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<https://www.utah.gov/pmn/index.html>, South Jordan City Website
<https://sjc.utah.gov/241/City-Council> and at City Hall, 1600 W. Towne
Center Drive, South Jordan, UT 84095

City of South Jordan Notice of Ordinance Adoption – Ordinance 2025-18

**ORDINANCE 2025-18, ADOPTING AN AMENDED AND
UPDATED STORM WATER FACILITIES IMPACT FEE
FACILITIES PLAN AND IMPACT FEE ANALYSIS; ADOPTING
AN AMENDED AND UPDATED IMPACT FEE FOR STORM
WATER FACILITIES; ESTABLISHING SERVICE AREA;
AND/OR OTHER RELATED MATTERS. APPROVED 10-21-2025
BY 5-0 VOTE.**

The complete ordinance is on file at the South Jordan City Recorder's
Office and attached to this notice. Published this 23rd day of October,
2025.

Anna Crookston, South Jordan City Recorder.

ORDINANCE 2025-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ADOPTING AN AMENDED AND UPDATED STORM WATER FACILITIES IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS; ADOPTING AN AMENDED AND UPDATED IMPACT FEE FOR STORM WATER FACILITIES; ESTABLISHING SERVICE AREA; AND/OR OTHER RELATED MATTERS.

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

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

WHEREAS, the City has historically assessed Impact Fees as a condition precedent to development approval in order to assign capital infrastructure costs to development in an equitable and proportionate manner; and

WHEREAS, in the exercise of its legislative discretion the City Council desires to take a conservative approach in preparing the Impact Fee Facilities Plan (“IFFP”) and Impact Fee Analysis (“IFA”) and in the assessment of an impact fee which may be less than might otherwise be justified by the IFA and IFFP in order to promote economic development, expand the tax base, allow for more job creation, and respond to current economic realities; and

WHEREAS, the City properly noticed its intent to prepare the IFFP and IFA on March 26, 2024 and the City held the required hearing on October 21, 2025; and

WHEREAS, the City has completed a Storm Water Facilities IFFP and IFA which meets the requirements of State Law and City Ordinance; and

WHEREAS, the City Council has directed LRB Financial Advisors (“Consultants”) to prepare a Written Impact Fee Analysis including the Executive Summary of the Impact Fee Analysis consistent and in compliance with the Act specifically 11-36a-303; and

WHEREAS, the City and Consultants retained by the City have reviewed and evaluated the land within the City boundaries and have determined there shall be one service area; and

WHEREAS, the South Jordan City Council has reviewed the Storm Water Facilities IFFP and IFA, and find it in the best interest of the welfare of the residents of the City to adopt the Storm Water Facilities IFFP and IFA and enact a new Storm Water Facility Impact Fee based on the IFFP and IFA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Purpose.

This Impact Fee Ordinance establishes the City's Storm Water Facilities Impact Fee policies and procedures and repeals certain provisions of prior ordinances related to Storm Water Facilities Impact Fees and conforms to the requirements of the Utah Impact Fees Act (§ 11-36a, the Act). This Ordinance repeals any prior ordinances related to Storm Water Facilities within the Service Area, provides a schedule of Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying, and appealing Impact Fees.

SECTION 2. Definitions.

Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Ordinance. The following words and phrases shall have the following meanings:

1. "City" means a political subdivision of the State of Utah and is referred to herein as City of South Jordan.
2. "Development Activity" means any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land located within the Service Area that creates additional demand and need for Storm Water Facilities.
3. "Development Approval" means any written authorization from the City that authorizes the commencement of Development Activity and vests the property owner with the right to commence Development Activity, whether or not a specific building permit has been issued.
4. "Impact Fee" means a payment of money imposed upon Development Activity as a condition of development approval. "Impact Fee" includes development Impact Fees, but is not a tax, a special assessment, a hookup fee, a building permit fee, a fee for project improvements, or other reasonable permit or application fees.
5. "Impact Fee Analysis" or ("IFA") means the written analysis required by Section 11-36a-201 of the Act and is included in this ordinance by this reference and attached in Exhibit A.
6. "Impact Fee Facilities Plan" or ("IFFP") means the plan required by Section 11-36a-301 of the Act. In Section 11-36a-301 (3) (a) there is an exception for cities of 5,000 or less in population, based on the latest census. "The City of South caused to be prepared an Impact Fee Facilities Plan in accordance with the Impact Fees Act. The IFFP is to be adopted by passage of this Ordinance, and is included by this reference and attached hereto in Exhibit A."
7. "Project Improvements" includes but is not limited to site improvements and facilities that are planned and designed to provide service for development resulting from a Development Activity and are necessary solely for the use and convenience

of the occupants or users of said Development Activity. "Project Improvements" do not include "System Improvements" as defined below.

8. "Proportionate Share" of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a Development Activity.
9. "Public Facilities" includes but is not limited to, for purpose of this Ordinance, Storm Water Facilities of the City for the Service Area.
10. "Service Area" refers to a geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's Public Facilities provides service. For purposes of this Ordinance, there will be one City-Wide service area. A map of the Service Area is included in Exhibit A attached hereto.
11. "System Improvements" refer both to existing Storm Water Facilities designed to provide services within the Service Areas and to future Storm Water Facilities identified in the Storm Water IFFP adopted by the City that are intended to provide service to the Service Area. "System Improvements" do not include "Project Improvements" as defined above.

SECTION 3. Written Impact Fee Analysis.

1. Executive Summary. A summary of the findings of the written impact fee analysis that is designed to be understood by a lay person is included in the Storm Water IFFP and IFA and demonstrates the need for Impact Fees to be assessed on Development Activity. The Executive Summary has been available for public inspection at least ten (10) days prior to the adoption of this Ordinance.
2. Impact Fee Analysis. The City has commissioned the IFFP and IFA for the Storm Water Impact Fees which identifies the impacts upon City and facilities required by the Development Activity, demonstrates how those impact the City and the facilities required by Development Activity, demonstrates how those impacts on System Improvements are reasonably related to Development Activity, estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to the Development Activity and identifies how the Impact Fees are calculated. A copy of the Storm Water IFFP and IFA has been available for public inspection at least ten (10) days prior to the adoption of this Ordinance.
3. Proportionate Share Analysis. In connection with the IFFP and IFA, the City has prepared a Proportionate Share analysis which analyzes whether or not the proportionate share of the costs of future Public Facilities is reasonably related to new Development Activity. The Proportionate Share analysis identifies the costs of existing Public Facilities, the manner of financing existing Public Facilities, the

relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the City. A copy of the Proportionate Share analysis is included in the written Storm Water Impact Fee Analysis and has been available for public inspection at least ten (10) days prior to the adoption of this Ordinance (See Exhibit A attached).

SECTION 4. Impact Fee Calculations.

1. **Ordinance Enacting Impact Fees.** The City Council does, by this Ordinance, approve Impact Fees in accordance with the Storm Water IFFP and IFA.
 - a. **Elements.** In calculating the Impact Fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of System Improvements, and outstanding or future debt service charges if the City might use Impact Fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of System Improvements.
 - b. **Notice and Hearing.** In conjunction with the approval of this, the City held a public hearing on October 21, 2025, and made a copy of the Ordinance available to the public in the two (2) South Jordan City Libraries, at least ten (10) days before the date of the hearing, all in conformity with the requirements of Utah Code Annotated 11-36a-502 (1). After the public hearing, the Council adopted this Impact Fee Ordinance as presented herein.
 - c. **Contents of the Ordinance.** The Ordinance adopting or modifying an Impact Fee contains such detail and elements as deemed appropriate by the Council, including a designation of the Service Area within which the Impact Fees are to be calculated and imposed. The South Jordan Service Area is the only service area, with a map defining its boundaries included in the Storm Water IFFP and IFA. The Ordinance herein includes (i) a schedule of Impact Fees to be imposed for Storm Water Facilities and (ii) the formula to be used by the City in calculating the Impact Fee.
 - d. **Adjustments.** The standard Impact Fee may be adjusted at the time the fee is assessed:
 - i. in response to unusual circumstances in specific cases;
 - ii. in response to a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or

a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected;

- iii. to ensure that the impact fees are imposed fairly; or
- iv. to a particular development should the developer supply sufficient studies and data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

e. Previously Incurred Costs. To the extent that new growth and Development Activity will be served by previously constructed improvements, the City's Impact Fees may include Public Facility costs and outstanding bond costs related to the Storm Water improvements previously incurred by the City. These costs may include all projects included in the 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 may also be included to offset the costs of future capital projects.

2. Developer Credits. Development Activity may be allowed a credit against Impact Fees for any dedication or improvement to land or new construction of System Improvements provided by the Development Activity provided that the Development Activity is (i) identified in the City's Impact Fee Facilities Plans and (ii) required by the City as a condition of Development Approval. Otherwise, no credit may be given.

3. Impact Fees Accounting. The City will establish a separate interest-bearing ledger account for the Impact Fees collected pursuant to this Ordinance and will conform to the accounting requirements provided in the Impact Fees Act. All interest earned on the collection of Storm Water Impact Fees shall accrue to the benefit of the segregated account. Impact Fees collected prior to the effective date of this Ordinance need not meet the requirements of this section.

a. Reporting. At the end of each fiscal year, the City shall prepare a report pursuant to Utah Code Ann, 11-36a-601.

b. Impact Fee Expenditures. The City may expend Impact Fees pursuant to Utah Code Ann. § 11-36a-602 the Impact Fees Policy only for System Improvements that are (i) Public Facilities identified in the City's Impact Fee Facilities Plans and (ii) of the specific public facility type for which the fee was collected. Impact Fees will be expended on a First-In First-Out ("FIFO") basis.

c. Time of Expenditure. Impact fees collected pursuant to the requirements of this Impact Fees Ordinance are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the

City, unless the City meets other conditions outlined in the Act. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

- d. Refunds. The City shall refund any Impact Fees paid by a developer plus interest actually 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.
4. Additional Fees and Costs. The Impact Fees authorized hereby 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 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.
5. Fees Effective at Time of Payment. Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined from the fee schedule in effect at the time of Development Approval and paid in accordance with the provisions of Section 6 below.
6. 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 recover the total Impact Fee pursuant the IFFP and IFA from the developer or other appropriate person covering the density for which an Impact Fee was not previously paid.

SECTION 5. Impact Fee Facilities Plan.

1. Impact Fee Facilities Plan. The City has developed a Storm Water IFFP for the City's Storm Water Facilities. The Storm Water IFFP has been prepared based on reasonable growth assumptions for the Service Area, and analyzes the general demand characteristics of current and future users of the system. Furthermore, the 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.

SECTION 6. Impact Fee Schedules and Formulas.

1. **Fee Adoption.** The City hereby adopts as the Impact Fee per unit for Storm Water Facilities as found in the South Jordan Storm Water IFFP & IFA and detailed below.

STORM WATER IMPACT FEE PER ERU

	Total Cost	% Eligible Cost	Total Eligible Value	% to IFA Demand	Cost to IFA	ERUs Served	Cost Per ERU
System Buy-In	\$45,308,370	56.1%	\$25,429,477	6.2%	\$1,577,413	1,974	\$799
Professional Expense	\$107,750	100.0%	\$10,750	100.0%	\$10,750	1,974	\$5
TOTAL	\$45,319,120		\$25,440,227		\$1,588,163		\$804
Prior Impact Fee							\$1,201
% Change							-33%

2. **Maximum Supportable Impact Fees.** The fee schedule included in the Storm Water IFFP and IFA indicates the maximum Impact Fees which the City may impose on development within the defined Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right under the Impact Fees Act (Utah Code § 11-36a-402(1)(c)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed. The City may also decrease the Impact Fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code § 11-36a-402(1)(d)).

SECTION 7. Fee Exceptions and Waivers.

1. **Waiver for "Public Purpose".** The City Council may, on a project by project basis, authorize exceptions or waivers to the Impact Fees due from development for those projects the Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature. The City Council may elect to waive or adjust Impact Fees in consideration of economic benefits to be received from the Development Activity.
 - a. **Procedures.** Applications for exceptions are to be filed with the City at the time the developer first requests the extension of service to the respective development or property.

SECTION 8. Appeal Procedure.

1. Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:
 - a. An appeal to the City pursuant to South Jordan Municipal Code § 16.32.090. If no decision is issued pursuant to South Jordan Municipal Code §16.32.090 within 30 days of a timely filed appeal the appeal will be deemed denied.
 - b. A request for arbitration as provided in Utah Code Ann. § 11-36a-705 as amended; or
 - c. An action in district court.

SECTION 9. Severability. If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Ordinance are declared to be severable.

SECTION 10 Interpretation. This Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Ordinance shall not be affected by such division or by any heading contained herein.

SECTION 11. Effective Date. This Impact Fee Ordinance shall become effective 90 days after the day which this Impact Fee Ordinance is passed and adopted by the South Jordan City Council. Except as otherwise specifically provided herein and according to law, this 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, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees, after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 21 DAY OF October, 2025 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	X	_____	_____	_____
Kathie Johnson	X	_____	_____	_____
Donald Shelton	X	_____	_____	_____
Tamara Zander	X	_____	_____	_____
Jason McGuire	X	_____	_____	_____

Mayor: *Dawn R. Ramsey*
Dawn R. Ramsey

Attest: *Anna C. [Signature]*
City Recorder

Approved as to form:

Gregory Simonsen
Gregory Simonsen (Oct 16, 2025 12:03:39 MDT)
Office of the City Attorney

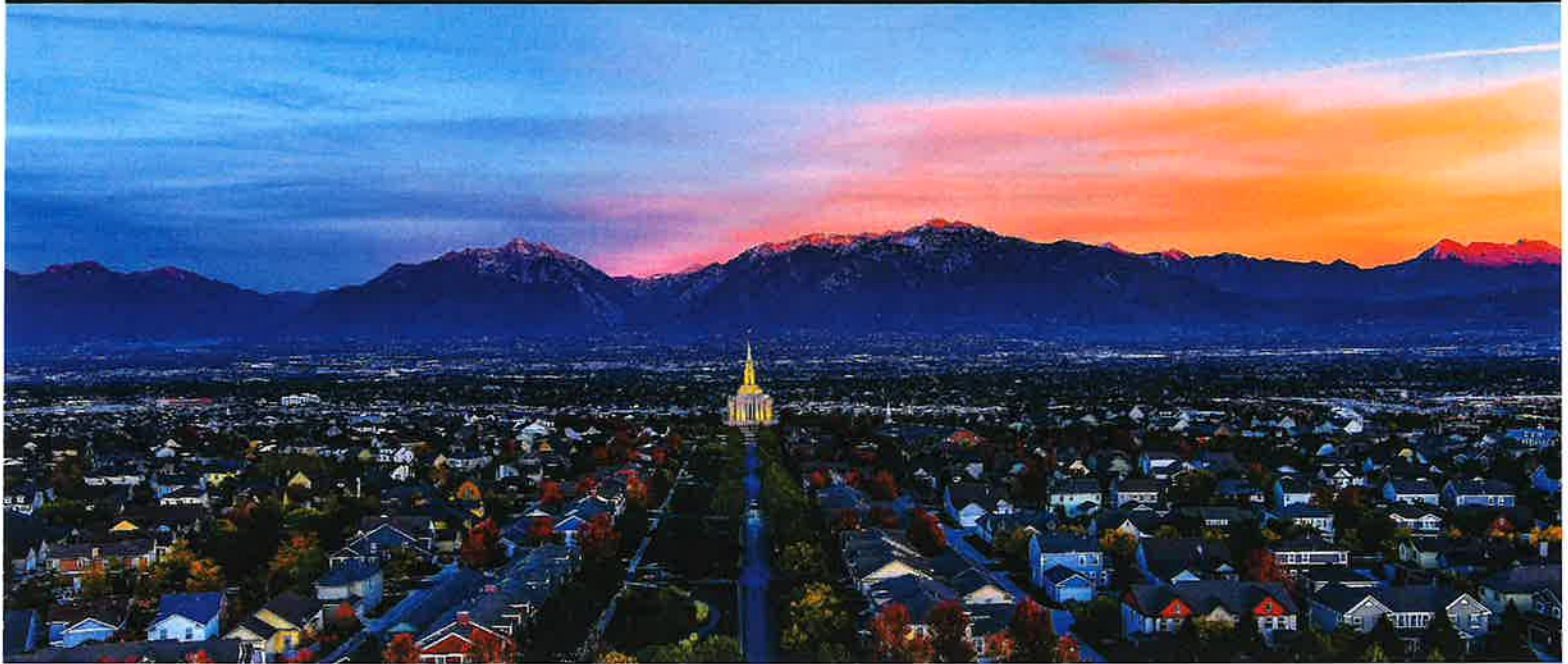


Exhibit A

Impact Fee Facilities Plan & Impact Fee Analysis Amendment



LEWIS | ROBERTSON | BURNINGHAM



SOUTH JORDAN, UTAH

SEPTEMBER
2025

IMPACT FEE FACILITIES PLAN (IFFP) & IMPACT FEE ANALYSIS (IFA) **STORM WATER FACILITIES**

PREPARED BY:

LRB PUBLIC FINANCE ADVISORS
FORMERLY LEWIS YOUNG ROBERTSON & BURNINGHAM INC.

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IMPACT FEE FACILITIES PLAN & ANALYSIS CERTIFICATION

IFFP CERTIFICATION

LRB Public Finance Advisors (LRB) certifies 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 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.

IFA CERTIFICATION

LRB certifies 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.

LRB makes this certification with the following caveats:

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

LRB PUBLIC FINANCE ADVISORS



DEFINITIONS

The following acronyms or abbreviations are used in this document:

DSA: Daybreak Service Area

ERU: Equivalent Residential Unit

IFA: Impact Fee Analysis

IFFP: Impact Fee Facilities Plan

LOS: Level of Service

LRB: LRB Public Finance Advisors



SECTION 1: EXECUTIVE SUMMARY

The purpose of the Storm Water Impact Fee Facilities Plan (IFFP), and Analysis (IFA) is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act", and assist South Jordan City (the City) in recouping existing investment and constructing necessary capital improvements. This document will address the appropriate impact fees the City may charge to new growth to maintain the existing level of service (LOS).

- **Service Area:** The service area for storm water impact fees include all areas within the City, less the Daybreak Service Area (DSA).
- **Demand Analysis:** The demand units utilized in this analysis are based on impervious area and estimated equivalent residential units (ERUs). As residential and commercial growth occurs within the City, additional ERUs will be generated. The storm water capital improvements identified in this study are based on maintaining the existing LOS.
- **Level of Service:** The proposed LOS is based on storm events and runoff. **Section 3** of this report further explains the LOS.
- **Excess Capacity:** A buy-in component related to existing storm water infrastructure is included in this analysis.
- **Capital Facilities:** Future system improvements are not included in the calculation of the impact fee.
- **Funding of Future Facilities:** This analysis assumes future growth-related facilities will be funded on a pay-as-you-go basis, utilizing impact fee and utility fee revenues.

PROPOSED STORM WATER IMPACT FEE

The IFFP must meet the legislative requirements found in the Impact Fee Act if it is to serve as a working document in the calculation of impact fees. The calculation of impact fees relies upon the information contained in this analysis. Impact fees are then calculated based on many variables centered on proportionality share and LOS. The table below illustrates the appropriate buy-in fee and professional costs related to the storm water impact fee.

TABLE 1.1: IMPACT FEE PER ERU

	TOTAL COST	% ELIGIBLE COST	TOTAL ELIGIBLE VALUE	% TO IFA DEMAND	COST TO IFA	ERUS SERVED	COST PER ERU
System Buy-In	\$45,308,370	56.1%	\$25,429,477	6.2%	\$1,577,413	1,974	\$799
Professional Expense	\$10,750	100.0%	\$10,750	100.0%	\$10,750	1,974	\$5
TOTAL	\$45,319,120		\$25,440,227		\$1,588,163		\$804
Prior Impact Fee							\$1,201
% Change							-33%

NON-STANDARD STORM WATER IMPACT FEES

The City reserves the right under the Impact Fees Act¹ to assess an adjusted fee that more closely matches the true impact that the land use will have upon the City's storm water system. The adjustment for non-standard storm water impact fees is explained in **Section 6** and 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. A developer may submit

¹ 11-36a-402(1)(c)



studies and data for a particular development and request an adjustment. The impact fee for non-standard development would be determined based on the run-off and ERU calculations specific to the development, calculated on a case-by-case basis.

FORMULA FOR NON-STANDARD STORM WATER IMPACT FEES:

Calculated ERU * Base Impact Fee/ERU (\$804) = Total Fee



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 to existing development and ensure that impact fees are not used to raise that LOS. 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 LOS. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the LOS 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 improvements. 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 LOS.

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 (i.e., donations) 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 of 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)

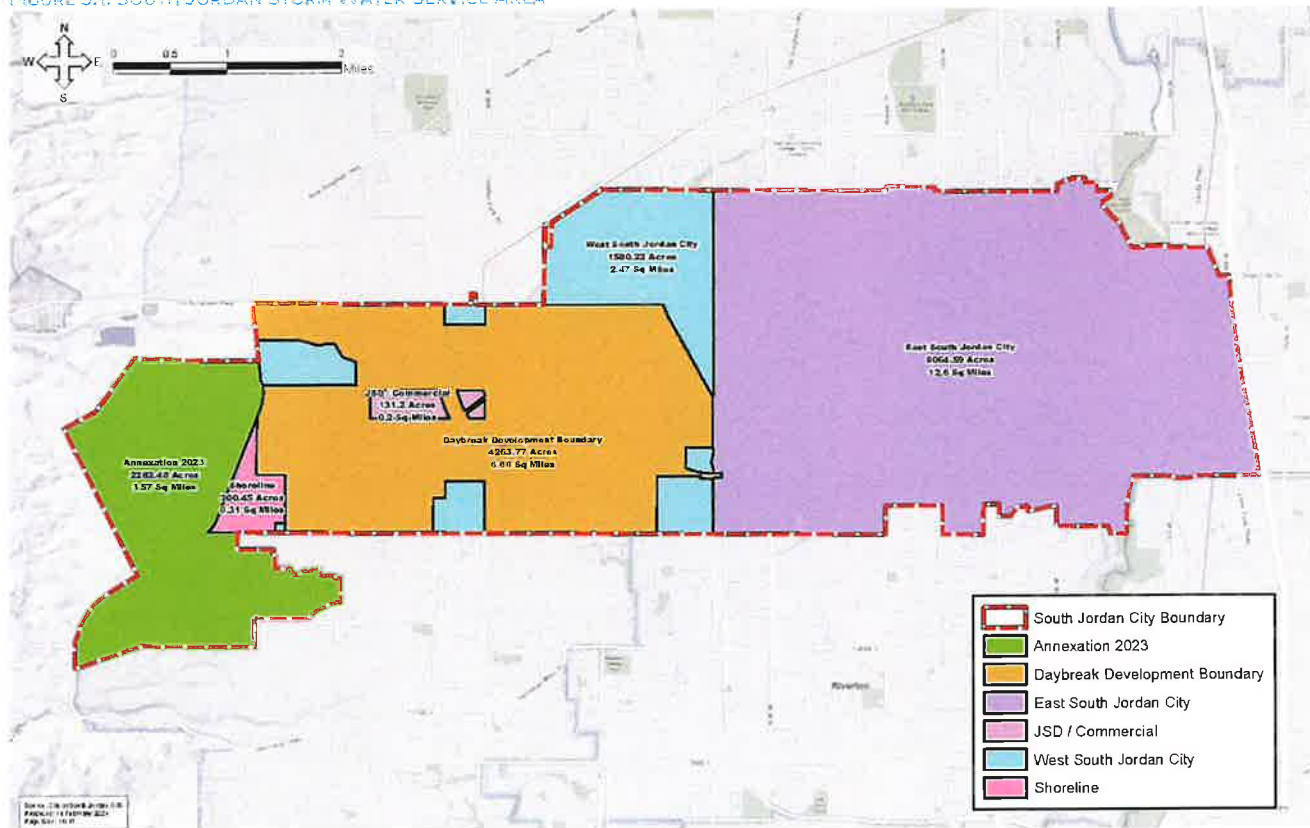


SECTION 3: OVERVIEW OF SERVICE AREA, DEMAND, AND LOS

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁴ The Service Area for storm water impact fees includes the East and West South Jordan City Boundary.

FIGURE 3.1: SOUTH JORDAN STORM WATER SERVICE AREA



It is anticipated that the growth projected over the next ten years, and through buildout, will impact the City's existing services. Storm water infrastructure will need to be expanded in order to maintain the existing LOS. Impact fees are a logical and sound mechanism for funding growth-related infrastructure. The IFFP and this analysis are 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 is not paying for existing system deficiencies. Impact fees should be used to fund the costs of growth-related capital infrastructure based upon the historic funding of the existing infrastructure and the intent of the City to equitably allocate the costs of growth-related infrastructure in accordance with the true impact that a user will place on the system.

⁴ 11-36a-402(a)

DEMAND UNITS

As shown in **Table 3.1**, the growth in ERUs is expected to reach 28,579 units by 2035 with the Service Area. This represents an increase of 1,974 ERUs.

TABLE 3.1: ERU PROJECTIONS

	SOUTH JORDAN PROPER ERUs
2025	26,606
2035	28,579
Buildout	31,818
IFFP DEMAND	1,974
% of Buildout	6%

Source: South Jordan GIS Coordinator

LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the LOS to current or future users of system improvements. Therefore, it is important to identify the storm water LOS currently provided within the City to ensure that the new capacities of projects financed through impact fees do not exceed the established standard.

South Jordan's current storm water system design requirements are defined by 2021 Storm Drain Master Plan. The following criteria establish conditions for which storm drainage facilities are designed:

- Size storm drains to keep water from ponding in streets and intersections during a 10-year storm event.
- Minimum pipe size of 18 inches in diameter.
- Require detention of all new development.
 - If runoff discharges into either Bingham Creek or Jordan River the peak should be attenuated to 0.2 cfs/ac. If runoff discharges into Midas Creek, the peak should be attenuated to 0.02 cfs/ac.
- Detention facilities must be designed to provide at least one foot of freeboard during the 100-year storm event have an emergency overflow.

SECTION 4: EXISTING FACILITIES INVENTORY

EXCESS CAPACITY

For the purposes of this analysis, excess capacity has been defined based on the proportion of ERUs within the IFFP relative to the ERUs at buildout. It is anticipated that the existing system will serve new development through buildout. There will be an increase of 1,974 ERUs in the next ten years, with an estimated total of 31,818 ERUs at buildout. The increase in ERUs in the IFFP planning horizon represents approximately 6.2 percent of the anticipated buildout system ERUs.

TABLE 4.1: STORM WATER BUY-IN

Total Existing System Cost	\$45,308,370
Total Eligible Existing System Value	\$25,429,477
% of Buildout ERUs	6.2%
TOTAL BUY-IN	\$1,577,413
Source: South Jordan City Depreciation Schedule	

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City has funded existing facilities using several revenue sources including utility rate revenues, general fund revenues (property taxes, sales taxes, etc.), grants, donations, impact fee revenues and debt. 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, as well as debt service and capital project needs, while considering future impact fee revenue collections.



SECTION 5: FUTURE CAPITAL FACILITIES ANALYSIS

The City does not anticipate any growth-related new facilities at this time; thus the impact fee analysis only considers a buy-in to existing facilities.

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.⁵ 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.⁶ To the extent possible, this analysis only includes the cost 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 (donation) of system improvements, which may be used to finance system improvements.⁷ 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.⁸ 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 (see IFFP). 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, as well as all non-growth related debt service and capital project needs.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure related 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 of each impact fee calculation 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 capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

⁵ 11-36a-102(21)

⁶ 11-36a-102(14)

⁷ 11-36a-302(2)

⁸ 11-36a-302(3)



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.⁹ The facilities must be considered system improvements, be dedicated to the public, and offset the need for an improvement identified in the IFFP.

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.

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 six years should be spent on those projects outlined in the IFFP as growth related costs to maintain the LOS. Impact fees collected as a buy-in to existing facilities can be allocated to the General Fund to repay the City for historic investment.

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. This analysis includes an inflation component to reflect the future cost of facilities. The impact fee analysis should be updated regularly to account for changes in cost estimates over time.

⁹ 11-36a-402(2)

SECTION 6: STORM WATER IMPACT FEE CALCULATION

The storm water impact fee is based on the plan-based methodology. Using this approach, impact fees are calculated based on a defined set of capital costs specified for future development. The improvements are identified in a capital plan or impact fee facilities plan as growth-related system improvements. The City's existing facilities are proportionately allocated to the new development ERUs, providing an equitable distribution of the existing and proposed facilities that will serve development. The total cost is divided by the total demand units the improvements 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 and level of service.

STORM WATER IMPACT FEE CALCULATION

The City does not anticipate any new facilities at this time; thus the impact fee analysis only considers a buy-in to existing facilities. The storm water impact fees proposed in this analysis will be assessed within the entire Service Area. The table below illustrates the appropriate impact fee to maintain the existing LOS, based on the assumptions within this document. The fee below represents the maximum allowable impact fee assignable to new development.

TABLE 6.1: IMPACT FEE PER ERU

	TOTAL COST	% ELIGIBLE COST	TOTAL ELIGIBLE VALUE	% TO IFA DEMAND	COST TO IFA	ERUs SERVED	COST PER ERU
System Buy-In	\$45,308,370	56.1%	\$25,429,477	6.2%	\$1,577,413	1,974	\$799
Professional Expense	\$10,750	100.0%	\$10,750	100.0%	\$10,750	1,974	\$5
TOTAL	\$45,319,120		\$25,440,227		\$1,588,163		\$804
Prior Impact Fee							\$1,201
% Change							-33%

NON-STANDARD STORM 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 storm water facilities.¹⁰ This adjustment could result in a higher fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD STORM WATER IMPACT FEES:

Calculated ERU * Base Impact Fee/ERU (\$804) = Total Fee

The formula for a non-standard impact fee should be included in the impact fee enactment (by resolution or ordinance). In addition, the impact fee enactment should contain the following elements:

- A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories.

¹⁰ 11-36a-402(1)(c)



- 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 local political subdivision or private entity will use to calculate each impact fee.
- A provision authorizing the local political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to:
 - Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.
 - Ensure that the impact fees are imposed fairly.
- A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- A provision that 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:
 - Dedicates land for a system improvement.
 - Builds and dedicates some or all of a system improvement.
 - Dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- A provision that requires 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; or,
 - Are dedicated to the public and offset the need for an identified system improvement.

Other provisions of the impact fee enactment include exemption of fees for development activity attributable to low-income housing, the state, a school district, or a charter school. Exemptions may also include other development activities with a broad public purpose. If an exemption is provided, the entity should establish one or more sources of funds other than impact fees to pay for that development activity.

