

ORDINANCE 2016-1

**AN ORDINANCE ADOPTING THE UPDATED GENERAL PLAN
FOR MILLVILLE CITY, UTAH**

WHEREAS, the Millville City Council considered options for updating the City General Plan;
and

WHEREAS, an application for funding to complete this update was applied for and awarded to
the City by the Community Impact Board with the project to begin on October 3, 2013,
and

WHEREAS, a citizen committee was formed to provide information and identify areas where an
update for the City could be considered; and

WHEREAS, revisions were drafted and reviewed by the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on February 5, 2015; and

WHEREAS, the Planning Commission recommended to the City Council on February 12, 2015,
to consider approval of the general plan with the comments from their public hearing; and

WHEREAS, the City Council reviewed and implemented comments which had been received
from the Planning Commission and held a public hearing on March 12, 2015; and

WHEREAS, additional clarifications were identified and made; and

WHEREAS, the City Council held a public hearing on April 28, 2016;

NOW THEREFORE, BE IT ORDAINED, the Millville City Council adopts the attached
General Plan pursuant to Utah Code 10-9a-404. Pursuant to Utah Code 10-9a-
403(2)(a)—(i) and (ii), a land use element and a transportation element is included. Also
in compliance with Subsection 10-9a-403(2)(b)(ii) an affordable housing plan has been
developed. All ordinances adopted subsequent to this revised General Plan shall comply
with the goals and actions as set forth herein.

This ordinance shall take effect immediately on passage.

Dated this *28* day of *April*, 2016.

MILLVILLE CITY COUNCIL

BY:



Michael E. Johnson, Mayor



ATTEST:


Rose Mary A. Jones, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Michael Callahan		X		
Cindy Cummings	X			
Julianne Duffin	X			
Mark Williams	X			
Ryan Zollinger		X		

Posted: 4.29-16

ATTACHMENT "K"

MILLVILLE CITY
IMPACT FEE ORDINANCE
APRIL 2016

MILLVILLE CITY

CODE AMENDMENT

CODE AMENDMENT NUMBER 2016-2 ADOPTED 4.28-16

WHEREAS, Millville City (the "City") is a local 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 development 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 said impact fees as a condition of development approval in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner; and

WHEREAS, Lewis Young Robertson & Burningham, Inc., the impact fee consultants retained by the City, have reviewed and evaluated the Service Area as designated in the *Millville City Culinary Water, Transportation, and Park Impact Fee Analysis March 2016*, hereafter referred to as "Written Impact Fee Analysis", and have determined that it is in the City's best interest to revise the aforementioned impact fees, to account for changes to capital facilities planning, land use planning, and the like; and

WHEREAS, the City Council directed Lewis Young Robertson & Burningham, Inc. to prepare a written Impact Fee Analysis which was conducted consistent and in compliance with the Impact Fees Act (specifically Utah Code Ann. § 11-36a-201 et seq). Copies of said Written Impact Fee Analysis can be found at the City Office;

NOW, THEREFORE, the City Council of the City of Millville, Utah, after giving notice of the required public hearing on April 17, 2016, and holding the required public hearing on April 28, 2016, hereby adopts, passes and publishes the following:

AN ORDINANCE REVISING AND PRESCRIBING A POLICY FOR IMPACT FEES FOR CULINARY WATER, TRANSPORTATION, AND PARKS; ESTABLISHING AND ADOPTING CAPITAL FACILITIES PLANS OR OTHER REASONABLE PLANS AND THE ASSOCIATED IMPACT FEE ANALYSIS; ADOPTING IMPACT FEES FOR THE PROVISION OF SAID SERVICES; ESTABLISHING A SERVICE AREA FOR EQUITABLE DISTRIBUTION OF THE IMPACT FEES; AND OTHER RELATED MATTERS.

BE IT ORDAINED, by the City Council of the City of Millville, Utah, as follows:

1. Chapter 3.28 of the Millville Municipal Code entitled Municipal Impact Fees is hereby amended to read as follows:

CHAPTER 3.28

MUNICIPAL IMPACT FEES

Section 3.28.010	Purpose
Section 3.28.020	Effect on Previous Ordinance
Section 3.28.030	Definitions
Section 3.28.040	Written Impact Fee Analysis
Section 3.28.050	Impact Fee Calculations
Section 3.28.060	Capital Facilities Plans; Reasonable Plans
Section 3.28.070	Impact Fee Schedules and Calculations
Section 3.28.080	Fee Exceptions and Adjustments
Section 3.28.090	Appeal Procedure
Section 3.28.100	Miscellaneous

Section 3.28.010 ***PURPOSE***

This Impact Fee Ordinance revises and prescribes the City's impact fee policies and procedures and is promulgated pursuant to the requirements of the Utah Impact Fees Act. Further, this Ordinance:

- A. Revises currently assessed impact fees within the Service Area,
- B. Describes certain capital improvements to be funded by impact fees,
- C. Provides a schedule of impact fees for differing types of land-use development, and
- D. Sets forth direction for challenging, modifying and appealing impact fees.

Section 3.28.020 ***EFFECT ON PREVIOUS ORDINANCE; REPEAL OF EXISTING IMPACT FEE ORDINANCES***

The existing impact fee ordinances of Millville, Utah are superseded and amended to read as set forth in this Ordinance; provided, however, that this Ordinance shall be deemed a continuation of the previous Ordinances, and not a new enactment, insofar as the substance of revisions of the previous Ordinances are included, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction. Currently existing Impact Fees Ordinances are hereby repealed, subject to this Section 3.28.020, and the fact that their repeal shall not be viewed as reenacting any prior fee ordinances or any other enactments by the City.

The following ordinances and/or sections thereof are hereby repealed: Chapter 3.28, Public Park Impact Fees; Chapter 3.32, Roadway Impact Fees; and Chapter 13.08, Water System Impact Fees.

Section 3.28.030 **DEFINITIONS**

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

- A. “Building permit fee” means the fees charged to enforce the uniform building codes adopted by the City and/or the State of Utah.

- B. “Capital facilities plan” or “Capital Improvement Plan” means the plan or other reasonable plan for capital improvements, required and allowed by Section 11-36a-301 of the Act. In Section 11-36a-301 (3) there is an exception to the Capital Facilities Plan for Cities of 5,000 or less in population, based on the latest census. Millville City meets this exception, however, Capital Facilities Plans and/or Capital Improvement Plans have been prepared and can be found at the City Office. Reference to the City’s Capital Facilities Plans and/or Capital Improvement Plans shall also refer to any CFP and reasonable plan prepared and is still in full force and effect.

- C. “City” means a local political subdivision of the State of Utah and is referred to herein as Millville City (the “City”).

- D. “Development activity” means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include all development that will connect to the referenced systems.

- E. “Development approval” means any written authorization from the City that authorizes the commencement of development activity.

- F. “Impact fee” means a payment of money imposed upon development activity as a condition of development approval. “Impact fee” includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.

- G. “Project improvements” mean site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupant or users of development resulting from a development activity. “Project improvements” do not include “system improvements” as defined below.

- H. “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 development activity.
- I. “Public facilities” mean system improvements of the City relating to the services for which impact fees will be assessed.
- J. “Service area” refers to a geographic area designated by the City based on sound planning or engineering principles in which a defined set of the City’s public facilities provides service. The service area for purposes of this analysis is found in the Written Impact Fee Analysis.
- K. “System improvements” refer both to existing public facilities designed to provide services to the service area within the City at large and to future public facilities identified in a reasonable plan for capital improvements adopted by the City that are intended to provide service to service areas within the City at large. “System improvements” do not include “Project Improvements” as defined above.

Section 3.28.040 WRITTEN IMPACT FEE ANALYSIS

- A. 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 Written Impact Fee Analysis and demonstrates the need for impact fees to be charged. A copy of the Executive Summary is included in the Written Impact Fee Analysis, which is hereby approved and adopted, and has been available for public inspection at least ten (10) days prior to the adoption of this ordinance and shall remain available for public inspection at the City Office.
- B. Written Analysis. The City has prepared a Written Impact Fee Analysis for the impact fees that identifies the impact upon the public utilities and systems 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 identifies how the impact fees are calculated. A copy of the Written Impact Fee Analysis has been available for public inspection at least ten (10) days prior to the adoption of this ordinance, and shall remain available for public inspection at the City Office.
- C. Proportionate Share Analysis. The City prepared a Proportionate Share Analysis which analyzes whether 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

- (4) Adjustments. The standard impact fee 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 standard impact fee may also be adjusted to insure that impact fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes.
 - (5) Previously Incurred Costs. To the extent that the new growth and development will be served by previously constructed improvements, the City's impact fees may include public facility and bond costs previously incurred by the City. These projects are included in the calculation of the impact fees and are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations, engineering analysis, or otherwise.
- B. Developer Credits. A developer may be allowed a credit against impact fees for any dedication of land or, improvement to, or new construction of system improvements provided by the developer provided that (i) it is identified in the City's capital facilities or other reasonable plan and (ii) required by the City as a condition of approving the development activity. Otherwise, no credit may be allowed.
- C. Impact Fees Accounting. The City will establish separate interest-bearing ledger accounts for each type of public facility for which an impact fee is collected and deposited into the appropriate ledger account. Interest earned on each fund or account shall be segregated to that account.
1. Reporting. At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
 2. Impact Fee Expenditures. The City may expend impact fees covered by the Impact Fee Policy only for system improvements that are (i) public facilities identified in the City's Capital Facilities Plan or other reasonable plan and (ii) of the specific public facility type for which the fee was collected.
 3. Time of Expenditure. Impact fees collected pursuant to the requirements of this Impact Fee Policy are to be expended, dedicated or encumbered for a permissible use within six (6) years of the receipt of those funds by the City, unless otherwise directed by the City Council. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

4. Extension of Time. The City may hold previously dedicated or unencumbered 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.
- 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.
- E. 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.
- F. 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, such as engineering and inspection fees, 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.
- G. Fees Effective at Time of Payment. Unless the City is otherwise bound by a contractual requirement, the impact fees shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section 3.28.050.A., above, and Section 3.28.070, below.
- H. 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.

Section 3.28.060 CAPITAL FACILITIES PLANS; REASONABLE PLANS

- A. Capital Facilities Plans; Reasonable Plans. The City has prepared Capital Improvement Plans or other reasonable plans for water (based on an existing Master Plan for water), transportation, and a Master Plan for Parks. The Plans have been prepared based on reasonable growth assumptions for the City, general demand characteristics of future users of each system, and engineering principles. Furthermore, the Plans identify the impact on system improvements created by development activity and estimate the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity.

Section 3.28.070 IMPACT FEE SCHEDULES & CALCULATIONS

- A. Maximum Supportable Impact Fees. The fee schedules included herein represent 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,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that the fees are equitably assessed.

This adjustment may result in a higher fee if the City determines that a user would create a greater than normal impact on the system. The City may also decrease the fee if the developer provides documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code 11-36a-402).

WATER IMPACT FEES:

TABLE 6.2: IMPACT FEE PER METER SIZE

METER SIZE (IN)	NOMINAL MULTIPLIER*	IMPACT FEE PER METER SIZE
1	1.00	\$3,050
1 1/2	1.99	\$6,070
2	3.19	\$9,730
3	6.99	\$21,340
4	11.98	\$36,570
6	24.95	\$76,170

*ERC Multiplier based on updated AWWA M6 Manual "Water Meters"

TRANSPORTATION IMPACT FEES:

TABLE 6.4: TRANSPORTATION IMPACT FEE BY LAND-USE TYPE

LAND USE	ITE CODES	PER	ADJUSTED TRIPS	IMPACT FEE
Residential Dwellings	210	Unit	4.79	\$1,760
General Commercial	822, 860, 862, 869, 875, 890, 942	KSF	7.76	\$2,850
Manufacturing/Warehousing	140, 150	KSF	1.85	\$680

PARKS AND RECREATION IMPACT FEES:

TABLE 6.6: PARK IMPACT FEE PER BY LAND-USE TYPE

IMPACT FEE PER HH	PERSONS PER HH	FEE PER HH
Single-Family (per unit)	3.39	\$5,330
Multi-Family (per unit)	1.04	\$1,630

Further calculation and presentation is included in the Exhibit B: Millville City Impact Fee Analysis.

Section 3.28.080 FEE EXCEPTIONS AND ADJUSTMENTS

- A. Waiver for "Public Purpose". The City Council may, on a project by project basis, authorize exceptions or adjustments to the then Impact Fee structure 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 facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature.
- (1) Procedures. 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 3.28.090 APPEAL PROCEDURE

- A. Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:
1. An appeal to the City pursuant to paragraph B, C and D of this Section 3.28.090;
 2. A request for arbitration or other procedure, as provided in Utah Code Ann. § 11-36a-701 to 705, as amended; or

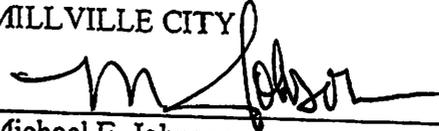
3. An action in state district court as provided in Utah Code Ann. § 11-36a-703(2), as amended.
- B. Application. Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge or appeal the Impact Fee by filing a written notice of appeal with the City Council within thirty (30) days of the date that the fee was paid, or within such other time limit as set by Utah Code Ann. §11-36a-702.
- C. Hearing. 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.
- D. Decision. The hearing panel, which shall consist of the City Council or such other body as the City shall designate, shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

Section 3.28.100 MISCELLANEOUS

- A. Severability. If any section, subsection, paragraph, clause or phrase of this Impact Fee Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Ordinance are declared to be severable.
- B. 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.
- C. Effective Date. Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify or affect any other impact fee of the City in existence as of the effective date of this Ordinance. 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. This Code Amendment shall take effect ninety (90) days after the day on which this Impact Fee Ordinance is approved.

ADOPTED AND PASSED by the City Council of Millville City, Cache County,
State of Utah, this 28 day of April, 2016.

MILLVILLE CITY


Michael E. Johnson
Mayor

ATTEST:


Rose Mary A. Jones
City Recorder

Voting Status:

Michael Callahan	<u>yes</u>
Cindy Cummings	<u>yes</u>
Julianne Duffin	<u>yes</u>
Mark Williams	<u>yes</u>
Ryan Zollinger	<u>no</u>

I, Rose Mary A. Jones, City Recorder of Millville, Cache County, Utah hereby certify that I, on the 29 day of April, 2016 in the City of Millville, County of Cache, State of Utah, posted the foregoing Code Amendment 2016-2 in a likely manner, a copy of which is hereto attached, in each of three of the most public places in the said City of Millville, to wit:

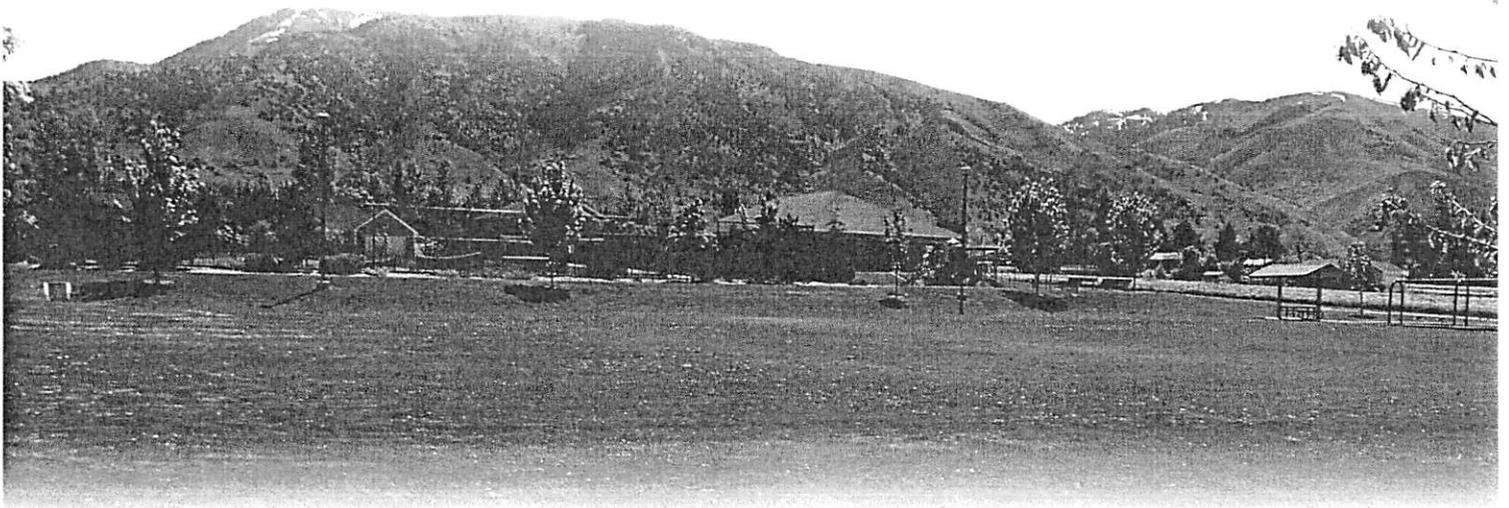
1. Millville City Office – 510 East 300 South
2. Millville City North Park – 430 North 100 East
3. Millville City Post Office – 70 West 200 North

WITNESS my hand this 29 day of April, 2016.


Rose Mary A. Jones

MILLVILLE CITY CULINARY WATER, TRANSPORTATION & PARK IMPACT FEE ANALYSIS (IFA)

MARCH 2016



**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



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IMPACT FEE CERTIFICATION

IFA Certification

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

- ADT: Average Daily Trips
- ERC: Equivalent Residential Connection Based on 1" Meter Size
- Gal: Gallons
- GPM: Gallons per Minute
- IFA: Impact Fee Analysis
- IFFP: Impact Fee Facilities Plan
- LOS: Level of Service
- LYRB: Lewis Young Robertson and Burningham, Inc.
- Sq. Ft.: Square Feet

SECTION 1: EXECUTIVE SUMMARY

The purpose of this Impact Fee Analysis ("IFA"), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act," and help Millville City (the "City") plan necessary capital improvements for future growth. This document will address the future culinary water, transportation and park 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 existing level of service ("LOS"). An Impact Fee Facilities Plan is not required, as the population of the service area was below 5,000 people as of the last census and impact fee revenues are less than \$250,000 annually.¹ However, this analysis relies on information provided by the City and its engineers to evaluate existing system capacity and future projects.

- ☐ **Impact Fee Service Areas:** The service area for culinary water and parks impact fees includes all areas within the municipal boundaries of the City. The transportation service area includes all areas within the municipal boundaries east of SR-165. 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 include population, Equivalent Residential Connections (ERCs) and growth in Average Daily Trips (ADTs). As residential and commercial growth occurs within the City, this new development creates greater demand on existing system infrastructure. The system improvements identified in this study are determined necessary to maintain the level of service for future development.
- ☐ **Level of Service:** The existing and proposed level of service for culinary water is approximately 1.37 GPM per ERC. The current total park value per capita is \$241 for neighborhood parks, \$1,267 for community parks, and \$17 for undeveloped park land. The current level of service for transportation is category D or higher for both intersection congestion and roadway congestion.
- ☐ **Excess Capacity:** The culinary water source component has 249 GPM of excess capacity at the existing LOS of 1.37 GPM per ERC. The culinary water storage component has 292,604 GAL of excess capacity. The buy-in cost to growth calculated for the source, distribution, and booster pumps is \$288,462. No excess capacity has been identified related to park facilities. The buy-in to the existing street system is based on proportionate trips through buildout, with a total of \$1,388,978 included in this analysis.
- ☐ **Capital Facilities Analysis:** The culinary water capital cost eligible for impact fees is \$90,170. The eligible cost for parks impact fees is \$636,537. The transportation eligible costs are \$1,817,102.
- ☐ **Outstanding Debt:** The City has three pieces of outstanding debt that have been included in this analysis: the 1997A Water Bonds, 1997B Water Bonds, and the 2006 Water Revenue Bonds. According to the City, these bonds were used to fund improvements to the water system and are paid from the water fund. A total of \$1,220,581 in interest cost associated with these bonds is included in this analysis. There are no bonds outstanding related to transportation or parks and recreation.
- ☐ **Funding of Future Facilities:** This analysis assumes future growth related facilities will be funded through a combination of utility revenues, impact fee revenues and general fund revenues. Future bonding is not contemplated in this analysis.

PROPOSED IMPACT FEES

TABLE 1.1: TOTAL IMPACT FEE SUMMARY

	PROPOSED	EXISTING	DIFFERENCE	PERCENT CHANGE
Park (Single Family Residential)	\$5,332	\$2,000	\$3,332	167%
Culinary Water (Per ERC)*	\$3,053	\$3,700	(\$647)	(17%)
Transportation (Residential)	\$1,764	\$4,749	(\$2,985)	(63%)
Total	\$10,148	\$10,449	(\$301)	(3%)

*One ERC is equal to a 1" meter.

TABLE 1.2: CULINARY WATER IMPACT FEE BY METER SIZE

Meter Size (in)	Nominal Multiplier*	Impact Fee per Meter Size
1	1.00	\$3,050
1 1/2	1.99	\$6,070
2	3.19	\$9,730
3	6.99	\$21,340
4	11.98	\$36,570
6	24.95	\$76,170

*ERC Multiplier based on updated AWWA M6 Manual "Water Meters"

TABLE 1.3: PARK IMPACT FEE SCHEDULE

Impact Fee per HH	Persons per HH	Fee per HH
Single-Family (per unit)	3.39	\$5,330
Multi-Family (per unit)	1.04	\$1,630

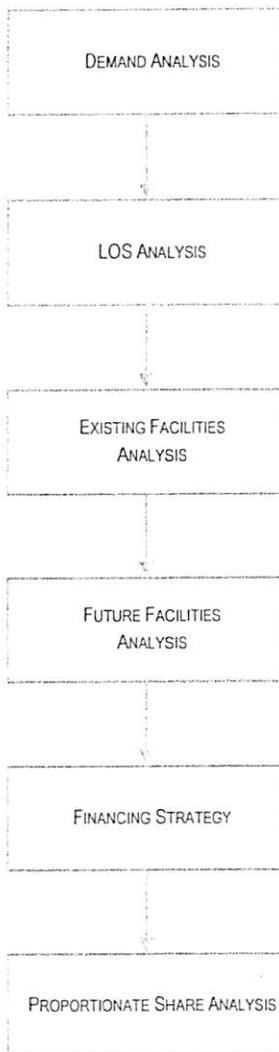
TABLE 1.4: TRANSPORTATION IMPACT FEE SCHEDULE

Land Use	Per	Adjusted Trips	Impact Fee
Residential Dwellings	Unit	4.79	\$1,760
General Commercial	KSF	7.76	\$2,850
Manufacturing/Warehousing	KSF	1.85	\$680

¹ UCA 11-36a-301(3)y



SECTION 2: GENERAL 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; 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 – 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)

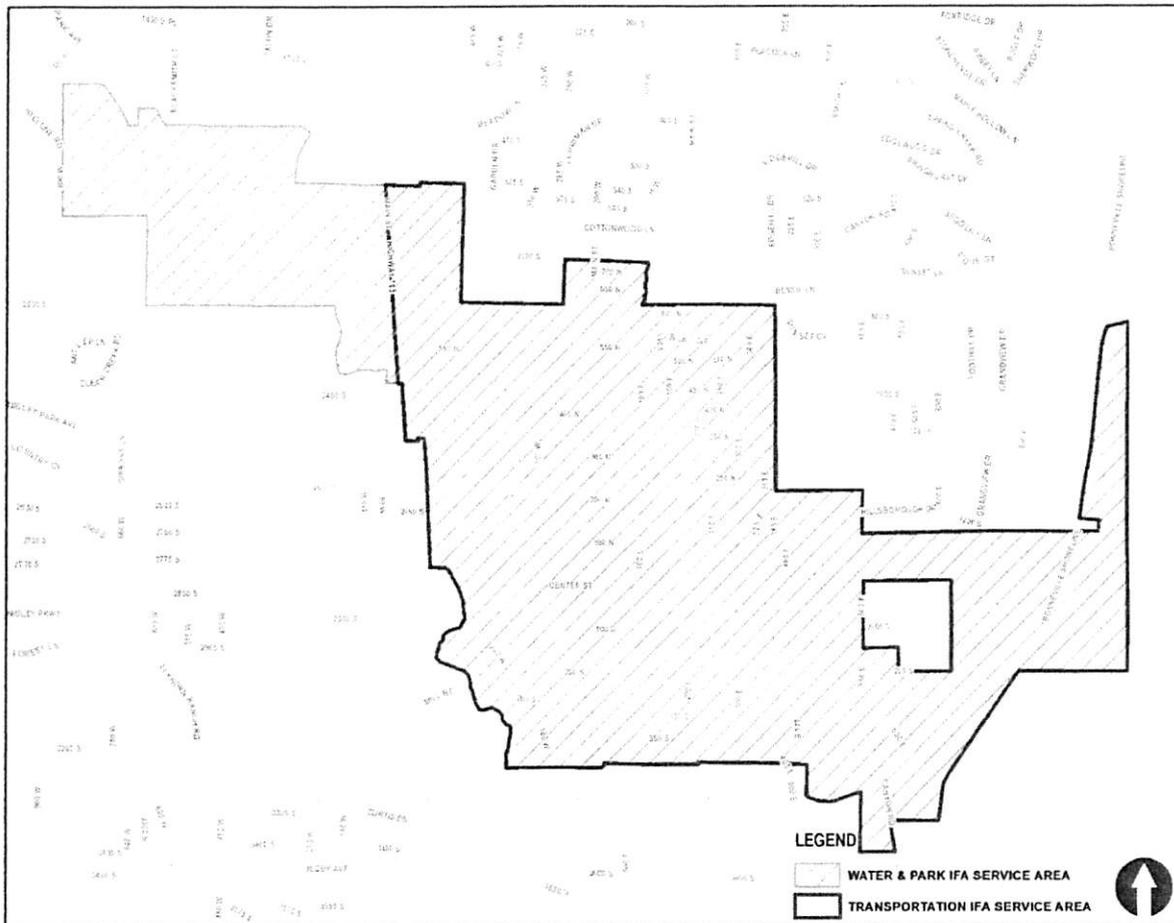


SECTION 3: OVERVIEW OF SERVICE AREA, DEMAND, AND LOS

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 service area for culinary water, transportation and parks are shown in **Illustration 3.1**. The service area for culinary water and parks includes all areas within the City, whereas the transportation service area includes all areas east of SR-165. This document identifies capital projects that will help to maintain the same level of service enjoyed by existing residents into the future.

ILLUSTRATION 3.1: PROPOSED SERVICE AREAS



⁴ UC 11-36a-402(a)

DEMAND UNITS

As shown in Table 3.1, the growth in ERCs which is used to calculate culinary water demand is expected to reach 700 units by 2025, based on a growth rate of 2.0 percent. This represents an increase of 126 ERCs from 2015. As illustrated in Table 3.2, the population, which identifies park demand, is expected to increase by 417 to 2,323 by the year 2025, reflecting an AAGR of 2.0 percent. A comparison of population growth from 2000 to 2010 shows an AAGR of 1.96 percent.

TABLE 3.1: WATER: ERC GROWTH PROJECTIONS

Year	ERC Est.
2015	574
2016	585
2017	597
2018	609
2019	621
2020	634
2021	646
2022	659
2023	673
2024	686
2025	700
New ERCs in IFFP	126
AAGR	2.00%

TABLE 3.2: PARK: POPULATION PROJECTIONS

YEAR	POPULATION
2015	1,906
2016	1,944
2017	1,983
2018	2,022
2019	2,063
2020	2,104
2021	2,146
2022	2,189
2023	2,233
2024	2,277
2025	2,323
New population	417
AAGR	2.00%
Average HH Size (Single Family)	3.39
Average HH Size (Single Family)	1.04
Household Size based on 2009-2013 ACS Census Data	

To determine the proportionate transportation impact from each land use type, the existing trips are allocated to the different land use types based on trip statistics as presented in the Institute of Traffic Engineers (ITE) Trip Generation Manual, 8th Edition. The most common method of determining growth is measuring the number of trips within a community based on existing and future land uses. Appropriate adjustment factors are applied to remove pass-by traffic. Based on the growth in trips, the City will need to expand its current facilities to accommodate new growth. The current and future trip counts are shown in Table 3.3 and Table 3.4. It is anticipated that trips on existing roadways will increase as a result of new development with a total of 7,382 trips for residential dwellings, 4,328 trips for general commercial entities, for a total of 11,710 new trips at buildout, an increase of 8,516 trips.

TABLE 3.3: TRANSPORTATION CURRENT TRIPS

Land Use		FAR	Developed Acres	Developed Units	Daily Trips	Entering/ Exiting	Pass-by Adjustment	Current Peak Hour Trips
Residential								
Residential Dwellings	Unit		515.13	580	9.57	0.50	0%	2,775
Non-Residential								
General Commercial	Sq. Ft.	0.14	9.09	54,000	18.13	0.50	14%	419
Manufacturing/Warehousing	Sq. Ft.	0.20	-	-	3.69	0.50	0%	-
TOTALS			524.22					3,194

TABLE 3.4: TRANSPORTATION BUILDOUT TRIPS

Land Use		FAR	Undeveloped Acres	Undeveloped Units	Future Daily Trips	Total Trips @ Build-out
Residential						
Residential Dwellings	Unit		320.94	962.81	4,607	7,382
Non-Residential						
General Commercial	Sq. Ft.	0.14	84.80	503,842	3,909	4,328
Manufacturing/Warehousing	Sq. Ft.	0.20	-	-	-	-
TOTALS			405.74		8,516	11,710

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.



The existing and proposed culinary water LOS for the source component as illustrated in **Table 3.5** is approximately 1.37 GPM per ERC. This is based on the actual peak demand of 786 GPM, which was provided by the City's engineer, divided by the existing ERCs of 574. For additional discussion regarding the level of service and demand variables related to culinary water, see **Appendix A**.

Table 3.6 includes the total value per capita for park land and improvements within the City. Per capita, neighborhood parks are valued at \$241, community parks are \$1,267, and undeveloped park land is \$17. The current transportation level of service for intersection congestion and roadway congestion is based on maintaining a grade of D or higher as shown in **Table 3.7**.

TABLE 3.5: CULINARY WATER LEVEL OF SERVICE

Actual Existing LOS	Provided LOS	Proposed LOS	Measurement
Source (Observed)	1.37	1.37	GPM per ERC
Storage (Equalization + Emergency)	1,720	1,358	GPD per ERC

TABLE 3.6: PARKS LEVEL OF SERVICE

Summary Level of Service (Cost per Capita)	Land Value per Capita	Improvement Value per Capita	Total Value per Capita
Neighborhood Parks	\$40	\$201	\$241
Community Parks	\$398	\$868	\$1,267
Undeveloped Park Land	\$17	-	\$17

TABLE 3.7: TRANSPORTATION LEVEL OF SERVICE

Summary Level of Service	Category
Intersection Congestion	D or higher
Roadway Congestion Level	D or higher

SECTION 4: EXISTING FACILITIES INVENTORY

EXISTING SYSTEM

CULINARY WATER

Based on information provided by the City, the existing culinary water system capacity is shown in Table 4.1. 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: CULINARY WATER EXISTING CAPACITY INVENTORY

ASSET	AVAILABLE WATER-SUMMER (GPM)	CAPACITY (GALLONS)	TOTAL PIPE LENGTH (FEET)	CAPACITY (GPM)
			Distribution	Booster Stations
Total	1,035	2,300,000	82,060	600

Source: Millville City

According to the City's financial statements, the current system is valued at \$5,320,112. Isolating only system improvements that can be identified as source, storage, or distribution produces a value of \$2,651,333. After the inclusion of interest on existing bonds, the total value included in this analysis is \$3,822,199.

TABLE 4.2: CULINARY WATER DETERMINATION OF ORIGINAL VALUE

	PRINCIPAL	INTEREST	TOTAL
Source	\$127,289	\$56,212	\$183,501
Storage	\$2,017,500	\$890,957	\$2,908,457
Distribution	\$506,544	\$223,697	\$730,241

Source: Millville City

PARKS AND RECREATION

The City's existing park inventory for park acres by type is shown in Table 4.3. This inventory is used to help calculate the LOS in the City that will need to be perpetuated as additional residents locate in the City. The improvement costs for parks and recreation are based on the historic value of existing amenities.

TABLE 4.3: PARKS & RECREATION EXISTING FACILITIES

PARK TYPE	CITY PARKS SYSTEM	TOTAL ACREAGE
Neighborhood Park	North Park 100 East 450 North	2.67
Community Park	South Park 500 East 300 South	11.50
Undeveloped Park Land	South Park Undeveloped	0.50
Total		14.67

Table 4.4 illustrates the total value per capita for park land and improvements within the City, with neighborhood parks valued at \$241, community parks at \$1,267, and undeveloped park land at \$17. Appendix B provides a detailed illustration of the inventory of existing parks and recreation facilities. The determination of park values excludes non-City funded amenities and values. This includes Recreation, Arts, Parks and Zoo (RAPZ) funds, as well as grants. The City received a total of \$414,259 in RAPZ funds which has been excluded from this analysis.

TABLE 4.4: PARKS LEVEL OF SERVICE

Summary Level of Service (Cost per Capita)	Land Value per Capita	Improvement Value per Capita	Total Value per Capita
Neighborhood Parks	\$40	\$201	\$241
Community Parks	\$398	\$868	\$1,267
Undeveloped Park Land	\$17	-	\$17

It is noted that current costs are used strictly to determine the actual cost, in today's dollars, of duplicating the current level of service for future development in the City, and does not reflect the value of the existing improvements within the City. According to the City, land is valued at \$66,000 per acre.



TRANSPORTATION

The current value of transportation infrastructure including sidewalks, curbs, and land is \$3,548,489. A total of \$714,903 is excluded from this value as project improvements and \$923,604 is excluded as grants or donated funds, leaving \$1,909,982 as impact fee eligible value as shown in Table 4.5. This total excludes grant funding and the value related to project improvements which are not eligible revenue sources for the calculation of impact fees.

TABLE 4.5: TRANSPORTATION DETERMINATION OF ORIGINAL VALUE

TRANSPORTATION INFRASTRUCTURE	VALUE
Sidewalks	\$509,585
Curbs	\$136,734
Roads	\$1,976,335
Land Under Roads	\$925,835
Total	\$3,548,489
Less Project Improvements	(\$714,903)
Less Grant Funding	(\$923,604)
Impact Fee Eligible Value	\$1,909,982

Source: Millville City

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 in the systems.

CULINARY WATER

The culinary water system has excess capacity including 249 GPM of source with an original value of \$44,147, and 292,604 GAL of storage excess capacity with an original value of \$370,011. Of these values, \$30,590 is applied to this analysis for source value utilized by ERCs in the next ten years and \$216,374 for storage. A total of 5.7 percent, or a value of \$41,498, of the distribution system is available to the impact fee. The determination of excess capacity or buy-in value is shown below. Based on the timing of this report, the calculation of ERC excess capacity differs slightly from Appendix A.

TABLE 4.6: CULINARY WATER SOURCE

		UNIT
Total Source Capacity	1,035	GPM
Existing Demand	786	GPM
Excess Capacity	249	GPM
% Excess Capacity	24.1%	
ERCs Served by Excess Capacity	182	ERCs
New ERCs in IFFP	126	ERCs
Percent to IFA	69.3%	
Remaining ERCs to Serve in IFFP	-	
Base Value of Existing Facilities	\$183,501	
Cost of Issuance		
Total Base Value	\$183,501	
% Excess Capacity	24.1%	
Excess Capacity Value	\$44,147	
Percent to IFA	69.3%	
Cost to IFA	\$30,590	

TABLE 4.7: CULINARY WATER STORAGE

		UNIT
Total Storage Capacity	2,300,000	GAL
Less Fire Suppression	1,020,000	GAL
Remaining Capacity	1,280,000	GAL
Existing Used Capacity	987,396	GAL
Total Excess Capacity	292,604	GAL
% Excess Capacity	12.7%	
ERCs Served by Excess Capacity	215	ERCs
New ERCs in IFFP	126	ERCs
Percent to IFA	58.5%	
Remaining ERCs to Serve in IFFP	-	
Base Value of Existing Facilities	\$2,908,457	
Cost of Issuance	-	
Total Base Value	\$2,908,457	
% Excess Capacity	12.7%	
Excess Capacity Value	\$370,011	
Percent to IFA	58.5%	
Cost to IFA	\$216,374	

TABLE 4.8: CULINARY WATER DISTRIBUTION

	ERCs	% OF TOTAL
Year: 2015	574	26%
New ERCs in IFFP	126	6%
Build Out ERCs	2,212	100%
Total Base Value	\$730,241	
Percent to IFA	5.7%	
Cost to IFA	\$41,498	