

ORDINANCE NO. 21-14

AN ORDINANCE THAT SUSPENDS COLLECTING THE PORTION OF THE TRANSPORTATION SYSTEM IMPACT FEE, PREVIOUSLY ADOPTED BY ORDINANCE NO. 21-10, FOR THE NEW CONSTRUCTION OF ROADWAY IMPROVEMENTS

RECITALS

WHEREAS, Utah Code Annotated (“U.C.A.”) 11-36a-402 allows for the collection of Impact Fees; and

WHEREAS, on September 21, 2021, the Tremonton City Council approved 21-10 Adopting and Enacting Impact Fees for Water System, Sanitary Sewer Collection System; Storm Drain System; and Transportation System, which is to be effective on December 20, 2021; and

WHEREAS, before the adoption of Ordinance No. 21-10, the City has never collected a Transportation System impact fee; and

WHEREAS, the Transportation System impact fee is comprised of several fees, which include a fee being collected for “New Construction,” a fee for “Buy-In to Existing Excess Capacity,” and a fee for “Consultant Costs;” and

WHEREAS, U.C.A. 11-36a-303 and 11-36a-304 require that before enacting a new impact fee that a City shall prepare an Impact Fee Facilities Plan and an Impact Fee Analysis, and collectively these documents calculate:

- A fee for New Construction by determining the existing Level of Service and roadway improvements that are needed to perpetuate this Level of Service into the future and the associated costs; and
- A fee for Buy-In to Existing Excess Capacity by determining the roadway improvements that the City has previously completed that have excess capacity to accommodate new development activities and the associated costs; and
- A fee for “Consultant Costs” by determining the cost that the City paid to consultants to create the Impact Fee Facilities Plan and Impact Fee Analysis; and

WHEREAS, the Impact Fee Facilities Plan, adopted by Ordinance No 21-09, created a 10 –year Capital Facilities Plan for projects necessary to maintain a Level of Service throughout the City; and

WHEREAS, this 10 –year Capital Facilities Plan identified New Construction to existing roadways as well as new roadways needed, and a project year based on expected development; and

WHEREAS, only projects included in the 10 –year Capital Facilities Plan were impact fee eligible projects (see Exhibit “A”) during the collection period of 2020- 2030 with New Construction costs totaling \$4,113,680; and

WHEREAS, of the \$4,113,680 associated with New Construction of roadway projects from 2020- 2030 (10 –year Capital Facilities Plan), \$197,420 is eligible to be paid using impact fees, requiring Tremonton City to pay \$3,916,260 from General Fund revenues for the construction of these roadway projects; and

WHEREAS, during 2020 through 2030, if Tremonton City collects impact fees over \$197,420, the City is required to expend these funds within six years of collection on additional impact fee eligible projects, which would necessitate Tremonton City to use more General Fund revenues beyond the \$3,916,260; and

WHEREAS, the reason why there is a relatively small amount of impact fee eligible funds (\$197,420) during the 2020-2030 period is that the roadway projects identified in the 10 –year Capital Facilities Plan have a significant amount of excess capacity within these roadway projects to accommodate future growth beyond the ten years (see Exhibit “B”); and

WHEREAS, the City can only expend impact fees collected during the impact fee collection period equal to the capacity used to accommodate new development activities during the same impact fee collection period; and

WHEREAS, to ensure that Tremonton City complies with the expenditure limits of the Impact Fee Act, the Tremonton City Finance Director submits an annual impact fee report to Utah State Auditor’s Office; and

WHEREAS, based upon the preceding Recitals, the Tremonton City Finance Director is recommending that the City not collect the portion of the Transportation System impact fee for the New Construction of roadway improvements, but rather collect only the Transportation System impact fee attributed to “Buy-In to Existing Excess Capacity” as explained below in greater detail and “Consultant Costs”; and

WHEREAS, the Impact Fee Facilities Plan for the Transportation System identifies that Tremonton City has expended \$853,423.51 for the previous construction of roadway improvements wherein there is excess capacity to accommodate new development activities (see Exhibit “C”); and

WHEREAS, the Impact Fee Act allows for Tremonton City to collect a Transportation System impact fees from new development activities in the amount of equal to the amount of funds that Tremonton City has previously expended in constructing these roadway improvements commonly referred to as “Buy-In to Existing Excess Capacity”; and

WHEREAS, Tremonton City desires to suspend collecting the portion of the Transportation System Impact Fee previously adopted by Ordinance No. 21-10, that is attributed to New Construction of roadway improvements and continue to collect the portion of fees for the “Buy-In to Existing Excess Capacity” and “Consultant Costs” (see Exhibit “D”); and

WHEREAS, Utah Code 11-36a-403 (3) exempts the City from specific noticing requirements associated with the repealing or suspending the collection of impact fees.

NOW, THEREFORE, BE IT ORDAINED that the Tremonton City Council as follows:

Section 1. The Transportation System impact fee for the New Construction of roadway improvements as noted in Exhibit “D” with the text that is struck-through is hereby suspended indefinitely until the City Council adopts an ordinance that reinstates the City’s collection of an impact fee for New Construction of roadways.

Section 2. The City shall collect other fees that comprise the Transportation System impact fee, which includes but is not limited to “Buy-In to Existing Excess Capacity” and “Consultants Costs.” These other fees of the Transportation System impact fee shall remain intact and unaffected by this Ordinance.

Section 3. All elements of the Impact Fee Facilities Plan, Impact Fee Analysis, and the Impact Fee Enactment relating to the Transportation System Impact Fee adopted by Ordinance 21-09 and Ordinance 21-10 shall remain intact and unaffected by this Ordinance.

Section 4. If any conflict should occur or arise between this Ordinance and the Utah Impact Fees Act, as amended, the Utah Impact Fees Act shall prevail.

Section 5. All the Recitals, Exhibits, and Appendices of this Ordinance are integral to enacting and administering the Transportation System impact fee. The City Council hereby approves and adopts the Recital, Exhibits, and Appendices as part(s) of the enactment of this ordinance.

Section 6. Previously established Impact Fees associated with the Wastewater Treatment Plant, Parks, Recreation, Open Space, & Trails System, and Public Safety including Fire/E.M.S. and Law Enforcement, Water System, Sanitary Sewer Collection System; and Storm Drain System shall remain intact and unaffected by this Ordinance.

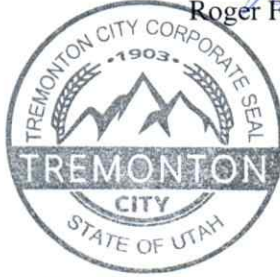
Section 7. If any section, subsection, sentence, clause, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

Section 8. This Ordinance shall take effect concurrently with Ordinance No. 21-10 that is scheduled to be effective on December 20, 2021, so that Transportation System impact fees for New Construction are not collected.

ADOPTED AND PASSED by the Tremonton City Council this 7th day of December 2021.

TREMONTON CITY, a Utah Municipal
Corporation

By 
Roger Fridal, Mayor



ATTEST:


Linsey Nessen, City Recorder

Publication or Posting Date: 12/15/2021

Exhibit "A"

Table 4: Impact Fee Facilities Plan Project Funding Sources

Project	Location	Total Price	Funding Source	Tremontion City %	Tremontion City Total
4.	BR Mountain Road: 1000 North to 2300 West	\$385,000	Tremontion City	100%	\$385,000
5.	BR Mountain Road: 2300 West to Main Street	\$1,119,000	Tremontion City	22%	\$246,180
10.	2000 West Realignment to Project #4	\$344,000	Tremontion City	100%	\$344,000
23a.	1000 North: 2300 West to 2650 West	\$650,000	Tremontion City	100%	\$650,000
23b.	1000 North: 3100 West/Country View Drive to 2650 West	\$100,500	Tremontion City/UDOT	100%	\$100,500
26	1000 North: 1500 West to Iowa String Road	\$667,000	Tremontion City	100%	\$667,000
67	Main Street Widening: Install Turn Lane at 1650 West	\$129,000	Tremontion City	100%	\$129,000
74	1200 South Widening: 100 East to Railroad Tracks	\$1,592,000	Tremontion City	100%	\$1,592,000
Total		\$4,990,000			\$4,113,680

Table 9: Cost Attributable to Growth

Project	Location	Total Cost	Tremontion City Total	Proportion Attributable to Growth	Cost Attributable to Growth
4.	BR Mountain Road: 2650 West to west border	\$385,000	\$385,000	10%	\$39,000
5.	BR Mountain Road: 2300 West to Main Street	\$1,119,000	\$246,180	13%	\$32,000
10.	2000 West Realignment to Project #4	\$344,000	\$344,000	0%	\$0
23a.	1000 North: 2300 West to 2650 West	\$650,000	\$650,000	0%	\$0
23b.	1000 North: 3100 West/Country View Drive to 2650 West	\$100,500	\$100,500	0%	\$0
26	1000 North: 1500 West to Iowa String Road	\$667,000	\$667,000	0%	\$0
67	Main Street Widening: Install Turn Lane at 1650 West	\$129,000	\$129,000	98%	\$126,420
74	1200 South Widening: 100 East to Railroad Tracks	\$1,592,000	\$1,592,000	0%	\$0
Total		\$4,990,000	\$4,113,680		\$197,420

Exhibit "B"

Table 8: Proportion of Projects Attributed to New Development

Project	Location	Cost Reduction For				Proportion Attributable to Growth
		Existing Deficiency	User Share	Pass-Through	Excess Capacity	
4.	BR Mountain Road: 2650 West to west border	0%	1%	1%	88%	10%
5.	BR Mountain Road: 2300 West to Main Street	0%	1%	1%	85%	13%
10.	2000 West Realignment to Project #4	0%	1%	1%	100%	0%
23a.	1000 North: 2300 West to 2650 West	0%	1%	1%	100%	0%
23b.	1000 North: 3100 West/Country View Drive to 2650 West	0%	1%	1%	100%	0%
26	1000 North: 1500 West to Iowa String Road	0%	1%	1%	100%	0%
67	Main Street Widening: Install Turn Lane at 1650 West	0%	1%	1%	0%	100%
74	1200 South Widening: 100 East to Railroad Tracks	0%	1%	1%	100%	0%

Table 9: Cost Attributable to Growth

Project	Location	Total Cost	Tremonton City Total	Proportion Attributable to Growth	Cost Attributable to Growth
5.	BR Mountain Road: 2300 West to Main Street	\$1,119,000	\$246,180	13%	\$32,000
10.	2000 West Realignment to Project #4	\$344,000	\$344,000	0%	\$0
23a.	1000 North: 2300 West to 2650 West	\$650,000	\$650,000	0%	\$0
23b.	1000 North: 3100 West/Country View Drive to 2650 West	\$100,500	\$100,500	0%	\$0
26	1000 North: 1500 West to Iowa String Road	\$667,000	\$667,000	0%	\$0
67	Main Street Widening: Install Turn Lane at 1650 West	\$129,000	\$129,000	98%	\$126,420
74	1200 South Widening: 100 East to Railroad Tracks	\$1,592,000	\$1,592,000	0%	\$0
Total		\$4,990,000	\$4,113,680		\$197,420

Exhibit "C"

Table 2: Existing and 2030 Excess Capacity/Deficiency Calculations in Existing Roadways

Road Name	Functional Classification	Existing Capacity	Existing Volume	Excess Capacity/Deficiency	Excess Capacity/Deficiency %	2030 Capacity (Projects Included)	2030 Volumes	2030 Excess Capacity/Deficiency	2030 Excess Capacity/Deficiency %	Project Cost
BR Mountain Road	Minor Arterial	13,000	10	12,990	99%	13,000	2,000	11,000	85%	\$568,865.64
1000 North	Minor Arterial	13,000	2,600	10,400	80%	15,100	5,200	9,900	66%	\$81,765.23
Main Street (Iowa String)	Major Arterial	13,000	9,800	3,200	25%	15,100	13,500	1,600	11%	\$64,541.20
Main Street (650 W)	Major Arterial	32,800	9,800	23,000	70%	32,800	13,500	19,300	59%	\$138,251.44
Total										\$853,423.51

Exhibit “D”

TRANSPORTATION SYSTEM IMPACT FEE- COST PER A.D.T.

Summary of Impact Fees	Amount
Buy-In to Existing Excess Capacity	\$61.81
New Construction	\$105.80
Consultant Costs	\$13.67
Credit for Benefits to Existing Users	(\$7.02)
Total in 2021 Cost Per A.D.T.	\$174.25
Total in 2022 Cost Per A.D.T.	\$174.72
Total in 2023 Cost Per A.D.T.	\$175.17
Total in 2024 Cost Per A.D.T.	\$175.60
Total in 2025 Cost Per A.D.T.	\$176.02
Total in 2026 Cost Per A.D.T.	\$176.42
Total in 2027 Cost Per A.D.T.	\$176.81
Total in 2028 Cost Per A.D.T.	\$177.19
Total in 2029 Cost Per A.D.T.	\$177.55
Total in 2030 Cost Per A.D.T.	\$177.90
Total in 2031 Cost Per A.D.T.	\$178.25

Calculation of Transportation System Impact Fee. The Transportation Impact Fee is calculated by multiplying the total cost per Average Daily Trips (A.D.T.) listed above in a given year by the number of A.D.T. contained in the Transportation System – A.D.T. Schedule contained in below. The Transportation System – A.D.T. Schedule enumerates the number of average daily trips for common land uses, including single-family detached dwelling. For land uses not specified in the A.D.T. Schedule, the most appropriate member or members of the Development Review Committee shall use the Institute of Transportation Engineers (ITE) trip generation manual to determine the A.D.T. for the land use within the ITE trip generation manual, that is deemed to be most similar to the proposed use. For some land uses, the Institute of Transportation Engineers (ITE) trip generation manual types identify a reduction for trips based upon trips considered “pass-by” which is explained in greater detail in the Transportation IFFP contained in Ordinance 21-09. If the development plan approval or permit for the Development Activity or New Development indicates a mix of uses in the development, the Impact Fees shall be calculated separately for each use according to the A.D.T. Schedule, and the results aggregated. The more A.D.T. associated with a Development Activity or New Development, the greater its impact on the transportation system, and a greater impact fee is accessed.

Transportation System- A.D.T. Schedule

ITE Code	ITE Land Use	Unit	ITE Daily Trip Rate	Pass-By	Adjusted Trip Rate	Average Daily Trip (A.D.T.) ¹
130	Industrial Park 130	1000 Sq. Feet Gross Floor Area	3.37		3.37	3.37
140	General Manufacturing	1000 Sq. Feet Gross Floor Area	3.93		3.93	3.93
150	Warehousing	1000 Sq. Feet Gross Floor Area	1.74		1.74	1.74
151	Mini-Warehouse	1000 Sq. Feet Gross Floor Area	1.51		1.51	1.51
210	Single-Family Detached Housing	Dwelling Unit	9.44		9.44	9.44
220	Multi-Family (2 stories or less - typically townhomes)	Dwelling Unit	7.32		7.32	7.32
221	Multi-Family (3-9 stories)	Dwelling Unit	5.44		5.44	5.44
240	Mobile Home Park	Occupied Dwelling Unit	6.49		6.49	6.49
254	Assisted Living Center	Bed	2.60		2.60	2.60
310	Hotel	Room	8.36		8.36	8.36
444	Movie Theater	1000 Sq. Feet Gross Floor Area	78.09		78.09	78.09
520	Elementary School	Students	1.89		1.89	1.89
522	Middle School / Junior High School	Students	2.13		2.13	2.13
530	High School	Students	2.03		2.03	2.03
534	Private School (K-8)	Students	4.11		4.11	4.11
560	Church**	1000 Sq. Feet Gross Floor Area	27.63		27.63	27.63
565	Day Care Center	1000 Sq. Feet Gross Floor Area	47.62		47.62	47.62
590	Library	1000 Sq. Feet Gross Floor Area	72.05		72.05	72.05
610	Hospital	1000 Sq. Feet Gross Floor Area	10.72		10.72	10.72
710	General Office Building	1000 Sq. Feet Gross Floor Area	9.74		9.74	9.74
720	Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	34.80		34.80	34.80
770	Business Park	1000 Sq. Feet Gross Floor Area	12.44		12.44	12.44
812	Building Material and Lumber Store	1000 Sq. Feet Gross Floor Area	18.05		18.05	18.05
817	Nursery (Garden Center)	1000 Sq. Feet Gross Floor Area	68.10		68.10	68.10
820	Shopping Center / Strip Mall	1000 Sq. Feet Gross Leasable Area	37.75	34%	24.92	24.92
840	Automobile Sales (New)	1000 Sq. Feet Gross Floor Area	27.84		27.84	27.84
841	Automobile Sales (Used)	1000 Sq. Feet Gross Floor Area	27.06		27.06	27.06
848	Tire Store	1000 Sq. Feet Gross Floor Area	28.52	28%	20.53	20.53
850	Supermarket	1000 Sq. Feet Gross Floor Area	106.78	36%	68.34	68.34
851	Convenience Market	1000 Sq. Feet Gross Floor Area	762.28	51%	373.52	373.52
912	Drive-in Bank	1000 Sq. Feet Gross Floor Area	100.03	35%	65.02	65.02
932	Restaurant, Sit-Down (High Turnover)	1000 Sq. Feet Gross Floor Area	112.18	43%	63.94	63.94

933	Fast Food without Drive-Through Window	1000 Sq. Feet Gross Floor Area	346.23	43%	197.35	197.35
934	Restaurant with Drive Through Window	1000 Sq. Feet Gross Floor Area	470.95	50%	235.48	235.48
942	Auto Care Center***	1000 Sq. Feet Gross Leasable Area	23.72		23.72	23.72
944	Gasoline/Service Station	Fueling Position	172.01	42%	99.77	99.77
945	Gasoline/Service Station with Convenience Store	1000 Sq. Feet Gross Leasable Area	1440.02	56%	633.61	633.61
947	Self Service Car Wash	Wash Stall	108.00		108.00	108.00

Note 1: The Adjusted Trip Rate is the same as the Average Daily Trip (A.D.T.).

STATE OF UTAH)
 : ss.
County of Box Elder)

I, LINSEY NESSEN, the City Recorder of Tremonton, Utah, do hereby certify that the above and foregoing is a full and correct copy of Ordinance No. 21-14, entitled **“AN ORDINANCE THAT SUSPENDS COLLECTING THE PORTION OF THE TRANSPORTATION SYSTEM IMPACT FEE, PREVIOUSLY ADOPTED BY ORDINANCE NO. 21-10, FOR THE NEW CONSTRUCTION OF ROADWAY IMPROVEMENTS”** adopted and passed by the City Council of Tremonton, Utah, at a regular meeting thereof on the 7th day of December, 2021, which appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 8 day of December, 2021.



Linsey Nessen
City Recorder

