	GROWTH RELATED COSTS	% TO IFFP	COST TO IFFP	UNDEVELOPED ACRES	FEE PER ACRE
Buy-In Component	-	-	-	208	-
Future Storm Drain Projects	\$797,210	100%	\$797,210	208	\$3,833
Proposed Financing Costs	-	100%	-	208	-
Professional Expenses	\$16,200	100%	\$16,200	208	\$78
(Less Impact Fee Fund Balance)	-	100%	-	208	-
Total	\$813,410		\$813,410		\$3,911

Table Notes:

Buy-In Component: System-wide excess capacity is minimal or to difficult to evaluate. Thus, a buy-in component is not included in this analysis.

Future Storm Drain Projects: Total future project costs equate to \$3,654,000 in the planning horizon, of which \$797,210 is related to new growth.

Proposed Financing Costs: Financing will not be used to fund future projects. Thus the cost associated with this option is not included in the analysis.

Professional Expense: Professional expenses include planning related costs and the cost to complete the impact fee analysis.

Impact Fee Fund Balance: According to the City, there is no impact fee fund balance available to offset the cost of future growth related projects.

A total of \$797,210 is identified as the future growth related capital cost to maintain the level of service for new development activity. The professional expense includes the current cost to update the IFFP and IFA. The professional expense and the costs for future projects are apportioned based on the acres anticipated to be served by these facilities. The total fee per acre is estimated at **\$3,911**.

TABLE 6.2: IMPACT FEE CHANGE

IMPACT FEE CONVERSION	IMPACT FEE	EXISTING	CHANGE
Residential	\$3,911	\$2,000.00	96%
Commercial	\$3,911	\$4,000.00	-2%

NON-STANDARD STORM DRAIN IMPACT FEES

The City reserves the right under the Impact Fees Act¹² to assess an adjusted fee that more closely matches the true impact that the land use will have upon the City's storm drain system. This adjustment could result in a

¹² 11-36a-402(1)(c)

different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See Section 5 for further discussion regarding the consideration of revenue sources.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next five to six years should be spent only on those projects outlined in the IFFP as growth related costs to maintain the LOS.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. While an inflation component may be included in the impact fee analysis to reflect the future cost of facilities, at the request of the City it is not considered in the cost estimates in this study. However, the impact fee analysis should be updated regularly to account for changes in costs estimates over time.

NOTICE
DRAFT

ORDINANCE No. 2018-03

AN ORDINANCE AMENDING AND ADOPTING A PARK IMPACT FEE FACILITIES PLAN AND A WRITTEN PARK IMPACT FEE ANALYSIS; AMENDING AND ENACTING PARK IMPACT FEES; AND ESTABLISHING A SERVICE AREA FOR PURPOSES OF THE PARK IMPACT FEES.

WHEREAS, Centerville City (the “City”) is a political subdivision of the State of Utah, authorized and organized under applicable provisions of Utah law; and

WHEREAS, the City has previously enacted and imposed impact fees for parks and recreation facilities, known and referred to as the Park Development Fees, as adopted and amended by the City Council by Ordinance No. 2013-01 enacted on January 15, 2013, and as more particularly set forth in Section 12.010 of the Centerville Fee Schedule; and

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a of the Utah Code Annotated, as amended (“*Impact Fees Act*” or “*Act*”), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

WHEREAS, the City has not amended or increased its Park Impact Fees since 2013 and now desires to update and amend such fees to be referred to hereafter as “Park Impact Fees” in accordance with applicable provisions of the Impact Fees Act in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner as more particularly provided herein; and

WHEREAS, the City has completed the necessary impact fee facilities plan and impact fee analysis associated with park infrastructure and facilities in accordance with applicable provisions of the Impact Fees Act, which facilities plan and analysis are more particularly described and adopted herein; and

WHEREAS, the City has provided the required notice and held a public hearing before the City Council regarding the proposed impact fees in accordance with applicable provisions of the Impact Fees Act; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Centerville City, State of Utah, as follows:

**SECTION I
ORDINANCE REPEALED**

Ordinance No. 2013-01 adopting and amending Park Impact Fees is hereby repealed in its entirety. To the extent any provisions of Chapter 15.08 of the Centerville Municipal Code are in

conflict with the provisions of this Ordinance regarding Park Impact Fees, the provisions of this Ordinance shall govern. This Ordinance may be referred to and cited as the “Park Impact Fees Ordinance.”

SECTION II PURPOSE

This Park Impact Fees Ordinance establishes the City’s Park Impact Fees policies and procedures and is promulgated pursuant to Title 11, Chapter 36a, Part 4, Enactment of Impact Fees, and other requirements of the Impact Fees Act. This Ordinance amends and adopts Park Impact Fees for parks and recreation facilities within the City Service Area as defined herein, describes certain capital improvements to be funded by Park Impact Fees, provides a schedule of Park Impact Fees for development activity, and sets forth direction for challenging, modifying and appealing Park Impact Fees.

SECTION III DEFINITIONS

Words and phrases that are defined in the Impact Fees Act shall have the same definition in this Park Impact Fees Ordinance. The following words and phrases are defined as follows:

1. “*City*” means a political subdivision of the State of Utah and is referred to herein as the City of Centerville, Utah.

2. “*Development Activity*” means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.

3. “*Development Approval*” means any written authorization from the City that authorizes the commencement of development activity and any other approval as defined in Section 11-36a-102 of the Impact Fees Act.

4. “*Impact Fee*” means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. “Impact fee” does not include a tax, special assessment, building permit fee, hookup fee, fee for project improvements, or other reasonable permit or application fee.

5. “*Impact Fee Analysis*” means the written analysis of each impact fee required by Section 11-36a-303 of the Impact Fees Act.

6. “*Impact Fee Facilities Plan*” means the plan required by Section 11-36a-301 of the Impact Fees Act.

7. “*Project Improvements*” means site improvements and facilities that are: planned and designed to provide service for development resulting from a development activity;

necessary for the use and convenience of the occupants or users of development resulting from a development activity; and not identified or reimbursed as a system improvement. "Project Improvements" does not mean system improvements as more particularly defined herein.

8. "*Proportionate Share*" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.

9. "*Public Facilities*" means impact fee facilities as defined in the Impact Fees Act that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity. As defined in the Impact Fees Act, impact fee facilities includes parks, recreation facilities, open space, and trails.

10. "*Service Area*" means a geographic area designated by the City on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area. The Service Area for purposes of this Ordinance includes the entire area of the City as more particularly described in Section V.

11. "*System Improvements*" means existing public facilities that are: identified in the impact fee analysis under Section 11-36a-304 of the Impact Fees Act; and designed to provide services to service areas within the community at large and future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide service to service areas within the community at large. "System improvements" do not include project improvements as defined herein.

SECTION IV STATUTORY AUTHORITY AND RESTRICTIONS

1. *Impact Fees Act Authority.* The City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Impact Fees Act. An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fees may only be established for public facilities as defined in Section 11-36a-102 that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision. Public facilities for which impact fees may be imposed includes public facilities for "parks, recreation facilities, open space and trails."

2. *Impact Fees Act Restrictions.* Pursuant to Section 11-36a-202 of the Impact Fees Act, the City may not impose an impact fee to: (1) cure deficiencies in public facilities serving existing development; (2) raise the established level of service of a public facility serving existing development; (3) recoup more than the local political subdivision's costs actually incurred for excess capacity in an existing system improvement; or (4) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement.

3. *Specific Restriction on Park Impact Fees.* As specifically provided in Section 11-36a-202 of the Impact Fees Act, notwithstanding any other provisions of the Impact Fees Act, a political subdivision may not impose an impact fee on a school district or charter school for a park, recreation facility, open space or trail. In addition, the City may not delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees.

SECTION V SERVICE AREA

The Impact Fees Act requires the City to establish one or more service areas within which the City will calculate and impose a particular impact fee. The service area within which the proposed Park Impact Fees will be imposed includes all of the area within the corporate limits and jurisdictional boundaries of the City. The City has concluded, based on analysis and usage, that the City's parks are a system of regional and City-wide amenities and are considered a parks and trails system for all citizens and residents of the City. Any improvements to this parks and trails system—meaning that they serve the entire community at large—are considered “system improvements”. Park improvements serving only specific developments (such as pocket parks) are considered “project improvements”. As a matter of fairness and equity, project improvements within the service area are excluded from the level of service or impact fee calculations. The Service Area is more particularly described and set forth in *Exhibit A: Map of City-Wide Park Impact Fee Service Area*.

SECTION VI IMPACT FEE FACILITIES PLAN

1. *Impact Fee Facilities Plan Required.* Pursuant to Section 11-36a-301 of the Impact Fees Act, before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity. The impact fee facilities plan shall identify the existing level of service; establish a proposed level of service; identify any excess capacity to accommodate future growth at the proposed level of service; identify demands placed upon existing public facilities by new development activity at the proposed level of service; identify the proposed means by which the City will meet those growth demands; and other requirements of Section 11-36a-302.

2. *Park Impact Fee Facilities Plan.* The City has researched and analyzed the factors set forth in Section 11-36a-302 of the Impact Fees Act and has prepared a Parks Impact Fee Facilities Plan, as more particularly set forth in *Exhibit B: Parks Impact Fee Facilities Plan and Park Impact Fee Analysis*. The Park Impact Fee Facilities Plan has been prepared based on reasonable growth assumptions for the City and general demand characteristics of current and future users of park facilities. The Parks Impact Fee Facilities Plan identifies the impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity. As shown in the Parks Impact Fee Facilities Plan, the City has considered all revenue sources, including impact fees and anticipated dedication of system improvements, to finance the

impacts on system improvements. The Parks Impact Facilities Plan establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received.

3. *Plan Certification.* The Parks Impact Fee Facilities Plan includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the plan certifying that the Parks Impact Fee Facilities Plan complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with the summary and this Ordinance, in the Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing. Notice has also been provided in accordance with applicable provisions of *Utah Code Ann.* § 10-9a-205.

5. *Adoption of Park Impact Fee Facilities Plan.* The Park Impact Fee Facilities Plan as set forth in *Exhibit B: Park Impact Fee Facilities Plan and Park Impact Fee Analysis*, is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VII WRITTEN IMPACT FEE ANALYSIS

1. *Written Impact Fee Analysis Required.* Pursuant to Section 11-36a-303 of the Impact Fees Act, each local political subdivision intending to impose an impact fee shall prepare a written analysis of each impact fee to be imposed and a summary of the impact fee analysis designed to be understood by a lay person. The impact fee analysis shall identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity; identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility; demonstrate how the anticipated impacts are reasonably related to the anticipated development activity; estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity; identify how the impact fee is calculated; and other requirements of Section 11-36a-304.

2. *Park Impact Fee Analysis.* The City has researched and analyzed the factors set forth in Section 11-36a-304 of the Impact Fees Act, including the proportionate share analysis required therein, and has prepared a Parks Impact Fee Analysis, as more particularly set forth in

Exhibit B: Parks Impact Fee Facilities Plan and Park Impact Fee Analysis. The Park Impact Fee Analysis identifies the impacts upon public facilities required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity, and identify how the Park Impact Fees are calculated.

3. *Analysis Certification.* The Parks Impact Fee Analysis includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the analysis certifying that the Parks Impact Fee Analysis complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with the summary and this Ordinance, in Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing. Notice has also been provided in accordance with applicable provisions of *Utah Code Ann.* § 10-9a-205.

5. *Adoption of Park Impact Fee Analysis.* The Park Impact Fee Analysis as set forth in *Exhibit B: Park Impact Fee Facilities Plan and Park Impact Fee Analysis*, is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VIII CALCULATION OF IMPACT FEES

1. *Impact Fee Calculations.* Pursuant to Section 11-36a-305, in calculating an impact fee, the City may include: the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements. In calculating the proposed Park Impact Fees, the City has based such amounts calculated on realistic estimates and the assumptions underlying such estimates are more particularly disclosed in the Park Impact Fee Analysis set forth in *Exhibit B*.

2. *Previously Incurred Costs.* To the extent that new growth and development will be served by previously constructed improvements, the City's Park Impact Fees may include public facility costs and outstanding bond costs related to the Park improvements previously incurred by the City. These costs may include all projects included in the Park Impact Fee Facilities Plan

which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

SECTION IX IMPACT FEE SCHEDULE AND FORMULA

1. *Impact Fee Schedule or Formula Required.* Pursuant to Section 11-36a-402 of the Impact Fees Act, the City is required to provide a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the City will use to calculate each impact fee.

2. *Maximum Park Impact Fee Schedule.* Based on the Park Impact Fee Analysis, the maximum Park Impact Fees which the City may impose on development activity within the defined Service Area for park facilities is set forth in the following schedule:

Maximum Park Impact Fee Schedule

Development Activity	Park Impact Fee Per Dwelling Unit
Residential Development	\$ 2,869.16

3. *Rates Established by Resolution.* The City Council, by this Ordinance, approves the maximum Park Impact Fees in accordance with the Park Impact Fee Analysis set forth in *Exhibit B: Park Impact Fee Facilities Plan and Park Impact Fee Analysis*. The City reserves the right to establish the Park Impact Fees as established in this Ordinance by Resolution amending the Centerville Fee Schedule. In no event will the Park Impact Fees established by Resolution exceed the maximum supportable Park Impact Fee Schedule as set forth herein.

SECTION X ADJUSTMENTS AND CREDITS

1. *Adjustments.* In accordance with Section 11-36a-402 of the Impact Fees Act, the City may adjust the Park Impact Fees at the time the fee is charged to respond to unusual circumstances in specific cases, to address development activity by the State, or to ensure that impact fees are imposed fairly. The Park Impact Fees may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The Park Impact Fees assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

2. *Developer Credits.* In accordance with Section 11-36a-402 of the Impact Fees Act, a developer may be allowed a credit against Park Impact Fees or proportionate reimbursement of Park Impact Fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement; or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; *provided* that the system improvement is: (i) identified in the City's Park Impact Fee Facilities Plan; and (ii) is required by the City as a condition of approving the development activity. To the extent required in Section 11-36a-402, the City shall provide a credit against Park Impact Fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, as defined herein and included in the Park Impact Fee Facilities Plan; or are dedicated to the public and offset the need for an identified system improvement.

3. *Waiver for "Public Purpose".* The City Council may, on a project by project basis, authorize exceptions or adjustments to the Park Impact Fees for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include affordable housing and other development activities with broad public purposes. The City Council may elect to waive or adjust Park Impact Fees for such projects. Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

SECTION XI NOTICE AND HEARING

1. *Notice.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with the summary and this Ordinance, in Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing. Notice has also been provided in accordance with applicable provisions of *Utah Code Ann.* § 10-9a-205.

2. *Hearing.* The City Council held a public hearing regarding the Parks Impact Fee Facilities Plan, the Parks Impact Fee Analysis, and this Park Impact Fee Ordinance, on January 2, 2018, and a copy of the Ordinance was available in its substantially final form at the Centerville Branch of the Davis County Public Library and the City Recorder's Office in the Centerville City Hall at least ten (10) days before the date of the hearing, all in conformity with the requirements of *Utah Code Ann.* § 10-9a-205 and applicable noticing provisions of the Impact Fees Act.

SECTION XII IMPACT FEE ACCOUNTING AND EXPENDITURES

1. *Impact Fees Accounting.* Pursuant to Section 11-36a-601 of the Impact Fees Act, the City will establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected, deposit a receipt for an impact fee in the appropriate ledger account established herein, and retain the interest earned on each fund or ledger account in the fund or ledger account.

2. *Reporting.* At the end of each fiscal year, the City shall prepare a report on each fund or ledger account showing the source and expenditures as required by law. Annually, the City shall produce and transmit to the State Auditor a certified report in accordance with Section 11-36a-601 in a format developed by the State Auditor.

3. *Impact Fee Expenditures.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may expend Park Impact Fees only for a system improvement: (i) identified in the Parks Impact Fee Facilities Plan; and (ii) for the specific public facility type for which the fee was collected. Impact fees will be expended on a First-In First-Out basis.

4. *Time of Expenditure.* Except as otherwise provided by law, the City shall expend or encumber Park Impact Fees for a permissible use within six (6) years after the impact fee is collected. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

5. *Extension of Time.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may hold the impact fees for longer than six (6) years if it identifies in writing: (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

6. *Refunds.* Pursuant to Section 11-36a-603 of the Impact Fees Act, the City shall refund any Park Impact Fees paid by a developer, plus interest earned, when: (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

7. *Other Impact Fees.* To the extent allowed by law, the City Council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

8. *Additional Fees and Costs.* The Park Impact Fees authorized herein are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Park Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

9. *Fees Effective at Time of Payment.* The City will collect the Park Impact Fees at the time of building permit issuance. The fees will be calculated by the City. Unless the City is otherwise bound by a contractual requirement, the Park Impact Fees shall be determined from the fee schedule in effect at the time of payment.

10. *Imposition of Additional Fee or Refund after Development.* Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Park Impact Fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional Park Impact Fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

SECTION XIII CHALLENGES TO IMPACT FEES

1. *Request for Information.* Pursuant to Section 11-36a-701, a person or entity required to pay a Parks Impact Fee who believes the the impact fee does not meet the requirements of law may file a written request for information with the City Manager. As required by law, the City Manager shall, within two (2) weeks after the receipt of the request for information provide the person or entity with the Park Impact Fee Facilities Plan, the Park Impact Fee Analysis, and any other relevant information relating to the Park Impact Fee.

2. *Advisory Opinion.* A potentially aggrieved person may request an advisory opinion from a neutral third party regarding compliance of the Park Impact Fees with the Impact Fees Act by filing such request with the Office of the Property Rights Ombudsman in accordance with the procedures and provisions of Title 13, Chapter 43, known as the Property Rights Ombudsman Act. The aggrieved party requesting an advisory opinion is not required to exhaust the administrative appeals procedures set forth in Subsection 4 before requesting an advisory opinion.

3. *Appeal.* A person or entity that has paid Park Impact Fees under the provisions of this Ordinance may challenge such impact fees pursuant to the provisions set forth in Title 11, Chapter 36a, Part 7 of the Impact Fees Act regarding Challenges.

a. *Grounds for Challenge.* Pursuant to Section 11-36a-701, a person or entity that has paid Park Impact Fees under the provisions of this Ordinance may challenge: (1) the impact fees; (2) whether the City complied with the notice requirements

of the Impact Fees Act with respect to the imposition of the impact fees; and/or (3) whether the City complied with other procedural requirements of the Impact Fees Act for imposing the impact fee.

b. *Sole Remedy.* The sole remedy for challenging the notice requirements is the equitable remedy of requiring the City to correct the defective notice and repeat the process. The sole remedy for challenging the impact fee is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated. Reasonable attorneys fees may be awarded to the substantially prevailing party to the extent provided in the Impact Fees Act.

c. *Initiation.* A challenge to an impact fee is initiated by filing:

- i. An appeal to the City Council pursuant to the administrative appeal procedures set forth herein;
- ii. A request for arbitration as provided in Section 11-36a-705 of the Impact Fees Act; or
- iii. An action in district court.

d. *Time Restrictions.* The time for filing a challenge to the impact fees shall be filed in accordance with the time limitations set forth in Section 11-36a-702, depending upon the type of challenge. The deadline to file an action in district court is tolled from the date that a challenge is filed using the administrative procedures set forth in Subsection 4 until thirty (30) days after the day on which a final decision is rendered in the administrative appeals procedure.

4. *Administrative Appeal Procedure.* The City hereby adopts an administrative appeal procedure to consider and decide challenges to the Park Impact Fees. Any person or entity that has paid a Park Impact Fee pursuant to this Ordinance may challenge or appeal the impact fee by filing written notice of administrative appeal with the City Manager within thirty (30) days after the day on which the person or entity paid the impact fee. The notice of appeal shall set forth the grounds for the appeal and shall include any applicable filing fees as set forth in the City's Consolidated Fee Schedule. Upon receiving the written notice of appeal, the City Council shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee. The City Council shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

5. *Mediation.* In addition to the methods of challenging an impact fee as provided herein, a specified public agency may require the City to participate in mediation of any applicable impact fee in accordance with the provisions of Section 11-36a-704 of the Impact Fees

Act. A written request for mediation must be filed in accordance with Section 11-36a-704 no later than thirty (30) days after the day on which the impact fee is paid.

6. *Declaratory Judgment Action.* Pursuant to Section 11-36a-701, a person or entity residing in or owning property within the Service Area, or an organization, association, or a corporation representing the interests of persons or entities owning property within the Service Area, are deemed to have standing to file a declaratory judgment action challenging the validity of an impact fee.

SECTION XIV MISCELLANEOUS

1. *Severability.* If any section, subsection, paragraph, clause or phrase of this Park Impact Fee Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Park Impact Fee Ordinance are declared to be severable.

2. *Interpretation.* This Park Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Ordinance shall not be affected by such division or by any heading contained herein.

3. *Other Impact Fees Not Repealed.* Except as otherwise specifically provided herein, this Park Impact Fee Ordinance shall not repeal, modify or affect any impact fee of the City in existence as of the effective date of this Ordinance.

SECTION XV EFFECTIVE DATE

In accordance with the provisions of *Utah Code Ann.* § 11-36a-401, this ordinance and the impact fees adopted herein or pursuant hereto shall not take effect until ninety (90) days after the day on which the ordinance is approved.

[Signature Page to Follow]

PASSED AND APPROVED this 2 day of January, 2018.

CENTERVILLE CITY COUNCIL

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

[SEAL]



VOTING:

Council Member Fillmore	Yea <u>X</u>	Nay ____
Council Member Ince	Yea <u>X</u>	Nay ____
Council Member Ivie	Yea <u>X</u>	Nay ____
Council Member McEwan	Yea <u>X</u>	Nay ____
Council Member Mecham	Yea <u>X</u>	Nay ____

ATTEST:

By Marsha L. Morrow
Marsha L. Morrow, City Recorder

DEPOSITED in the office of the City Recorder this 10 day of January, 2018.

RECORDED this 10 day of January, 2018.

EXHIBIT A

**MAP OF CITY-WIDE PARK IMPACT FEE
SERVICE AREA**

A-1



Date: 12/11/2012



Centerville City Park Impact Fee Service Area

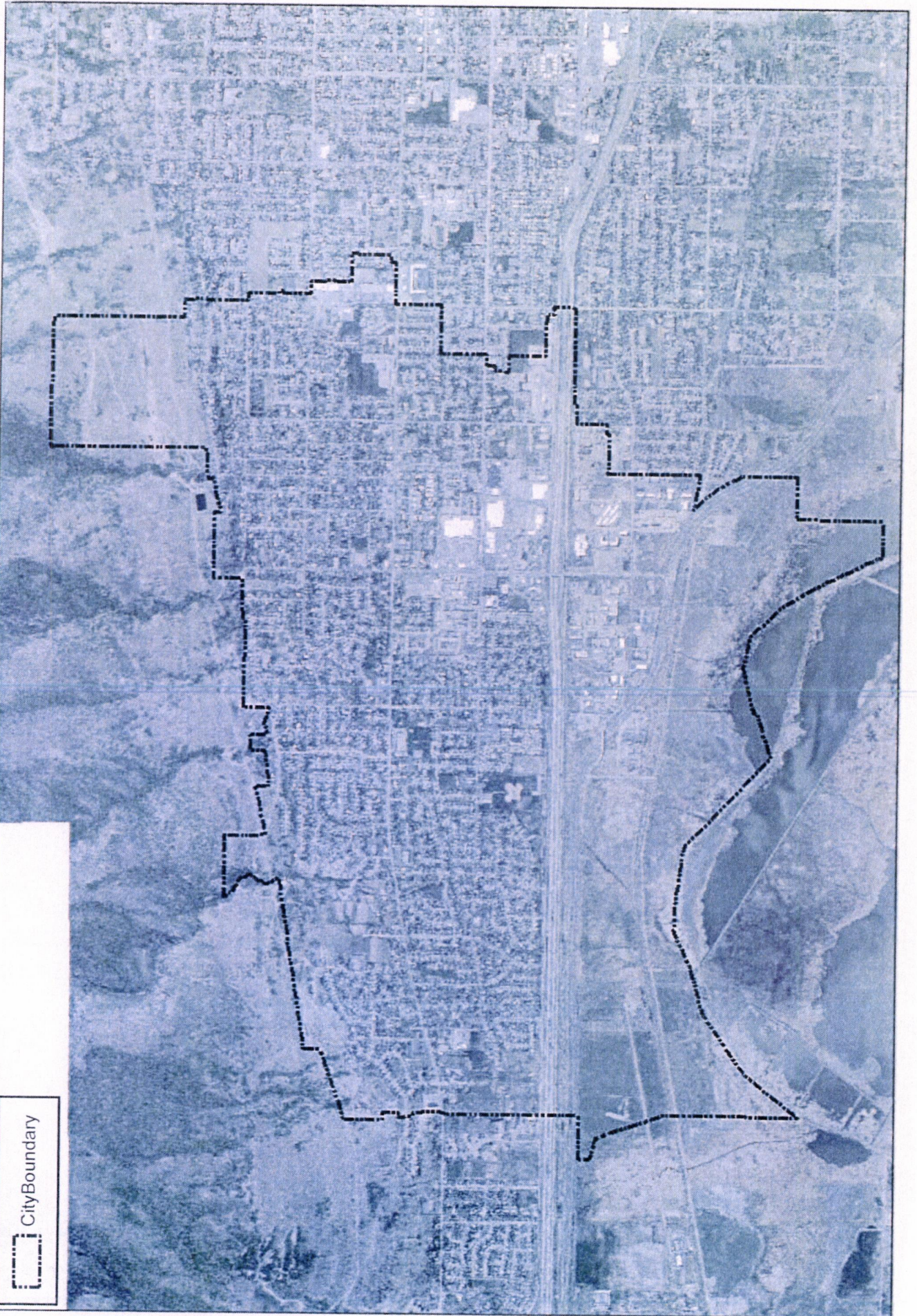


EXHIBIT B

PARK IMPACT FEE FACILITIES PLAN AND PARK IMPACT FEE ANALYSIS

CENTERVILLE CITY PARK IMPACT FEE FACILITIES PLAN AND PARK IMPACT FEE ANALYSIS



December 2012
(amended January 2018)

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

TABLE OF CONTENTS

Park Impact Fee Facilities Plan Certification	2
Park Impact Fee Analysis Certification	3
Executive Summary	4
Legislative Framework	5
Impact Fee Facilities Plan Explanation	5
Impact Fee Analysis Explanation	5
Impact Fee Calculation	6
Service Area	6
Centerville Park and Park Amenity Standards	7
Table A: Developed Park Inventory	7
Adjustments to the Park Standards for Impact Fees	7
Park Financing	7
Non-City Owned/Donated Parcels	8
Pocket Parks	8
Adjusted LOS for Developed Parks and Park Amenities	8
Centerville Paved Trails Standard	9
Table B: Paved Trails Inventory	9
Future Demand	9
Table C-1: Available Land and Zoning Designations	9
Table C-2: Projected Growth for Centerville	10
Meeting the Demand	10
Table D: Park Impact Fee Facilities Plan	11
Funding	11
Cash Flow Analysis for Parks, Park Amenities and Trails	11
Table E: Cash Flow Analysis	12
Current Park Impact Fees	13
Table F: Park Impact Fee Comparison	13
Recommended Park Impact Fee	13
Amendment to the 2012 Park Impact Fee Facilities Plan and Impact Fee Analysis (January 2017)	14
Executive Summary Amendments	14
Table D: Park Impact Fee Facilities Plan Amendments	15
Amended Table D: Park Impact Fee Facilities Plan	15
Recommended park impact fee amendment	15
Park Impact Fee Facilities Plan reCertification	16
Park Impact Fee Analysis reCertification	17

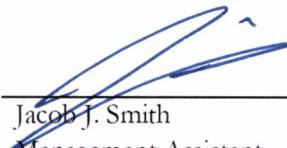
Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

PARK IMPACT FEE FACILITIES PLAN CERTIFICATION

I certify that the attached impact fee facilities plan:

1. Includes only the costs of public facilities that are:
 - a. Allowed under the Impact Fees Act; and
 - b. Actually incurred; or
 - c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
 - a. Costs of operation and maintenance of public facilities;
 - b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodology standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. Complies in each and every relevant respect with the Impact Fee Act.

Centerville City



Jacob J. Smith
Management Assistant

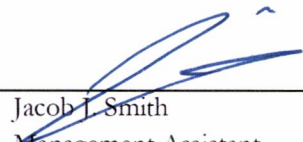
Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

PARK IMPACT FEE ANALYSIS CERTIFICATION

I certify that the attached impact fee analysis:

1. Includes only the costs of public facilities that are:
 - a. Allowed under the Impact Fees Act; and
 - b. Actually incurred; or
 - c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
 - a. Costs of operation and maintenance of public facilities;
 - b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. Offsets costs with grants or other alternate sources of payment; and
4. Complies in each and every relevant respect with the Impact Fees Act.

Centerville City



Jacob T. Smith
Management Assistant

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

EXECUTIVE SUMMARY

Centerville City is growing and that growth increases the demand on the City's public systems including its parks, recreational facilities, and trails. An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. The Utah Impact Fees Act allows cities and towns to charge impact fees for "parks, recreation facilities, open space and trails," as long as there exists a reasonable relationship between the fees imposed and the needs generated by new development [Utah Code 11-36a-102 (15)(f)].

Park impact fees may be implemented to sustain the current level of service (LOS) for developed parks, recreational facilities, and paved trails, but park impact fees may not be used to increase the LOS. The purpose of this Park Impact Fee Facilities Plan (IFFP) and Park Impact Fee Analysis (IFA) is to identify the parks, park amenities and trails LOS standards to ensure that the capacities of projects financed through impact fees do not exceed the standard. This is done through estimating future demand, explaining how future demand will be met along with the associated costs, and distributing the impacts equally with a park impact fee.

The Centerville parks, park amenities, and trails standards as identified in the Park IFFP and IFA is 2.79 acres of developed parks per 1,000 residents, 1 pavilion/restroom and playground per 2,723 residents, 1 sport court per 3,268 residents, and .51 miles of paved trails per 1,000 residents.

It is estimated that Centerville currently has 16,339 residents and according to current land availability and zoning designations, it is anticipated the City will add an additional 1,215 units or 3,815 new residents to its population. Build out is projected to occur sometime in 2029 with a total population of 20,154 residents. To maintain the current LOS with an additional 3,815 residents, the City will need to provide an additional 10.64 acres of developed parks, 1 additional sport court, pavilion, restroom, and playground (park amenities) and 1.95 miles of paved trails.

The Park IFFP identifies the planned parks, park amenities, and trails needed to maintain the current LOS along with the associated costs. The total cost to add the additional park acreage, park amenities, and paved trails is estimated to be around \$2,500,000. Impact fees will be charged only to residential development as commercial development is assumed to create no new demand on the parks, park amenities and trail systems. Impact fees will also be the primary source for funding the additional improvements.

Centerville currently charges and has been charging since July 7, 1998 a park impact fee of \$1,200 per residential unit. This is the lowest fee in South Davis County except for the notable exception of Bountiful, which does not charge a park impact fee. The average park impact fee in neighboring communities is \$2,238.17 (\$1,918.43 including Bountiful).

The proportionate cost for the future 1,215 units to maintain the current LOS for developed parks, park amenities and paved trails in Centerville is \$2,500,000. This cost distributed equally to the new residential units would justify a maximum park impact fee of \$2,057.61.

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

LEGISLATIVE FRAMEWORK

Centerville City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Utah Impact Fees Act, as set forth in *Utah Code Ann.* §§ 11-36a-101, *et seq.*, as amended (“Impact Fees Act”). An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fees may only be established for public facilities as defined in Section 11-36a-102 that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision. Public facilities for which impact fees may be imposed includes public facilities for “parks, recreation facilities, open space and trails.”

Impact fees may not be imposed or calculated to: (1) cure deficiencies in public facilities serving existing development; (2) raise the established level of service of a public facility serving existing development; (3) recoup more than the local political subdivision’s costs actually incurred for excess capacity in an existing system improvement; or (4) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement. *Utah Code Ann.* § 11-36a-202. Notwithstanding any other provisions of the Impact Fees Act, a political subdivision “may not impose an impact fee . . . on a school district or charter school for a park, recreation facility, open space or trail.” *Utah Code Ann.* § 11-36a-202.

IMPACT FEE FACILITIES PLAN EXPLANATION

Before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan (“IFFP”) to determine the public facilities required to serve development resulting from new development activity. *Utah Code Ann.* § 11-36a-301. The IFFP is required by law to identify demands placed upon existing public facilities by new development activity and the proposed means by which the city will meet those demands. In preparing the IFFP, the City shall generally consider all revenue sources, including impact fees and anticipated dedication of system improvements, to finance the impacts on system improvements. The City may only impose impact fees on development activities when the City’s plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received. *Utah Code Ann.* § 11-36a-302.

IMPACT FEE ANALYSIS EXPLANATION

Before imposing or amending an impact fee, the City is required to prepare a written analysis of each impact fee (“IFA”), together with a summary of such impact fee analysis designed to be understood by a lay person. *Utah Code Ann.* § 11-36a-303. The IFA shall: (1) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity; (2) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility; (3) demonstrate how the anticipated impacts described are reasonably related to the anticipated development activity; (4) estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity; and (4) identify how the impact fee was calculated. *Utah Code Ann.* § 11-36a-304.

In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the City shall identify, if applicable: (1) the cost of each existing public facility

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

that has excess capacity to serve the anticipated development resulting from the new development activity; (2) the cost of system improvements for each public facility; (3) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants; (4) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by payment from the proceeds of general taxes; (5) the relative extent to which development activity will contribute the cost of existing public facilities and system improvements in the future; (6) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development; (7) extraordinary costs, if any, in servicing the newly developed properties; and (8) the time-price differential inherent in fair comparison of amounts paid at different times.

IMPACT FEE CALCULATION

In calculating an impact fee, the City may include: (1) the construction contract price; (2) the cost of acquiring land, improvements, materials and fixtures; (3) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvement; and (4) debt service charges, if the City might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements. *Utah Code Ann.* § 11-36a-305. All impact fee calculations shall be based on realistic estimates and the assumptions underlying such estimates shall be disclosed in the IFA.

SERVICE AREA

The Impact Fees Act requires the City to establish one or more service areas within which the City will calculate and impose a particular impact fee. The service area within which the proposed Park Impact Fees will be imposed includes all of the area within the corporate limits and jurisdictional boundaries of the City. The City has concluded, based on analysis and usage, that the City's parks are a system of regional and City-wide amenities and are considered a parks and trails system for all citizens and residents of the City. Any improvements to this parks and trails system—meaning that they serve the entire community at large—are considered “system improvements”. Park improvements serving only specific developments (such as pocket parks) are considered “project improvements”. As a matter of fairness and equity, project improvements within the service area are excluded from the level of service or impact fee calculations.

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

CENTERVILLE PARK AND PARK AMENITY STANDARDS

According to Centerville City's General Plan [12-460-1(3)(a)], the City's LOS for developed parks based on 2010 census data is 3.24 acres per 1,000 residents. The following data illustrates the current inventory of developed parks and park amenities.

TABLE A: DEVELOPED PARK INVENTORY

Park Name	Developed Acres	Planned Acres	Pavilion/ Restrooms	Playgrounds	Sport Courts
Centerville Community Park	21.23	6.0	1	1	-
Freedom Hills Park	9.28	-	1	1	-
Island View Park	6.00	-	1	1	2
Parrish Creek Parkway	0.00	1.5	-	-	-
Centerville Commons	0.68	-	-	-	-
Founders Park	2.52	-	1	1	-
Porter-Walton Park	3.00	-	1	1	1
Smoot Park	6.90	-	1	1	2
Total	49.61	7.5	6	6	5

According to the 2010 U.S. Census, Centerville had a population of 15,335 with an average of 3.14 persons per household. Table A shows a total of 49.61 acres of developed parks. The LOS was determined using the following formula:

$$\frac{49.61 \text{ ACRES OF DEVELOPED PARK}}{15,335 \text{ RESIDENTS}} \times 1,000 = 3.24 \text{ ACRES OF DEVELOPED PARKS PER 1,000 RESIDENTS}$$

ADJUSTMENTS TO THE PARK STANDARDS FOR IMPACT FEES

The standard of 3.24 acres/1,000 residents as outlined in the General Plan was based on the inventory of developed parks and the population in 2010. The population has since changed. In 2011, 212 building permits were issued and in 2012 there were 127 (339 total). Based on the following calculation, Centerville's estimated population is 16,339.

$$339 \text{ BUILDING PERMITS} \times 3.14 \text{ PERSON PER HOUSEHOLD} + 15,335 \text{ 2010 POPULATION} = 16,339$$

When determining the LOS that should be used to determine the maximum park impact fee, the inventory of parks needs to be adjusted to reflect the following: how the parks were financed to arrive at the 49.61 acres of developed parks, any park parcels donated to the City or owned by other entities and any pocket parks that should not be included in the park inventory as they do not serve the entire population of Centerville.

PARK FINANCING

The Centerville Community Park, the developed part of the Freedom Hills Park, Island View Park, and the Porter-Walton Park were all purchased and developed by the City either through the sale of other city-owned property, impact fees, or General Funds.

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

NON-CITY OWNED/DONATED PARCELS

The City owns 1.15 of the 2.52 acres of Founders Park, but developed and maintains all of it. All 6.9 acres of Smoot Park was donated to Centerville City as the land was located in a flood plain and unbuildable. The original owners donated the land with an agreement the City would develop and maintain the property as a park. The City developed and maintains all of Smoot Park.

As the Park Impact Fee Facilities Plan (Table D) shows, development of a park can conservatively be estimated to be 60% of the cost of a city park. For this reason, 1.97 acres of Founders park (1.15 city owned + .82 county owned) and 4.14 acres of Smoot Park will remain in this analysis as being financed and developed by the City. The remaining 3.31 will be removed from the total acres of developed parks for an adjusted total of 46.3 acres.

POCKET PARKS

The Centerville Commons Park does not serve the entire population of Centerville; for this reason, the .68 acres will not be considered when determining the park impact fee. The total acres of developed parks for this study will then be adjusted to 45.62 acres.

ADJUSTED LOS FOR DEVELOPED PARKS AND PARK AMENITIES

The current estimated population is 16,339 residents and the adjusted amount of developed parks is 45.62 acres. The actual LOS for developed parks is then 2.79 acres of developed parks per 1,000 residents.

$$\frac{45.62 \text{ ACRES OF DEVELOPED PARK}}{16,339 \text{ RESIDENTS}} \times 1,000 = 2.79 \text{ ACRES OF DEVELOPED PARKS PER 1,000 RESIDENTS}$$

In addition, Centerville currently has six (6) pavilions and restrooms, (6) community playgrounds and five (5) sport courts used for either tennis or basketball. Together, these are referred to as the park amenities. The LOS for the park amenities are one (1) pavilion/restroom and playground per 2,723 residents and one (1) sport court per 3,268 residents.

$$\frac{6 \text{ PAVILIONS/RESTROOMS AND PLAYGROUNDS}}{16,339} = 1 \text{ PER } 2,723 \text{ RESIDENTS}$$
$$\frac{5 \text{ COURTS}}{16,339 \text{ RESIDENTS}} = 1 \text{ PER } 3,268 \text{ RESIDENTS}$$

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

CENTERVILLE PAVED TRAILS STANDARD

Table B is an inventory of paved trails in Centerville.

TABLE B: PAVED TRAILS INVENTORY

Trail Location/Name	Miles
Freedom Hills Park	1.66
Community Park	0.86
Frontage Road Parkway	1.80
Porter/Walton Park	0.33
Island View Park	0.22
Legacy Parkway	2.86
Bamberger Trail	0.58
Total	8.31

Using the same methodology for determining parks per 1,000 residents, the LOS for paved trails in Centerville is .51 miles of paved trail per 1,000 residents. The LOS was determined using the following formula:

$$\frac{8.31 \text{ MILES OF PAVED TRAILS}}{16,339 \text{ RESIDENTS}} \times 1,000 = .51 \text{ MILES OF PAVED TRAILS PER 1,000 RESIDENTS}$$

FUTURE DEMAND

The build out population for Centerville is projected to include an additional 1,215 units or 3,815 new residents based on December 2012 data of available land and the zoning designations for that land.

$$1,215 \text{ UNITS} \times 3.14 \text{ PERSONS PER HOUSEHOLD} = 3,815 \text{ NEW RESIDENTS}$$

This land and zoning data is provided below.

TABLE C-1: AVAILABLE LAND AND ZONING DESIGNATIONS

Zone	Acres	Units/Acre	~New Units
R-H	1.4	12	17
R-L	37.7	4	151
A-L Redevelopment	179.1	3	537
A-L Undeveloped	127.6	4	510
Total New Units			1,215

Source: Cory Snyder, Centerville Community Development Director

Based on demographic and economic projections provided by the Utah Governor's Office of Planning and Budget (GOPB) for Davis County beginning in 2013 and beyond, the assumption Centerville will grow at the same rate as the County, building permit data in 2011 and 2012 (1,004 new residents), and census data of 3.14 persons per household, Centerville is projected to reach build-out sometime in 2029 with a population of 20,154 as shown in the Table C-2.

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

TABLE C-2: PROJECTED GROWTH FOR CENTERVILLE

Year	Growth Rate	Population	Additional Units	Year	Growth Rate	Population	Additional Units
2012		16,339		2021	1.25%	18,568	73
2013	1.60%	16,600	83	2022	1.22%	18,791	72
2014	1.56%	16,859	82	2023	1.19%	19,012	71
2015	1.52%	17,115	82	2024	1.16%	19,230	70
2016	1.48%	17,368	81	2025	1.13%	19,444	69
2017	1.44%	17,618	80	2026	1.10%	19,656	68
2018	1.41%	17,866	79	2027	1.07%	19,865	67
2019	1.37%	18,111	78	2028	1.05%	20,070	66
2020	1.28%	18,341	74	2029	0.31%	20,154	20
				Total			
				1,215			

To maintain the LOS of 2.79 acres of developed community and neighborhood parks per 1,000 residents, 1 pavilion/restroom and playground per 2,723 residents and 1 sport court per 3,268 residents for the estimated 3,815 future residents, the City will need an additional 10.64 acres of developed parks as well as 1 additional pavilion/restroom, playground, and sport court.

$$3,815 \text{ NEW RESIDENTS} \times 2.79 \text{ ACRES OF DEVELOPED PARK}/1,000 = 10.64 \text{ ACRES}$$

$$3,815 \text{ NEW RESIDENTS}/2,723 = \sim 1 \text{ PAVILION/RESTROOM AND PLAYGROUND}$$

$$3,815 \text{ NEW RESIDENTS}/3,268 = \sim 1 \text{ SPORT COURT}$$

Further, the current LOS for paved trails is .51 paved miles per 1,000 residents. To maintain this LOS with the additional residents, the City will need to provide an additional 1.95 miles of paved trails.

$$3,815 \text{ NEW RESIDENTS} \times .51 \text{ MILES}/1,000 = 1.95 \text{ MILES PAVED TRAILS}$$

MEETING THE DEMAND

Centerville has purchased undeveloped land to provide for future development. As a result, the City now owns six (6) undeveloped acres next to the Community Park for future Community Park Expansion and one and one-half (1.5) acres on Frontage Road south of Chase Lane currently designated as the Parrish Creek Parkway.

Centerville uses a plan-based methodology to determine the total cost and the maximum park impact fee allowed. A park impact fee would fund the demand created by the additional 3,815 residents on the City's developed parks, park amenities and paved trails. Centerville has adopted a Parks Capital Improvement Plan (CIP) outlining the future development and improvement of the City's park system. Table D constitutes the Park Impact Fee Facilities Plan (IFFP) incorporating elements of the Parks CIP that can be funded with park impact fees. Included in the Park IFFP is a description of the planned parks, park amenities and trails and the estimated costs as of December 2012, provided by Centerville City's Engineer from ESI Engineering, Inc. ESI has been involved extensively in developing the City's current parks.

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

TABLE D: PARK IMPACT FEE FACILITIES PLAN

Park/Trail	Description	Cost
Trail Improvements	D&RG Trail Match (pave 1.34 miles)	\$ 40,000
Community Park Expansion (6.0 acres)	Total	\$ 820,000
	<i>Phase 1: Concept and Design</i>	\$ 20,000
	<i>Phase 2: Grading</i>	\$ 50,000
	<i>Phase 3: Drainage and Utilities</i>	\$ 100,000
	<i>Phase 4: Irrigation and Seed</i>	\$ 500,000
	<i>Phase 5: Parking and Path (pave .26 miles)</i>	\$ 150,000
Parrish Creek Parkway (1.5 acres)		\$ 150,000
Future Park(s) (Location Not Yet Determined)*	Total	\$ 490,000
	<i>Purchase of Property (2.16 acres)</i>	\$ 205,000
	<i>Phase 1: Concept and Design</i>	\$ 6,000
	<i>Phase 2: Grading</i>	\$ 18,000
	<i>Phase 3: Drainage and Utilities</i>	\$ 36,000
	<i>Phase 4: Irrigation and Seed</i>	\$ 180,000
	<i>Phase 5: Parking and Path (pave .35 miles)</i>	\$ 45,000
Park Amenities (Sport Court, Pavilion/Restroom, Playground)		\$ 300,000
City Hall/Founders Park Expansion (.98 acres)	Purchase and Improve	\$ 700,000
	Total	\$ 2,500,000

Included in the Park IFFP are 10.64 acres of developed parks, park amenities including 1 pavilion/restroom, playground, and sport court and 1.95 miles of paved trails needed to maintain the current LOS in Centerville for parks, park amenities and trails with the additional 3,815 future residents.

*The Parks CIP shows Future Park(s) at 7.21 additional acres, this is based on a park standard of 3.24 acres per 1,000 residents. The Park IFFP shows 2.16 acres; this is the portion of the Future Park(s) required to maintain the adjusted LOS of 2.79 acres of developed parks per 1,000 residents.

FUNDING

Centerville will use park impact fees as the primary source of revenue for new parks, park amenities and trails identified in the Park IFFP in an effort to maintain the LOS. Impact fees are necessary to achieve an equitable allocation of costs incurred as a direct result of new growth.

At the discretion of the City and in accordance with the applicable ordinances, General Plan and Parks CIP, a developer may choose to donate land for parks and trails in lieu of paying park impact fees. The City would determine if a potential donation would meet City needs and determine the fair market value of the donation.

Because commercial development is assumed to create no new demand for developed parks, park amenities or paved trails, only residential development will be charged a park impact fee.

CASH FLOW ANALYSIS FOR PARKS, PARK AMENITIES AND TRAILS

The cash flow summary shown below in Table E indicates impact fee revenue and expenditures necessary to meet demand for growth-related parks, park amenities and trail facilities. This cash flow analysis is for illustrative purposes only and is based on the Park IFFP and maximum justified park impact fee; The City

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

Council will determine the actual timing and costs of specific park improvements and trails as well as the actual amount of the park impact fee.

Population estimates are based on demographic projections provided by the GOPB, building permit information and assume Centerville will grow at the same rate as Davis County. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the cash flow and timing of projects.

TABLE E: CASH FLOW ANALYSIS

Year	Population	New Units	Impact Fee Revenue	Park/Trail Project (Identified in IFFP)	Capital Costs	Surplus (Deficit)
2013	16,600	83	\$ 170,781.89	D&RG Trail Match; Community Park Exp P1 & 2	\$ 110,000.00	\$ 60,781.89
2014	16,859	82	\$ 168,724.28	Community Park Exp P3	\$ 100,000.00	\$ 129,506.17
2015	17,115	82	\$ 168,724.28			\$ 298,230.45
2016	17,368	81	\$ 166,666.67	Community Park Exp P4	\$ 500,000.00	\$ (35,102.88)
2017	17,618	80	\$ 164,609.05	Community Park Exp P5	\$ 150,000.00	\$ (20,493.83)
2018	17,866	79	\$ 162,551.44	Parrish Creek Parkway	\$ 150,000.00	\$ (7,942.39)
2019	18,111	78	\$ 160,493.83			\$ 152,551.44
2020	18,344	74	\$ 152,263.37	Future Park Purchase	\$ 205,000.00	\$ 99,814.81
2021	18,573	73	\$ 150,205.76	Future Park P1 & 2	\$ 24,000.00	\$ 226,020.58
2022	18,799	72	\$ 148,148.15	Future Park P3 & 4	\$ 216,000.00	\$ 158,168.72
2023	19,022	71	\$ 146,090.53	Future Park P5	\$ 45,000.00	\$ 259,259.26
2024	19,242	70	\$ 144,032.92	Park Amenities	\$ 300,000.00	\$ 103,292.18
2025	19,459	69	\$ 141,975.31			\$ 245,267.49
2026	19,674	68	\$ 139,917.70			\$ 385,185.19
2027	19,885	67	\$ 137,860.08			\$ 523,045.27
2028	20,093	66	\$ 135,802.47	Founders Park Expansion	\$ 700,000.00	\$ (41,152.26)
2029	20,154	20	\$ 41,152.26			\$ 0.00
Total			\$ 2,500,000.00		Balance	\$ 0.00

The Impact Fee Act requires that any funds collected by impact fees be used within six years of collection and must be used for projects identified on the Park IFFP. This cash flow analysis assumes park improvements outlined on the Park IFFP would take place in a timely manner as development occurs and impact fees are collected. However, if City Council chooses to accelerate the construction of park improvements, they could ask voters to approve a bond issue. Any related indebtedness could then be paid, at least in part, with future park impact fees as they become available.

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

CURRENT PARK IMPACT FEES

Centerville currently charges and has been charging since July 7, 1998 a park impact fee of \$1,200 per residential unit. This is the lowest fee in South Davis County except for the notable exception of Bountiful, which does not charge a park impact fee. The average park impact fee in neighboring communities is \$2,238.17 (\$1,918.43 including Bountiful). Kaysville is currently reviewing their park impact fee.

TABLE F: PARK IMPACT FEE COMPARISON

City	Park Impact Fee
West Bountiful	\$ 2,822.00
Bountiful	\$ -
Farmington	\$ 2,500.00
Woods Cross	\$ 2,314.00
North Salt Lake	\$ 2,300.00
Layton	\$ 1,873.00
Kaysville	\$ 1,620.00
Centerville	\$ 1,200.00

RECOMMENDED PARK IMPACT FEE

The proportionate cost for the future 1,215 units to maintain the current LOS for developed parks, park amenities and paved trails in Centerville is \$2,500,000. This cost distributed equally to the new residential units would justify a maximum park impact fee of \$2,057.61.

$$\text{\$2,500,000 TOTAL COSTS} / \text{1,215 UNITS} = \text{\$2,057.61}$$

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

AMENDMENT TO THE 2012 PARK IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS (JANUARY 2017)

At the time the City prepared the 2012 Park Impact Fee Facilities Plan and Impact Fee Analysis (IFFP/IFA), the City relied upon estimates for future park development. Since that time, the City has initiated the development of an expansion of the Centerville Community Park. Due to the inflation of construction costs, actual costs are much higher than estimated. The city is now amending the 2012 Park IFFP/IFA to reflect actual costs.

EXECUTIVE SUMMARY AMENDMENTS

The following paragraphs have been amended to read as follows:

The Park IFFP identifies the planned parks, park amenities, and trails needed to maintain the current LOS along with the associated costs. The total cost to add the additional park acreage, park amenities, and paved trails is estimated to be around ~~\$2,500,000~~ **3,486,028**. Impact fees will be charged only to residential development as commercial development is assumed to create no new demand on the parks, park amenities and trail systems. Impact fees will also be the primary source for funding the additional improvements.

The proportionate cost for the future 1,215 units to maintain the current LOS for developed parks, park amenities and paved trails in Centerville is ~~\$2,500,000~~ **3,486,028**. This cost distributed equally to the new residential units would justify a maximum park impact fee of ~~\$2,057.61~~ **2,869.16**.

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

TABLE D: PARK IMPACT FEE FACILITIES PLAN AMENDMENTS

The following amended table shows updated actual costs for the Community Park Expansion and new estimates for the Future Park(s) based on actual costs. The cost per acre to develop the park is \$286,166 (\$1,716,995/6.0 acres).

Water requirements at the park expansion required an irrigation reservoir but may not be needed at future park(s); also, the City anticipates parking requirements for the future park(s) and associated costs will be half what they are for the park expansion. The associated costs (\$498,471 for the reservoir and half of the parking costs) taken from the total cost to develop the park expansion give a cost per acre to develop a park of \$203,081 (\$1,716,955-\$498,471/6.0 acres).

AMENDED TABLE D: PARK IMPACT FEE FACILITIES PLAN

Park/Trail	Description	Cost	Amended
Trail Improvements	D&RG Trail Match (pave 1.34 miles)	\$ 40,000	\$ 25,379
Community Park Expansion (6.0 acres)	Total	\$ 820,000	\$ 1,716,995
	<i>Phase 1: Concept and Design</i>	\$ 20,000	
	<i>Phase 2: Grading 2015 Phase</i>	\$ 50,000	\$ 408,560
	<i>Phase 3: Drainage and Utilities 2017 Phase</i>	\$ 100,000	\$ 671,955
	<i>Phase 4: Irrigation and Seed 2018 Phase</i>	\$ 500,000	\$ 636,480
	<i>Phase 5: Parking and Path (pave .26 miles)</i>	\$ 150,000	
Parrish Creek Parkway (1.5 acres)		\$ 150,000	\$ 150,000
Future Park(s) (Location Not Yet Determined)*	Total	\$ 490,000	\$ 643,654
	<i>Purchase of Property (2.16 acres)</i>	\$ 205,000	\$ 205,000
	<i>Phase 1: Concept and Design</i>	\$ 6,000	
	<i>Phase 2: Grading-Park Development</i>	\$ 18,000	\$ 438,654
	<i>Phase 3: Drainage and Utilities</i>	\$ 36,000	
	<i>Phase 4: Irrigation and Seed</i>	\$ 180,000	
	<i>Phase 5: Parking and Path (pave .35 miles)</i>	\$ 45,000	
Park Amenities (Sport Court, Pavilion/Restroom, Playground)		\$ 300,000	\$ 250,000
City Hall/Founders Park Expansion (.98 acres)	Purchase and Improve	\$ 700,000	\$ 700,000
	Total	\$ 2,500,000	\$ 3,486,028

*The Parks CIP shows Future Park(s) at 7.21 additional acres, this is based on a park standard of 3.24 acres per 1,000 residents. The Park IFFP shows 2.16 acres; this is the portion of the Future Park(s) required to maintain the adjusted LOS of 2.79 acres of developed parks per 1,000 residents.

RECOMMENDED PARK IMPACT FEE AMENDMENT

Based on the amended Park Impact Fee Facilities Plan (Amended Table D above), the recommended park impact fee calculation is amended to read as follows:

The proportionate cost for the future 1,215 units to maintain the current LOS for developed parks, park amenities and paved trails in Centerville is ~~\$2,500,000~~ **\$3,486,028**. This cost distributed equally to the new residential units would justify a maximum park impact fee of ~~\$2,057.61~~ **2,869.16**.

$$\text{\$2,500,000 TOTAL COSTS/1,215 UNITS} = \text{\$2,057.61}$$

$$\text{\$3,486,028 TOTAL COSTS/1,215 UNITS} = \text{\$2,869.16}$$

Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

PARK IMPACT FEE FACILITIES PLAN RECERTIFICATION

I certify the impact fee facilities plan as amended:

1. Includes only the costs of public facilities that are:
 - a. Allowed under the Impact Fees Act; and
 - b. Actually incurred; or
 - c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
 - a. Costs of operation and maintenance of public facilities;
 - b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodology standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. Complies in each and every relevant respect with the Impact Fee Act.

Centerville City



Jacob J. Smith
Management Services Director

1-2-18

Date

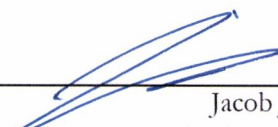
Centerville City Park Impact Fee Facilities Plan and Impact Fee Analysis

PARK IMPACT FEE ANALYSIS RECERTIFICATION

I certify the impact fee analysis as amended:

1. Includes only the costs of public facilities that are:
 - a. Allowed under the Impact Fees Act; and
 - b. Actually incurred; or
 - c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
 - a. Costs of operation and maintenance of public facilities;
 - b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. Offsets costs with grants or other alternate sources of payment; and
4. Complies in each and every relevant respect with the Impact Fees Act.

Centerville City



Jacob J. Smith
Management Services Director

1-2-18

Date

**PLANNING
COMMISSION**

Staff Report
1/10/2024

Item No. 1.

Title: Community Development Director's Report

Initiated By: Whitney Black, Assistant Planner

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

RECOMMENDATION:

BACKGROUND:

Cory Snyder has retired as the Community Development Director. Whitney Black will be serving as the interim director until a new Community Development Director is hired.

Next Planning Commission Meeting - **January 24, 2024**

Tentative Items:

Zoning Text Amendment - CZC 12.55.110 - Fences and Walls

Training Items

ATTACHMENTS:

**PLANNING
COMMISSION**

Staff Report
1/10/2024

Item No. 1.

Title: Minutes Review and Approval

Initiated By: Whitney Black, Assistant Planner

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

RECOMMENDATION:

Approve the minutes as presented.

BACKGROUND:

These are the minutes from the November 8, 2023 Planning Commission meeting.

ATTACHMENTS:

1. 11-8-23 PC

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, November 8, 2023
7:00 p.m.

A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

MEMBERS PRESENT

Shawn Hoth
Mason Kjar
Matt Larsen, Vice Chair
LaRae Patterson
Heidi Shegrud, Chair

MEMBERS ABSENT

Amanda Jorgensen
Tyler Moss

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Whittney Black, Assistant Planner

VISITOR

Chad Randal, Tom Stuart Construction

LEGISLATIVE THOUGHT/PRAYER Commissioner Larsen

PLEDGE OF ALLEGIANCE

FINAL SUBDIVISION PLAT FOR PARRISH CREEK PUD SUBDIVISION, 1160 NORTH 950 WEST

Community Development Director Cory Snyder explained the applicant desired to amend and re-subdivide the property at 1160 North 950 West, and convert the original lots into a single planned unit development (PUD). This would allow future independent ownership of the proposed two buildings (one existing/one to be constructed), and transform the approved parking, landscaping, and storage area into common areas for use of future building owners. Mr. Snyder recommended the Planning Commission forward a positive recommendation to the City Council.

Responding to a question from Chair Shegrud, Chad Randal with Tom Stuart Construction explained the proposed change would allow tenant use of outdoor storage space, and allow flexibility for future needs.

Commissioner Larsen **moved** to recommend approval of the Final Subdivision Plan for the Parrish Creek Business Park, subject to the following directives, and for the following reasons for action. Commissioner Patterson seconded the motion, which passed by unanimous vote (5-0).

Directives:

- 1) The Final Subdivision Plat shall be deemed acceptable by the City Engineer.
- 2) The Owners Association and related CC&Rs shall be deemed acceptable by the City Engineer as to compliance with CMC 15.06.010.

- 1 3) Plat Note #6 shall be deemed acceptable by the City Attorney in regard to the
2 required "open space" easement for the common areas and/or as modified by the
3 review of the City Attorney.
4 4) The Final Subdivision Plat shall be prepared and submitted in accordance with
5 15.04.110 Recording of Final Plat.
6

7 Reasons for action:
8

- 9 a) The Planning Commission finds that a Preliminary Subdivision Plan is consistent with
10 the City Approved Final Site Plan in September of 2022.
11 b) The Planning Commission finds that the Planned Unit Development (PUD)
12 implements the existing Final Site Plan Approval granted by the City in September of
13 2022.
14 c) The Planning Commission finds that the Final Subdivision Plat substantially
15 conforms to the requirements of CZC 15.04.050 Review and Recommendation by
16 the Planning Commission.
17 d) The Planning Commission finds that, with the conditions imposed, the Final
18 Subdivision Plat meets the requirements of CMC 15.06.030 & 15.06, requirements
19 for Planned Unit Development and Non-residential Subdivisions.
20

21 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
22

23 The Planning Commission was scheduled to meet next on December 13, 2023.
24

25 **MINUTES REVIEW AND APPROVAL**
26

27 Minutes of the September 27, 2023 Planning Commission meeting were reviewed. Chair
28 Shegrud **moved** to approve the minutes. Commissioner Hoth seconded the motion, which
29 passed by unanimous vote (5-0).
30

31 **ADJOURNMENT**
32

33 At 7:18 p.m., Commissioner Larsen **moved** to adjourn the meeting. Chair Shegrud
34 seconded the meeting, which passed by unanimous vote (5-0).
35
36
37

38
39 _____
Jennifer Robison, City Recorder

Date Approved