**NOTICE OF A VINEYARD**
**CITY COUNCIL MEETING**
**August 24, 2022, at 5:00 PM**

PUBLIC NOTICE is hereby given that the Vineyard City Council will hold special session on Wednesday, August 24, 2022, at 5:00 p.m., or as soon thereafter as possible following the RDA meeting, in the City Council Chambers at City Hall, 125 South Main Street, Vineyard, Utah. This meeting can also be viewed on our live stream page.

## AGENDA

**Presiding Mayor Julie Fullmer**

1. **CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE – *to be announced.***

2. **WORK SESSION**
   No items were submitted.

3. **PUBLIC COMMENTS** *(15 minutes)*
   "**Public Comments"** is defined as time set aside for citizens to express their views for items not on the agenda. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action **cannot** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.

*Public comments can be submitted ahead of time to pams@vineyardutah.org.*

4. **MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS**

5. **STAFF, COMMISSION, AND COMMITTEE REPORTS** *(3 minutes each)*
   **5.1** City Manager Ezra Nair

6. **CONSENT ITEMS**
   **6.1** Approval of the August 10, 2022, City Council Meeting Minutes
   **6.2** Approval of DABS Full-service Restaurant Liquor License and On-premises Banquet Liquor License for TopGolf
   **6.3** Approval of Holdaway Fields Preliminary Subdivision Plat
   **6.4** Approval of a Staffing Plan change for the Community Development Department

**6.5** Approval a Municipal Code Amendment adding Chapter 8.12 Camping (Ordinance 2022-15)

**6.6** Approval of a Special Event Permit for Mixhers Movie Night on September 2, 2022.

## 7. PRESENTATIONS/RECOGNITIONS/AWARDS

**7.1 UTA VINEYARD FRONTRUNNER PLAQUE**

Presentation By Marcus Olmstead With Stacy Witbeck

## 8. APPOINTMENTS

**8.1 Vineyard Planning Commission**

With the advice and consent of the City Council, Mayor Fullmer will appoint Craig Bown as an alternate member of the Planning Commission.

**8.2 Vineyard Bicycle Commission**

With the advice and consent of the City Council, Mayor Fullmer will appoint Tyler Haroldsen to the Bicycle Advisory Commission.

## 9. BUSINESS ITEMS

**9.1 PUBLIC HEARING – Sewer Impact Fees (Ordinance 2022-14)**

City Engineer Naseem Ghandour is requesting an amendment to the Sewer Impact Fees. The mayor and City Council will act to adopt (or deny) this request by ordinance.

**9.2 PUBLIC HEARING – Consolidated Fee Schedule (Resolution 2022-38)**

Finance Director David Mortensen will present recommended amendments to the consolidated fee schedule. The mayor and City Council will act to adopt (or deny) these recommendations by resolution.

## 10. CLOSED SESSION

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of (these are just a few of the items listed, see Utah Code 52-4-205 for the entire list):

(a) discussion of the character, professional competence, or physical or mental health of an individual

(b) strategy sessions to discuss collective bargaining

(c) strategy sessions to discuss pending or reasonably imminent litigation

(d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares

(e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares

(f) discussion regarding deployment of security personnel, devices, or systems;

(g) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary in order to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;

## 11. ADJOURNMENT

The next meeting is on Wednesday, September 14, 2022.

This meeting may be held in a way that will allow a councilmember to participate electronically. The Public is invited to participate in all City Council meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder at least 24 hours prior to the meeting by calling (801) 226-1929.

I the undersigned duly appointed Recorder for Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Salt Lake Tribune, posted at the Vineyard City Offices, the Vineyard website, the Utah Public Notice website, and delivered electronically to city staff and to each member of the Governing Body.

**AGENDA NOTICING COMPLETED ON:** August 23, 2022

**CERTIFIED (NOTICED) BY:** /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER

**MINUTES OF A VINEYARD**
**CITY COUNCIL MEETING**
City Council Chambers
125 South Main Street, Vineyard, Utah
August 10, 2022, at 5:00 PM

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| **Present** | **Absent** |
|---|---|
| **City Council** | |
| Mayor Julie Fullmer | |
| Councilmember Tyce Flake | |
| Councilmember Amber Rasmussen (via Zoom) | |
| Councilmember Mardi Sifuentes | |
| Councilmember Cristy Welsh | |

**Planning Commission members present at the Joint Site Visit**
Vice-Chair Anthony Jenkins
Commissioner Tim Blackburn
Commissioner Tay Gudmundson

**Staff Present:** City Manager Ezra Nair, City Attorney Jayme Blakesley, Utah County Sheriff's Office Lieutenant Holden Rockwell, Chief Building Official George Reid, Finance Director David Mortensen, City Engineer Naseem Ghandour, Community Development Director Morgan Brim, Public Works Director Chris Wilson, Water Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commission Vice-Chair Anthony Jenkins

**Others Speaking:**

## 1. 5:00 PM - JOINT SITE VISIT – Holdaway Fields East Park

The mayor, City Council, Planning Commission, and staff met at the Holdaway Fields property to discuss the possible use of the buildings currently on the site.

## 2. CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

Mayor Fullmer opened the remainder of the meeting at 5:27 PM and gave the invocation and led the Pledge of Allegiance.

## 3. WORK SESSION

### 3.1 Safe Streets For All (SS4A)

City Engineer Naseem Ghandour will lead a discussion regarding the Federal SS4A program, which supports safer roadways, and its impacts to Vineyard City.

This item was postponed to the next council meeting.

## 4. PUBLIC COMMENTS

Mayor Fullmer called for public comments. Hearing none, she closed the session.

## 5. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Sifuentes reported that the Orem City Council voted to put the school district split on the ballot this year. She said that Vineyard City Council would be reviewing the studies that were done for Orem to see what direction Vineyard would take if the initiative were to pass.

Mayor Fullmer reported that there would be an invitation-only grand opening on August 12 for the FrontRunner Station with an evening celebration for residents.

## 6. STAFF, COMMISSION, AND COMMITTEE REPORTS

**6.1** City Manager Ezra Nair reported that Chief Building Official George Reid would be leaving the city for a new employment opportunity.

Mayor Fullmer shared her thoughts about Mr. Reid and his service to city.

Mr. Reid gave a few remarks.

**6.2** Planning Commission Chair Bryce Brady was excused. Planning Commission Vice-Chair Anthony Jenkins reported that the Planning Commission had the preliminary plat for Holdaway Fields and a few warehouses in north Vineyard.

Mayor Fullmer mentioned the tour that they took earlier today on the Holdaway Fields property.

## 7. CONSENT ITEMS

**7.1** Approval of the July 15, 2022, City Council Work Session
**7.2** Approval of the July 27, 2022, City Council Meeting Minutes
**7.3** Approval of  the Cottonwoods POD 6, Phase 5 Final Subdivision Plat
**7.4** Approval of the Vineyard City Pipelines and Meter Station project amendment
**7.5** Approval of the Bid Award for Road Striping (Resolution 2022-36)
**7.6** Approval of a Staffing Plan Adjustment in the Finance Department
**7.7** Approval of the FrontRunner Grand Opening Celebration Special Event Permit

Mayor Fullmer called for a motion.

**Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE THE CONSENT ITEMS 7.1 THROUGH 7.7. COUNCILMEMBER WELSH SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

## 8. APPOINTMENTS

### 8.1 Vineyard Planning Commission

With the advice and consent of the City Council, Mayor Fullmer will appoint Tay Gudmunson as a sitting Planning Commissioner, remove existing alternate members, and will potentially appoint additional members.

Mayor Fullmer explained that there were no additional names at this time and called for a motion.

**Motion:** COUNCILMEMBER RASMUSSEN MOVED TO APPROVE THE MAYOR'S APPOINTMENT OF TAY GUDMUNDSON TO SIT AS A PLANNING COMMISSIONER AND THE REMOVAL OF EXISTING ALTERNATE MEMBERS. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

### 8.2 Vineyard Bicycle Commission

With the advice and consent of the City Council, Mayor Fullmer will appoint members to the Vineyard Bicycle Commission.

Mayor Fullmer stated that this item was being continued to the next meeting.

## 9. PRESENTATIONS/RECOGNITIONS/AWARDS

No items were submitted.

## 10. BUSINESS ITEMS

### 10.1 DISCUSSION AND ACTION – Sewer Line Rapid Assessment Tool (SL-RAT) Bid Award (Resolution 2022-37)

Public Works Director Chris Wilson will present a recommendation for the bid award for acoustic assessment of the sewer lines to RH Borden and Company LLC. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over the Public Works Director Chris Wilson.

Mr. Wilson explained the reason for the need to assess the sewer lines.

Mayor Fullmer called for questions. Hearing none, she called for a motion.

**Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE STAFF TO ENTER INTO AN AGREEMENT WITH RH BORDEN AND COMPANY LLC FOR THE SL-RAT SERVICES AS PROPOSED FOR FY22-23. COUNCILMEMBER SIFUENTES SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

**10.2 DISCUSSION AND ACTION – Housing and Transit Reinvestment Zones (HTRZ)**

City Manager Ezra Nair will present a Housing and Transit Reinvestment Zone request to move forward with an application to the Governor's Office of Economic Opportunity. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to City Manager Ezra Nair.

Mr. Nair explained what the State Housing and Transit Reinvestment Zone Act (HTRZ) was.

Mayor Fullmer called for questions. Hearing none she called for a motion.

**Motion:** COUNCILMEMBER SIFUENTES MOVED TO APPROVE MOVING FORWARD WITH SUBMITTING AN HTRZ APPLICATION TO THE GOVERNOR'S OFFICE OF ECONOMIC OPPORTUNITY. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

## 11 CLOSED SESSION

No closed session was held.

## 12 ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

**Motion:** COUNCILMEMBER WELSH MOVED TO ADJOURN THE MEETING AT 5:39 PM. COUNCILMEMBER SIFUENTES SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

MINUTES APPROVED ON: ______________________________

CERTIFIED CORRECT BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER

VINEYARD
STAY CONNECTED

# VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date:** August 24, 2022

**Agenda Item:** 6.2 DABS Full-service Restaurant Liquor License and On-premise Banquet Liquor License for TopGolf

**Department:** Business Licensing

**Presenter:** Kelly Kloepfer, Business License Administrator

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**Background/Discussion:**
The Utah Department of Alcoholic Beverage Control (DABC) has recently changed its name to the Department of Alcoholic Beverage Services (DABS).

TopGolf attorney Tanner Lenart has applied for a DABS Full-service Restaurant Liquor License and a DABS On-premise Banquet Liquor License, as well as a Vineyard Class B Liquor License for Restaurants for the TopGolf currently under construction at 484 North 700 East/Entertainment Way.

DABS requires written consent from the municipality as part of DABS License applications. TopGolf is complying with all city licensing requirements.

**Fiscal Impact:**
The expected fiscal impact would be increased commercial activity and resulting sales tax revenue for the city.

**Recommendation:**
The City Recorder's office recommends granting Local Consent to DABS for the applicant to receive the DABS Full-service Restaurant Liquor License and the On-premise Banquet Liquor License.

**Sample Motion:**
I move to grant Local Consent for TopGolf to be issued the DABS Full-service Restaurant Liquor License and the DABS On-premise Banquet Liquor License, as presented.

**Attachments:**
TopGolf - Vineyard Alcohol License Application
DABS License Information

Utah Department of Alcoholic Beverage Services
License information from the DABS website:

# FULL-SERVICE RESTAURANT

Full-service restaurant liquor licenses are issued for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer on the premises of a restaurant that **is engaged primarily in serving meals to the general public**. Patrons may only purchase alcoholic beverages in conjunction with an order for food that is prepared, sold, and served at the restaurant. Each restaurant must maintain at least 70% of its total restaurant business from the sale of food.
Licensed restaurants may sell liquor, heavy beer, and wine from 11:30 a.m. to midnight and beer until 1:00 a.m. Monday through Friday. On Saturday, Sunday, legal holidays, and private parties, the hours of sale may begin at 10:30 a.m.

A restaurant may have a visible bar with certain restrictions. If a restaurant bar has seating within 5 or 10 feet, depending on the approved floor plan, no one under 21 years of age may be seated there. The use of an I.D. scanner (approved electronic age verification device) is required for those persons who appear to be 35 years of age or younger, and who order beer.

# BANQUET

**An On-Premise Banquet License** allows the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted (not open to the general public) banquet activities or contracted privately sponsored events (which are events restricted by an admission fee) on the premises of a hotel, resort facility, sports center, convention center, performing arts facility, or an Arena. All banquet licenses must be able to host conventions and conferences, have an adequate kitchen or culinary facilities on the premises, and be able to provide complete meals. Alcoholic beverages may be sold on any day from 10 a.m. until 1 a.m. Each banquet licensee must maintain at least 50% of its total banquet business from the sale of food.
**The banquet license may also provide room service to guest sleeping rooms or privately owned dwelling units in hotels and resorts.**
To qualify for a banquet license, applicants must meet one of the following requirements:

**A Hotel** is a commercial lodging establishment that offers temporary sleeping accommodations for compensation. The hotel may also have one or more privately owned dwelling units. It must have at least 1000 square feet of function space, consisting of meeting and/or dining rooms that can be reserved for private use under a banquet contract and be able to accommodate a minimum of 75 people.

**A Resort Facility** is a commercial recreational facility or area that is designed primarily to attract and accommodate people to a recreational or sporting environment. It must have at least 1500 square feet of function space consisting of meeting and/or dining rooms that can be reserved for private use under a banquet contract and accommodate a minimum of 100 people. It must have adequate kitchen or culinary facilities on the premises of the resort to provide complete meals.

**A Sports Center** is a facility that is designed primarily to accommodate people at sporting events and has at least 2500 square feet of function space consisting of meeting and/or dining rooms that can be reserved for private use under a banquet contract and be able to accommodate a minimum of 100 people. It must also have a fixed seating capacity for more than 2,000 persons.

**A Convention Center** is a facility that primarily provides business or function space to conventions and/or conferences and provides food and beverage functions under a banquet contract. The convention center must have at least 30,000 square feet.

**A Performing Arts Facility** is a multi-use performance space that is primarily used to present various types of performing arts, including dance, music, and theater. There must be over 2,500 seats that is owned and operated by a governmental entity in cities over 100,000 people. A performing arts facility does not include sporting events or sporting competitions.

**An Arena** is an *enclosed event venue* with an occupancy capacity of at least 12,500 people. The arena must be managed and owned either by the same person, or a person who has a majority interest in, or can exercise control or authority over the management of each person who owns or manages a space at the venue

**Report Banquet Events in Advance:** Every banquet licensee must file a report to the DABS containing advance notice of their events.

# Alcohol License and Local Consent Application

125 S Main Street
Vineyard, UT 84059
801-226-1929
www.vineyardutah.org

## Type of alcohol license applying for (fee is due at time of application):

- ☐ Class A Beer License to sell beer in original containers for off-premise consumption ............... $400
- ☐ Class B Beer License to sell beer in original containers for on-premise consumption ............... $400
- ☐ Class C Beer License to sell draft beer for on- or off-premise consumption............................... $400
- ☐ Class D Temporary Seasonal Beer License ............................................................................. $400
- ☐ Class E Bar Beer License.............................................................................................................. $400
- ☐ Class A Liquor License for Bars ..................................................................................................... $300
- ☒ Class B Liquor License for Restaurants ......................................................................................... $300
- ☐ Class C Temporary Liquor License ................................................................................................ $300

## Bond amounts for each type of alcohol license

- ☐ Classes A-D Beer, Class B Liquor - Limited-service Restaurant......................................................$5,000
- ☒ Class E Beer, Class A Liquor, or Class B Liquor - Full-service Restaurant.......................................$10,000
- ☐ Class C Temporary Liquor License ...................................................................................................$1,000

## Steps to obtaining a Vineyard Alcohol License

1. Submit to Vineyard City:
   a. Commercial Business License Application with appropriate business license fee and required documents, and
   b. Alcohol License and Local Consent Application, including the following:
      - ☐ Government-issued photo ID of each applicant (general manager/owners/corporate officers)
      - ☐ Original copy of Utah B.C.I. Background Check, dated within the last 90 days (Utah resident), or equivalent report from applicant's home state if not a Utah resident, for each applicant (general manager/owners/corporate officers)
      - ☐ Alcohol License fee
      - ☐ Proof of Bond in the amount listed above, with Vineyard City listed as Obligee
2. Once the business applies for the Vineyard Alcohol License and Local Consent, the City Recorder will put the application on the next City Council Agenda for the City Council to review. If the City Council gives Local Consent, the applicant will receive a Local Consent document from the city.
3. After receiving Local Consent, apply for a Utah Department of Alcoholic Beverage Control (DABC) Alcohol License. You may contact them at 801-977-6800 with any questions.
4. After the Utah DABC Alcohol License is issued, provide a copy of it to the Vineyard City business licensing official.
5. Once that and all other requirements are met, the City will issue the Vineyard Alcohol License.

## Business Information

Business Status (Check all that apply): ☒ New Business ☐ Location Change ☐ Name Change ☐ Ownership Change

Business name: Topgolf  Local Business Phone: ____________

Address of proposed licensed premises: 484 North Entertainment Way, Vineyard, UT 84057

State Sales Tax No.: [redacted]  Federal ID #/FEIN: [redacted]

State Registration: ☐ Corporation ☐ Partnership ☒ Limited Liability (LLC) ☐ Sole Proprietor

Please complete the following to indicate the nature of your business:

Type of Business: ☐ Bar ☒ Restaurant ☐ Grocery Store ☐ Gas Station/Convenience Store

☐ Other: ____________

## Applicant Information

### Sole Proprietor and 1st Applicant if Partnership

Applicant: N/A

Name | Title

Home Address | City | State | ZIP

Government ID/Driver License # | State

### Partnership

2nd Applicant: N/A

Name | Title

Home Address | City | State | ZIP

Government ID/Driver License # | State

### Corporation

Corporate Name: Topgolf USA VY, LLC

Corporate Address and Phone: [redacted]

Corporate Officers:
President: William Davenport (Name) | CFO and LLC Manager (Title)

[redacted] (Home Address) | Dallas (City) | TX (State) | 75238 (ZIP)

[redacted] (Government ID/Driver License #) | State

Vice-President: ______________________________________________
Name Title

______________________________________________
Home Address City State ZIP

______________________________
Government ID/Driver License # State

CEO: ______________________________________________
Name Title

______________________________________________
Home Address City State ZIP

______________________________
Government ID/Driver License # State

I understand that all persons selling alcoholic beverages must be 21 years old or older. WD (initials)

I understand that all employees who sell alcoholic beverages or directly supervise the sale of alcoholic beverages must complete the statewide alcohol training and education seminar required by Utah Code Title 32B. WD (initials)

I, the undersigned, either as an individual, or as the authorized representative of the Applicant, hereby state that I understand and have read and complied with the requirements and possess the qualifications specified in the Alcoholic Beverage Control Act (Utah Code Title 32B) and Vineyard Municipal Code Chapter 5.10. I agree to conduct said business strictly in accordance with Vineyard Ordinances and all County, State, and Federal laws covering such businesses, and understand that it is unlawful to make any false statement, declaration, or report as required in this application.

William Davenport
Applicant's Printed Name

Manager
Title

W. D.
Applicant's Signature

State of Texas }
§
County of Dallas }

On the 1 day of July, 2022, personally appeared before me William Davenport, who being duly sworn did say that he/she signed the foregoing application and that the information contained herein is true.

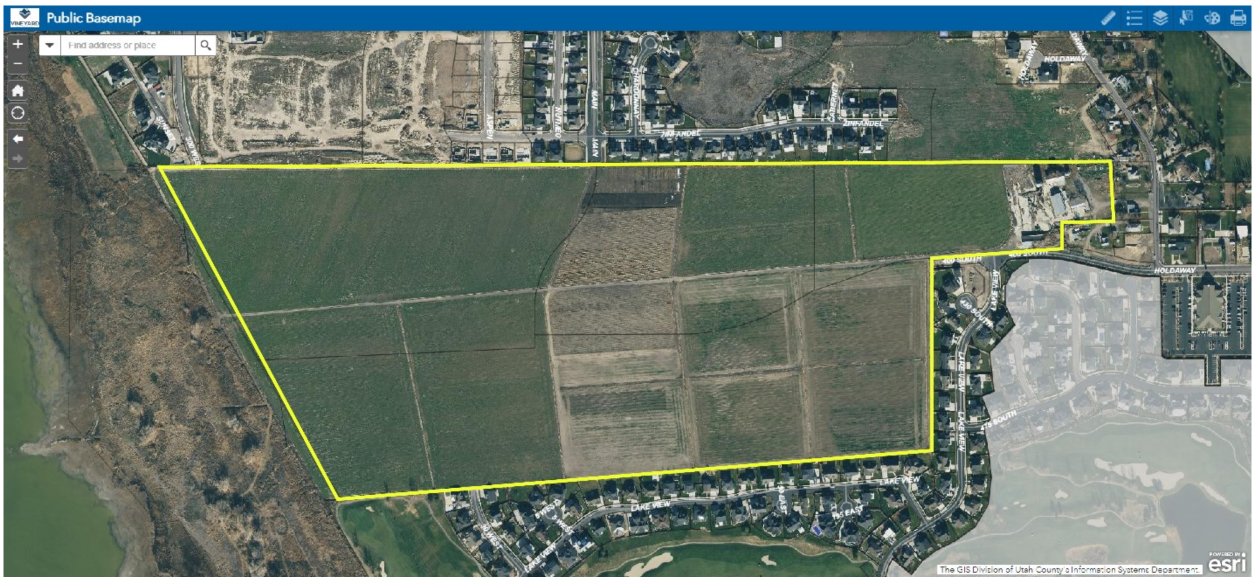
CHEREE D. GOODALL
Notary Public, State of Texas
Comm. Expires 08-13-2025
Notary ID 125394731

Cheree D. Goodall
Notary Public

Alcohol License period is for one year, ending on the last day of the twelfth month after the license is issued. The alcohol license must be renewed one month prior to expiration date. It is the responsibility of the licensee to renew the license. Failure to receive notice does not excuse this responsibility. The authority to regulate alcohol licensing in Vineyard is provided in the Vineyard Municipal Code Chapter 5.10 Intoxicants which is available for review online at www.vineyardutah.org.

# Community Development

**Date**: August 03, 2022
**From**: Briam Amaya Perez, Planner II
**To**: City Council
**Item**: 6.3 Holdaway Fields Preliminary Plat
**Permit:** PLAN22-015 (CityInspect, Development Module)
**Address**: Main Street and 400 S, Vineyard, Utah, 84059
**Subdivision:** Holdaway Fields
**Applicant**: Ryan Bybee
**Owner**: Ryan Bybee, Cadence Homes




**ANALYSIS**

The applicant, Ryan Bybee, with Cadence Homes, is requesting City Council approval of a Preliminary Plat for the “Holdaway Fields” development. The Vineyard City Planning Commission reviewed this preliminary plat on August 3, 2022 during their regular meeting, and recommended approval to the City Council.

The developer desires to develop the property in accordance with the Neighborhood Plan that was attached to the development agreement approved by City Council on July 13, 2022. The lots associated with this project will be developed into 295 single-family detached residences. The City Council has reviewed this Agreement and determined that it is consistent with the Municipal Land Use, Development, and Manage Act, the Ordinances, and the City of Vineyard General Plan, and that it promotes the health, safety, welfare, convenience, and aesthetics, and general good of the community.

The proposed preliminary plat has been prepared in accordance with the Land Use Ordinances showing the design of the intended land division. This preliminary plat shows the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the Vineyard

City Subdivision Code. The purpose of the preliminary plat application is to review the specific layout of the lots created by the proposed subdivision, ensure proper coordination of public and private street systems and circulation, review demand and availability of public utilities, review park, open space, and recreation sites, and review project densities. All proposed preliminary subdivision plats must receive recommendation of approval to the City Council by the Planning Commission and final approval by the City Council. The approved preliminary plat (and development agreement) vests the applicant with density for the subdivision, street configuration, and lot layouts.

**RESIDENTIAL UNITS**

The residential lots within the preliminary subdivision plat have been divided into the following categories and sizes. It is important to note that the preliminary plat does not propose any attached residential units. All the units on the plat shall be detached, single family units:

| Description | Acres | Units | Units/Acre | % |
|---|---|---|---|---|
| Estate Lots | 51.77 | 150 | 2.90 | 56.20% |
| Village Lots | 5.13 | 18 | 3.51 | 5.60% |
| Cottage Lots | 25.96 | 127 | 4.89 | 28.20% |
| Open Space | 9.28 | - | - | 10.00% |
| Total | 92.14 | **295** | 3.20 | 100.00% |

**PHASING**

The Holdaway Fields Subdivision will be developed in phases as set forth in Exhibit D of the Development Agreement approved on July 13, 2022. Phasing of the Project shall take into account and be accomplished so as to ensure continuity and orderly development of the project, coordination in connection with the installation of infrastructure improvements, future road and utility capacity needs, availability of access to all portions of the Project and related considerations. See 'Coversheet & Phasing Plan' (C1 of Preliminary Plat) for further details.

**TRAFFIC & CIRCULATION**

Street improvements, including sidewalks, planters, curbs, gutters, trails, and roadways, shall be completed and receive final approval from the City as follows:

- Main Street Connection and Sleepy Ridge Connection to 30 W, via Main Street, to Stillwater shall be platted with Phase 1 and completed prior to the issuance of a certificate of occupancy for any of the lots developed within the same phase
- 400 S to western and eastern termini shall be platted with Phase 2 and completed prior to the issuance of a certificate of occupancy for any of the lots developed within the same phase.

The applicant has labeled all existing and future roadway connections. The applicant has also depicted the proposed layout of streets, and their proposed names and grades. All the streets being proposed provide connectivity to adjacent properties and neighborhoods. The applicant has labeled which roadways are intended to remain public and private. A Roadway Cross Sections page (C13) shows the dimensions and profiles of all new streets and roads proposed to be dedicated to the City.

**PARKS AND OPEN SPACE**

Park spaces shall be completed and receive final approval from the City as follows:

- The park labeled as East Park on the Phasing Plan (of the Neighborhood Plan) shall be platted with Phase 3 and completed prior to issuance of the 124th certificate of occupancy for any of the lots developed within the same phase.
- Parks labeled as Bike Trail Park and Holdaway Park on the Phasing Plan (of the Neighborhood Plan) shall be platted with Phase 7 and completed prior to the issuance of the 221 certificate of occupancy for any o the lots developed within the same phase.
- The Club House, pool, and associated private amenities of the age-restricted community shall be platted with Phase 4 and constructed and completed prior to the issuance of a certificate of occupancy for any of the lots developed within the same phase.

**UTILITIES AND SERVICES**

The applicant shall pay for the construction and installation of utilities within the Project as may be required to service the Project under applicable law, including all municipal water and sewage services to the Property, and all electrical lines, natural gas lines, telecommunication, and cable television lines, and so forth (collectively, the “Utilities”).

The applicant has noted that Power will connect into the existing power locations in 300 W, Main Street, 30 West, and Holdaway Road. The applicant shall coordinate power design and connection with Rocky Mountain Power.

The applicant has labeled all the appropriate connections and improvements for culinary water, sewer, storm drainage, ground drainage, and power. In addition, the preliminary utility plan shows several locations identified for fire hydrants, 12’ streetlights, 20’ streetlights, overhead and buried power lines. An underground stormtrap detention system is proposed on the west side of the project beneath the future Holdaway Park as a means to temporarily store runoff in large underground chambers before releasing it at a controlled rate to mitigate harmful effects such as erosion and flooding. Stormwater from the subdivision will discharge on the shores of Utah Lake once it has been captured and treated.

Existing well locations shown on the proposed preliminary plat are per the Utah Division of Water Rights well logs. Existing wells are to be abandoned and capped by a licensed well driller, except those notes otherwise.

Finally, several existing concrete ditches that were previously used for irrigation of agricultural land shall be removed from the site.

**TREES AND VEGETATION**

The location of all existing and proposed street trees and other landscape plantings have been identified on the preliminary plat. Landscaping plans within individual buildings permits for each lot shall generally conform with the landscaping indicated on the preliminary plat.

**NEXT STEPS**

After the preliminary plat is approved by City Council, a final plat document must be submitted for review, approval and recording at the Utah County Recorder’s Office. A title report, affidavit of property ownership, geotechnical report, and final plat map must accompany that application. A final plat is a map drawing prepared in accordance with the Land Use Ordinances showing the final design of a land division and complying with all standards and requirements of best surveying practice and in a form required by the Utah County Recorder's Office for recordation. Once the final plat has been recorded, the applicant may then submit for building and construction permits. The public parks and the club house and amenities shall require separate site plan applications for approval before the Planning Commission.

**STAFF RECOMMENDATION**

Staff and Planning Commission recommend approval of the preliminary plat, provided the following conditions are met.

**CONDITIONS**

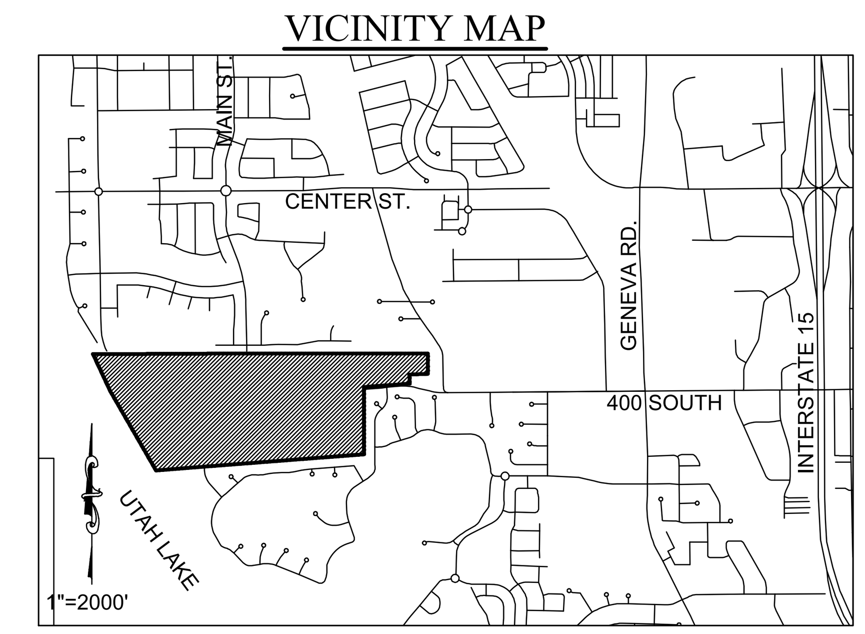
1. The applicant pays any outstanding fees and makes any redline corrections.
2. The applicant is subject to all federal, state, and local laws.

**PROPOSED MOTION**

"I move to approve the Holdaway Farms preliminary plat application, as requested by Ryan Bybee (with Cadence Homes), with the proposed conditions."

**ATTACHMENTS**
Preliminary Plat

# HOLDAWAY FIELDS




SURVEY NOTE

SEE SHEET C3 FOR SECTION MONUMENT TIE-IN AND POINT OF BEGINNING.


SHEET INDEX



SITE TABULATIONS

| | | |
|---|---|---|
| TOTAL AREA: | 4,884,431 S.F. | 112.131 ACRES |
| PUBLIC ROW DEDICATION AREA: | 1,037,463 S.F. | 23.817 ACRES |
| PUBLIC PATH DEDICATION AREA: | 8,505 S.F. | 0.195 ACRES |
| PUBLIC PARK DEDICATION AREA: | 394,090 S.F. | 9.047 ACRES |
| TOTAL LOT AREA: | 2,505,099 S.F. | 57.509 ACRES |
| PRIVATE DRIVE AREA: | 145,658 S.F. | 3.344 ACRES |
| PRIVATE PARK AREA: | 28,111 S.F. | 0.645 ACRES |
| CHURH PARCELS: | 765,505 | 17.574 ACRES |

PHASE PLAN

| PHASE | ACREAGE | # OF LOTS | COMPLETION DATE |
|---|---|---|---|
| 1 | 24.814 | 69 | 2023 |
| 2 | 33.281 | 48 | 2024 |
| 3 | 9.633 | 14 | 2025 |
| 4 | 8.052 | 35 | 2026 |
| 5 | 13.186 | 35 | 2027 |
| 6 | 5.951 | 29 | 2028 |
| 7 | 10.549 | 35 | 2029 |
| 8 | 6.665 | 30 | 2030 |


LAND SURVEYOR: AZTEC ENGINEERING INC.
732 N. 780 W.
AMERICAN FORK, UT. 84003
AZTECENGINEERING@GMAIL.COM
AARON D. THOMAS - PLS NO. 6418780


REVISIONS

| Rev. | Date | Description |
|---|---|---|
| 1 | 06/30/22 | REVISED PER CITY COMMENTS |


Developer/Property Owner: RYAN BYBEE
Phone: 801-616-2300

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201C, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

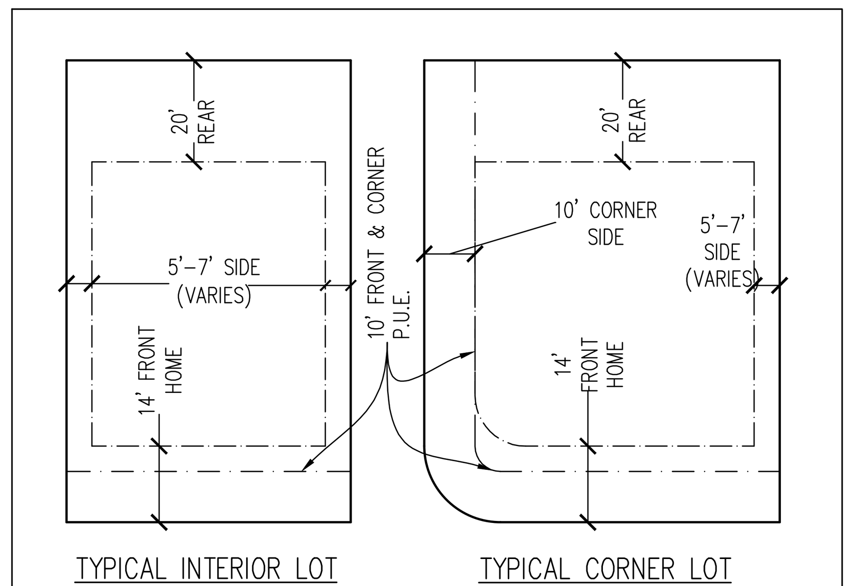

HOLDAWAY FIELDS

VINEYARD UTAH

| | | | |
|---|---|---|---|
| Drawn by: D.W.P. | COVER SHEET & PHASING PLAN | | Scale: 1"=150' |
| Designed by: D.W.P. | | | Date: 05/27/22 |
| Checked by: D.W.P. | | | C1 |


80 40 0 80 160 240

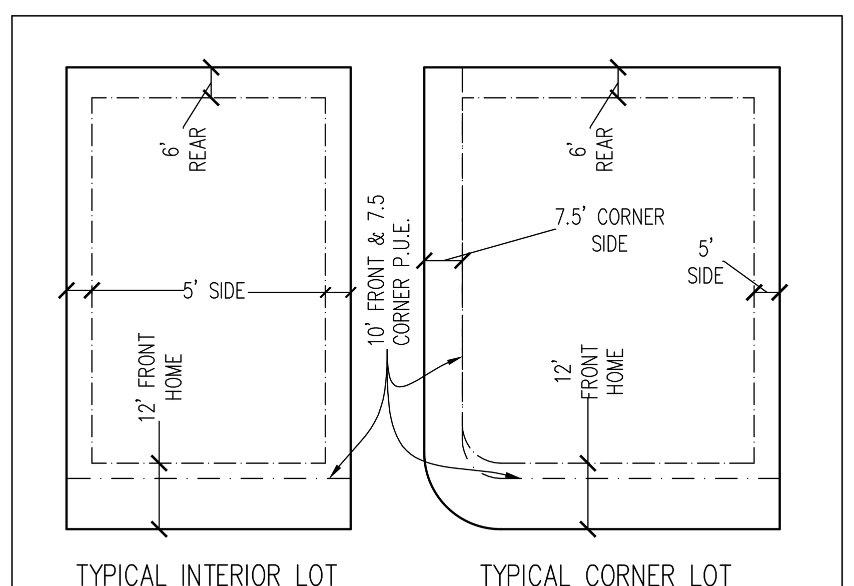
*Scale 1" = 80'*




## SETBACK & EASEMENT DIAGRAM

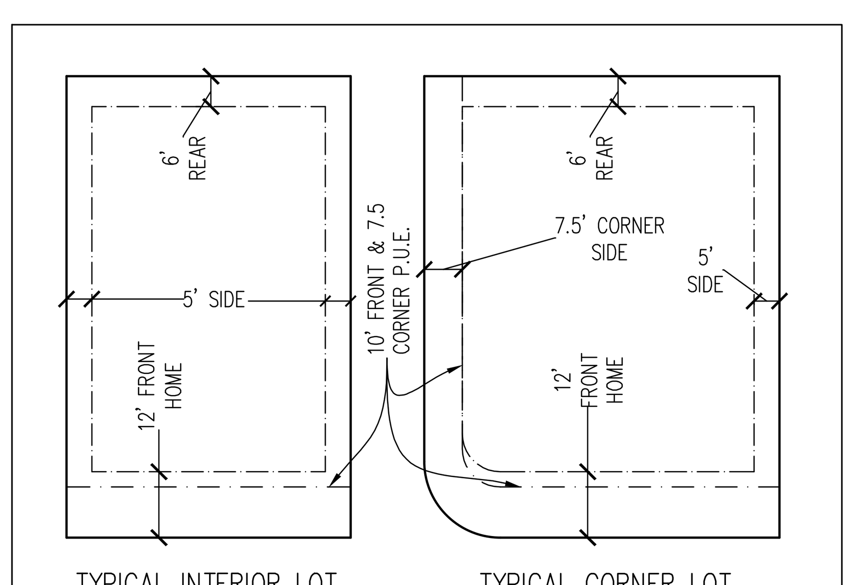
ESTATE LOTS (10,000 TO 12,000 S.F.)

NOTE: THE COMBINED TOTAL WIDTH OF ADJACENT INTERIOR SIDE YARDS SHALL NOT BE LESS THAN 12 FEET WITH NO ONE INTERIOR SIDE YARD BEING LESS THAN 5 FEET.




## SETBACK & EASEMENT DIAGRAM

VILLAGE LOTS (8,250 TO 8,700 S.F.)




## SETBACK & EASEMENT DIAGRAM

COTTAGE LOTS (5,000 TO 5,202 S.F.)

## LEGAL DESCRIPTION

Beginning at a point located South 89°46'04" West along section line 452.25 feet and North 101.21 feet from the South Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base and Meridian;

thence S 85°41'54" W, a distance of 604.30 feet; thence S 00°09'34" E, a distance of 882.33 feet; thence S 85°34'24" W, a distance of 2,163.44 feet; thence S 85°28'50" W, a distance of 97.10 feet; thence continue Westerly along said line, a distance of 482.78 feet; thence N 30°00'00" W, a distance of 1,203.25 feet; thence N 25°00'00" W, a distance of 536.03 feet; thence N 89°45'38" E, a distance of 1,975.85 feet; thence N 89°59'04" E, a distance of 2,426.32 feet; thence S 00°00'16" W, a distance of 147.79 feet; thence S 00°00'20" W, a distance of 120.69 feet; thence S 88°00'00" W, a distance of 243.08 feet; thence S 02°00'00" E, a distance of 119.55 feet to the POINT OF BEGINNING.

Containing 4,884,431 square feet or 112.1311 acres, more or less.

### REVISIONS

| Rev. | Date | Description |
|---|---|---|
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Developer/Property Owner: RYAN BYBEE

Phone: 801-616-2300

EXCEL ENGINEERING
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12 West 100 North, Suite 201C, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

# HOLDAWAY FIELDS

VINEYARD UTAH

| | | |
|---|---|---|
| Drawn by: D.W.P. | PRELIMINARY PLAT & EASEMENT PLAN (WEST) | Scale: 1"=80' |
| Designed by: D.W.P. | | Date: 05/27/22 |
| Checked by: D.W.P. | | C2 |


## PRELIMINARY PLAT SIGNATURE BLOCKS

| | | |
|---|---|---|
| CITY PLANNER (PRINT NAME) | SIGNATURE | DATE |
| CITY ENGINEER (PRINT NAME) | SIGNATURE | DATE |
| CITY MANAGER (PRINT NAME) | SIGNATURE | DATE |
| CITY ATTORNEY (PRINT NAME) | SIGNATURE | DATE |
| CITY RECORDER ATTESTS CITY SIGNATURES (PRINT NAME) | SIGNATURE | DATE |

**PUBLIC UTILITY DEDICATION:**
THE OWNERS OF THIS PROPERTY WILL DEDICATE STREETS, EASEMENTS, AND OTHER PUBLIC AREAS TO VINEYARD CITY WITH THE COMPLETION OF EACH PLAT.

**PRELIMINARY PLAT NOTE:**
SEE SHEET C2 LEGAL DESCRIPTION & SETBACK & EASEMENT DIAGRAMS.

REVISIONS

| Rev. | Date | Description |
|---|---|---|
| 1 | 06/30/22 | REVISED PER CITY COMMENTS |

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P: (801) 756-4504; david@excelcivil.com

# HOLDAWAY FIELDS

VINEYARD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

PRELIMINARY PLAT & EASEMENT PLAN (EAST)

Scale: 1"=80'
Date: 05/27/22
C3


PRELIMINARY PLAT NOTE:

SEE SHEET C2 LEGAL DESCRIPTION & SETBACK & EASEMENT DIAGRAMS.

REVISIONS

| Rev. | Date | Description |
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Phone: 801-616-2300

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# HOLDAWAY FIELDS

VINEYARD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

## PRELIMINARY PLAT & EASEMENT PLAN (SOUTH)

Scale: 1"=80'
Date: 05/27/22

C4


## POWER CONNECTION NOTE:

POWER WILL CONNECT INTO THE EXISTING POWER LOCATIONS IN 300 WEST, MAIN ST, 30 WEST, AND HOLDAWAY RD. COORDINATE POWER DESIGN & CONNECTIONS WITH ROCKY MOUNTAIN POWER.

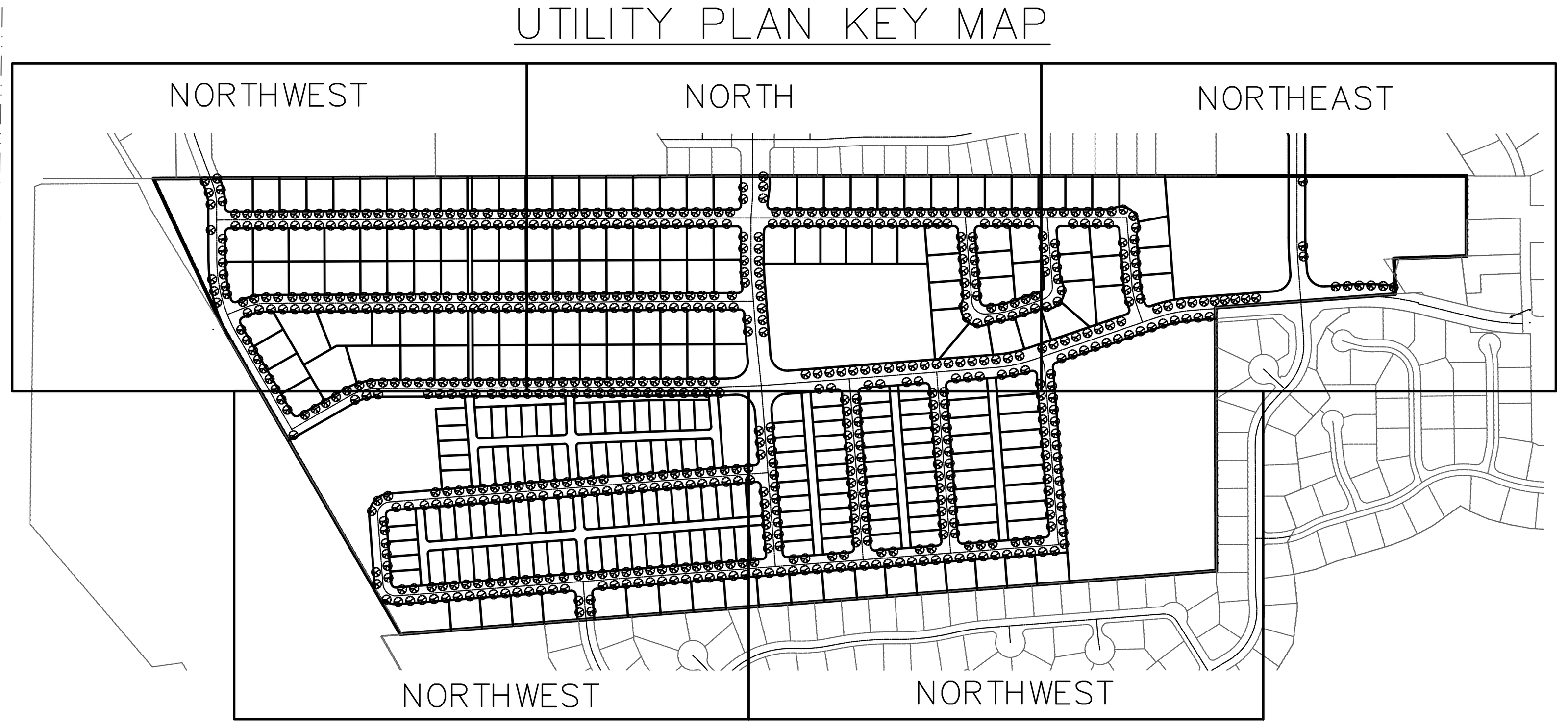
## EXIST WELL NOTE:

EXISTING WELL LOCATIONS SHOWN ON THIS PLAN ARE PER THE UTAH DIVISION OF WATER RIGHTS WELL LOGS. EXISTING WELLS ARE TO BE ABANDONED AND CAPPED BY A LICENSED WELL DRILLER, EXCEPT WHERE NOTED OTHERWISE.

## UTILITY LEGEND

- FIRE HYDRANT
- INSTALL VINEYARD STREET LIGHT 3 (12' HIGH 70 W 4000K OUTPUT)
- INSTALL VINEYARD STREET LIGHT 1 (20' HIGH 105 W 4000K OUTPUT)
- 8"W — CULINARY WATER
- 8"SS — SEWER PIPE PVC SDR-35
- 15"SD — STORM DRAIN PIPE ADS
- 8"GD — GROUND DRAIN PIPE ADS
- EDGE OF ASPHALT
- EXIST FENCE
- OVERHEAD POWER LINE
- P — BURIED POWER LINE

## UTILITY PLAN KEY MAP

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# HOLDAWAY FIELDS

VINEYARD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

PRELIMINARY UTILITY PLAN (NORTHWEST)

Scale: 1"=50'
Date: 05/27/22
C5


## UTILITY LEGEND

- FIRE HYDRANT
- INSTALL VINEYARD STREET LIGHT 3 (12' HIGH 70 W 4000K OUTPUT)
- INSTALL VINEYARD STREET LIGHT 1 (20' HIGH 105 W 4000K OUTPUT)
- 8"W — CULINARY WATER
- 8"SS — SEWER PIPE PVC SDR-35
- 15"SD — STORM DRAIN PIPE ADS
- 8"GD — GROUND DRAIN PIPE ADS
- EDGE OF ASPHALT
- EXIST FENCE
- OVERHEAD POWER LINE
- P — BURIED POWER LINE

## EXIST WELL NOTE:

EXISTING WELL LOCATIONS SHOWN ON THIS PLAN ARE PER THE UTAH DIVISION OF WATER RIGHTS WELL LOGS. EXISTING WELLS ARE TO BE ABANDONED AND CAPPED BY A LICENSED WELL DRILLER, EXCEPT WHERE NOTED OTHERWISE.

## POWER CONNECTION NOTE:

POWER WILL CONNECT INTO THE EXISTING POWER LOCATIONS IN 300 WEST, MAIN ST, 30 WEST, AND HOLDAWAY RD. COORDINATE POWER DESIGN & CONNECTIONS WITH ROCKY MOUNTAIN POWER.

50 25 0 50 100 150

Scale 1" = 50'

REVISIONS

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Phone: 801-616-2300

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P: (801) 756-4504; david@excelcivil.com

# HOLDAWAY FIELDS

VINEYARD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

PRELIMINARY UTILITY PLAN (NORTH)

Scale: 1"=50'
Date: 05/27/22
C6


## UTILITY LEGEND

- FIRE HYDRANT
- INSTALL VINEYARD STREET LIGHT 3 (12' HIGH 70 W 4000K OUTPUT)
- INSTALL VINEYARD STREET LIGHT 1 (20' HIGH 105 W 4000K OUTPUT)
- 8"W — CULINARY WATER
- 8"SS — SEWER PIPE PVC SDR-35
- 15"SD — STORM DRAIN PIPE ADS
- 8"GD — GROUND DRAIN PIPE ADS
- EDGE OF ASPHALT
- X — EXIST FENCE
- OVERHEAD POWER LINE
- P — BURIED POWER LINE

## EXIST WELL NOTE:

EXISTING WELL LOCATIONS SHOWN ON THIS PLAN ARE PER THE UTAH DIVISION OF WATER RIGHTS WELL LOGS. EXISTING WELLS ARE TO BE ABANDONED AND CAPPED BY A LICENSED WELL DRILLER, EXCEPT WHERE NOTED OTHERWISE.

## POWER CONNECTION NOTE:

POWER WILL CONNECT INTO THE EXISTING POWER LOCATIONS IN 300 WEST, MAIN ST, 30 WEST, AND HOLDAWAY RD. COORDINATE POWER DESIGN & CONNECTIONS WITH ROCKY MOUNTAIN POWER.

| REVISIONS | | |
|---|---|---|
| Rev. | Date | Description |
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# HOLDAWAY FIELDS

VINEYARD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

## PRELIMINARY UTILITY PLAN (NORTHEAST)

Scale: 1"=50'
Date: 05/27/22
C7


## UTILITY LEGEND

- FIRE HYDRANT
- INSTALL VINEYARD STREET LIGHT 3 (12' HIGH 70 W 4000K OUTPUT)
- INSTALL VINEYARD STREET LIGHT 1 (20' HIGH 105 W 4000K OUTPUT)
- 8"W — CULINARY WATER
- 8"SS — SEWER PIPE PVC SDR-35
- 15"SD — STORM DRAIN PIPE ADS
- 8"GD — GROUND DRAIN PIPE ADS
- EDGE OF ASPHALT
- X — EXIST FENCE
- OVERHEAD POWER LINE
- P — BURIED POWER LINE

## EXIST WELL NOTE:

EXISTING WELL LOCATIONS SHOWN ON THIS PLAN ARE PER THE UTAH DIVISION OF WATER RIGHTS WELL LOGS. EXISTING WELLS ARE TO BE ABANDONED AND CAPPED BY A LICENSED WELL DRILLER, EXCEPT WHERE NOTED OTHERWISE.

## POWER CONNECTION NOTE:

POWER WILL CONNECT INTO THE EXISTING POWER LOCATIONS IN 300 WEST, MAIN ST, 30 WEST, AND HOLDAWAY RD. COORDINATE POWER DESIGN & CONNECTIONS WITH ROCKY MOUNTAIN POWER.

### REVISIONS

| Rev. | Date | Description |
|---|---|---|
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Developer/Property Owner: RYAN BYBEE
Phone: 801-616-2300

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# HOLDAWAY FIELDS

VINEYARD — UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

## PRELIMINARY UTILITY PLAN (SOUTHWEST)

Scale: 1"=50'
Date: 05/27/22
C8


EXIST WELL NOTE:

EXISTING WELL LOCATIONS SHOWN ON THIS PLAN ARE PER THE UTAH DIVISION OF WATER RIGHTS WELL LOGS. EXISTING WELLS ARE TO BE ABANDONED AND CAPPED BY A LICENSED WELL DRILLER, EXCEPT WHERE NOTED OTHERWISE.

## UTILITY LEGEND

- FIRE HYDRANT
- INSTALL VINEYARD STREET LIGHT 3 (12' HIGH 70 W 4000K OUTPUT)
- INSTALL VINEYARD STREET LIGHT 1 (20' HIGH 105 W 4000K OUTPUT)
- 8"W — CULINARY WATER
- 8"SS — SEWER PIPE PVC SDR-35
- 15"SD — STORM DRAIN PIPE ADS
- 8"GD — GROUND DRAIN PIPE ADS
- EDGE OF ASPHALT
- X — EXIST FENCE
- OVERHEAD POWER LINE
- P — BURIED POWER LINE

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12 West 100 North, Suite 201C, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

# HOLDAWAY FIELDS

VINEYARD UTAH

| | | |
|---|---|---|
| Drawn by: D.W.P. | PRELIMINARY UTILITY PLAN (SOUTHEAST) | Scale: 1"=50' |
| Designed by: D.W.P. | | Date: 05/27/22 |
| Checked by: D.W.P. | | C9 |


## EROSION CONTROL NOTES:

1. EACH PHASE OF CONSTRUCTION WILL ADHERE TO THE FOLLOWING EROSION CONTROL PRACTICES
2. CONSTRUCT A SILT FENCE AROUND PERIMETER OF DOWNSTREAM PORTIONS OF EACH PHASE.
3. INSTALL A CONSTRUCTION ENTRANCE FOR EACH PHASE.
4. CONSTRUCT STORM DRAIN FACILITIES AND INSTALL INLET PROTECTION AFTER INSTALLATION.
5. IMPLEMENT DUST CONTROL MEASURES FOR EACH PHASE.
6. CONTRACTOR IS TO REMOVE INLET PROTECTION FROM CATCH BASINS AND CLEAN-OUT ALL CATCH BASINS BEFORE LEAVING THE SITE.

**REVISIONS**

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|---|---|---|
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P: (801) 756-4504; david@excelcivil.com

# HOLDAWAY FIELDS

VINEYARD UTAH

| | | |
|---|---|---|
| Drawn by: D.W.P. | PRELIMINARY GRADING & DRAINAGE PLAN (WEST) | Scale: 1"=80' |
| Designed by: D.W.P. | | Date: 05/27/22 |
| Checked by: D.W.P. | | C10 |


| REVISIONS | | |
|---|---|---|
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# HOLDAWAY FIELDS

VINEYARD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

PRELIMINARY GRADING & DRAINAGE PLAN (EAST)

Scale: 1"=80'
Date: 05/27/22
C11


| REVISIONS | | |
|---|---|---|
| Rev. | Date | Description |
| 1 | 06/30/22 | REVISED PER CITY COMMENTS |

Developer/Property Owner: RYAN BYBEE

Phone: 801-616-2300

EXCEL ENGINEERING

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# HOLDAWAY FIELDS

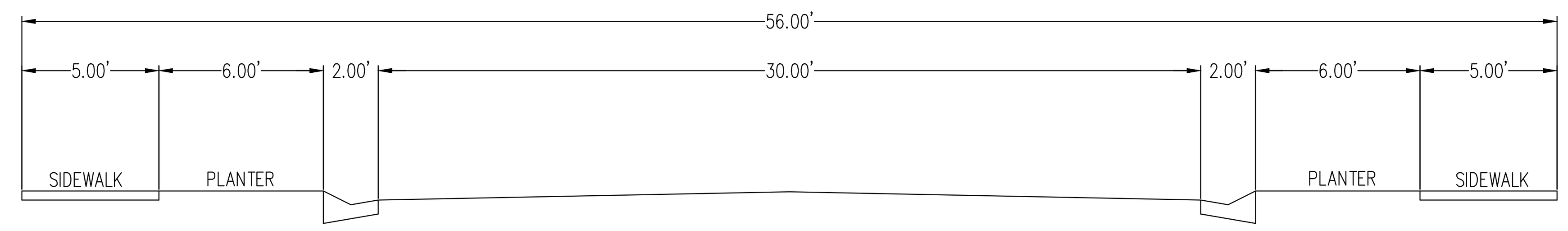
VINEYARD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

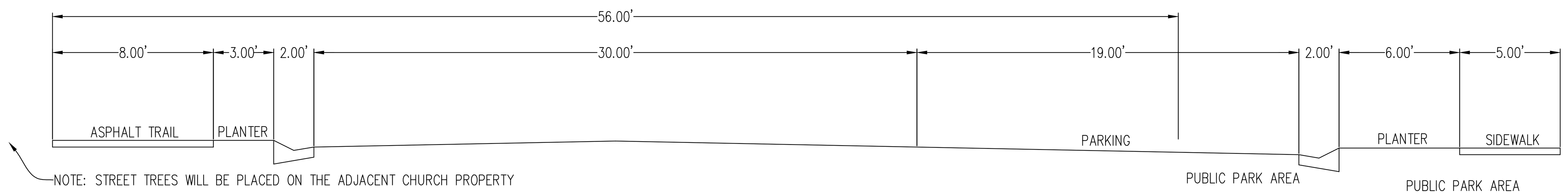
## PRELIMINARY GRADING & DRAINAGE PLAN (SOUTH)

Scale: 1"=80'
Date: 05/27/22

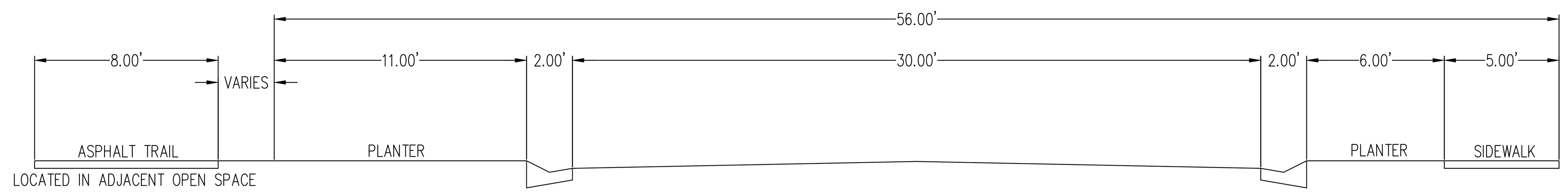
C12



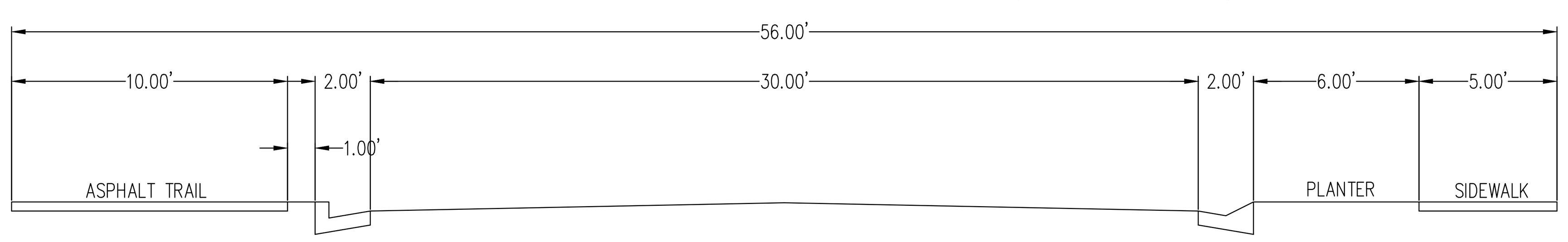

56' LOCAL STREET CROSS-SECTION
(LOOKING NORTH OR WEST)



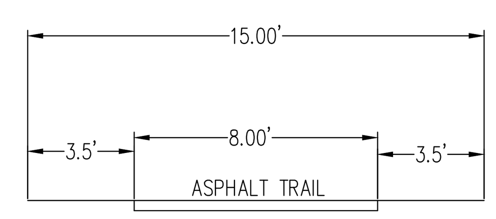

56' LOCAL STREET CROSS-SECTION WITH TRAIL ON LAKEVIEW DR. & PARKING ADJACENT TO PARK
(LOOKING NORTH OR WEST)



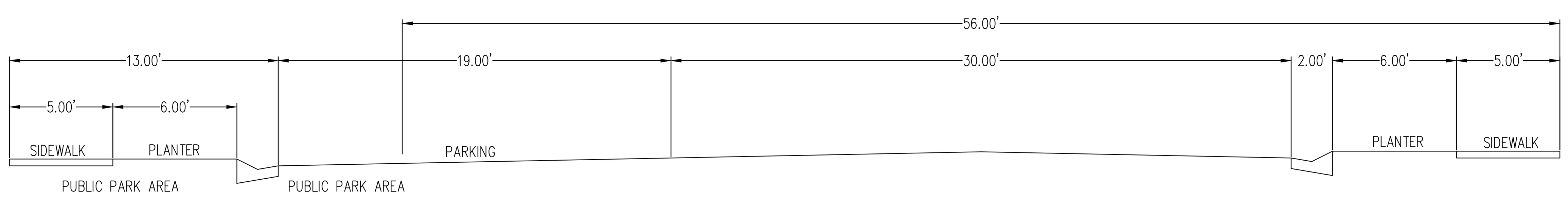

56' LOCAL STREET CROSS-SECTION WITH TRAIL ON 400 SOUTH
(LOOKING NORTH OR WEST)



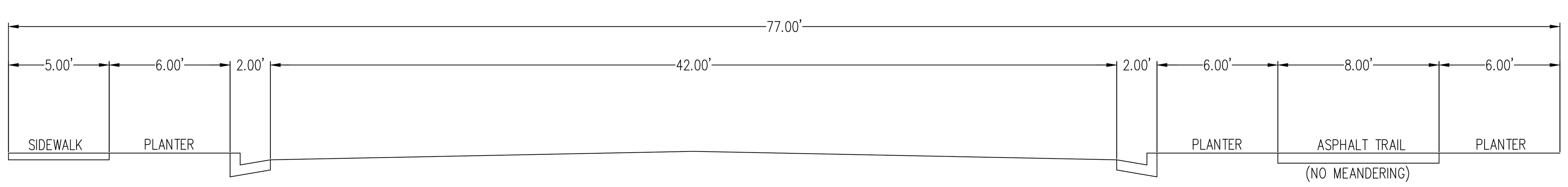

56' LOCAL STREET CROSS-SECTION WITH LAKESIDE TRAIL
(LOOKING NORTH OR WEST)




TRAIL CROSS-SECTION
(LOOKING NORTH)




56' LOCAL STREET CROSS-SECTION WITH PARKING ADJACENT TO PARK




77' PARKWAY STREET CROSS-SECTION
(LOOKING NORTH OR WEST)

REVISIONS

| Rev. | Date | Description |
|---|---|---|
| 1 | 06/30/22 | REVISED PER CITY COMMENTS |

Developer/Property Owner: RYAN BYBEE
Phone: 801-616-2300

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P: (801) 756-4504; david@excelcivil.com

HOLDAWAY FIELDS
VINEYARD UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

ROADWAY CROSS SECTIONS

Scale: NTS
Date: 05/27/22
C13


## TREE VARIETIES PROPOSED

PROPOSED STREET TREES

1. ELM, LACEBARK
2. ZELKOVA
3. HORNBEAM, EUROPEAN
4. GOLDEN RAINTREE

PROPOSED OPEN SPACE AND PARK AREA TREES

1. OAK, BUR
2. ELM, LACEBARK
3. HACKBERRY
4. ZELKOVA
5. GINGKO, BILOBA

## TREE PLACEMENT NOTE

EXACT SPACING AND LOCATION OF STREET TREES FOR EACH LOT WILL BE DETERMINED AFTER THE DRIVEWAY LOCATION FOR EACH LOT IS INSTALLED.


LAND SURVEYOR: AZTEC ENGINEERING INC.
732 N. 780 W.
AMERICAN FORK, UT. 84003
AZTECENGINEERING@GMAIL.COM
AARON D. THOMAS - PLS NO. 6418780


REVISIONS

| Rev. | Date | Description |
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Phone: 801-616-2300

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P: (801) 756-4504; david@excelcivil.com


# HOLDAWAY FIELDS

VINEYARD UTAH

| | | |
|---|---|---|
| Drawn by: D.W.P. | STREET TREE PLAN | Scale: 1"=150' |
| Designed by: D.W.P. | | Date: 06/30/22 |
| Checked by: D.W.P. | | C14 |

VINEYARD
STAY CONNECTED

# VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date: August 24, 2022**

**Agenda Item: 6.4 Staffing Plan Adjustment – Community Development**

**Department: City Manager**

**Presenter: Ezra Nair**

---

**Background/Discussion:**
While these are administrative decisions, additions to the staffing plan can have significant impacts on future budgets. Staffing plan changes that hire new employees, move employees from part-time to full-time, or into leadership roles that were not included in the FY budget adoption, will be brought before the council for a vote.

It is proposed that we add a Part-time Planning Technician to the staffing plan. This position would focus on technical reviews and administrative support for the many of the committees and commissions that we have such as the Planning Commission, Bicycle Advisory Committee, the Heritage Commission, Development Review Committee, or any future additions. As Vineyard Station begins to build out, it will be very helpful to have additional support for our experienced planners and business advocates to be able to focus their efforts on the rapid growth that's occurring.

**Fiscal Impact:**
FY23: $29,250
FY24: $35,100

**Recommendation & Additional Options:**
Recommendation:
Staff recommends the City Council approve the addition to the staffing plan as presented.

**Sample Motion:**
I move to approve the addition to the staffing plan as presented.

VINEYARD
125 S MAIN STREET
VINEYARD, UT 84058

# *Vineyard*
## *Job Description*

| | | |
|---|---|---|
| Title: | Part-Time Planning Technician | FLSA: Non-Exempt |
| Division: | Administrative | Effective Date: 06/20/2018 |
| Department: | Planning | Last Revised: 06/20/2018 |

## GENERAL PURPOSE

Under the general direction of the Planning Director, the Planning Technician is responsible for a variety of complex administrative and technical duties that enable the Department and other City departments to operate more efficiently, facilitate communication, and provide excellent customer service. In addition, this position performs the role of an ambassador for the City of Vineyard by working directly with the public on daily basis with customers from the community and beyond. The primary focus of this position will pertain to planning, economic development and code enforcement activities and services.

## SUPERVISION RECEIVED

Works under the general guidance and direction of the Planning Director.

## ESSENTIAL FUNCTIONS

- Processes monetary transactions, calculates and collects permit fees, or processes invoices, for all planning and zoning applications.
- Maintains the comprehensive hardcopy and electronic copy record of all documents and plan files related to the Planning Department.
- Composes, updates, prepares all Planning Commission, Board of Adjustment and Development Review Committee Agendas, and other boards, committees or work groups as assigned.
- Prepares and composes minutes, letters, reports, memos, agendas, application forms, documents, form letters, hearing notices, findings of fact, and other applicable documents.
- Attends meetings, many of which are in the evening, for the above mentioned public bodies to take minutes, operate audio visual equipment, and provide administrative and technical assistance.
- Performs clerical support and receptionist duties such as taking incoming telephone callers and visitors, answering general questions, supplying incoming visitors with appropriate paperwork, receives permits and land use applications, and maintains office supply inventory.
- Processes all planning applications and is responsible for reviewing applications for preliminary & final plats, plat amendments, signage, zoning verification requests, site plans associated with building permits, responding to GRAMA requests, and other applications as assigned.
- Supports the Director in various capacities including, but not limited to: Researching, evaluating, verifying, and presenting background information and data on all projects as requested.
- Review buildings permits to ensure compliance with zoning and subdivision requirements.
- Works with all various office software on a daily basis, including, but not limited to Microsoft Word, Excel, Outlook, Laserfiche, Bluebeam and iWorq.
- Performs other work-related duties as assigned.

## MINIMUM QUALIFICATIONS

1. Experience: A combination of education and experience is required for this position as shown below:

- **Education**: High School education or equivalent. An accredited degree is strongly preferred.

- **Experience**: Three (3) years' experience as an administrative assistant or comparable background/education. An equivalent combination of experience and education may be evaluated for qualifying experience on a case-by-case basis

2. Knowledge, Skills, and Abilities:

- Communicate (verbal and written) with the public and governmental officials.
- Customer relation and teamwork skills.
- Perform office duties (i.e., manual dexterity, visual acuity, verbal and written communication skills, mental awareness, physical stamina, etc.)
- Typing a minimum of 35 words per minute.
- Working knowledge of modern office practices and procedures; grammar, punctuation English, etc.
- Experience with various computer programs.
- Ability to perform essential duties efficiently and accurately with or without reasonable accommodations and without endangering incumbent or other employees.

3. Special Qualifications:

- Certification as a Plan/Permit Technician is strongly preferred.
- Valid Utah Driver License

## WORK ENVIRONMENT

Typical office setting with typical climate controls. Tasks require a variety of physical activities such as walking, standing, sitting, reaching, which may involve light muscular strain. Job functions normally require talking, hearing and seeing. Common eye, hand, finger dexterity required for most essential functions. Mental application utilizes memory for details, verbal instructions, emotional stability, discriminating thinking and creative problem solving.

*****

**Disclaimer:** The above statements describe the general nature, level, and type of work performed by the employee(s) assigned to this classification. They are not intended to be an exhaustive list of all responsibilities, demands, and skills required of personnel so classified. Job descriptions are not intended to and do not imply or create any employment, compensation, or contract rights to any person or persons. Management reserves the right to add, delete, or modify any and/or all provisions of this description at any time as needed without notice. This job description supersedes earlier versions.

**I ______________________________ have reviewed the above job description. Date:________________**

# Community Development

**Date:** August 24, 2022
**From:** Morgan Brim, Community Development Director
**To:** Mayor and City Council
**Item:** **6.5** Consideration of Ordinance 2022-15 to add a new Chapter to regulate camping on public property.
**Applicant:** City Initiated

**OVERVIEW:**
The City has found that camping on public property without authorization from the city may lead to public health risks. The proposed ordinance will assist the city in ensuring high standards of safety are maintained on its property and other public agencies property located within Vineyard's municipal boundary by regulating unauthorized camping and sleeping on public property. The City Council may still authorize camping through event permits as other means as it deems acceptable. This ordinance closely models those of surrounding municipalities. The ordinance does clarify the intention of the city is to not disrupt the normal recreational use of parks which may include leisure activities like picnicking and napping during normal operating hours.

**RECOMMENDATION:**
Staff recommends approval of proposed Ordinance 2022-15 Camping.

**PROPOSED MOTION:**
"I move to approve Ordinance 2022-15 Camping Regulations."

**Attachments:**
Proposed Ordinance 2022-15

**VINEYARD**
**ORDINANCE 2022-15**

**AN ORDINANCE OF THE CITY OF VINEYARD, UTAH, AMENDING VINEYARD MUNICIPAL CODE TITLE 8 PUBLIC HEALTH AND SAFETY TO ESTABLISH RESTRICTIONS FOR CAMPING WITHIN PUBLIC PROPERTY WITHOUT AUTHORIZATION FROM THE PUBLIC AGENCY OR VINEYARD; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** to provide City services and to further City purposes Vineyard City and other governmental agencies own and manage various parcels of real property for the benefit of Vineyard citizens and the general public; and

**WHEREAS,** the City strives to ensure these parcels of real property are used for the purposes for which they were acquired in a safe, healthy, and sanitary manner and condition, free of public health, safety, and sanitation risks; and

**WHEREAS,** is is property that the new Vineyard City Code Chapter 8.12 be enacted to address public health, safety and welfare concerns arising from unauthorized sleeping and camping on public property and the removal of unlawful campsites on public property; and

**WHEREAS,** this ordinance is necessary to preserve and protect the citizens and the real property assets of the City that are subjected to public health, safety and sanitation risks; and

**WHEREAS,** while the City desires to maintain the use of the public properties for their intended uses, it does not which to prohibit ordinary recreational use of the parks such as picnicking on a blanket, or resting or sleeping in a park during normal park hours; rather, it intends to prohibit use of public property for the purpose of maintaining a temporary dwelling place.

**NOW THEREFORE,** be it ordained by the Council of the Vineyard, in the State of Utah, as follows:

**SECTION 1:** **ADOPTION** “8.12 Camping” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

8.12 Camping*(Added)*

**SECTION 2:** **ADOPTION** "8.12.010 Definitions" of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

8.12.010 Definitions*(Added)*

For the purpose of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given herein:

**Camp/Camping:** Set up or to remain in or at a campsite.

**Campsite:** Any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a place to dwell or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

**Parking Strip:** The area between a curb, or a place where a curb would be located if improvements were installed, and where a sidewalk is located or would be installed.

**Personal Property:** Any tangible item reasonably recognizable as belonging to a person and having apparent utility or monetary value.

**Public Property:** Any real property, building, or structure owned, used or leased by a government agency including Vineyard City or any department thereof, State or Federal Agency including, but not limited to, any sidewalk, street, parking strip, alley, lane, public right-of-way, park, open space, bench, equipment, and other similar property.

**Reasonable Notice:** Notice reasonably calculated under all the circumstances to apprise a person that camping is prohibited at a particular location and, where personal property is deposited, affording the person time to gather their personal property and depart.

**SECTION 3:** **ADOPTION** "8.12.020 Sleeping on Public Property Without Authorization Prohibited" of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

8.12.020 Sleeping on Public Property Without Authorization Prohibited*(Added)*

Vineyard City finds that sleeping on sidewalks, streets, parking strips, alleys, lanes, rights-of-way and within doorways is unsafe as it obstructs pedestrian and/or vehicular traffic, and may place the person sleeping and/or the public in danger of harm. Therefore, except as may be otherwise expressly authorized by the City:

A. No person may sleep on any public sidewalk, street, parking strip, alley, lane, or public right-of-way.
B. No person may sleep in any publicly used ingress or egress to public property.
C. A violation of this Section after a request to cease and desist shall be unlawful and shall give rise to any remedy provided by law.

**SECTION 4:** **ADOPTION** "8.12.030 Camping On Public Property Without Authorization Prohibited" of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

8.12.030 Camping On Public Property Without Authorization Prohibited*(Added)*

No person may camp in or upon any public property, nor any property owned by other governmental entities, unless:

A. The person has authorization from the owner of the property to camp at that location;
B. Camping is specifically authorized by the issuance of a special event permit in accordance with Vineyard City Code;
C. Camping is otherwise specifically authorized by Vineyard City Code.

**SECTION 5:** **ADOPTION** "8.12.040 Removal Of Unlawful Campsite" of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

8.12.040 Removal Of Unlawful Campsite*(Added)*

Upon discovery of a campsite on public property, removal of the campsite by the authorized agents of Vineyard City may occur if:

A. After reasonable notice, the individual refuses to remove their personal property from the premises;
B. Personal property appears to be abandoned;
C. There is probable cause for law enforcement officials to believe that illegal activities other than camping are occurring at the campsite; or
D. There is immediate danger to human life, health or safety, including, but not limited to, possible contamination of public or private property by unsanitary and/or hazardous materials.

**SECTION 6:** **ADOPTION** "8.12.050 Removal, Disposition, And Release Of Personal Property" of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

8.12.050 Removal, Disposition, And Release Of Personal Property*(Added)*

Upon removal of a campsite, all litter, including items having no apparent utility or monetary value and items in an unsanitary condition, may be immediately discarded. All other personal property shall be gathered, retained, and released, with notice being provided to the property owner, in accordance with Utah Code Title 24, the Forfeiture and Disposition of Property Act; Utah Code Title 77, Chapter 24A, Lost or Mislaid Personal Property; and relevant Vineyard City policy.

**SECTION 7:** **ADOPTION** "8.12.060 Enforcement And Mitigation" of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

8.12.060 Enforcement And Mitigation*(Added)*

In enacting this Chapter, it is not Vineyard City's intent to criminalize homelessness nor violate a homeless person's constitutional rights. Likewise, the City does not wish to prohibit the ordinary recreational use of the parks such as picnicking on a blanket, or resting or sleeping in a park during normal park hours. Enforcement of this Chapter shall be undertaken to avoid such results. Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person immediately removed all personal property and litter, including, but not limited to, bottles, cans, and garbage from the campsite after being informed it was in violation of the law.

**SECTION 8:** **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 9:** **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 10:** **EFFECTIVE DATE** This Ordinance shall be in full force and effect from August 24, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL
________________________________.

| | AYE | NAY | ABSENT | ABSTAIN |
|---|---|---|---|---|
| Mayor Julie Fullmer | ______ | ______ | ______ | ______ |
| Tyce Flake | ______ | ______ | ______ | ______ |
| Amber Rasmussen | ______ | ______ | ______ | ______ |
| Mardi Sifuentes | ______ | ______ | ______ | ______ |
| Cristy Welsh | ______ | ______ | ______ | ______ |

Presiding Officer

________________________________
Julie Fullmer, Mayor, Vineyard

Attest

________________________________
Pamela Spencer, City Recorder, Vineyard

# VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date**: 8/24/2022
**Agenda Item:** 6.6 Mixhers Movie Night
**Department:** Admin
**Presenter:** Anna Nelson

**Background/Discussion:**

Mixhers has applied for a special event permit for an event at Grove Park on 9/02/2022 from 6:00 PM to 10:00 PM with setup starting at 4:00 PM . This is an employee event with 200-400 people in attendance. They will have 4 food trucks and one 1 blow-up moving screen.

They would like to use one of Grove Park's soccer fields and the large pavilion.

We are supportive of hosting events like this and have attempted to facilitate this as much as possible. We have met as staff to make sure that we provide this recommendation that will work for each of the staff members involved.

**Impact:**
- All of the parking is required at the park including the detention area to ensure enough parking is available for the participants at the evening event.
- Youth recreation programs are not scheduled during this time
- Grove Park will still be open to residents for use although 1 field and 1 of the pavilions will be reserved.

**Recommendation:**
We are recommending two conditions of approval

1. Rental fee and deposit

We are recommending the following fees for a total of $875 in fees and $775.00 in deposits

- Large Pavilion rental: 75.00
- Large Pavilion Deposit: $75.00
- Special Event Rental Deposit: 300.00
- 2 Field Deposit: 300.00
- 2 Field Rental: 600.00
- Special Event Permit Fee: $100.00
- Bounce House Deposit: $100.00
- Temporary Structure Permit Fee:100.00

2. An adequate parking plan that includes either Freedom Elementary or Trailside Elementary parking lot for extra parking.

VINEYARD
STAY CONNECTED

# VINEYARD CITY COUNCIL STAFF REPORT

**Sample Motion:**
Motion to approve the special events permit application for Mixhers on September 2nd with the one condition that have been recommended by staff.

**Attachments:**

See attached site plans

# Special Event Permit Checklist

**Who needs to obtain a Special Event Permit?**

If you are organizing an event for a group of **fifty or more people** within the boundaries of Vineyard (see the attached Boundary Map page), then you will need a Special Events Permit. If you are planning a block party, you will not need a Special Event Permit. If you are planning a Block Party that will require a road closure, please submit a Block Party Courtesy Notice.

Complete applications must be submitted to the city **no later than thirty (30) days** prior to the event.

Please submit the following with the application:

- ☐ Detailed Event Site Plan. Must include street names, route or boundaries marked on map, placement of any barricades, road/sidewalk closures, fencing, inflatables, tables, vendor booths or portable toilets, etc.
- ☐ Parking Plan
- ☐ Crowd Control Plan
- ☐ Security/Safety Plan
- ☐ Communication Plan
- ☐ Trash collection plan
- ☐ A certificate of insurance evidencing general liability or general liability and umbrella insurance coverage for the applicant in the minimum amount of $1,000,000 per occurrence, and naming Vineyard as additional insured, in effect on the date of the event. (Please see the attached example insurance certificate.)
- ☐ Written authorization from the property owner for Events held on private property
- ☐ If the event has vendors:
  - a list of the vendors (see the attached Vendor Information sheet)
  - Temporary Sales Tax Number for Event and vendors. Forms available upon request, or contact the State of Utah Special Events Tax Division at 801-297-6303.
  - Utah County Health Department Permit for vendors selling food
- ☐ If alcoholic beverages will be available at the event, a separate Class C Temporary Liquor License or Class D Temporary Beer License is required. Please note that alcohol use is PROHIBITED on City property. (Vineyard Municipal Code Chapter 8-300)
- ☐ Special Event Permit Fee: $50 for events with 50-250 people, $75 for events with vendors, $100 for events with 250+ people. Events with 500+ people gathered for two or more hours will also require a Utah County Health Department Temporary Mass Gathering Permit. Please contact the Utah County Health Department Division of Environmental Health for more details at 801-851-7525.
- ☐ $200 refundable deposit if the event includes the use of a bounce house or inflatable play equipment.
- ☐ Additional fees may apply, based on Vineyard or Sheriff personnel that may be required for your event.

The authority to regulate special events within Vineyard is provided in Chapter 13-500, Articles 13-4 and 13-8 of the Vineyard Municipal Code. Copies of the Code are available online at www.vineyard.utah.gov.

Special Events Department
125 South Main St.
(801)226-1929
annan@vineyardutah.org

VINEYARD
STAY CONNECTED

| FOR OFFICE USE ONLY |
|---|
| Application Received ______________ |
| Fee Paid ______________________ |

# Special Event Permit Application

The following application must be submitted **30 days prior to the scheduled event**, and the permit must be obtained a minimum of one week prior to the event. This application DOES NOT constitute a valid Special Event Permit until approved by the City.

## APPLICANT INFORMATION

| | | | |
|---|---|---|---|
| Name of Applicant: Jennifer Warner | | | Date of application: 8/10/2022 |
| Applying in behalf of (if other than self): Mixhers | | | |
| Email address: Jenny@mixhers.com | | | |
| Mailing Address: [redacted] | | | |
| City: Springville | State: UT | Zip Code: 84663 | Phon[redacted] |
| Name of Event: Mixhers Movie Night | | | |
| Date of Event: 09/02/2022 | | | |

## EVENT INFORMATION

| | | |
|---|---|---|
| Name of Event: Mixhers Movie Night | | |
| Date of Event: 09/02/2022 | | Number of people anticipated at event: 200-400 |
| Setup: 4:00pm | Start time: 6:00pm | End time: 10:00pm |
| Cleanup: | Start time: 10:00pm | End time: 11:00pm |

## Type of Event

☐ Athletic ☒ Entertainment ☐ Other: ____________________

Brief Description of Event: Free movie night with an inflatable movie screen for the community. We will also be providing food trucks for guests.

Will Vineyard streets be used? ☐ Yes ☒ No Will streets need to be closed/blocked to traffic? ☐ Yes ☑ No

If any portion of a street is closed, the event organizer will need to provide barricades. As a consideration for this permit, the applicant agrees to:

1. Rent or secure barricades from a licensed barricade company.
2. Assume all liability of erection and maintenance of barricades.
3. Clean up the area upon termination of the permitted use.
4. Assume all liability for the applicant's use of the street during the specified period.
5. Ensure that barricades will be conspicuously displayed and lighted if the event takes place prior to dawn or after dusk.

Will you be using portable toilets? ☐ Yes ☒ No Have you made arrangements for trash disposal? ☒ Yes ☐ No

Will your event include the use of a Vineyard pavilion? ☒ Yes ☐ No If yes, a pavilion reservation is also required.

Will your event include the use of a bounce house or inflatable play equipment? ☒ Yes ☐ No (Inflatable Movie screen)

If yes, a refundable $200 deposit is required. Additional fees may be assessed after the event for any damages on city property due to bounce houses/inflatables.

**Vendors/Food/Alcohol**

Will there be vendors selling products or services? ☒ Yes ☐ No

If yes, we require the Temporary Sales Tax Numbers from the State of Utah Special Events Tax Division for all vendors. Please complete the attached Vendor Information sheet.

If vendors are selling food, submit a copy of their Utah County Health Department Permit.

If vendors are selling alcohol, a separate Class C Temporary Liquor License or Class D Temporary Beer License is required. Please note that alcohol use is PROHIBITED on City property. (Vineyard Municipal Code Chapter 8-300)

**Law Enforcement/Security Services**

Each special event permit application will be reviewed, and based on event type and number of attendees, the Utah County Sheriff's Department will determine the number of law enforcement personnel required for the event, if any.

We contract with the Utah County Sheriff's Department. If you are in need of any law enforcement services for your event, please contact them at (801)794-3970. See the attached Agreement for Supplemental Law Enforcement Services.

*By submitting a signed application, the applicant certifies that falsifying any information on this application constitutes cause for rejection or revocation of the permit. The applicant agrees to pay additional fees as required for the use of City services and facilities.*

Applicant's Name (please print): Jennifer Warner

Applicant's Signature: Jennifer Warner Date: 08/10/2022

CITY APPROVAL

City Personnel for Event ______________________ Number of Hours _____ Fee Paid $ __________

Utah County Sheriff Personnel for Event ______________ Number of Hours _____ Fee Paid $ __________

This application has been reviewed, including verification of required insurance and other information, and required fees have been paid.

Vineyard Public Works Department ______________________ Date ______________

Utah County Sheriff's Office ______________________ Date ______________

Vineyard Special Events Department ______________________ Date ______________

# Vendor Information

Please provide the following information for each vendor.  Utah State Temporary Sales Tax Applications are available upon request, or contact the State of Utah Special Events Tax Division at 801-297-6303.    Those selling food will also need to provide a copy of their Utah County Health Department Permit.  Any vendors based in Vineyard will also need to have a Vineyard Business License.  Once required documents are received and verified, we will issue each vendor a badge for use during the event.

| Vendor Name | Vendor Phone Number | Product or Service to be offered at Event | FOR OFFICE USE ONLY | | |
|---|---|---|---|---|---|
| | | | Health Dept | State Temp Sales Tax # | Vineyard BL if applicable |
| | | | | | |
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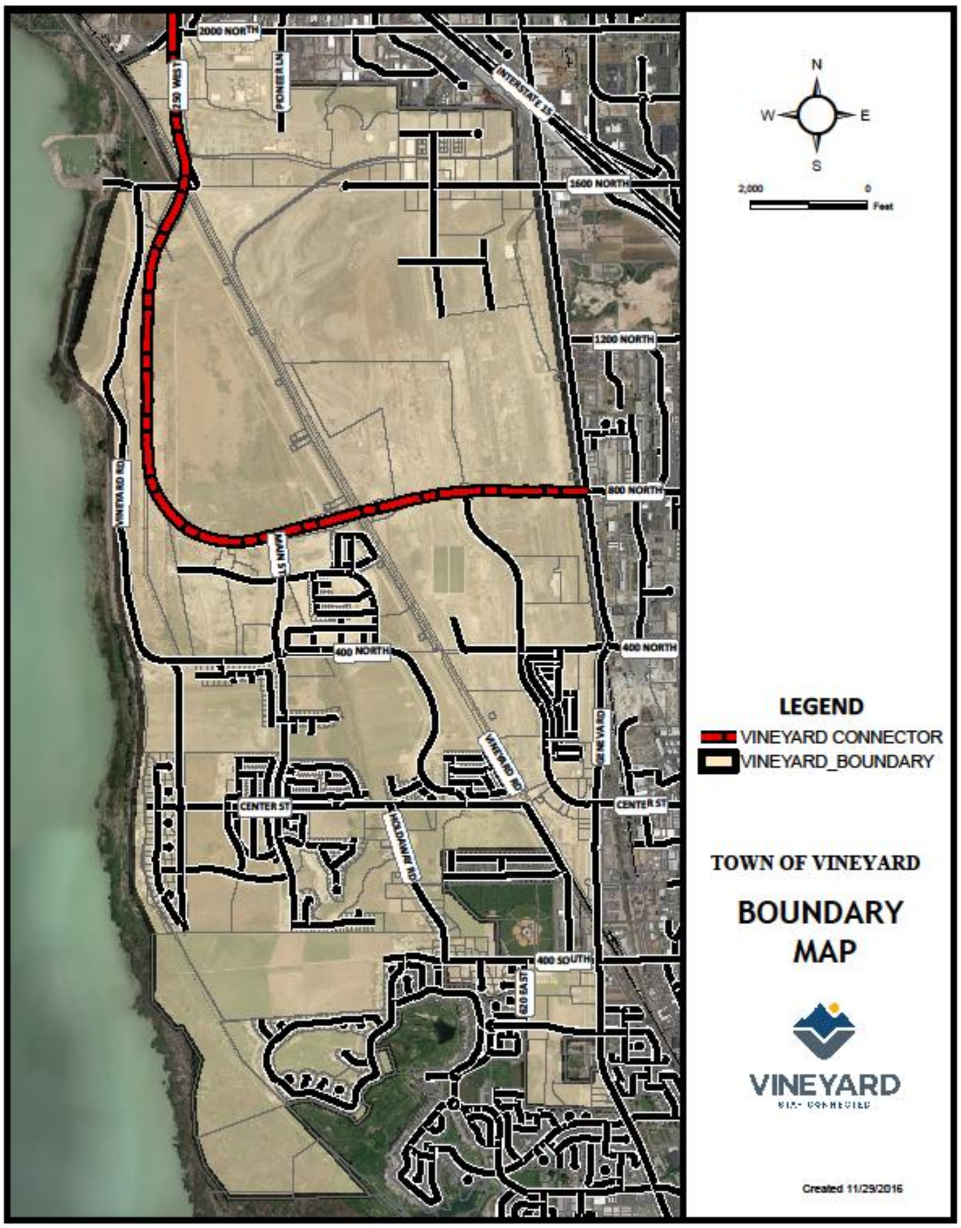
# What are the boundaries of Vineyard?

All areas within the shaded area in the map below are in Vineyard. For special events taking place on the shoreline or on Utah Lake, contact:

Sam Braegger, Outreach Coordinator
Utah Lake Commission
(801)851-2904
sbraegger@utahlakecommission.org




The authority to regulate special events within Vineyard is provided in Chapter 13-500, Articles 13-4 and 13-8 of the Vineyard Municipal Code. Copies of the Code are available online at www.vineyard.utah.gov.

ACORD®

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

| PRODUCER | CONTACT NAME: | |
|---|---|---|
| Insurance Producer Name<br>Address<br>Phone number | PHONE (A/C, No, Ext): | FAX (A/C, No): |
| | E-MAIL ADDRESS: | |
| | INSURER(S) AFFORDING COVERAGE | NAIC # |
| | INSURER A : | |
| INSURED<br><br>Insured name or DBA with address | INSURER B : | |
| | INSURER C : | |
| | INSURER D : | |
| | INSURER E : | |
| | INSURER F : | |

**COVERAGES** **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

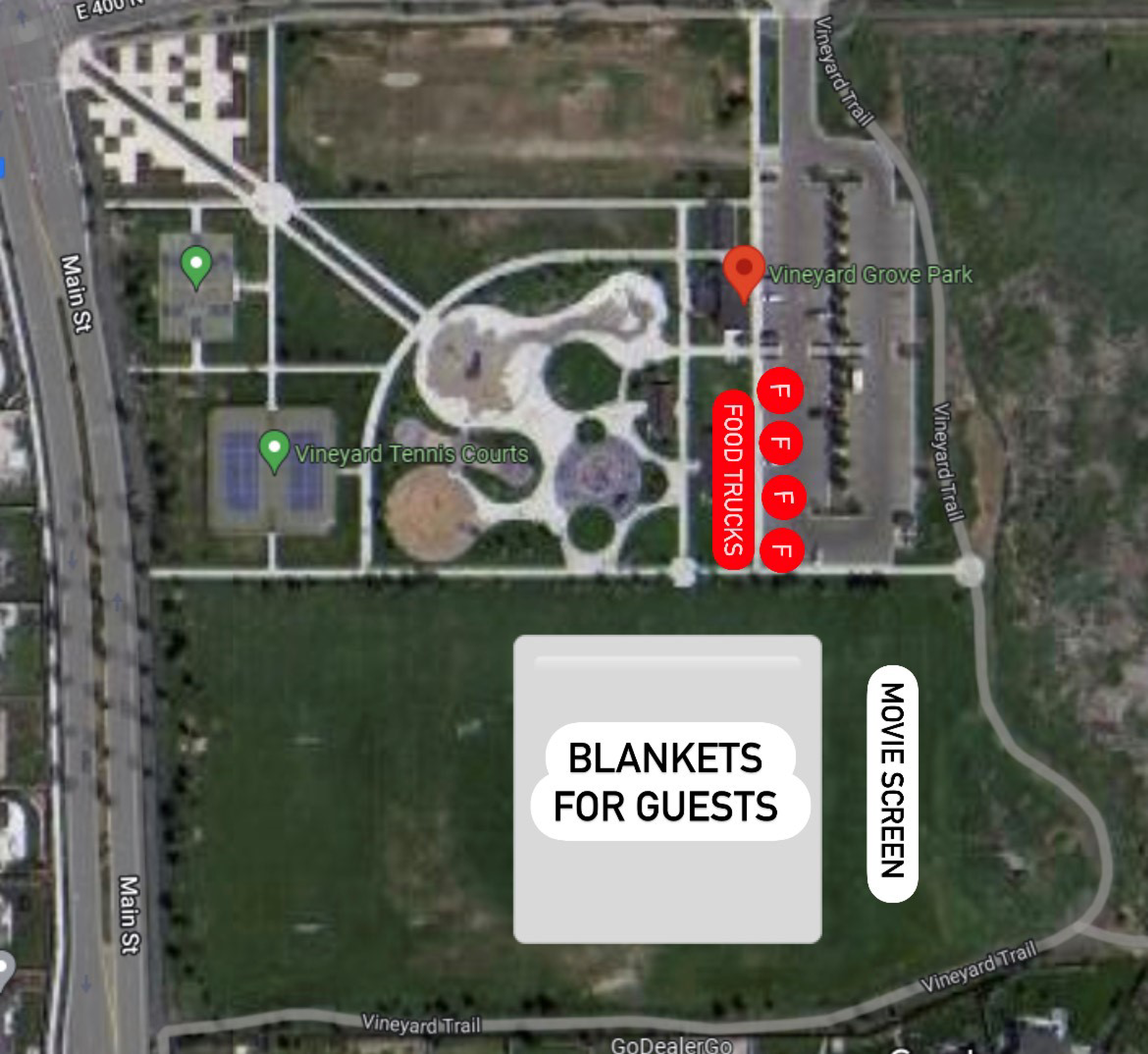
| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| | GENERAL LIABILITY<br>☐ COMMERCIAL GENERAL LIABILITY<br>☐ CLAIMS-MADE ☐ OCCUR<br>☐ General Liability<br>☐<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>☐ POLICY ☐ PRO-JECT ☐ LOC | X | | | | | EACH OCCURRENCE<br>DAMAGE TO RENTED PREMISES (Ea occurrence)<br>MED EXP (Any one person)<br>PERSONAL & ADV INJURY<br>GENERAL AGGREGATE<br>PRODUCTS - COMP/OP AGG | $<br>$<br>$<br>$<br>$<br>$<br>$ |
| | AUTOMOBILE LIABILITY<br>☐ ANY AUTO<br>☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS<br>☐ HIRED AUTOS ☐ NON-OWNED AUTOS | | | | | | COMBINED SINGLE LIMIT (Ea accident)<br>BODILY INJURY (Per person)<br>BODILY INJURY (Per accident)<br>PROPERTY DAMAGE (Per accident) | $<br>$<br>$<br>$<br>$ |
| | ☐ UMBRELLA LIAB ☐ OCCUR<br>☐ EXCESS LIAB ☐ CLAIMS-MADE<br>DED ☐ RETENTION $ | | | | | | EACH OCCURRENCE<br>AGGREGATE | $<br>$<br>$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐<br>(Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below | N / A | | | | | WC STATU-TORY LIMITS / OTH-ER<br>E.L. EACH ACCIDENT<br>E.L. DISEASE - EA EMPLOYEE<br>E.L. DISEASE - POLICY LIMIT | <br>$<br>$<br>$ |
| | | | | | | | | |

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**

Vineyard, Utah is listed as an additional insured with respect to (NAME OF INSURED) participation in:(NAME, DATE, AND LOCATION OF EVENT). Vineyard, Utah is Primary & Non-Contributory for ongoing & complete operations; a Waiver of Subrogation applies in favor of Vineyard, Utah. A 30-day Notice of Cancellation will be provided should any of the above described policies be cancelled before the expiration date.

| CERTIFICATE HOLDER | CANCELLATION |
|---|---|
| Vineyard<br>125 S. Main Street<br>Vineyard UT 84058 | **SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.** |
| | AUTHORIZED REPRESENTATIVE |

SAMPLE


E 400 N
Main St
Vineyard Trail
Vineyard Grove Park
Vineyard Tennis Courts
FOOD TRUCKS
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BLANKETS
FOR GUESTS
MOVIE SCREEN
Main St
Vineyard Trail
Vineyard Trail
Vineyard Trail
GoDealerGo

VINEYARD
STAY CONNECTED

# VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date:** 8-24-2022

**Agenda Item:** 9.1 Sewer Impact Fees (Ordinance 2022-14)

**Department:** Engineering

**Presenter:** Naseem Ghandour, P.E.

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**Background/Discussion:**

The city staff wishes to revise the existing sewer impact fee for the Redevelopment Agency (RDA) area (**Attachment 1**) as shown in the current Consolidated Fee Schedule **(Attachment 2)**. The Vineyard City's Impact Fee Facilities Plan (IFFP) and subsequently the sewer impact fee was last updated in 2017. The Sewer Master Plan is scheduled to be updated this fiscal year, per the current approved budget.

Much of the analysis forming the basis of the city's IFFP, prepared by the Mountainland Association of Governments (MAG) (**Attachment 3**) and has been taken from the City's Sewer Master Plan, prepared by the then City Engineer and approved by Ordinance No. 2003-10 (**Attachment 4**).

The City has historically had four different service areas for planning purposes. These areas have been known as Area A, Area B, Area C, and Area RDA. The primary reason for a division between the Service Areas was the existence of sewer treatment operators, Timpanogos Special Service District (TSSD) in the north and the City of Orem in the south.

This leaves two service areas, Area C and Area RDA, both within the area of the decommissioned Geneva Steel Mill site and experiencing environmental mitigation prior to development. While future improvements were expected in these sewer service areas, no improvements existed, and no improvements were planned within the 10-yr planning window at the time of the City's IFFP. Due to this, the RDA area sewer impact fee had been set to $0.

As infrastructure development of the RDA area has begun in the RDA service area and the sewer backbone has been placed, the need to adjust the sewer impact fee from $0 per ERU to $539 per Equivalent Residential Unit (ERU), in addition to the pass-thru rate at the current Timpanogos Special Service District (TSSD) rate. The rate reflects the 2017 study prepared in accordance with Utah Code Title 11, Chapter 36a (the "Impact Fees Act").

It is recommended that impact fees be used to fund growth-related capital projects as they help to maintain the proposed level of service and prevent existing users from subsidizing the capital needs for new growth.

According to State statute, impact fees cannot be used to correct deficiencies in the City's system and must be necessary to maintain the proposed level of service established for all users.

Impact fee adjustments will be in effect ninety (90) days after the approval of an ordinance.

**VINEYARD CITY COUNCIL STAFF REPORT**

**Fiscal Impact:**
**NONE, if passed**

**Recommendation:**
Staff Recommends Approval of Ordinance 2022-14 adjusting the RDA service area Sewer Impact Fee from $0 to $539 per ERU, in addition to the pass-thru rate at the current TSSD rate.

**Sample Motion:**
I move to approve ordinance 2022-14, adjusting the Sewer Impact Fee as presented by city staff.

**Attachments:**
1. Ordinance 2022-14
2. Consolidated Fee Schedule 2022-2023 Excerpt, Impact Fees
3. Vineyard City Sewer Impact Fee Service Area Map 2012
4. Vineyard Town Sewer Impact Fee Written Analysis & Methodology, 2003
5. Ordinance No. 2003-10

# Ordinance 2022-14
# AN ORDINANCE OF VINEYARD UTAH AMENDING THE SEWER IMPACT FEE

**WHEREAS**, the city of Vineyard, Utah is authorized pursuant to the Impact Fee Act, Utah Code § 11-36a-101 et seq. to adopt Sewer facilities impact fees; and

**WHEREAS**, the Vineyard adopted properly adopted sewer impact fees by Ordinance 2003-10 on November 26, 2003; and

**WHEREAS**, the city now wished to ament those sewer impact fees; and

**WHEREAS**, on July 7, 2022 the city properly noticed its intent to amend the sewer impact fees; and

**WHEREAS**, on August 3, 2022 the city properly noticed its intent to hold a public hearing and possibly adopt this ordinance on August 24, 2022.

**WHEREAS**, after careful consideration and review of the comments at the public hearings and the comments of the participants, the City Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of Vineyard, Utah to adopt the amended Sewer Impact Fees; and

**NOW THEREFORE** be it ordained by the City Council of Vineyard, Utah as follows:

**SECTION 1. IMPACT SEWER FEES ARE AMENDED AS FOLLOWS:**

See exhibit A: Consolidated Fee Schedule excerpt
See exhibit B: 2012 Sewer Impact Area Map

**SECTION 2. CHALLENGES AND APPEALS** Any challenges or appeals of this impact fee must comply with Section 11-36-401 of the Utah Code Annotated 1953.

**SECTION 3. SEVERABILITY**

Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4. EFFECTIVE DATE**

Subject to Utah Code § 11-36a-401(2), this ordinance will be effective November 22, 2022, ninety (90) days after the day from which the impact fee amendment is approved.

Passed and adopted this 24th day of August 2022.

______________________________________
Mayor Julie Fullmer

Attested

______________________________________
City Recorder Pamela Spencer

| | |
|---|---|
| Fire Inspection | Included in Business License Fee |
| Work Without a Permit* | $100 per infraction |
| Working Beyond a Stop Work Order* | $200 per infraction |

*Fines doubled for each subsequent infraction

## IMPACT FEES

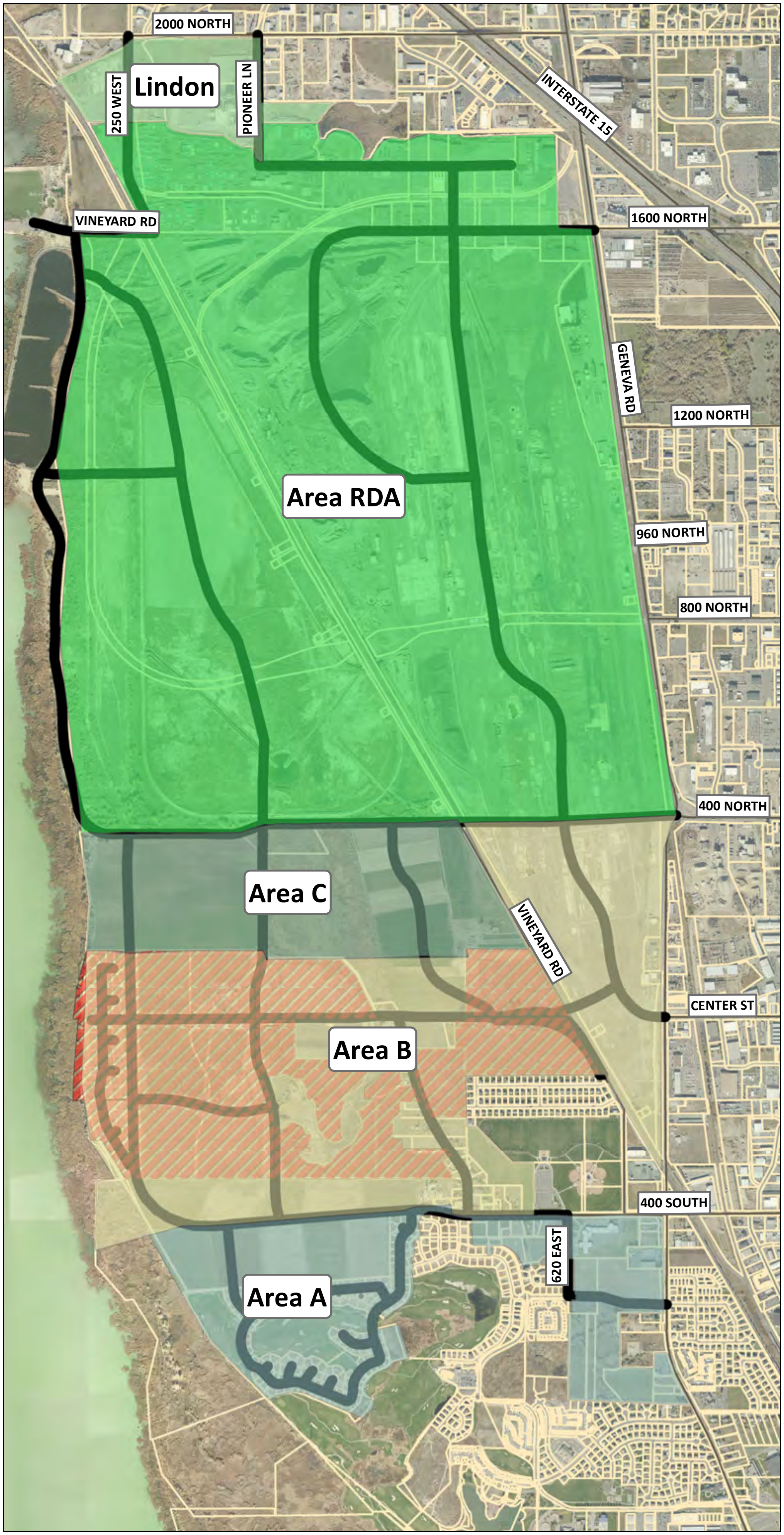
(Impact Fee Area Maps may be~~are~~ found on the City's W~~w~~ebsite)

| | |
|---|---|
| Sewer Facilities<br>Per Equivalent Residential Unit (ERU)[1,2] | • Area A - $539<br>• Area B - $2,391<br>• Area C/~~—~~RDA - $539 |
| Culinary and Irrigation Water Systems<br>Per ERU[1,3] | • Area A - $873<br>• Area B (RDA) - $521 |
| Roadway Facilities<br>Per Trip End Unit based on ITE | • Area A - $3,586<br>• Area B (RDA) - $1,286 |
| Storm and Ground Water<br>Per ERU[1,4] | • Area A - $222<br>• Area B - $337<br>• Area C - $237 |

[1] ¾ inch water connection is 1 ERU
[2] Additional fees may apply to units with more than 5 bathroom equivalent drains
[3] Additional fee may apply to certain high water uses (e.g., Car Wash) without water reduction measures in place
[4] Additional fee may apply to certain sites if above city's maximum impervious area requirement

## PASS THROUGH FEES

| | |
|---|---|
| Timpanogos Special Service District | Equal to ~~TSSD's~~ District's impact fee as dictated by the~~ir~~ current~~up-to-date~~ Impact Fee Facilities Plan/Schedule. |
| Orem Water Reclamation | Equal to Orem City's ~~Water Reclamation~~impact fee as dictated by the current Impact Fee Facilities Plan/Schedule~~in their up-to-date Consolidated Fee Schedule~~. |




# SEWER IMPACT FEE SERVICE AREA

## LEGEND

HOMESTEADS

SEWER SERVICE AREA

- Area A
- Area B
- Area C
- Area RDA
- Lindon

MASTER PLAN ROADS

The Town of Vineyard

TOWN OF VINEYARD

30JUNE12

J-U-B ENGINEERS, Inc.
ENGINEERS • SURVEYORS • PLANNERS

# VINEYARD TOWN
# SEWER IMPACT FEE WRITTEN ANALYSIS & METHODOLOGY

November 26, 2003

Prepared by

MOUNTAINLAND
ASSOCIATION OF GOVERNMENTS
Serving Summit, Utah and Wasatch Cities & Counties
586 East 800 North, Orem, Utah 84097-4146

## Table of Contents

## Executive Summary

The following report is the Vineyard Town Sewer Impact Fee Written Analysis and Methodology. The report includes the analysis required by both sound planning practice and State Law. This report constitutes the Impact Fees for Vineyard Town.

The following table represents the fees associated with each capital facility that Vineyard Town has chosen to charge for. The fees have been rounded to the nearest whole dollar.

Impact Fees per Residential Dwelling Unit (RDU)

| Type | Total Cost | Impact Fee RDU | Adjusted Impact Fee |
|---|---|---|---|
| Sewer System | $5,432,740 | $3,674 | $3,674 |
| | | | |
| Total | $5,432,740 | $3,674 | $3,674 |

Impact Fee RDU cost is the total cost of infrastructure divided by the new units. Adjusted Impact Fee is the Impact Fee RDU cost minus credits. The impact fees are in current (2003) dollars. The base data should be reviewed at least every two (2) years to stay current with increasing costs. The Town may elect to review the base data more often than every two (2) years if circumstances, such as rapid growth, make it necessary.

# Introduction

## Definitions

The following definitions related to Impact Fees are adapted from 11-36-102 of the Utah Code Annotated.

**Building Permit Fee**: means the fees charged to enforce the uniform codes adopted pursuant to Title 58, Chapter 56, Uniform Building Standards Act.

**Development Activity**: means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

**Hookup fees**: means reasonable fees, not in excess of the approximate average costs to the political subdivision, for services provided for and directly attributable to the connection to utility services, including gas, water, sewer, power, or other municipal, county, or independent special district utility services.

**Impact fee**: means a payment of money imposed upon development activity as a condition of development approval. Impact fee does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other permit or application fee.

**Proportionate share**: means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.

**Public Facilities**: mean only the following capital facilities that have a life expectancy of ten (10+) or more years and are owned or operated by or on behalf of a local political subdivision:

- (a) Water rights and water supply, treatment, and distribution facilities;
- (b) Wastewater collection and treatment facilities;
- (c) Storm water, drainage, and flood control facilities;
- (d) Municipal power facilities;
- (e) Roadway facilities (not funded by the state or federal government);
- (f) Parks, recreation facilities, open space, and trails; and
- (g) Public safety facilities (not a jail or prison, etc).

## History

For years municipalities have known that development costs communities money. Rules of thumb have stated that residential development pays, through taxes and user fees, about 80% of its demand on public services. Assuming that less than 20% of property tax revenues actually go toward capital facilities, it could take over 100 years of taxation for a single-family dwelling to pay for its capital demands on a community.

In the past, communities have attempted to off-set the burden of providing capital facilities to new residents by charging "Hookup" or "Off-site" fees. These hookup fees amounted to a one-time buy-in to the system. A 1995 survey of 45 Utah communities conducted by Utah Foundation showed that the average combined hookup and impact fee charge on a 2,000 sq. ft. house on a 1/4 acre lot (exclusive of school impact fees and building permit and plan check charges) amounted to $3,187, with a high of $7,768 and a low of $1,648. For the most part these fees where not out of line with actual costs associated with providing services. However, detailed calculations were not usually performed to come up with the charge. Often the terms "hookup fee" and "impact fee" have been used interchangeably. The two terms are different. As defined above, a hookup fee is the actual cost (parts + time) to physically connect to the system. Whereas an impact fee is a charge to pay for a development's share of the costs of public capital facilities.

The basis and rational behind impact fees have been developed mainly through court cases or case law. Utah Courts have been dealing with impact fees for over 20 years. The most notable cases include *Call v. City of West Jordan* (1979), *Banberry Development Corporation v. South Jordan City* (1981), and *Lafferty v. Payson City* (1981). The courts have upheld a community's right to charge impact fees, but the courts also require that new development pay only its "proportionate share" of improvement costs. Proportionate share, which is defined above, has two parts. First, one must consider the cost of the public facility divided by the total number of users (i.e. rough proportionality) and second, there must be a reasonable connection between the development and the public facility (i.e. rational nexus). In other words, an impact fee that charges a disproportionate amount to a use or is not reasonably related to the use (e.g. parkland impact fee assessed to a storage unit development) may be determine to be invalid. In the above mentioned *Banberry* case, the Utah State Supreme Court gave seven (7) guidelines that must be followed to assure that impact fees meet the proportionate share test. These guidelines or requirements will be discussed later in this analysis.

Impact fees are assessed to cover the capital costs associated with servicing new development. Since impact fees are charged for new development, the courts have stated that existing deficiencies in system improvements cannot be paid for from impact fees. The courts have also stated that impact fees can only be used to pay for public capital facilities, not operations and maintenance. Cities, towns and counties must use general fund monies and user fees to pay for operations and maintenance. Public capital facilities are defined above in the definitions section,

which basically states that public capital facilities are facilities with a life expectancy of at least ten (10) years and are owned or operated by or on behalf of the municipality.
As stated earlier, much of the impact fee policy was determined through court cases. Unfortunately, the courtroom is often not the best place to establish public policy. In the legal process, a community must first establish what it feels is a fair fee, then be sued by someone who feels the fee is not fair. After much time and expense, the court determines whether or not the community or the fee was fair. The Utah State Legislature saw the need to better define public policy relating to impact fees and after a veto by the Governor, worked out what is now Title 11, Chapter 36 *Impact Fees Act*, in the First Special Session of the Legislature in 1995.

The *Impact Fees Act* has four (4) parts. They are: 1. General Provisions, including Title and Definitions; 2. Impact Fee — Process, including Analysis, Capital facilities plan, Exemptions, Enactment and Required provision; 3. Accounting For, Expenditure of, and Refund of Impact Fees; and 4. Challenging Impact Fees.

Among other things, the Act requires that municipalities by July 1, 1997 "...review any impact fee in existence as of the effective date of [the] act, and prepare and approve the analysis required by [the act] for each of those impact fees; and ... ensure that the impact fees comply with the requirements of [the act]. This means that communities who are charging hookup fees in excess of the actual cost of tapping into the system must change their hookup fees to reflect actual cost. For example, if a water meter costs $100.00 and it takes a public works employee, at a rate of $25.00 per hour (man + machine time), one hour to install the meter, then a Town may charge a maximum of $125.00 for a water hookup fee[1]. It also means that communities must complete a mathematical analysis to justify current impact fee charges. Municipalities must also ensure that all new impact fees conform to the act.

### The Seven Banberry Requirements

As mentioned previously in this analysis, the Utah Supreme Court, in the *Banberry* case, memorialized the seven requirements that must be reviewed to assure that impact fees meet the proportionate share test. The Banberry requirements were also reiterated in the Impact Fees Act by the Utah State Legislature. The following are the Banberry requirements as stated in the Impact Fees Act, with an accompanying explanation.

1. The cost of existing public facilities;

   Simply put—The first Banberry requirement is to determine the cost of existing public facilities.

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[1] The hookup fee cost used in this example is for demonstration purposes only and has no relation to any actual costs or hookup fee and should not be used to justify or protest any existing or future hookup fee charge.

2. The manner of financing existing public facilities such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;

   After determining the cost, the community must then determine how the facilities where paid for. This is important to assure that new development will not pay twice for public facilities. If a development pays once through impact fees, then again through taxation to pay off a bond, then the development has paid twice.

3. The relative extent to which newly developed property and other properties in the municipality have already contributed to the cost of existing public facilities, by such means as user charges, special assessments, or payment from the proceeds of general taxes;

   There are two methods of adjusting impact fees for past payments. One is to determine the percentage that vacant land contributes to the capital fund, the other is to determine an actual dollar amount that vacant land has contributed over a period of time and the present value of those past contributions.

   Again, this is necessary to assure that developments being assessed an impact fee have not already paid for the capital facility through past taxes or user charges.

4. The relative extent to which newly developed properties and other properties in the municipality will contribute to the cost of existing public facilities in the future;

   When new development is completed, it will go on the tax rolls as developed property and the occupants will pay property taxes and/or user fees (e.g. monthly utility payment). To the extent that property taxes and/or user fees have been pledged to provide existing facilities (i.e. bonded for.), new development will pay toward those facilities in amounts equivalent to existing development. These payments are payments toward existing facilities and should be given fair consideration.

5. The relative extent to which newly developed properties are entitled to a credit because the municipality is requiring their developers or owners, by contractual agreement or otherwise, to provide common facilities, inside or outside the proposed development, that have been provided by the municipality and financed through general taxation or other means, apart from user charges, in other parts of the municipality;

   Obviously, if a developer is required by the community to provide for public facilities that an impact fee is charged for and the facility has traditionally been provided for by the community, then a credit toward the impact fee is required. The credit should be limited to the extent that the impact on the facility is mitigated by the provision of the common facility. An example would be the donation of park land may be credited toward the park land portion of the park, recreation facility, open space and trails impact fee. A couple of important points to be remembered are that the donation must be required by the municipality, be needed and be used by the community. In other words, a developer could not receive a credit toward the wastewater impact fee by giving the community surplus sewer pipe the community does not want nor need.

6. The extraordinary costs, if any, in servicing the newly developed properties; and

   Improvement cost estimates for facilities scheduled for future construction will change over time due to inflation, rising property value, and rising material and labor rates. These factors should be taken into account by requiring that the impact fee be reviewed at least once each fiscal biennium (i.e. every two years) and adjusted for any changes in costs. There should also be a review of the extra costs associated with serving leap-frog versus in-fill development.

7. The time-price differential inherent in a fair comparison of amounts paid at different times;

   Three impact fee adjustments are required to consider the time-price differential inherent in a fair comparison of amounts paid at different times. They are: past payments; future payments; and present value of future payments for future facilities. The first two adjustments are described above and typically provide a credit in the net impact fee. The third issue is addressed in state law which requires the expenditure of collected impact fees within 6 years of their receipt, unless a written reason is given for extending the expenditure deadline including a date when the funds will be expended.

## Written Analysis

State law requires a written analysis for each impact fee adopted. The written analysis covers four issues: 1. the impact on system improvements required by the development activity; 2. how those impacts on the system improvements are reasonably related to the development activity; 3. the proportionate share of the costs of impacts on system improvements that are reasonably related to the new development activity; and 4. how the impact fee was calculated.

1. The impact on system improvements required by the development activity;

   In this issue, the impact on the capital facility must be determined for each development type.

2. How the impact on the system improvements are reasonably related to the development activity;

   This issue deals with the rational nexus between the impact and the development. In other words, there needs to be a connection between the capital facility and the development.

3. The proportionate share of the costs of impacts on system improvements that are reasonably related to the new development activity; and

   Issue three deals with rough proportionality or determining the fair amount that should be charged to each unit of development.

4. How the impact fee was calculated.

   This issue usually deals with a mathematical formula that takes in to consideration all of the other issues including the Banberry requirements and determines what the final impact fee charge should be.

## Legal Authority

Vineyard Town has prepared this **Impact Fee Methodology and Written Analysis** pursuant to Title 11, Chapter 36 *Impact Fees Act* of the *Utah Code Annotated.* The methodology was determined keeping fairness, equity and proportionality as the goal and to provide assurance that the impact fees established a rational nexus. It is important to keep in mind that the criterion is that impact fees not exceed a proportionate share of Vineyard's costs in accommodating new development. In the vast majority of cases, these costs will occur in the future. Because the future is at issue, exact amounts are likely to be unknown. However, exactitude is not the standard—reasonableness is.

# Sewer Facilities Impact Fee

## Sewer Facilities
## Impact Fee

### Written Analysis

The written analysis covers four issues: 1. the impact on system improvements required by the development activity; 2. how those impacts on the system improvements are reasonably related to the development activity; 3. the proportionate share of the costs of impacts on system improvements that are reasonably related to the new development activity; and 4. how the impact fee was calculated.

**The impact on system improvements required by the development activity.**

Traditionally, Cities protect the health, safety, and welfare of the community. Cities protect the health, safety and general welfare of residents through Sewer facilities and other related facilities. Vineyard Town engineers in conjunction with Orem City have determined the minimum sewer facilities required to serve the current and future residents of Vineyard.

**How the impacts on the system improvements are reasonably related to the development activity.**

The Sewer facilities are used by people. As residential and commercial development continues, additional people will reside, shop and work in the Town. There are currently no sewer facilities in the Town. As more people move into Vineyard there will be a greater demand for sewer facilities.

**The proportionate share of the costs of impacts on system improvements that are reasonably related to the new development activity.**

New development should pay its share of new capital facilities. The Town currently has no sewer facilities. The Town residents rely on private septic systems. The attached information provides the costs associated with serving new development. Based on a good faith engineering estimate the cost to serve Vineyard is $5,432,740. Of this amount it is expected that developers will provide $1,164,503 worth of improvements. The Town will be responsible for about $4,268,237 of improvements related to the cost of upgrading the developer installed lines.

## How the impact fee was calculated

The impact fee was calculated using the Vineyard Sewer Facilities Impact Fee Methodology as stated below.

### Vineyard Sewer Facilities
### Impact Fee Methodology

The impact fee calculation is based on the magnitude of Sewer facilities demand generated by a unit of development. This fee represents an equitable proportion of Sewer facilities costs less credits for assumptions inherent in the Seven Banberry Requirements as reviewed by the Vineyard Town Council with its adoption of this Analysis and the Impact Fee Ordinance. The formulas for calculating Sewer facilities impact fees are summarized as follows:

SEWER FACILITIES
IMPACT FEE FORMULA

| | | |
|---|---|---|
| a. | Development Cost for Sewer Improvements related to new growth | $4,268,237 |
| b. | Units of existing and new growth to 2020 | 1162 |
| c. | Credit for future payments (i.e. bond) and past grants | $0 |

a ~ b =Total Cost (Impact Fee Per Residential Unit)
Total Cost - c = Impact Fee (Adjusted)

$4,268,237 ~ 1162 = $3,674

Impact fee: Sewer Facilities = $3,674 per residential unit

$3,674 – $0 = $3,674

Adjusted Impact fee: Sewer Facilities = $3,674 per equivalent residential unit

## The Seven Banberry Requirements

1. The cost of existing Sewer facilities related capital facilities;

   All current residents of Vineyard are served by private septic systems.

2. The manner of financing existing public capital facilities for those services;

   There are no existing public services.

3. The relative extent to which newly developed property and other properties in Vineyard have already contributed to the cost of existing public capital facilities.

   There are two methods of adjusting impact fees for past payments. One is to determine the percentage that vacant land contributes to the capital fund, the other is to determine an actual dollar amount that vacant land has contributed over a period of time and the present value of those past contributions.

   The Town does not currently have a sewer system and no Town funds have been used in the past. Because the Sewer Fund is an enterprise fund, no property taxes have been used to pay for capital facilities in the past. In the future in the rare case when a vacant property has paid a monthly user fee to the Town, the Town will need to review any credit for past payments on an individual basis.

   No adjustment for past payments is needed.

4. The relative extent to which newly developed properties and other properties in Vineyard will contribute to the cost of existing public capital facilities in the future;

   When new development is completed, it will go on the tax rolls as developed property and the occupants will pay property taxes and/or user fees (e.g. a monthly sewer bill). No property taxes have been pledged to pay for existing facilities. Newly developed property and existing residents will pay equally on their monthly sewer bills toward amortization and operations and maintenance.

5. The relative extent to which newly developed properties are entitled to a credit because the Town may be requiring owners or developers to provide common facilities that have historically been provided by the Town and financed through general taxation or other charges in other parts of the Town;

   Section XII of The Vineyard Impact Fee Ordinance allows the Town to credit developers for providing public facilities, if the facility is required by the Development Code and if the Town needs and can use the facilities.

6. The extraordinary costs, if any, in servicing newly developed properties;

   Improvement cost estimates for facilities scheduled for future construction will change over time due to inflation, rising property value, and rising material and labor rates. Section XIII of The Vineyard Sewer Impact Fee Ordinance takes these factors into account by requiring that the impact fee be reviewed at least once each fiscal biennium (i.e. every two years).

7. The time-price differential inherent in a fair comparison of amounts paid at different times;

   Three impact fee adjustments are required to consider the time price differential inherent in a fair comparison of amounts paid at different times. They are: past payments; future payments; and present payments for future facilities. The first two adjustments are described above and do not provide for a credit at this time. The third issue is addressed in state law and Section XI of The Vineyard Impact Fee Ordinance which requires the expenditure of collected impact fees within 6 years of their receipt, unless a written reason is given for extending the expenditure deadline including a date when the funds will be expended.

**ORDINANCE NO. 2003-10**

**AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AREAS OF VINEYARD, IMPOSING A SEWER IMPACT FEE ON NEW AND EXISTING LAND DEVELOPMENT IN VINEYARD TOWN FOR PROVIDING CAPITAL FACILITIES NECESSITATED BY SUCH NEW AND EXISTING DEVELOPMENT, STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE, PROVIDING DEFINITIONS, PROVIDING FINDINGS AND DECLARATIONS OF THE TOWN COUNCIL, PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF THE SEWER IMPACT FEE, PROVIDING FOR REVIEW OF THE SEWER IMPACT FEES AND THE FEE SCHEDULES, PROVIDING FOR THE ESTABLISHMENT OF SEWER IMPACT FEE DISTRICTS, PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM SEWER IMPACT FEES INTO SEWER IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE, PROVIDING FOR EXEMPTIONS AND CREDITS, PROVIDING FOR REFUND OF UNEXPENDED FUNDS, PROVIDING FOR USE OF FUNDS DERIVED FROM SEWER IMPACT FEES, PROVIDING THAT SEWER IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS, PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Utah State Legislature through the enactment of Title 11 Chapter 36 Impact Fees Act, of the Utah Code Annotated (UCA) 1953, has sought to encourage Vineyard Town to enact impact fees; and

WHEREAS, Vineyard Town has been experiencing increased growth and a dramatic increase in the number of new applications for building permits and subdivision plat approvals which have put a significant burden on the Town's ability to provide adequate public facilities which are available at the time of anticipated growth for essential services; and

WHEREAS, Vineyard Town must expand its public facilities systems in order to maintain current public facilities standards if new development is to be accommodated without decreasing current standards. This must be done to promote and protect the public health, safety, and welfare; and

WHEREAS, the imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to protect the public health, safety, and welfare; and

WHEREAS, impact fees are a reasonable and legally permissible means of generating the revenue necessary to provide funding to construct adequate public facilities which are necessary to service new development; and

WHEREAS, each type of land development described in section VI hereof will create demand for the acquisition or expansion of public facilities and the construction of capital improvements; and

WHEREAS, the fees established by section VI are derived from, based upon, and do not exceed the costs of providing additional public facilities improvements necessitated by the new land developments for which the fees are levied; and

WHEREAS, this Sewer Impact Fee ordinance is supported by adequate studies and analysis justifying the need for additional funding in order to assure that Vineyard Town can provide adequate public facilities, the need for which is created by proposed new development; and

WHEREAS, the Town Council in reviewing this proposed Sewer Impact Fee ordinance has considered a number of factors including, but not limited to the following:

1. The cost of existing public capital facilities;

2. The manner of financing existing public capital facilities;

3. The relative extent to which newly developed property and other properties in Vineyard Town have already contributed to the cost of existing public capital facilities;

4. The relative extent to which newly developed properties and other properties in Vineyard Town will contribute to the cost of existing public capital facilities in the future;

5. The relative extent to which newly developed properties are entitled to a credit because the Town may be requiring owners or developers to provide common facilities that have historically been provided by the Town and financed through general taxation or other charges in other parts of the Town;

6. The extraordinary costs, if any, in servicing newly developed properties; and

7. The time-price differential inherent in fair comparison of amounts paid at different times; and

WHEREAS, after consideration of all the factors outlined above, the Town Council finds the Sewer Impact Fees imposed pursuant to this ordinance to be reasonable and equitable; and

WHEREAS, the report entitled "Vineyard Town, Sewer Impact Fee Written Analysis & Methodology," sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and the costs of additional public facilities improvements in Vineyard Town; and

WHEREAS, the Vineyard Town Council held a public hearing on the 26th day of November, 2003, to consider this Ordinance, which public hearing was preceded by the posting of a notice of public hearing in at least three (3) public places within the Town limits of Vineyard Town, and which notice of public hearing was published in the *Orem Geneva Times*, a newspaper of general circulation within the Town; and

WHEREAS, the notice of hearing which was posted and published by the Town Council contains specific advance notice that the proposed ordinance, as set forth herein, would be considered and that copies of thereof were available for inspection in the Town Offices; and

WHEREAS, the Vineyard Town Council has determined that the adoption of this ordinance is necessary for the general welfare of the Town and its inhabitants;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VINEYARD TOWN, UTAH, AS FOLLOWS:**

SECTION I. Short Title

This ordinance shall be known and may be cited as the **"Vineyard Town Sewer Impact Fee Ordinance."**

SECTION II. Intents and Purposes

(A) This ordinance is intended to assist in the implementation of the Vineyard Town Capital Facilities Plan and Development Code.

(B) The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary for public facility improvements in Vineyard Town.

SECTION III. Rules of Construction

(A) The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

(B) For the purpose of administration and enforcement, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

(1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

(2) The word *shall* is always mandatory and not discretionary; the word *may* is permissive.

(3) Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(4) The phrase *used for* includes *arranged for, designed for, maintained for,* or *occupied for.*

(5) The word *person* includes individual, a corporation, a partnership, an association, or any other similar entity.

(6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction *and, or* or *either . . . or,* the conjunction shall be interpreted as follows:

a. *And* indicates that all the connected terms, conditions, provisions or events shall apply.

b. *Or* indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. *Either . . . or* indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

(7) The word *includes* shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) *Mayor* means the Mayor or the Town officials he/she may designate to carry out the administration of this ordinance.

SECTION IV. Definitions

(1) A *fee payer* is a person applying for the issuance of a building permit or mobile or manufactured home installation.

(2) A *capital improvement* includes public facility planning and engineering, land acquisition, site improvements, buildings, and equipment but excludes maintenance and operation.

(3) *Development order* means a regulatory approval by Vineyard Town.

SECTION V. Imposition of Impact Fee

(1) Any person who, after the effective date of this ordinance, seeks to develop land within Vineyard Town, Utah, by applying for a development approval or building permit for a building or for a mobile or manufactured home installation, or any current homeowner is hereby required to pay an impact fee in the manner and amount set forth in this ordinance.

(2) No new building permit for any activity requiring payment of an impact fee pursuant to Section VII of this ordinance shall be issued unless and until the impact fee hereby required has been paid.

(3) No extension of a building permit issued prior to the effective date of this ordinance for any activity requiring payment of an impact fee pursuant to Section VII of this ordinance shall be granted unless and until the impact fee hereby required has been paid.

SECTION VI. Computation of the Amount of Impact Fee

(A) The amount of the impact fee shall be determined by the following formula:

**FORMULA**
SEWER FACILITIES
IMPACT FEE FORMULA

a. Development Cost for Sewer Improvements related to new growth
b. Units of existing and new growth to 2020
c. Credit for future payments (i.e. bond) and past grants

a ~ b = Total Cost
Total Cost - c = Impact Fee

1. If a land use application or building permit is requested for mixed uses, then the fee shall be determined using the above schedule by apportioning the space committed to uses specified on the schedule.

2. If the type of development activity that a land use application or building permit is applied for is not specified on the above fee schedule, the Town shall use the fee applicable to the most comparable type of land use on the above fee schedules. The Town shall be guided in the selection of a comparable type by the Vineyard Town General Plan, supporting documents of the Vineyard Town General Plan, and the Vineyard Town Development Code. If the Town determines that there is no comparable type of land use on the above fee schedule then the Town shall determine the appropriately discounted fee by considering demographic or other documentation which is available from state, local, and regional authorities.

3. In the case of change of use, redevelopment, or expansion or modification of an existing use which required development approval or building permit, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.

(B) If a fee payer opts not to have the impact fee determined according to Paragraph (A) of this section, then the fee payer shall prepare and submit to the Town an independent fee calculation study for the land development activity for which development approval or building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The Town shall consider the documentation submitted by the fee payer but is not required to accept such documentation as the Town shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the fee payer shall pay impact fees based upon the schedule shown in Paragraph (A) of this section. If an acceptable independent fee calculation study is presented, the Town may adjust the fee to that appropriate to the particular development. Determinations made by the Town pursuant to this paragraph may be appealed to the Town Council by filing a written appeal request with the Town Recorder within ten (10) days of the determination.

SECTION VII. Payment of Fee

(A) The fee payer shall pay the Sewer Impact Fee required by this ordinance to the Town prior to the issuance of a development approval or building permit or mobile and manufactured home installation ad applicable.

(B) All funds collected shall be properly identified by impact fee type and district and promptly transferred for deposit in the appropriate impact fee trust fund to be held in separate accounts as determined by Section IX of this ordinance and used solely for the purposes specified in this ordinance.

SECTION VIII. Sewer Impact Fee Districts

There is hereby established a Sewer Impact Fee district as shown in the Written Analysis as adopted by resolution of the Town Council and incorporated herein by reference. The entire Town is one district

SECTION IX. Impact Fee Trust Funds Established

(A) There are hereby established a separate impact fee trust fund for Sewer.

(B) Funds withdrawn from these accounts must be used in accordance with the provisions of Section X of this Ordinance.

SECTION X. Use of Funds

(A) Funds collected from impact fees shall be used solely for the purpose of acquiring and/or making capital improvements and their related costs to public facilities under the jurisdiction of Vineyard Town.

(B) Funds shall be used exclusively for acquisitions, expansions, or capital improvements within the impact fee districts as identified in the Written Analysis, from which the funds were collected or for projects in other impact fee districts which are of benefit to the impact fee district from which the funds were collected. Funds shall be expended in the order in which they are collected.

(C) In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Paragraph (A) above and are located within the appropriate impact fee districts created by Section VIII of this ordinance or as provided in Paragraph (B) of this section.

(D) At least once each fiscal period the Mayor shall present to the Town Council a proposed capital improvements program for public facilities, assigning funds, including any accrued interest, from the several impact fee trust funds to specific public improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this ordinance.

(E) Funds may be used to provide refunds as described in Section XI.

SECTION XI. Refund of Fees Paid

(A) If a development approval or, building permit expires without commencement of construction, the fees have not been spent or encumbered, and no impact has resulted, then the fee payer shall be entitled to a refund, with interest at the rate the Town receives per annum, of the impact fee paid as a condition for its issuance. The fee payer must submit an application for such a refund to the Town within thirty (30) days of the expiration of the permit.

(B) Except as provided in Subsection (b) 11-36-302 of the UCA 1953. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of six percent (6%) per annum, provided that the landowner submits an application for a refund to the Town within 180 days of the expiration of the six-year period.

SECTION XII. Exemptions and Credits

(A) The following may be exempted from payment of the impact fee:

1. Alterations or expansion of an existing building where no additional residential dwelling units are created and where the use is not changed.

2. The construction of accessory buildings or structures where no additional residential dwelling units are created and where the use is not changed.

3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same number of units and use.

4. The installation of a replacement mobile or manufactured home on a lot or other such site when an impact fee for such mobile or manufactured home site has previously been paid pursuant to this ordinance or where a mobile or manufactured home legally existed on such site on or prior to the effective date of this ordinance.

5. The construction of buildings by a government agency or other development activities with a broad public purpose as determined by the Town. In the event that an exemption is granted, the Town Council shall establish the source of funding to pay for the impact of the development activity.

Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

(B) Credits:

1. Public capital improvements may be offered by the fee payer as total or partial payment of the required impact fee. The offer must specifically request or provide for an impact fee credit. If the Town accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:

a. Credit for the dedication of land shall be valued at 100 percent of the most recent assessed value by the Utah County Property Appraiser; by such other appropriate method as the Town Council may have accepted prior to the effective date of this ordinance for particular public improvements; or by fair market value established by private appraisers acceptable to the Town.

b. Applicants for credit for construction of public improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Town. The Town shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the Town determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Town shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the Town before credit will be given, The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit.

c. Except as provided in Subparagraph (d) below, credit against impact fees otherwise due will not be provided until:

i). the construction is completed and accepted by the Town; or

ii). a suitable assurance for completion and maintenance of improvements is received and approved by the Town, when applicable.

d. Credit may be provided before completion of specified public improvements if adequate assurances are given by the applicant that the requirements set out in Subparagraph (c) above will be met and if the fee payer posts security as provided below for the costs of such construction. Security in the form of a cash escrow agreement shall be posted with and approved by the Town at one hundred and twenty-five percent (125%) of the estimated cost of the public improvements as determined by the Town engineer. Twenty-five percent (25%) of the cash escrow account shall remain for two years after completion of the project, as a guarantee of the work. If the public improvement construction project will not be constructed within one (1) year of the acceptance of the offer by the Town, the amount of the security shall be increased by ten percent (10%) compounded for each year of the life of the security. The security shall be reviewed and approved by the Town prior to acceptance of the security. If the public improvement construction project is not to be completed within five (5) years of the date of the fee payer's offer, the Town Council must approve the public improvement construction project and its scheduled completion date prior to the acceptance of the offer by the Town.

2. Any claim for credit must be made no later than the time of application for development approval or building permit. Any claim not so made shall be deemed waived.

3. Credits shall not be transferable from one project or development to another without the approval of the Town Council and may only be transferred to a development within a different impact fee district upon a finding by the Town Council that the dedication for which the credit was given benefits such different impact fee district.

4. Determinations made by the Town pursuant to this paragraph may be appealed to the Town Council by filing a written appeal with the Town Recorder within ten (10) days of the determination.

SECTION XIII. Review

The impact fee determined as provided for in Section VI (A) shall be fixed by resolution of the Town Council and shall be reviewed by the Town Council at least once each fiscal biennium (i.e. every two years) and may be revised from time to time, by resolution of the Town Council to reflect changes in costs or other base data pertinent to the formula.

SECTION XIV. Enforcement

The Town may enforce the provisions of this ordinance by an action at law or inequity in any court having jurisdiction.

SECTION XV. Challenges and Appeals

Any challenges or appeals of this impact fee must comply with Section 11-36-401 of the Utah Code Annotated 1953.

SECTION XVI. Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION XVII. Codification, Inclusion in Code, and Scrivener's Errors

It is the intent of the Town Council that the provisions of this ordinance may become and be made part of a Town Code as adopted; and that sections of this ordinance may be re-numbered or re-lettered and the word *ordinance* may be changed to *section, chapter,* or other such appropriate word or phase in order to accomplish such intentions; and regardless of whether such inclusion in a code is accomplished, sections of the ordinance may be re-numbered or re-lettered and typographical errors which do not effect the intent may be authorized by the Town without need of public hearing by filing a corrected or re-codified copy of the same with the Town Recorder.

SECTION XVIII. Effective Date

This ordinance shall become effective immediately upon publication in one issue of a newspaper of general circulation in the Town.

Passed and duly adopted this 26th day of November, 2003.

Effective date December 5th, 2003

J. RULON GAMMON, MAYOR

| | |
|---|---|
| Council member Randy Farnworth | Voted ______ absent |
| Council member Sean Fernandez | Voted yes |
| Council member Grant Holdaway | Voted yes |
| Council member David Robins | Voted yes |

VINEYARD Seal UTAH

ATTEST:

Barbara J. Davies

BARBARA DAVIES
Vineyard Town Clerk

## ORDINANCE NO. 2003-10

**AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AREAS OF VINEYARD, IMPOSING A SEWER IMPACT FEE ON NEW AND EXISTING LAND DEVELOPMENT IN VINEYARD TOWN FOR PROVIDING CAPITAL FACILITIES NECESSITATED BY SUCH NEW AND EXISTING DEVELOPMENT, STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE, PROVIDING DEFINITIONS, PROVIDING FINDINGS AND DECLARATIONS OF THE TOWN COUNCIL, PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF THE SEWER IMPACT FEE, PROVIDING FOR REVIEW OF THE SEWER IMPACT FEES AND THE FEE SCHEDULES, PROVIDING FOR THE ESTABLISHMENT OF SEWER IMPACT FEE DISTRICTS, PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM SEWER IMPACT FEES INTO SEWER IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE, PROVIDING FOR EXEMPTIONS AND CREDITS, PROVIDING FOR REFUND OF UNEXPENDED FUNDS, PROVIDING FOR USE OF FUNDS DERIVED FROM SEWER IMPACT FEES, PROVIDING THAT SEWER IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS, PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Utah State Legislature through the enactment of Title 11 Chapter 36 Impact Fees Act, of the Utah Code Annotated (UCA) 1953, has sought to encourage Vineyard Town to enact impact fees; and

WHEREAS, Vineyard Town has been experiencing increased growth and a dramatic increase in the number of new applications for building permits and subdivision plat approvals which have put a significant burden on the Town's ability to provide adequate public facilities which are available at the time of anticipated growth for essential services; and

WHEREAS, Vineyard Town must expand its public facilities systems in order to maintain current public facilities standards if new development is to be accommodated without decreasing current standards. This must be done to promote and protect the public health, safety, and welfare; and

WHEREAS, the imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to protect the public health, safety, and welfare; and

WHEREAS, impact fees are a reasonable and legally permissible means of generating the revenue necessary to provide funding to construct adequate public facilities which are necessary to service new development; and

WHEREAS, each type of land development described in section VI hereof will create demand for the acquisition or expansion of public facilities and the construction of capital improvements; and

WHEREAS, the fees established by section VI are derived from, based upon, and do not exceed the costs of providing additional public facilities improvements necessitated by the new land developments for which the fees are levied; and

WHEREAS, this Sewer Impact Fee ordinance is supported by adequate studies and analysis justifying the need for additional funding in order to assure that Vineyard Town can provide adequate public facilities, the need for which is created by proposed new development; and

WHEREAS, the Town Council in reviewing this proposed Sewer Impact Fee ordinance has considered a number of factors including, but not limited to the following:

1. The cost of existing public capital facilities;

2. The manner of financing existing public capital facilities;

3. The relative extent to which newly developed property and other properties in Vineyard Town have already contributed to the cost of existing public capital facilities;

4. The relative extent to which newly developed properties and other properties in Vineyard Town will contribute to the cost of existing public capital facilities in the future;

5. The relative extent to which newly developed properties are entitled to a credit because the Town may be requiring owners or developers to provide common facilities that have historically been provided by the Town and financed through general taxation or other charges in other parts of the Town;

6. The extraordinary costs, if any, in servicing newly developed properties; and

7. The time-price differential inherent in fair comparison of amounts paid at different times; and

WHEREAS, after consideration of all the factors outlined above, the Town Council finds the Sewer Impact Fees imposed pursuant to this ordinance to be reasonable and equitable; and

WHEREAS, the report entitled "Vineyard Town, Sewer Impact Fee Written Analysis & Methodology," sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and the costs of additional public facilities improvements in Vineyard Town; and

WHEREAS, the Vineyard Town Council held a public hearing on the 26th day of November, 2003, to consider this Ordinance, which public hearing was preceded by the posting of a notice of public hearing in at least three (3) public places within the Town limits of Vineyard Town, and which notice of public hearing was published in the *Orem Geneva Times*, a newspaper of general circulation within the Town; and

WHEREAS, the notice of hearing which was posted and published by the Town Council contains specific advance notice that the proposed ordinance, as set forth herein, would be considered and that copies of thereof were available for inspection in the Town Offices; and

WHEREAS, the Vineyard Town Council has determined that the adoption of this ordinance is necessary for the general welfare of the Town and its inhabitants;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VINEYARD TOWN, UTAH, AS FOLLOWS:**

SECTION I. Short Title

This ordinance shall be known and may be cited as the **"Vineyard Town Sewer Impact Fee Ordinance."**

SECTION II. Intents and Purposes

(A) This ordinance is intended to assist in the implementation of the Vineyard Town Capital Facilities Plan and Development Code.

(B) The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary for public facility improvements in Vineyard Town.

SECTION III. Rules of Construction

(A) The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

(B) For the purpose of administration and enforcement, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

(1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

(2) The word *shall* is always mandatory and not discretionary; the word *may* is permissive.

(3) Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(4) The phrase *used for* includes *arranged for, designed for, maintained for,* or *occupied for.*

(5) The word *person* includes individual, a corporation, a partnership, an association, or any other similar entity.

(6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction *and, or* or *either . . . or,* the conjunction shall be interpreted as follows:

a. *And* indicates that all the connected terms, conditions, provisions or events shall apply.

b. *Or* indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. *Either . . . or* indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

(7) The word *includes* shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) *Mayor* means the Mayor or the Town officials he/she may designate to carry out the administration of this ordinance.

SECTION IV. Definitions

(1) A *fee payer* is a person applying for the issuance of a building permit or mobile or manufactured home installation.

(2) A *capital improvement* includes public facility planning and engineering, land acquisition, site improvements, buildings, and equipment but excludes maintenance and operation.

(3) *Development order* means a regulatory approval by Vineyard Town.

SECTION V. Imposition of Impact Fee

(1) Any person who, after the effective date of this ordinance, seeks to develop land within Vineyard Town, Utah, by applying for a development approval or building permit for a building or for a mobile or manufactured home installation, or any current homeowner is hereby required to pay an impact fee in the manner and amount set forth in this ordinance.

(2) No new building permit for any activity requiring payment of an impact fee pursuant to Section VII of this ordinance shall be issued unless and until the impact fee hereby required has been paid.

(3) No extension of a building permit issued prior to the effective date of this ordinance for any activity requiring payment of an impact fee pursuant to Section VII of this ordinance shall be granted unless and until the impact fee hereby required has been paid.

SECTION VI. Computation of the Amount of Impact Fee

(A) The amount of the impact fee shall be determined by the following formula:

**FORMULA**
SEWER FACILITIES
IMPACT FEE FORMULA

a. Development Cost for Sewer Improvements related to new growth
b. Units of existing and new growth to 2020
c. Credit for future payments (i.e. bond) and past grants

$$a \sim b = \text{Total Cost}$$
$$\text{Total Cost} - c = \text{Impact Fee}$$

1. If a land use application or building permit is requested for mixed uses, then the fee shall be determined using the above schedule by apportioning the space committed to uses specified on the schedule.

2. If the type of development activity that a land use application or building permit is applied for is not specified on the above fee schedule, the Town shall use the fee applicable to the most comparable type of land use on the above fee schedules. The Town shall be guided in the selection of a comparable type by the Vineyard Town General Plan, supporting documents of the Vineyard Town General Plan, and the Vineyard Town Development Code. If the Town determines that there is no comparable type of land use on the above fee schedule then the Town shall determine the appropriately discounted fee by considering demographic or other documentation which is available from state, local, and regional authorities.

3. In the case of change of use, redevelopment, or expansion or modification of an existing use which required development approval or building permit, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.

(B) If a fee payer opts not to have the impact fee determined according to Paragraph (A) of this section, then the fee payer shall prepare and submit to the Town an independent fee calculation study for the land development activity for which development approval or building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The Town shall consider the documentation submitted by the fee payer but is not required to accept such documentation as the Town shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the fee payer shall pay impact fees based upon the schedule shown in Paragraph (A) of this section. If an acceptable independent fee calculation study is presented, the Town may adjust the fee to that appropriate to the particular development. Determinations made by the Town pursuant to this paragraph may be appealed to the Town Council by filing a written appeal request with the Town Recorder within ten (10) days of the determination.

SECTION VII. Payment of Fee

(A) The fee payer shall pay the Sewer Impact Fee required by this ordinance to the Town prior to the issuance of a development approval or building permit or mobile and manufactured home installation ad applicable.

(B) All funds collected shall be properly identified by impact fee type and district and promptly transferred for deposit in the appropriate impact fee trust fund to be held in separate accounts as determined by Section IX of this ordinance and used solely for the purposes specified in this ordinance.

SECTION VIII. Sewer Impact Fee Districts

There is hereby established a Sewer Impact Fee district as shown in the Written Analysis as adopted by resolution of the Town Council and incorporated herein by reference. The entire Town is one district

SECTION IX. Impact Fee Trust Funds Established

(A) There are hereby established a separate impact fee trust fund for Sewer.

(B) Funds withdrawn from these accounts must be used in accordance with the provisions of Section X of this Ordinance.

SECTION X. Use of Funds

(A) Funds collected from impact fees shall be used solely for the purpose of acquiring and/or making capital improvements and their related costs to public facilities under the jurisdiction of Vineyard Town.

(B) Funds shall be used exclusively for acquisitions, expansions, or capital improvements within the impact fee districts as identified in the Written Analysis, from which the funds were collected or for projects in other impact fee districts which are of benefit to the impact fee district from which the funds were collected. Funds shall be expended in the order in which they are collected.

(C) In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Paragraph (A) above and are located within the appropriate impact fee districts created by Section VIII of this ordinance or as provided in Paragraph (B) of this section.

(D) At least once each fiscal period the Mayor shall present to the Town Council a proposed capital improvements program for public facilities, assigning funds, including any accrued interest, from the several impact fee trust funds to specific public improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this ordinance.

(E) Funds may be used to provide refunds as described in Section XI.

SECTION XI. Refund of Fees Paid

(A) If a development approval or, building permit expires without commencement of construction, the fees have not been spent or encumbered, and no impact has resulted, then the fee payer shall be entitled to a refund, with interest at the rate the Town receives per annum, of the impact fee paid as a condition for its issuance. The fee payer must submit an application for such a refund to the Town within thirty (30) days of the expiration of the permit.

(B) Except as provided in Subsection (b) 11-36-302 of the UCA 1953. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of six percent (6%) per annum, provided that the landowner submits an application for a refund to the Town within 180 days of the expiration of the six-year period.

SECTION XII. Exemptions and Credits

(A) The following may be exempted from payment of the impact fee:

1. Alterations or expansion of an existing building where no additional residential dwelling units are created and where the use is not changed.

2. The construction of accessory buildings or structures where no additional residential dwelling units are created and where the use is not changed.

3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same number of units and use.

4. The installation of a replacement mobile or manufactured home on a lot or other such site when an impact fee for such mobile or manufactured home site has previously been paid pursuant to this ordinance or where a mobile or manufactured home legally existed on such site on or prior to the effective date of this ordinance.

5. The construction of buildings by a government agency or other development activities with a broad public purpose as determined by the Town. In the event that an exemption is granted, the Town Council shall establish the source of funding to pay for the impact of the development activity.

Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

(B) Credits:

1. Public capital improvements may be offered by the fee payer as total or partial payment of the required impact fee. The offer must specifically request or provide for an impact fee credit. If the Town accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:

   a. Credit for the dedication of land shall be valued at 100 percent of the most recent assessed value by the Utah County Property Appraiser; by such other appropriate method as the Town Council may have accepted prior to the effective date of this ordinance for particular public improvements; or by fair market value established by private appraisers acceptable to the Town.

b. Applicants for credit for construction of public improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Town. The Town shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the Town determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Town shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the Town before credit will be given, The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit.

c. Except as provided in Subparagraph (d) below, credit against impact fees otherwise due will not be provided until:

   i). the construction is completed and accepted by the Town; or

   ii). a suitable assurance for completion and maintenance of improvements is received and approved by the Town, when applicable.

d. Credit may be provided before completion of specified public improvements if adequate assurances are given by the applicant that the requirements set out in Subparagraph (c) above will be met and if the fee payer posts security as provided below for the costs of such construction. Security in the form of a cash escrow agreement shall be posted with and approved by the Town at one hundred and twenty-five percent (125%) of the estimated cost of the public improvements as determined by the Town engineer. Twenty-five percent (25%) of the cash escrow account shall remain for two years after completion of the project, as a guarantee of the work. If the public improvement construction project will not be constructed within one (1) year of the acceptance of the offer by the Town, the amount of the security shall be increased by ten percent (10%) compounded for each year of the life of the security. The security shall be reviewed and approved by the Town prior to acceptance of the security. If the public improvement construction project is not to be completed within five (5) years of the date of the fee payer's offer, the Town Council must approve the public improvement construction project and its scheduled completion date prior to the acceptance of the offer by the Town.

2. Any claim for credit must be made no later than the time of application for development approval or building permit. Any claim not so made shall be deemed waived.

3. Credits shall not be transferable from one project or development to another without the approval of the Town Council and may only be transferred to a development within a different impact fee district upon a finding by the Town Council that the dedication for which the credit was given benefits such different impact fee district.

4. Determinations made by the Town pursuant to this paragraph may be appealed to the Town Council by filing a written appeal with the Town Recorder within ten (10) days of the determination.

SECTION XIII. Review

The impact fee determined as provided for in Section VI (A) shall be fixed by resolution of the Town Council and shall be reviewed by the Town Council at least once each fiscal biennium (i.e. every two years) and may be revised from time to time, by resolution of the Town Council to reflect changes in costs or other base data pertinent to the formula.

SECTION XIV. Enforcement

The Town may enforce the provisions of this ordinance by an action at law or inequity in any court having jurisdiction.

SECTION XV. Challenges and Appeals

Any challenges or appeals of this impact fee must comply with Section 11-36-401 of the Utah Code Annotated 1953.

SECTION XVI. Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION XVII. Codification, Inclusion in Code, and Scrivener's Errors

It is the intent of the Town Council that the provisions of this ordinance may become and be made part of a Town Code as adopted; and that sections of this ordinance may be re-numbered or re-lettered and the word *ordinance* may be changed to *section, chapter,* or other such appropriate word or phase in order to accomplish such intentions; and regardless of whether such inclusion in a code is accomplished, sections of the ordinance may be re-numbered or re-lettered and typographical errors which do not effect the intent may be authorized by the Town without need of public hearing by filing a corrected or re-codified copy of the same with the Town Recorder.

SECTION XVIII. Effective Date

This ordinance shall become effective immediately upon publication in one issue of a newspaper of general circulation in the Town.

Passed and duly adopted this 26th day of November, 2003.

Effective date December 5th, 2003

J. RULON GAMMON, MAYOR

| | |
|---|---|
| Council member Randy Farnworth | Voted ______ absent |
| Council member Sean Fernandez | Voted yes |
| Council member Grant Holdaway | Voted yes |
| Council member David Robins | Voted yes |

VINEYARD

Seal

UTAH

ATTEST:

Barbara J. Davies

BARBARA DAVIES

Vineyard Town Clerk

# VINEYARD TOWN
# SEWER IMPACT FEE WRITTEN ANALYSIS & METHODOLOGY

November 26, 2003

Prepared by


*MOUNTAINLAND*
*ASSOCIATION OF GOVERNMENTS*
Serving Summit, Utah and Wasatch Cities & Counties
586 East 800 North, Orem, Utah 84097-4146

## Table of Contents

## Executive Summary

The following report is the Vineyard Town Sewer Impact Fee Written Analysis and Methodology. The report includes the analysis required by both sound planning practice and State Law. This report constitutes the Impact Fees for Vineyard Town.

The following table represents the fees associated with each capital facility that Vineyard Town has chosen to charge for. The fees have been rounded to the nearest whole dollar.

Impact Fees per Residential Dwelling Unit (RDU)

| Type | Total Cost | Impact Fee RDU | Adjusted Impact Fee |
|---|---|---|---|
| Sewer System | $5,432,740 | $3,674 | $3,674 |
| | | | |
| Total | $5,432,740 | $3,674 | $3,674 |

Impact Fee RDU cost is the total cost of infrastructure divided by the new units. Adjusted Impact Fee is the Impact Fee RDU cost minus credits. The impact fees are in current (2003) dollars. The base data should be reviewed at least every two (2) years to stay current with increasing costs. The Town may elect to review the base data more often than every two (2) years if circumstances, such as rapid growth, make it necessary.

# Introduction

## Definitions

The following definitions related to Impact Fees are adapted from 11-36-102 of the Utah Code Annotated.

**Building Permit Fee**: means the fees charged to enforce the uniform codes adopted pursuant to Title 58, Chapter 56, Uniform Building Standards Act.

**Development Activity**: means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

**Hookup fees**: means reasonable fees, not in excess of the approximate average costs to the political subdivision, for services provided for and directly attributable to the connection to utility services, including gas, water, sewer, power, or other municipal, county, or independent special district utility services.

**Impact fee**: means a payment of money imposed upon development activity as a condition of development approval. Impact fee does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other permit or application fee.

**Proportionate share**: means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.

**Public Facilities**: mean only the following capital facilities that have a life expectancy of ten (10+) or more years and are owned or operated by or on behalf of a local political subdivision:

- (a) Water rights and water supply, treatment, and distribution facilities;
- (b) Wastewater collection and treatment facilities;
- (c) Storm water, drainage, and flood control facilities;
- (d) Municipal power facilities;
- (e) Roadway facilities (not funded by the state or federal government);
- (f) Parks, recreation facilities, open space, and trails; and
- (g) Public safety facilities (not a jail or prison, etc).

## History

For years municipalities have known that development costs communities money. Rules of thumb have stated that residential development pays, through taxes and user fees, about 80% of its demand on public services. Assuming that less than 20% of property tax revenues actually go toward capital facilities, it could take over 100 years of taxation for a single-family dwelling to pay for its capital demands on a community.

In the past, communities have attempted to off-set the burden of providing capital facilities to new residents by charging "Hookup" or "Off-site" fees. These hookup fees amounted to a one-time buy-in to the system. A 1995 survey of 45 Utah communities conducted by Utah Foundation showed that the average combined hookup and impact fee charge on a 2,000 sq. ft. house on a 1/4 acre lot (exclusive of school impact fees and building permit and plan check charges) amounted to $3,187, with a high of $7,768 and a low of $1,648. For the most part these fees where not out of line with actual costs associated with providing services. However, detailed calculations were not usually performed to come up with the charge. Often the terms "hookup fee" and "impact fee" have been used interchangeably. The two terms are different. As defined above, a hookup fee is the actual cost (parts + time) to physically connect to the system. Whereas an impact fee is a charge to pay for a development's share of the costs of public capital facilities.

The basis and rational behind impact fees have been developed mainly through court cases or case law. Utah Courts have been dealing with impact fees for over 20 years. The most notable cases include *Call v. City of West Jordan* (1979), *Banberry Development Corporation v. South Jordan City* (1981), and *Lafferty v. Payson City* (1981). The courts have upheld a community's right to charge impact fees, but the courts also require that new development pay only its "proportionate share" of improvement costs. Proportionate share, which is defined above, has two parts. First, one must consider the cost of the public facility divided by the total number of users (i.e. rough proportionality) and second, there must be a reasonable connection between the development and the public facility (i.e. rational nexus). In other words, an impact fee that charges a disproportionate amount to a use or is not reasonably related to the use (e.g. parkland impact fee assessed to a storage unit development) may be determine to be invalid. In the above mentioned *Banberry* case, the Utah State Supreme Court gave seven (7) guidelines that must be followed to assure that impact fees meet the proportionate share test. These guidelines or requirements will be discussed later in this analysis.

Impact fees are assessed to cover the capital costs associated with servicing new development. Since impact fees are charged for new development, the courts have stated that existing deficiencies in system improvements cannot be paid for from impact fees. The courts have also stated that impact fees can only be used to pay for public capital facilities, not operations and maintenance. Cities, towns and counties must use general fund monies and user fees to pay for operations and maintenance. Public capital facilities are defined above in the definitions section,

which basically states that public capital facilities are facilities with a life expectancy of at least ten (10) years and are owned or operated by or on behalf of the municipality.
As stated earlier, much of the impact fee policy was determined through court cases. Unfortunately, the courtroom is often not the best place to establish public policy. In the legal process, a community must first establish what it feels is a fair fee, then be sued by someone who feels the fee is not fair. After much time and expense, the court determines whether or not the community or the fee was fair. The Utah State Legislature saw the need to better define public policy relating to impact fees and after a veto by the Governor, worked out what is now Title 11, Chapter 36 *Impact Fees Act*, in the First Special Session of the Legislature in 1995.

The *Impact Fees Act* has four (4) parts. They are: 1. General Provisions, including Title and Definitions; 2. Impact Fee — Process, including Analysis, Capital facilities plan, Exemptions, Enactment and Required provision; 3. Accounting For, Expenditure of, and Refund of Impact Fees; and 4. Challenging Impact Fees.

Among other things, the Act requires that municipalities by July 1, 1997 "...review any impact fee in existence as of the effective date of [the] act, and prepare and approve the analysis required by [the act] for each of those impact fees; and ... ensure that the impact fees comply with the requirements of [the act]. This means that communities who are charging hookup fees in excess of the actual cost of tapping into the system must change their hookup fees to reflect actual cost. For example, if a water meter costs $100.00 and it takes a public works employee, at a rate of $25.00 per hour (man + machine time), one hour to install the meter, then a Town may charge a maximum of $125.00 for a water hookup fee[1]. It also means that communities must complete a mathematical analysis to justify current impact fee charges. Municipalities must also ensure that all new impact fees conform to the act.

## The Seven Banberry Requirements

As mentioned previously in this analysis, the Utah Supreme Court, in the *Banberry* case, memorialized the seven requirements that must be reviewed to assure that impact fees meet the proportionate share test. The Banberry requirements were also reiterated in the Impact Fees Act by the Utah State Legislature. The following are the Banberry requirements as stated in the Impact Fees Act, with an accompanying explanation.

1. The cost of existing public facilities;

    Simply put—The first Banberry requirement is to determine the cost of existing public facilities.

---

[1] The hookup fee cost used in this example is for demonstration purposes only and has no relation to any actual costs or hookup fee and should not be used to justify or protest any existing or future hookup fee charge.

2. The manner of financing existing public facilities such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;

   After determining the cost, the community must then determine how the facilities where paid for. This is important to assure that new development will not pay twice for public facilities. If a development pays once through impact fees, then again through taxation to pay off a bond, then the development has paid twice.

3. The relative extent to which newly developed property and other properties in the municipality have already contributed to the cost of existing public facilities, by such means as user charges, special assessments, or payment from the proceeds of general taxes;

   There are two methods of adjusting impact fees for past payments. One is to determine the percentage that vacant land contributes to the capital fund, the other is to determine an actual dollar amount that vacant land has contributed over a period of time and the present value of those past contributions.

   Again, this is necessary to assure that developments being assessed an impact fee have not already paid for the capital facility through past taxes or user charges.

4. The relative extent to which newly developed properties and other properties in the municipality will contribute to the cost of existing public facilities in the future;

   When new development is completed, it will go on the tax rolls as developed property and the occupants will pay property taxes and/or user fees (e.g. monthly utility payment). To the extent that property taxes and/or user fees have been pledged to provide existing facilities (i.e. bonded for.), new development will pay toward those facilities in amounts equivalent to existing development. These payments are payments toward existing facilities and should be given fair consideration.

5. The relative extent to which newly developed properties are entitled to a credit because the municipality is requiring their developers or owners, by contractual agreement or otherwise, to provide common facilities, inside or outside the proposed development, that have been provided by the municipality and financed through general taxation or other means, apart from user charges, in other parts of the municipality;

   Obviously, if a developer is required by the community to provide for public facilities that an impact fee is charged for and the facility has traditionally been provided for by the community, then a credit toward the impact fee is required. The credit should be limited to the extent that the impact on the facility is mitigated by the provision of the common facility. An example would be the donation of park land may be credited toward the park land portion of the park, recreation facility, open space and trails impact fee. A couple of important points to be remembered are that the donation must be required by the municipality, be needed and be used by the community. In other words, a developer could not receive a credit toward the wastewater impact fee by giving the community surplus sewer pipe the community does not want nor need.

6. The extraordinary costs, if any, in servicing the newly developed properties; and

   Improvement cost estimates for facilities scheduled for future construction will change over time due to inflation, rising property value, and rising material and labor rates. These factors should be taken into account by requiring that the impact fee be reviewed at least once each fiscal biennium (i.e. every two years) and adjusted for any changes in costs. There should also be a review of the extra costs associated with serving leap-frog versus in-fill development.

7. The time-price differential inherent in a fair comparison of amounts paid at different times;

   Three impact fee adjustments are required to consider the time-price differential inherent in a fair comparison of amounts paid at different times. They are: past payments; future payments; and present value of future payments for future facilities. The first two adjustments are described above and typically provide a credit in the net impact fee. The third issue is addressed in state law which requires the expenditure of collected impact fees within 6 years of their receipt, unless a written reason is given for extending the expenditure deadline including a date when the funds will be expended.

## Written Analysis

State law requires a written analysis for each impact fee adopted. The written analysis covers four issues: 1. the impact on system improvements required by the development activity; 2. how those impacts on the system improvements are reasonably related to the development activity; 3. the proportionate share of the costs of impacts on system improvements that are reasonably related to the new development activity; and 4. how the impact fee was calculated.

1. The impact on system improvements required by the development activity;

   In this issue, the impact on the capital facility must be determined for each development type.

2. How the impact on the system improvements are reasonably related to the development activity;

   This issue deals with the rational nexus between the impact and the development. In other words, there needs to be a connection between the capital facility and the development.

3. The proportionate share of the costs of impacts on system improvements that are reasonably related to the new development activity; and

   Issue three deals with rough proportionality or determining the fair amount that should be charged to each unit of development.

4. How the impact fee was calculated.

   This issue usually deals with a mathematical formula that takes in to consideration all of the other issues including the Banberry requirements and determines what the final impact fee charge should be.

## Legal Authority

Vineyard Town has prepared this **Impact Fee Methodology and Written Analysis** pursuant to Title 11, Chapter 36 *Impact Fees Act* of the *Utah Code Annotated.* The methodology was determined keeping fairness, equity and proportionality as the goal and to provide assurance that the impact fees established a rational nexus. It is important to keep in mind that the criterion is that impact fees not exceed a proportionate share of Vineyard's costs in accommodating new development. In the vast majority of cases, these costs will occur in the future. Because the future is at issue, exact amounts are likely to be unknown. However, exactitude is not the standard—reasonableness is.

# Sewer Facilities Impact Fee

## Sewer Facilities
## Impact Fee

### Written Analysis

The written analysis covers four issues: 1. the impact on system improvements required by the development activity; 2. how those impacts on the system improvements are reasonably related to the development activity; 3. the proportionate share of the costs of impacts on system improvements that are reasonably related to the new development activity; and 4. how the impact fee was calculated.

**The impact on system improvements required by the development activity.**

Traditionally, Cities protect the health, safety, and welfare of the community. Cities protect the health, safety and general welfare of residents through Sewer facilities and other related facilities. Vineyard Town engineers in conjunction with Orem City have determined the minimum sewer facilities required to serve the current and future residents of Vineyard.

**How the impacts on the system improvements are reasonably related to the development activity.**

The Sewer facilities are used by people. As residential and commercial development continues, additional people will reside, shop and work in the Town. There are currently no sewer facilities in the Town. As more people move into Vineyard there will be a greater demand for sewer facilities.

**The proportionate share of the costs of impacts on system improvements that are reasonably related to the new development activity.**

New development should pay its share of new capital facilities. The Town currently has no sewer facilities. The Town residents rely on private septic systems. The attached information provides the costs associated with serving new development. Based on a good faith engineering estimate the cost to serve Vineyard is $5,432,740. Of this amount it is expected that developers will provide $1,164,503 worth of improvements. The Town will be responsible for about $4,268,237 of improvements related to the cost of upgrading the developer installed lines.

## How the impact fee was calculated

The impact fee was calculated using the Vineyard Sewer Facilities Impact Fee Methodology as stated below.

### Vineyard Sewer Facilities
### Impact Fee Methodology

The impact fee calculation is based on the magnitude of Sewer facilities demand generated by a unit of development. This fee represents an equitable proportion of Sewer facilities costs less credits for assumptions inherent in the Seven Banberry Requirements as reviewed by the Vineyard Town Council with its adoption of this Analysis and the Impact Fee Ordinance. The formulas for calculating Sewer facilities impact fees are summarized as follows:

SEWER FACILITIES
IMPACT FEE FORMULA

| | | |
|---|---|---|
| a. | Development Cost for Sewer Improvements related to new growth | $4,268,237 |
| b. | Units of existing and new growth to 2020 | 1162 |
| c. | Credit for future payments (i.e. bond) and past grants | $0 |

a ~ b =Total Cost (Impact Fee Per Residential Unit)
Total Cost - c = Impact Fee (Adjusted)

$4,268,237 ~ 1162 = $3,674

Impact fee: Sewer Facilities = $3,674 per residential unit

$3,674 – $0 = $3,674

Adjusted Impact fee: Sewer Facilities = $3,674 per equivalent residential unit

## The Seven Banberry Requirements

1. The cost of existing Sewer facilities related capital facilities;

   All current residents of Vineyard are served by private septic systems.

2. The manner of financing existing public capital facilities for those services;

   There are no existing public services.

3. The relative extent to which newly developed property and other properties in Vineyard have already contributed to the cost of existing public capital facilities.

   There are two methods of adjusting impact fees for past payments. One is to determine the percentage that vacant land contributes to the capital fund, the other is to determine an actual dollar amount that vacant land has contributed over a period of time and the present value of those past contributions.

   The Town does not currently have a sewer system and no Town funds have been used in the past. Because the Sewer Fund is an enterprise fund, no property taxes have been used to pay for capital facilities in the past. In the future in the rare case when a vacant property has paid a monthly user fee to the Town, the Town will need to review any credit for past payments on an individual basis.

   No adjustment for past payments is needed.

4. The relative extent to which newly developed properties and other properties in Vineyard will contribute to the cost of existing public capital facilities in the future;

   When new development is completed, it will go on the tax rolls as developed property and the occupants will pay property taxes and/or user fees (e.g. a monthly sewer bill). No property taxes have been pledged to pay for existing facilities. Newly developed property and existing residents will pay equally on their monthly sewer bills toward amortization and operations and maintenance.

5. The relative extent to which newly developed properties are entitled to a credit because the Town may be requiring owners or developers to provide common facilities that have historically been provided by the Town and financed through general taxation or other charges in other parts of the Town;

   Section XII of The Vineyard Impact Fee Ordinance allows the Town to credit developers for providing public facilities, if the facility is required by the Development Code and if the Town needs and can use the facilities.

6. The extraordinary costs, if any, in servicing newly developed properties;

   Improvement cost estimates for facilities scheduled for future construction will change over time due to inflation, rising property value, and rising material and labor rates. Section XIII of The Vineyard Sewer Impact Fee Ordinance takes these factors into account by requiring that the impact fee be reviewed at least once each fiscal biennium (i.e. every two years).

7. The time-price differential inherent in a fair comparison of amounts paid at different times;

   Three impact fee adjustments are required to consider the time price differential inherent in a fair comparison of amounts paid at different times. They are: past payments; future payments; and present payments for future facilities. The first two adjustments are described above and do not provide for a credit at this time. The third issue is addressed in state law and Section XI of The Vineyard Impact Fee Ordinance which requires the expenditure of collected impact fees within 6 years of their receipt, unless a written reason is given for extending the expenditure deadline including a date when the funds will be expended.

I

PASSAGE BY MUNICIPAL COUNCIL
ROLL CALL VOTE

***ORDINANCE NO.*** 2003-10
***SHORT TITLE:*** Sewer Impact Fees

*ROLL CALL VOTE:*

| | MOTION | SECOND | AYES | NAYS | ABSENT |
|---|---|---|---|---|---|
| MAYOR J RULON GAMMON | | | ✓ | | |
| COUNCILMEMBER RANDY FARNWORTH | | | | | ✓ |
| COUNCILMEMBER SEAN FERNANDEZ | | ✓ | ✓ | | |
| COUNCILMEMBER GRANT HOLDAWAY | | | ✓ | | |
| COUNCILMEMBER DAVID ROBINS | ✓ | | ✓ | | |
| **TOTALS** | | | 4 | | 1 |

This Ordinance was passed by the Municipal Council of Vineyard Utah on the 26th day of November, 2003, on a roll call vote as described above.

II

MAYOR'S ACTION

Mayor's Action: ✓ Approved ____ Disapproved

III

TOWN RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Vineyard Town Recorder on the 5th day of December, 2003, with a short summary published on the 11th day of March, 2004 in the Orem/Geneva Times a newspaper published in Orem Utah, and/or complete copies placed on three separate posting boards throughout the Town and at the Vineyard Town Hall on the 5th day of December, 2003.

I hereby certify and attest that the foregoing constitute a true and accurate record of proceedings with respect to Ordinance No. 2003-10.

ATTEST:

Barbara J. Davies
*Vineyard Town Recorder*

VINEYARD
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VINEYARD
STAY CONNECTED

# VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date:** August 24, 2022

**Agenda Item:** 9.2 Consolidated Fee Schedule

**Department:** Finance

**Presenter:** David Mortensen, Finance Director

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**Background/Discussion:**
Utah Code section 10-3-17 authorizes cities to create, amend, and set a fee schedule appropriate for the services rendered by the municipality by way of a resolution. The provided attachment shows recommended changes to Vineyard's current fee schedule to assure our fees are up to date. The specific amendment being considered at this meeting is needed to align the consolidated fee schedule with the new RDA area sewer impact fee of $539 per ERU, if Ordinance 2022-14 is adopted by the Council.

**Fiscal Impact:**
The proposed changes should have minimal fiscal impact as fees are increased and added to assure that the City's costs (supplies, labor, overheard, etc) are covered for the provided services.

**Recommendation:**
The Finance Department recommends accepting all changes as they are presented in the attachment.

**Sample Motion:**
I move to adopt, by Resolution 2022-38, the amend Consolidated Fee Schedule as presented.

**Attachments:**
Resolution 2022-38
Consolidated Fee Schedule – Amended

**RESOLUTION NO. 2022-38**

**A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE**

**WHEREAS**, Section 10-3-717 UCA authorizes cities to establish the amounts of fees to be charged for municipal services to be set by resolution, and

**WHEREAS**, The City Ordinances, in various locations, provides for the establishment of fee amounts for certain municipal services, by resolution of the City Council.

**WHEREAS,** a Public Hearing was duly noticed and was held on the 24th day of August 2022 on the proposed amendments.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF VINEYARD, UTAH AS FOLLOWS:**

Section 1. The City Council hereby adopts the amended Consolidated Fee Schedule, which is attached hereto and incorporated herein by reference.

Section 2. A copy of the Consolidated Fee Schedule shall be placed in the Vineyard City Offices and be available for review.

Section 3. This resolution shall take effect immediately upon passage.

Section 4. All other resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED and ADOPTED by the City Council of Vineyard, Utah this 24th day of August 2022.

**APPROVED:**

___________________________________

**Julie Fullmer, Mayor**

**ATTEST:**

___________________________________

**Pamela Spencer, City Recorder**

Consolidated Fee Schedule

2022-2023 Fiscal Year

## ADMINISTRATIVE FEES

| | |
|---|---|
| Records (GRAMA) Requests | per hour for staff time after first 15 minutes (based on lowest paid employee working on the request)<br>Copies $0.10 per page |
| Returned Checks | $10.00 |
| Colored Map Copies – 8 1/2 x 11 | $3.00 |
| Black and White Map Copies | Free |
| Notarization | Free |
| Library Card/Fitness Center Reimbursement | $80 annual reimbursement per Vineyard household (can be used toward non-resident library card OR municipal fitness center membership) |
| Weed Abatement | Actual Abatement Costs |
| Bond Processing Fee | $60 |
| Administrative Citation | $100 |
| Credit Card Fee | 3% of Transaction Total |
| Candidate Filing Fee | $35 |
| City Offense Fines | Class B misdemeanor—not to exceed $1000<br>Class C misdemeanor or infraction—not to exceed $750 |

## RECREATION FEES

| | |
|---|---|
| 3v3 Adult Soccer | Team - $250<br>Individual - $50 |
| 3v3 Adult Soccer Tournament | Team - $80<br>Individual - $20 |

| | |
|---|---|
| 3v3 Basketball Tournament | Team - $80<br>Individual - $20 |
| Adult Flag Football | Team - $500<br>Individual - $50 |
| Adult Kickball Tournament | Team - $150<br>Individual - $20 |
| Adult Pickleball | $50 |
| Adult Soccer | Team - $500<br>Individual - $50 |
| Adult Soccer Tournament | Team - $160<br>Individual - $20 |
| Adult Tennis Clinic | $50 |
| Adult Tennis Tournament | $50 |
| Adult Volleyball | Team - $350<br>Individual - $50 |
| Adult Volleyball Tournament | Team - $120<br>Individual - $50 |
| Adult Ultimate Frisbee | Team - $350<br>Individual - $50 |
| Cornhole Tournament | Team - $30<br>Individual - $15 |
| CUTA Tennis | $100 |
| E-Sports | $50 |
| Exercise Class | $50 |
| Pickleball Tournament | Team - $30<br>Individual - $15 |
| Race Registration | 5k/10k - $20<br>Kids 1k - $10<br>Family Rate $45 per household<br>Group Rate - $15 per person |
| Race T-Shirts | $10 |
| Senior Program | $50 |
| Spikeball Tournament | Team - $30 |

| | |
|---|---|
| | Individual - $15 |
| Sports Trivia/Fantasy Class | $50 |
| Toddler Sports Clinic | $60 |
| Virtual Races | $25 |
| Youth Arts | $50 |
| Youth Baseball Clinic | $50 |
| Youth Basketball Clinic | $50 |
| Youth Coach Pitch | $50 |
| Youth Flag Football | $50 |
| Youth Jr Jazz Basketball | $100 |
| Youth Kickball | $50 |
| Youth Machine Pitch | $70 |
| Youth Pickleball Programs | $50 |
| Youth Soccer Programs | $70 |
| Youth T-Ball | $50 |
| Youth Tennis Clinic | $50 |
| Youth Ultimate Frisbee | $50 |
| Youth Volleyball Programs | $50 |
| Youth Wrestling | $50 |
| Additional Non-Resident Fee | Team - $50<br>Individual - $10 |
| Late Registration | $50 – Team<br>$10 - Individual |
| Cancellation Fee | Up to 75% of Registration Cost |

## UTILITY FEES

| | |
|---|---|
| Water Base Rate ¾" Meter | $27.09 first 5,000 gallons |
| Water Base Rate 1" Meter | $37.93 first 5,000 gallons |
| Water Base Rate 1 ½" Meter | $48.76 first 5,000 gallons |
| Water Base Rate 2" Meter | $78.56 first 5,000 gallons |
| Water Base Rate 3" Meter | $297.99 first 5,000 gallons |
| Water Base Rate 4" Meter | $386.48 first 5,000 gallons |

VINEYARD
STAY CONNECTED

| | |
|---|---|
| Water Base Rate 6" Meter | $568.89 first 5,000 gallons |
| Water Base Rate 8" Meter | $758.52 first 5,000 gallons |
| Residential Water Usage Rates: | |
| Tier 1 (5,001 – 15,000) | $1.77 per 1,000 gallons |
| Tier 2 (15,001– 30,000~~+~~) | $2.03 per 1,000 gallons |
| Tier 3 (30,001 – 50,000) | $2.50 per 1,000 gallons |
| Tier 4 (50,001+) | $2.75 per 1,000 gallons |
| Commercial Water Usage Rates: | |
| Tier 1 (5,001 – 30,000) | $1.77 per 1,000 gallons |
| Tier 2 (30,001 – 100,000) | $2.50 per 1,000 gallons |
| Tier 3 (100,001+) | $2.75 per 1,000 gallons |
| Sewer Base Rate | $17.25 |
| Sewer Usage Rate | $3.50 per 1,000 gallons |
| Transportation Utility | $3.5 Per ERU |
| Storm Water Utility | $5 Per ERU |

## SANITATION FEES

| | |
|---|---|
| 90-Gallon Residential Can | $13 |
| Second 90-Gallon Residential Can | $8 |
| Recycling Can | $6 |

## FACILITIES RENTAL FEES

| | |
|---|---|
| Small Park Pavilion Rental | $40 for Resident, $80 for Non-Resident |
| Small Park Pavilion Cleaning Deposit | $40 for Resident, $80 for Non-Resident |
| Large Park Pavilion Rental | $75 for Resident, $150 for Non-Resident |
| Large Park Pavilion Cleaning Deposit | $75 for Resident, $150 for Non-Resident |
| Special Event Rental Deposit | $300 |
| Multi-Day Special Event Rental Deposit | $500 per day |

VINEYARD

STAY CONNECTED

| | |
|---|---|
| Pavilion Rental Cancellation Fee | $5 |
| 4 Hour Field Rental at Gammon Park (Monday—Thursday) | $300 Deposit + $75 for Residents, $150 for Non-Resident or Holiday Reservations |
| 4 Hour Field Rental at Gammon Park (Weekend) | $300 Deposit + $100 for Residents, $200 for Non-Residents or Holiday Reservations |
| All other parks, Single Soccer 4 Hour Field Rental (Monday – Thursday) | $300 Deposit +<br>$150 for Residents, $300 for Non-Resident or Holiday Reservations |
| All other parks, Single Soccer 4 Hour Field Rental (Weekend) | $300 Deposit +<br>$200 for Residents, $400 for Non-Residents or Holiday reservations |
| Court Rental | $25 per hour per court |
| Pickleball Net Rental | $50 Refundable Deposit |
| Pickleball Net Repair/Replacement Fee | Up to $300 |
| Outdoor Basketball Court Rental | $25 per hour per ½ court |
| Non-Existing Line Painting – Per Field | 1-499 Feet - $100<br>500-999 Feet - $125<br>1000+ Feet - $150 |
| Remarking Line Painting – Per Field | 1-499 Feet - $20<br>500-999 Feet - $25<br>1000+ Feet - $30 |

## SPECIAL EVENT FEES*

| | |
|---|---|
| Special Event Permit | $50 |
| Special Event with Vendors | $75 |
| Special Events with >250 participants | $100 |
| Special Events longer than 6 hours | $150 |
| Multi-Day Special Events | $200 |
| Film Permit | $50 |
| Summer Celebration Food Vendor | $100 per day |

| | |
|---|---|
| Summer Celebration Vendor Booth | $100 |
| Boo-A-Palooza Vendor Fee | $50 |
| Bounce House Deposit | $100 |
| Onsite Dumpster or Equipment Permit | $72 per dumpster |
| Additional Dumpster Reserved | $174 per 6 yard dumpster |
| Excess Garbage Pickup | Up to $600 based on quantity picked up |
| Extra trash can with bags | $15 per 5 cans |
| Personnel (total compensation per employee, per hour, during regular business hours) | Parks Department - $35<br>Streets Department - $35<br>Special Events Department - $32 |
| Penalty for operating without a permit | Double the application fee and any damage caused by the special event |

*Special event and facility rental fees may be waived at the discretion of city council. See special event code for fee waiver consideration reasons.

## CODE ENFORCEMENT FEES

| | | |
|---|---|---|
| Code Violation Fee (per calendar year from first offense) | | 1st Offense - $100<br>2nd Offense - $200<br>3rd (or more) Offense - $400 |
| Civil Penalty Fee | | $25 minimum to $1,000 maximum per day, per violation |
| | Civil Penalty Fee- Occupancy Violation | $100 per day, per violation |
| | Civil Penalty Fee- Home Occupation Operating without License | $25 per day, per violation |
| | Civil Penalty Fee- Commercial Business Operating without License | $50 per day, per violation |

| | |
|---|---|
| Code Violation Fee - Interest | 20% per annum of total outstanding amounts |
| Default/Administrative Code Enforcement Hearing Fee | $100 |
| Animal Defecation without Removal Fine | $250 |
| Off-Leash Animal Fine | $250 |

## BUSINESS LICENSING FEES

| | |
|---|---|
| Home-Based Occupation (exceeds residential impact) | $50 |
| Home-Based Occupation (does not exceed residential impact) | $0 |
| Accessory Dwelling Unit Business License (Biennial) | Initial Fee $100<br>Renewal Fee $50 |
| Industrial Manufacturing/Distribution | $250 |
| Restaurant/Food | $190 |
| Food Truck Fee | $25 per truck |
| Retail | $215 |
| Service Related | $150 |
| Renewal Fee (all license types except Alcohol and Towing/Parking Enforcement) | $25 |
| Alcohol and Towing/Parking Enforcement Renewal Fee | Same as Initial Fee |
| Solicitor License | $30 |
| Itinerant Merchant | $50 |
| Itinerant Merchant Refundable Deposit | $300 |
| Towing/Parking Enforcement Certificate | $50 |
| Class A- D Beer License | $400 + Proof of $5,000 Bond |
| Class E Beer License | $400 + Proof of $10,000 Bond |
| A or B Liquor License | $300 + Proof of $10,000 Bond |

| | |
|---|---|
| Class C Liquor License | $300 + Proof of $1,000 Bond |
| Unclassified Business | $25 Base fee until classification established by Resolution |
| Business fitting in 2+ Categories | Higher rate |
| Late Renewal Fee (during renewal grace period) | $25 |
| Daily penalty fee if license not renewed by end of renewal grace period | Half of the license fee |
| Penalty Fee for doing business without a Vineyard Business License | Equivalent to the license fee |

## LAND USE APPLICATION FEES

| | |
|---|---|
| Development Agreement | $1,500 |
| Development Agreement Amendment | $1,500 |
| Subdivision – Preliminary Plat | $1,930 +$6.20 per lot |
| Subdivision – Preliminary Plat – Additional Review | $786 + $2.50 per lot |
| Subdivision – Final Plat | $1,940 + $6.20 per lot |
| Subdivision – Final Plat Additional Reviews | $1010 + $2.50 per lot |
| Condominium Plat – New or Conversion | $1,406 + $25 per unit |
| Major Plat Amendment | $1,706 |
| Minor Plat Amendment | $1,406 |
| Neighborhood Plan | ≥ 10 acres = $2663<br>< 10 acres = $500 |
| Planned Unit Development | $1000 |
| Recording Fees | As charged by Utah County Recorder |
| Site Plan – Residential | $2,663 |
| Site Plan – Non-residential | $3,756 |
| Site Plan – Non-residential – Additional Reviews | $1,693 for each additional review after two reviews |

| | |
|---|---|
| Site Plan – Minor Amendment | $500 |
| General Plan Text Amendment | $1,000 |
| General Plan Map Amendment | $1000 |
| Land Use Text Amendment | $1,000 |
| Land Use Map Amendment | $1000 |
| Lot Line/Property Boundary Line Adjustment | $300 |
| Conditional Use Permit | $400 |
| Temporary Use Permit | $75 |
| Variance | $100 |
| Appeals | $100 |
| Zoning Verification | $100 |
| Sign Permit | $150 |
| Sign Standard Waiver | $250 |
| Commercial Temporary Sign Permit | $25 |
| Street and Traffic Control Signs | $350 per post |
| Land Disturbance Permit | $50 + $20 per acre + $30 per month |
| Land Disturbance Permit – Subdivision and Site Plan | Included in engineering inspection fees |
| Engineering Inspection Fees – Subdivision Related | 3% of bid tabulation placed in escrow before construction begins. |
| Engineering Inspection Fees – Non-Subdivision Related | $150 per hour, rounded up to nearest hour |
| Engineering Re-Inspection Fees | $150 per hour, 2-hour minimum |
| Street Light Fee | $10,000 per light |
| Street Sign Fee | $300 per sign |
| Demolition | Up to $500 plan review fee |
| Encroachment Permit | $150 + $1 per square foot |
| Jet Truck Work Request | $190/hour – Minimum of 2 hours |
| Fine for Use of Public Right of Way without Approved Permit | $300 + $150 per hour inspector is onsite past initial hour |
| Infrastructure Construction | Bond/Escrow account as determined by bid tabulation |

| | |
|---|---|
| Building Relocation | $500 Plan Review Fee |
| Full or Partial Road Closure | $50 |
| Use of City Barricades for Road Closure | $300 refundable deposit per set of barricades |
| Additional plan review required by changes, additions, or revisions to any land use applications | $65 per hour, half hour minimum |
| Special Planning Commission Meeting | $390 per meeting |

## BUILDING PERMIT FEES

| TOTAL VALUATION | FEE |
|---|---|
| $1 to $1,300 | $48 |
| $1,301 to $2,000 | $48 for the first $1,300; plus $3 for each additional $ 100 or fraction thereof, to and including $2,000 |
| $2,001 to $40,000 | $69 for the first $2,000; plus $11 for each additional $1,000 or fraction thereof, to and including $40,000 |
| $40,001 to $100,000 | $487 for the first $40,000; plus $9 for each additional $1,000 or fraction thereof, to and including $100,000 |
| $100,001 to $500,000 | $1,027 for the first $100,000; plus $7 for each additional $1,000 or fraction thereof, to and including $500,000 |

| | |
|---|---|
| $500,001 to $1,000,000 | $3,827 for the first $500,000; plus $5 for each additional $1,000 or fraction thereof, to and including $1,000,000 |
| $1,000,001 to $5,000,000 | $6,327 for the first $1,000,000; plus $3 for each additional $1,000 or fraction thereof, to and including $5,000,000 |
| $5,000,001 and over | $18,327 for the first $ 5,000,000; plus $1 for each additional $1,000 or fraction thereof |
| Residential Plan Review | 25% of Building Permit Fee |
| Commercial Plan Review | 35% of Building Permit Fee |
| Duplicate Plan Review | 15% of Building Permit Fee |
| Reinstating an Expired Permit | $50 + any additional review time |
| Fire Inspection & Plan Review | 10% of Building Permit Fee |

## BUILDING INSPECTION FEES

| | |
|---|---|
| Inspections outside of normal business hours | $48 per hour, two-hour minimum |
| Re-inspection | $48 per hour |
| Inspection for which no specific fee is indicated | $48 per hour, one-hour minimum |
| Additional plan review required by changes, additions, or revisions to plans, | $85 per hour, one-hour minimum |
| Use of outside consultants for plan checking and inspections, or both | Actual costs, including administrative and overhead costs |

| | |
|---|---|
| Fire Inspection | Included in Business License Fee |
| Work Without a Permit* | $100 per infraction |
| Working Beyond a Stop Work Order* | $200 per infraction |

*Fines doubled for each subsequent infraction

## IMPACT FEES

(Impact Fee Area Maps may be~~are~~ found on the City's W~~w~~ebsite)

| | |
|---|---|
| Sewer Facilities<br>Per Equivalent Residential Unit (ERU)[1,2] | • Area A - $539<br>• Area B - $2,391<br>• Area C/~~—~~RDA - $539 |
| Culinary and Irrigation Water Systems<br>Per ERU[1,3] | • Area A - $873<br>• Area B (RDA) - $521 |
| Roadway Facilities<br>Per Trip End Unit based on ITE | • Area A - $3,586<br>• Area B (RDA) - $1,286 |
| Storm and Ground Water<br>Per ERU[1,4] | • Area A - $222<br>• Area B - $337<br>• Area C - $237 |

[1] ¾ inch water connection is 1 ERU
[2] Additional fees may apply to units with more than 5 bathroom equivalent drains
[3] Additional fee may apply to certain high water uses (e.g., Car Wash) without water reduction measures in place
[4] Additional fee may apply to certain sites if above city's maximum impervious area requirement

## PASS THROUGH FEES

| | |
|---|---|
| Timpanogos Special Service District | Equal to ~~TSSD's~~ District's impact fee as dictated by thei~~r~~ current~~up-to-date~~ Impact Fee Facilities Plan/Schedule. |
| Orem Water Reclamation | Equal to Orem City's ~~Water Reclamation~~impact fee as dictated by the current Impact Fee Facilities Plan/Schedule~~in their up-to-date Consolidated Fee Schedule~~. |

| | |
|---|---|
| Orem Water Rights | Equal to Orem City's Water Rights as dictated in their up-to-date Consolidated Fee Schedule. |

All impact fees will be assessed at the time building permits are issued. All other development Impact Fees will be calculated based on Equivalent Residential Units.

## WATER DEPARTMENT FEES

| | |
|---|---|
| ¾" Water Meter & Connection Fee | $363 |
| 1" Water Meter & Connection Fee | $495 |
| 1½" Water Meter & Connection Fee | $775 |
| 2" Water Meter & Connection Fee | $1,206 |
| Water Lateral Inspection Fee | $50 |
| Water Meter Reconnect Fee | $50 |
| Utility Application Fee | $20 |
| Fire Hydrant Meter Rental Deposit | $1625 |
| Fire Hydrant Meter Penalty Fees | 1st missed read = $50<br>2nd missed read = $100<br>3rd missed read = $200<br>Any missed reads after the 3rd month will be penalized $400 per month until meter is returned |
| Daily Rate – Fire Hydrant Meter | $10/100 month |
| Water Rate – Fire Hydrant Meter | $2 Per 1,000 gallons of water |
| Residential Construction Water | $50 minimum |
| Non-Residential Construction Water | $50 minimum |
| Illegal Connection to Water System | $1,000 per occurrence |