REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Wednesday, August 17, 2022, at 6:00 p.m.

PUBLIC NOTICE is hereby given that the Vineyard City Planning Commission will hold a regularly scheduled meeting at City Hall, 125 South Main Street, Vineyard, Utah. You can also view the meeting on our live stream channel.

REGULAR SESSION

CALL TO ORDER

1. **INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE**
2. **OPEN SESSION -** Time dedicated for public comment. Comments will be limited to three (3) minutes. No actions may be taken by the Planning Commission due to the need for proper public noticing.
3. **MINUTES REVIEW AND APPROVAL**
   - **3.1 April 20, 2022**
   - **3.2 July 20, 2022**
4. **BUSINESS ITEMS**
   - **4.1 Topgolf Minor Site Plan Application-** Karla Mata with X Development is seeking approval of a minor site plan application regarding the Topgolf property located within the Yard Plat B subdivision.
5. **Public Hearing**
   - **5.1 RDA Sewer Impact Fee Revision-** The Planning Commission will hold a public hearing regarding the RDA Sewer Impact Fee Schedule. City Engineer, Naseem Ghandour, is seeking a recommendation regarding Ordinance 2022-14 which adjusts 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.
6. **WORK SESSION**
   - **6.1 Moderate Income Housing Plan (MIHP) Update within the Vineyard City General Plan** – Utah State Code HB462 requires that Vineyard City update its MIHP to reflect and include at least five (5) strategies from code 10-9a-403 'General Plan Preparation'. The Commission will analyze what strategies Vineyard City is already in the process of implementing, and which new strategies must be selected and incorporated within the Moderate-Income Housing element of the General Plan. No action may be taken.
   - **6.2 Historical & Cultural Resources General Plan Element-** Planner II Briam Amaya Perez will lead a discussion about the Heritage and Cultural Resources section of the General Plan as revised by the Heritage Commission. No action may be taken.
   - **6.3 Blocks 5 & 6 of Vineyard Station-** Bronson Tatton will present site plans for Blocks 5 & 6 of Vineyard Station. No action may be taken.

7. **TRAINING SESSION**
8. **COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

9. ADJOURNMENT

The Public is invited to participate in all Planning Commission meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this public meeting should notify Cache Hancey at least 24 hours prior to the meeting by calling (801) 226-1929 or email at cacheh@vineyardutah.org

The foregoing notice and agenda were posted on the Utah Public Notice Website and Vineyard Website, posted at the Vineyard City Offices and City Hall, delivered electronically to city staff and each member of the planning commission.

AGENDA NOTICING COMPLETED ON: August 16, 2022
NOTICED BY: /s/ Cache Hancey
Cache Hancey, Planner

MINUTES
OF THE VINEYARD PLANNING COMMISSION,
Wednesday, April 20, 2022, at 6:00 p.m.

Present

Chair Jeff Knighton

Vice-Chair Bryce Brady

Commissioner Anthony Jenkins

Commissioner Tim Blackburn

Commissioner Christopher Bramwell

Staff Present: Planning Technician Cache Hancey, Planner II Briam Amaya, Community Development Director Morgan Brim, City Engineer Naseem Ghandour, Water Systems Manager Sullivan Love, and Public Works Director Chris Wilson

Others Present: Resident David Lauret

REGULAR SESSION

CALL TO ORDER

Chair Knighton called the meeting to order.

1. **INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE**

   Commissioner Jenkins led the meeting in the Pledge of Allegiance.

2. **OPEN SESSION**

   No comments were made by the public.

3. **MINUTES REVIEW AND APPROVAL**

   No minutes were presented for approval.

4. **BUSINESS ITEMS**

   4.1 Discussion and Action- Lakeside Trail Pocket Park

   Public Works Director Chris Wilson presented the plans for a pocket park located along the Vineyard Lakefront Trail.

   Resident David Lauret asked a question regarding the size of the pocket park.

   MOTION: COMMISSIONER JENKINS MOTIONED TO APPROVE STAFF TO PROCEED WITH THE DESIGN OF THE LAKESIDE TRAIL POCKET PARK WITH THE CONDITIONS TO

INCLUDE DECOMPOSED GRANITE, A DOG WASTE STATION, WAYFINDING SIGNS, HERITAGE ELEMENTS, AND MORE BENCHES IF FUNDING IS POSSIBLE. COMMISSIONER BLACKBURN SECONDED THE MOTION. ROLL WENT AS FOLLOWS: CHAIR KNIGHTON, VICE-CHAIR BRADY, COMMISSIONER JENKINS, COMMISSIONER BLACKBURN, AND COMMISSIONER BRAMWELL VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

4.2 Discussion and Action- Pump Station

Mr. Wilson presented a staff report for the construction and design plans for the city water tank, booster station, and public works yard.

MOTION: VICE-CHAIR BRADY MOTIONED TO APPROVE THE PUMP STATION PLANS AS PRESENTED IN THE STAFF REPORT WITH THE CONDITION THAT THE CONCRETE FORM LINERS ARE REMOVED. COMMISSIONER BRAMWELL SECONDED THE MOTION.

The Planning Commission had a brief discussion regarding the concrete form liners to better understand their purpose.

MOTION CONTINUED WITH A VOTE: ROLL WENT AS FOLLOWS: CHAIR KNIGHTON, VICE-CHAIR BRADY, COMMISSIONER JENKINS, COMMISSIONER BLACKBURN, AND COMMISSIONER BRAMWELL VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

5. WORK SESSION

5.1 General Plan Review- Heritage and Cultural Resources

Planner II Briam Amaya presented the plan to update the Heritage and Cultural Resources section of the General Plan.

6. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

7. ADJOURNMENT

The meeting was adjourned.

CERTIFIED CORRECT ON: June 28, 2022
CERTIFED BY: /s/ Cache Hancey
Cache Hancey, Planning Technician

REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Wednesday, July 20, 2022, at 6:00 p.m.

Present:

Chair Bryce Brady

Vice-Chair Christopher Bramwell

Commissioner Tim Blackburn

Commissioner Tay Gudmundson

Staff Present: Planner Cache Hancey, Community Development Director Morgan Brim, Planner II Briam Amaya Perez, Water Manager Sullivan Love, and City Engineer Naseem Ghandour

Others Present: Residents Daria Evans and Alexander Teemsa

CALL TO ORDER

1. **INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE- Tim**
2. **OPEN SESSION –** Daria Evans from the Villas neighborhood addressed the planning commission regarding Main Street and the flow of traffic. City Engineer Naseem Ghandour gave an update regarding the 400 N. and Main Street intersection design.
3. **MINUTES REVIEW AND APPROVAL**
4. **BUSINESS ITEMS**
5. **PUBLIC HEARING**

5.1 Vineyard Waterfront Masterplan

MOTION: COMMISSIONER BLACKBURN MOTIONED TO OPEN A PUBLIC HEARING REGARDING THE WATERFRONT MASTERPLAN. COMMISSIONER GUDMUNDSON SECONDED THE MOTION. ROLL WENT AS FOLLOWS: CHAIR BRADY, VICE-CHAIR BRAMWELL, COMMISSIONER BLACKBURN, AND COMMISSIONER GUDMUNDSON VOTED AYE. THE MOTION CARRIED UNANMIOUSLY.

Resident Alexander Teemsa made comments regarding how the master plan would address parking and weed abatement. Community Development Director Morgan Brim addressed the plans to mitigate weeds as well as provide parking for both residents and visitors for the lakefront.

The Planning Commission discussed the masterplan.

MOTION: COMMISSIONER BLACKBURN MOTIONED TO CLOSE THE PUBLIC HEARING REGARDING THE WATERFRONT MASTERPLAN. VICE-CHAIR BRAMWELL SECONDED THE MOTION. ROLL WENT AS FOLLOWS: CHAIR BRADY, VICE-CHAIR BRAMWELL, COMMISSIONER BLACKBURN, AND COMMISSIONER GUDMUNDSON VOTED AYE. THE MOTION CARRIED UNANMIOUSLY.

MOTION: VICE-CHAIR BRAMWELL MOTIONED TO OFFER A POSITIVE RECOMMENDATION REGARDING THE WATERFRONT MASTERPLAN TO THE CITY COUNCIL (ORDINANCE 2022-13). COMMISSIONER GUDMUNDSON SECONDED THE MOTION. ROLL WENT AS FOLLOWS: CHAIR BRADY, VICE-CHAIR BRAMWELL, COMMISSIONER BLACKBURN, AND COMMISSIONER GUDMUNDSON VOTED AYE. THE MOTION CARRIED UNANMIOUSLY.

6. WORK SESSION

6.1 The Urban Green Documentary (27:10), WWF International

The Planning Commission watched the documentary.

Video Link: https://www.youtube.com/watch?v=o86Ut6kAEMQ

The Planning Commission held a discussion regarding the documentary.

7. TRAINING SESSION

8. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

Commissioner Gudmundson gave a report about a program that could help provide students with internet access throughout the city.

9. ADJOURNMENT

Chair Brady adjourned the meeting.

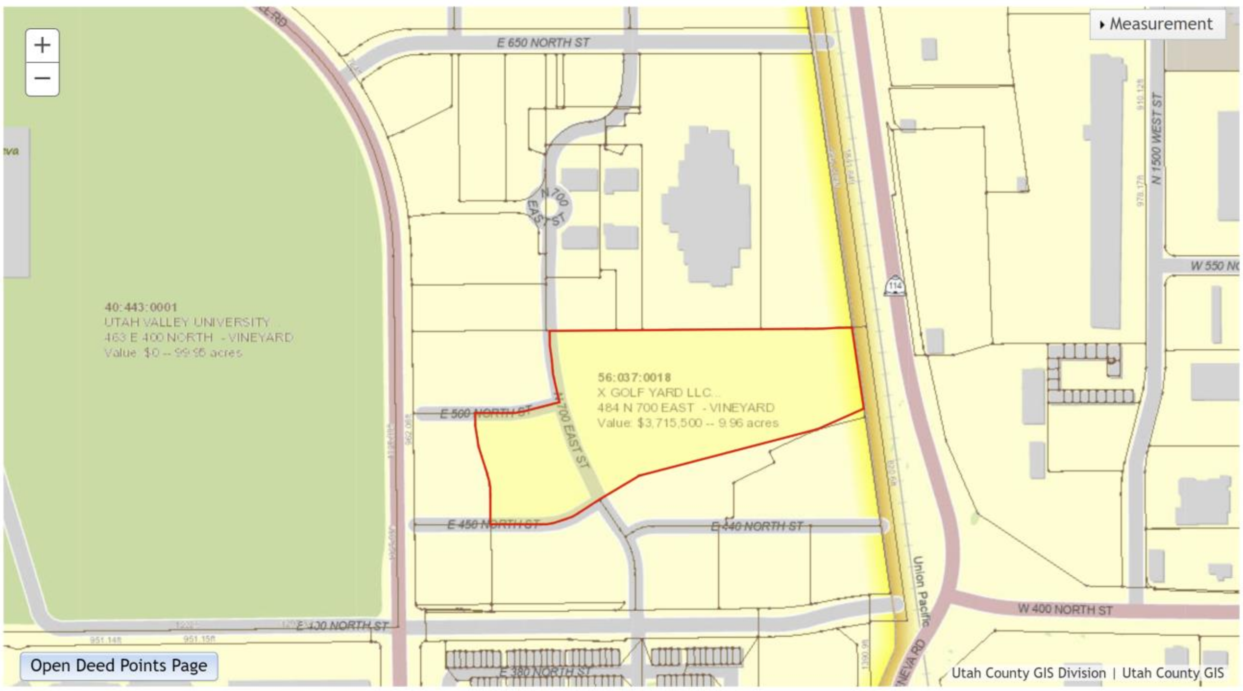
CERTIFIED CORRECT ON: August 16, 2022

NOTICED BY: /s/ Cache Hancey

Cache Hancey, Planner & Business Advocate

Community Development

Date: Wednesday, August 17, 2022
From: Briam Amaya Perez, Planner II
To: Planning Commission
Item: Topgolf Site Plan Amendment - Minigolf Addition, Parking Lot Revisions
Permit: PLAN22-025 (CityInspect, Development Module)
Address: 484 N 700 E, Vineyard, Utah, 84059
Parcel No: 56:037:0018
Applicant: Karla Mata
Owner(s): XDevelopment



ANALYSIS

The applicant, Karla Mata, with Fifty Mill LLC (XDevelopment), is requesting approval of a minor site plan amendment for the Topgolf entertainment facility at The Yard Plat B, which was approved by the Planning Commission on September 1, 2021. The minigolf addition is approximately 10,000 SF (0.23 AC) in size. The minigolf course will feature twelve (12) holes of various lengths, 50% of which must be ADA accessible per ADA requirements. The United States Access Board provides a summary of accessibility guidelines that should serve as a reference for designing an accessible miniature golf course. The applicant has provided an ADA Access Exhibit to accompany their application. Per the VZC, the minigolf addition is allowed to count towards the project's total open space requirement, as "recreational areas and facilities" fall under that definition. Most of the minigolf course shall feature different types of synthetic turf including putting, rough, and bunker. In addition, the minigolf course will be enclosed by a decorative cedar fence of varying heights, but mostly 4 FT in height. Any portion of the proposed fence that exceeds 6 FT in heigh shall require a building permit.

The site plan amendment also proposes to change the location of all the ADA parking spaces from their originally approved, northern location within the primary parking lot to a more central location along the east side of the lot along Entertainment Way (aka. 700 E). Overall, the project site will gain 10 traditional parking stalls. The facility has not gained or lost any required ADA parking spaces or any ADA van accessible parking spaces. The applicant has also revised the parking lot to accommodate a 4” wide, concrete sidewalk that bisects the entire length of the lot from east to west that connects the landscaping islands within the lot. This will provide a safe and dedicated route of travel for pedestrians traversing the parking lot. In terms of the quantity of required trees based on the length of street frontage, the project has gain six (6) trees overall. All other landscape toppings and plant species are waterwise and drought tolerant per the Vineyard Tree and Landscape Manual.

STAFF RECOMMENDATION

Staff recommends approval of the site plan amendment, provided the following conditions are met.

CONDITIONS

1. Applicant shall install 17 bicycle parking stalls
2. Applicant shall install an ADA ramp at the east end of the sidewalk that leads pedestrians onto 700 E from the ADA stalls in front of the primary building.
3. The applicant shall ensure that the design of the minigolf meets all ADA requirements.
4. The applicant shall label all slope changes required at the minigolf course per ADA requirements.
5. Any proposed fence over six feet (6’) shall require a building permit.
6. Light poles at the minigolf course shall not exceed 20’ in height and meet all other VZC lighting requirements.
7. The applicant pays any outstanding fees and makes any redline corrections.
8. The applicant is subject to all federal, state, and local laws.

PROPOSED MOTION

“I move to approve the minor site plan amendment as requested by Karla Mata, with Fifty Mill LLC, with the proposed conditions.…”

ATTACHMENTS

Scope of Work
Overall Site Plan
Overall Landscape Plan
Minigolf Site Plan Details
Minigolf Landscaping Plan
Fencing Details
ADA Access Exhibit
Conceptual Light Pole Location Plan
Synthetic Turf Plan

Analysis	
Zoning	Regional Mixed-Use (RMU)
Use	Open Space
Lot Size	9.95 AC
Building Square Footage	24,257 SF
Maximum Building Height	Allowed: 60’ Actual: 34’
Minimum Front Yard	Required: 15’ Actual: 46’9”
Minimum Rear Yard	Required: NA Actual: NA
Minimum Side Yard for Interior Lots	Required: NA Actual: NA
Minimum Side Yard for Corner Lots	Required: NA Actual: 63’11”
Maximum Building Lot Coverage	Required: NA Actual: 4.97%
Minimum Open Space (OS)	Required: 10% per the RMU Code Actual: 16.7% (72,619 SF)
Parking Stalls	Required: 167 stalls - 1 Stall/200 SF Floor Area + - 1 Stall/Every 2 hitting bays + - 1 Stall/100 SF of activity Area - Breakdown: 121 + 36 + 10 = 167 Actual: 263 stalls provided - Applicant is overparked by 96 parking stalls
ADA Parking Stalls	Minimum Required: 7 (5 ADA; 2 ADA Van Accessible) Actual: 7 (5 ADA; 2 ADA Van Accessible)
Interior Parking Lot Landscaping	Required: 5% Actual: (8,991 SF) 9%
Bicycle Parking	Required: - 10% of vehicle stalls = 17 bike parking stalls Actual: 16 bike parking stalls; applicant must provide the required bicycle parking stalls. The proposed plan set only shows 16 stalls provided.

Visual Example of Topgolf Minigolf Course

PROJECT NARRATIVE – TOPGOLF PUTTING COURSE / YARD B
August 12, 2022

After obtaining the original approvals and starting construction, Topgolf was able to determine the viability of an additional amenity that will not only enhance the customer experience but also increase the customer base. The putting course will provide patrons with the opportunity to practice their putting skills. It can be an experience to complement the traditional Topgolf experience or a standalone entertainment experience.

The putting course amenity will replace what was previously designated as a landscaping area. This putting green will still act as open space and not only meets but exceeds the open space requirements. It will primarily be made up of artificial turf and as a result will be more water wise while at the same time creating an additional gathering area for residents and visitors alike.

LEGEND

Symbol	Definition
	Tee Center Point
	Fairway Turning Point
	Green Center Point
	Synthetic Turf - Putting
	Synthetic Turf - Rough
	Synthetic Turf - Bunker
	Landscaping - Ground Cover / Shrubs
	Landscaping - Trees / Shrubs

Symbol	Definition
	View Fence
T	Trash Can

Prepared By:

Burton Golf Design
3116 Freeman Farm Way
Rolesville, North Carolina 27571
w. burtongolfdeisgn.com

BURTON GOLF DESIGN

TopGolf at The Vineyard | Putting Course

ADA Access Exhibit

Vineyard, Utah, USA

Scale: 1" = 10'

SCALE: 0 10 20

August 2, 2022

North

GF.01

Member
American Society of Golf Course Architects

August 2, 2022

Vineyard Development Services
Mr. George Reid, Chief Building Official
707 East Mill Road
Vineyard, Utah 84059

RE: TopGolf Vineyard | Putting Course ADA Access

To Whom It May Concern:

The Putting Course at TopGolf Vineyard consists of twelve (12) individual putting-holes. The Putting Course is accessed via the main building on ADA compliant sidewalks & pavers. The first six (6) holes of the Putting Course conform to ADA requirements, providing a route/path of not less than 4' in width, with less than 2% cross-slope and running slopes of 5% or less. After hole no. 6, patrons can access an ADA compliant sidewalk attached to the main building.

It is our understanding that this design conforms to National ADA Access Requirements and the additional requirements as listed in **2009 ANSI A117.1 Section 1107**. We welcome your review and open dialog in this matter. If there is anything you would like to discuss further, please do not hesitate to contact us at any time.

Kind Regards,

Patrick Burton, *ASGCA*

PLANT SCHEDULE

	TREES:			
	Botanical name	Common name	SIZE:	QTY:
	Amelanchier x grandiflora 'Autumn Brillance'	Autumn Brillance Serviceberry	2" Cal.	3
	Acer griseum	Paper Bark Maple (3-5 stem only)	2" Cal.	4
	Cercis canadensis (3-5 stem only)	Eastern Redbud	2" Cal.	7
	Picea abies	Norway Spruce	6' Min.	4
			TOTAL	18

	SHRUBS & GRASSES:				
	Botanical name	Common name	SIZE:	SPACE:	QTY:
	Calamagrostis acutiflora 'Karl Forester'	Feather Reed Grass 'KF'	5 gal.	4' oc	17
	Salix purpurea nana	Blue Arctic Willow	5 gal.	4' oc	19
	Deutzia gracilis 'Nikko'	Nikko Slender Deutzia	5 gal.	4' oc	14
	Miscanthus sinensis 'Zebrinus'	Zebra Grass	5 gal.	4' oc	29
	Penstemon eatonii	Firecracker Penstemon	5 gal.	4' oc	38
	Pinus mugo 'Compacta'	Dwarf Mugo Pine	5 gal.	4' oc	30
	Potentilla fruticosa	Bush Cinquefoil	5 gal.	4' oc	9
	Spiraea x Bumalda 'Anthony Waterer'	Anthony Waterer Spirea	5 gal.	4' oc	20
	Spiraea japonica 'Little Princess'	Little Princess Spirea	5 gal.	4' oc	26
				TOTAL	202

	GROUNDCOVERS:				
	Delosperma nubigenum	Hardy Yellow Ice Plant	1 gal.	18" oc	44
	Juniperus horizontalis 'Blue Chip'	Blue Chip Juniper	5 gal.	24" oc	15
	Liriope muscari	Lilyturf	1 gal.	18" oc	174
				TOTAL	233

Prepared By:
Burton Golf Design
3116 Freeman Farm Way
Rolesville, North Carolina 27571
w. burtongolfdesign.com
BURTON GOLF DESIGN

TopGolf at The Vineyard | Putting Course

Landscape Plan & Details

Vineyard, Utah, USA

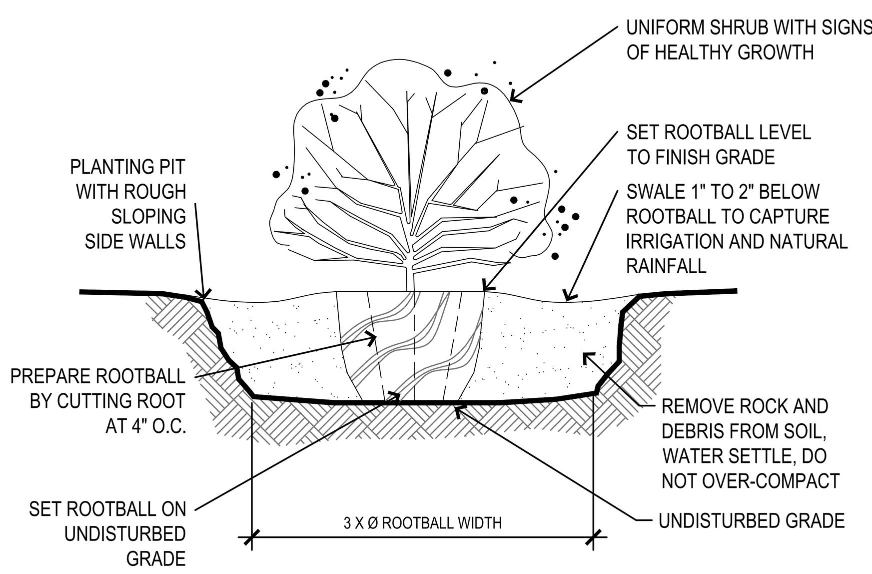
Scale: 1" = 10'

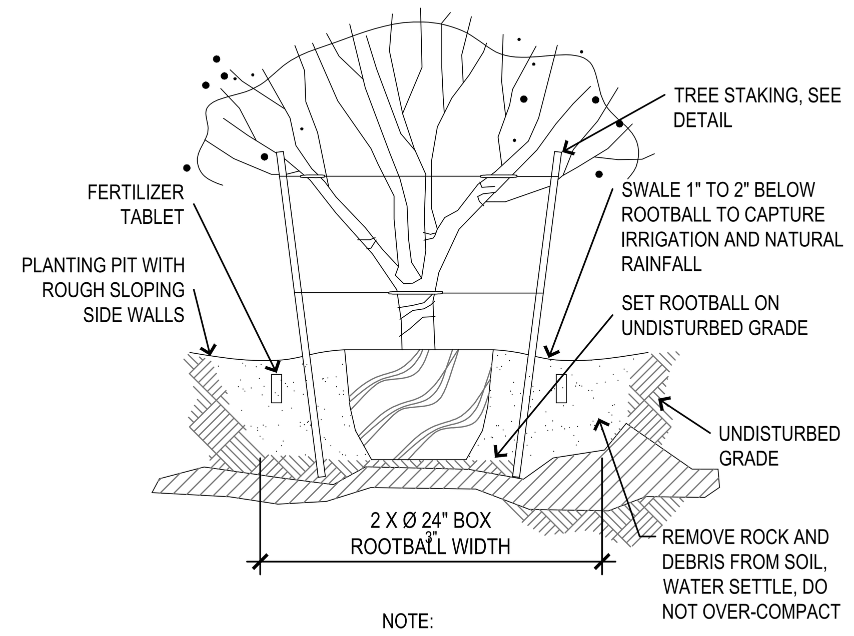
SCALE: 0 10 20

August 4, 2022

North

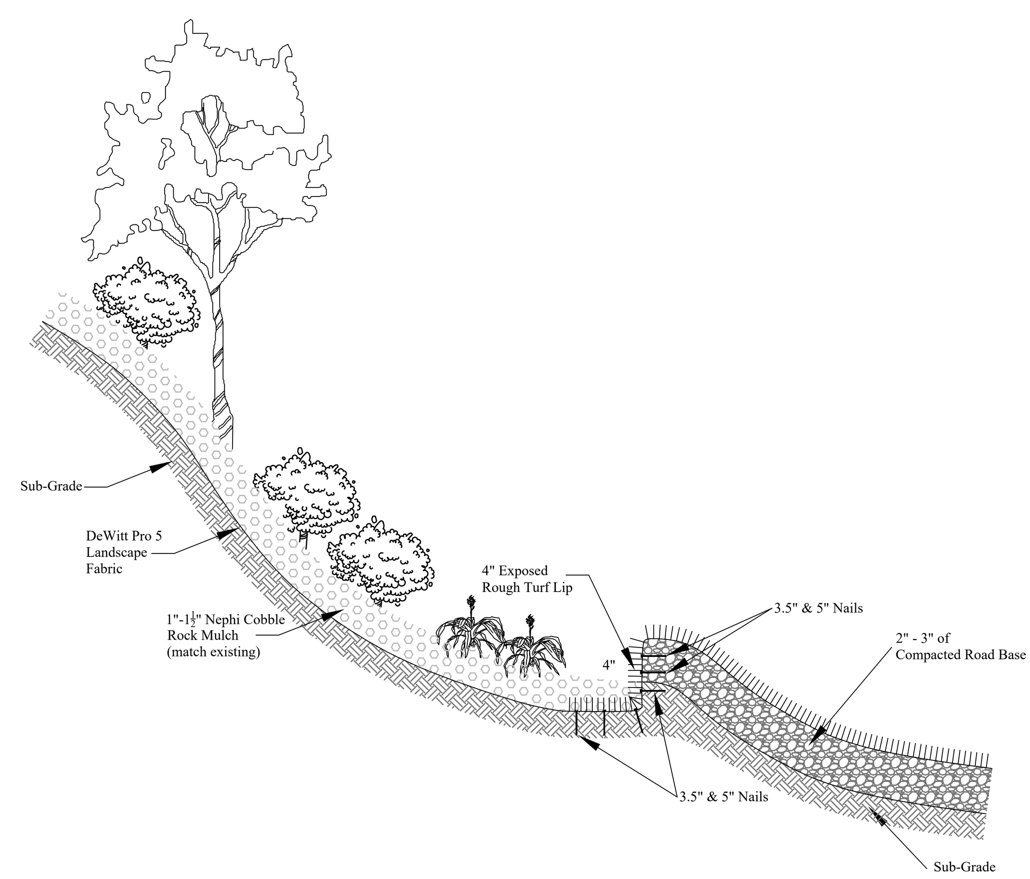
Sheet
04

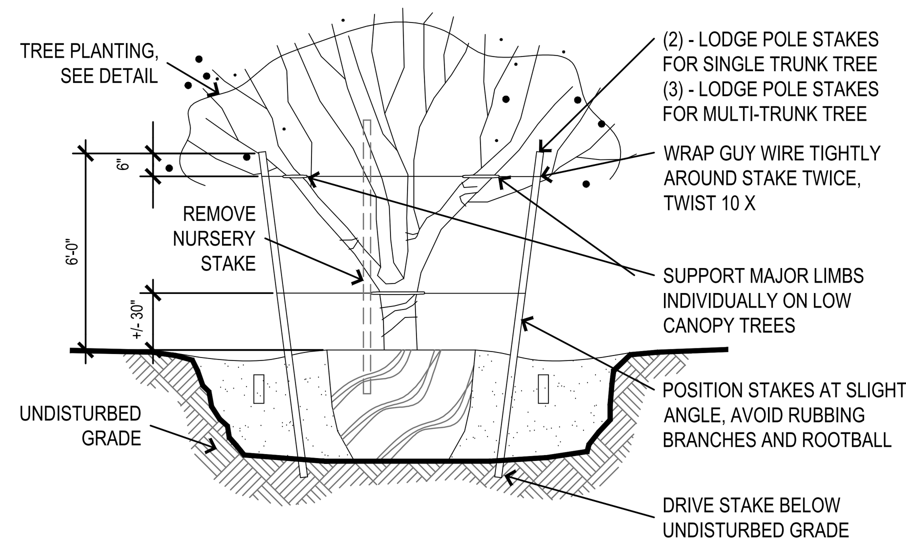




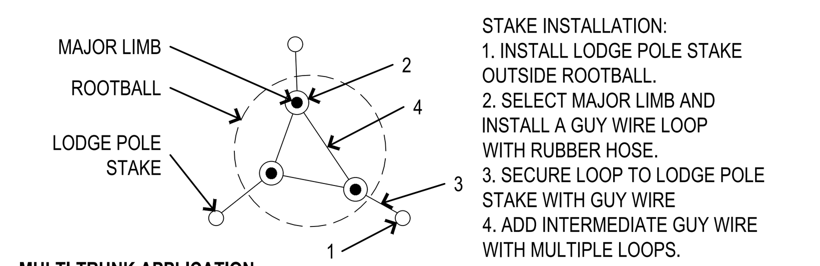
NOTE:
ADD SLOW RELEASE FERTILIZER TABLETS 6" BELOW FINISH GRADE AT PERIMETER OF ROOTBALL PER MANUFACTURER'S SPECIFICATIONS

SOIL MIX: 1 PART MULCH TO 3 PARTS NATIVE SOIL



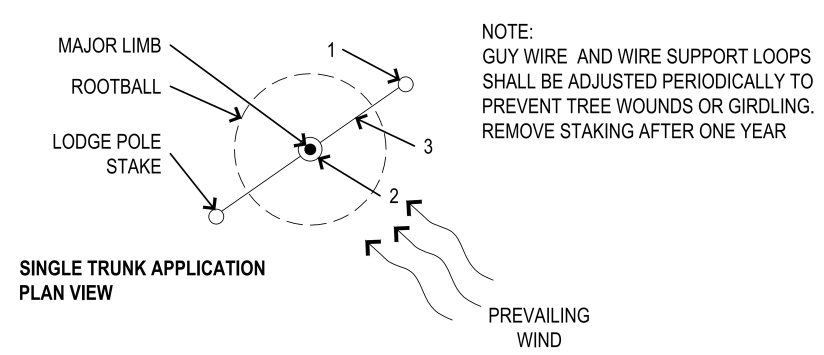


NOTE:
- USE 10 GA. GREEN COATED GUY WIRE WITH 1/2" Ø GREEN RUBBER HOSE
- WIRE SUPPORT LOOP SHALL BE 2 X Ø OF BRANCH OR TRUNK CALIPER
- 8' LODGE POLE STAKE FOR 15 GAL TO 24" BOX, 10' LODGE POLE STAKE FOR 36" BOX & UP



MULTI-TRUNK APPLICATION PLAN VIEW

STAKE INSTALLATION:
1. INSTALL LODGE POLE STAKE OUTSIDE ROOTBALL.
2. SELECT MAJOR LIMB AND INSTALL A GUY WIRE LOOP WITH RUBBER HOSE.
3. SECURE LOOP TO LODGE POLE STAKE WITH GUY WIRE
4. ADD INTERMEDIATE GUY WIRE WITH MULTIPLE LOOPS.



SINGLE TRUNK APPLICATION PLAN VIEW

NOTE:
GUY WIRE AND WIRE SUPPORT LOOPS SHALL BE ADJUSTED PERIODICALLY TO PREVENT TREE WOUNDS OR GIRDLING. REMOVE STAKING AFTER ONE YEAR

I. Contractor's Landscape Work Responsibilities

A. Scope of Work
The contractor shall provide all labor, materials, equipment, transportation and services necessary to furnish and install all planting elements as shown on the drawings and specified herein.

B. Conformance
All planting work shall conform to applicable local, county and/or state codes, regulations and rules.

C. License
All work shall be performed by a ____________ licensed contractor.

D. Permits and Inspections
The contractor shall obtain, coordinate and pay for any and all permits and agency inspections as required.

E. Insurance
The contractor shall carry all workers compensation, public liability and property damage insurance as required by all applicable codes, regulations and by the owner.

F. Site Verification
Prior to commencement of work, the contractor shall verify, at the site, all conditions and dimensions shown on the plans affecting the intended design of the landscape work. Any discrepancies shall be reported to the owner or owners representative immediately.

G. Liable for Encroachment
The contractor shall be responsible for any encroachment onto adjacent property, right-of-ways, easements, setbacks or any other legal property restriction either marked or unmarked.

H. Coordination of Activities
The contractor shall be responsible for coordination or required activities with all other trades through the owner or owners representative.

I. Field Staking
Prior to installation, the contractor shall locate by stakes, or other means, all container trees, shrubs and ground cover locations for approval by the owner, owners representative and golf course architect.

J. Notification of Discrepancies
Any discrepancies between the field conditions and the contract documents and/or the design intent affecting the successful completion and cost of the project shall be reported to the owner, owners representative and golf course architect immediately. All work related to the problem area shall cease until the discrepancies have been resolved by the owner, owners representative and golf course architect in writing. Any continuation of work is at the contractor's risk and expense.

K. Liable for Damage
The contractor shall be liable for damage to all utilities, construction, irrigation and planting elements, existing or new, marked or unmarked, and shall repair or replace any damaged improvements in a manner acceptable to the owner or owners representative.

L. Liable for Loss
The contractor shall be responsible and liable for any loss to equipment, parts and materials on this project until completion and acceptance of the job in writing from the owner or owners representative.

M. Written Guarantee
All work shall be guaranteed by the contractor as to material and workmanship for a period of one year following the date of final acceptance of project. The contractor shall provide a written guarantee on his letterhead at the time of the final inspection.

N. Written Certification
The contractor shall provide a written certification that the planting work is installed in full compliance with the contract documents. Any approved substitutions or deviations from the plans or specifications shall be noted. This certification shall be on the contractor's letterhead with his signature and contractor's license number.

O. Plant Materials Approval
The contractor shall, within fifteen{15}working days following award of contract, submit to the owner and golf course architect a complete list of required contained and flatted ground cover material. This list shall include each tree, shrub and ground cover; their botanical and common name; each required quantity and size; their nursery source locations and nursery sales person to contact; their specifications as to height, spread and trunk caliper at one ft.{1'}above grade {for trees}. A digital photo of each required tree, shrub and ground cover type shall accompany the submittal.

II. Owner's Construction Work Responsibilities

A. Construction Responsibilities
The owner will be directly responsible for aspects of construction including all landscape inspections. All field meetings shall be initiated by the contractor and coordinated through the owner or owners representative to the golf course architect. The golf course architect shall be in a support observation role to the owner or owners representative providing interpretive advice only in accordance with the observation schedule as noted.

B. Determining Legal and Physical Elements
Owner or owners representative shall be responsible for determining property lines, right-of-ways, tract boundaries, grades, easements, utility locations{above and below grade} and any other legal or physical elements as required for the successful completion of the work. Contractor shall not be permitted to proceed with any work without determination of the above information. If the contractor precedes with any work without determination, the contractor shall be financially responsible for any damages.

C. Site Discrepancies
All discrepancies in site conditions, drawings or specifications shall be brought to the attention of the owner, owners representative and golf course architect immediately. It is the owner's or owner's representative responsibility to consult the golf course architect prior to any further work in the discrepancy area. Any unreported discrepancy and continued work without written authorization from the owner and golf course architect shall be at the contractor's risk and expense.

D. Contract Fulfillment
All questions relating to interpretation of the drawings and specifications, quality of work and acceptable fulfillment of intent of the contract documents shall be decided by the owner, owners representative and golf course architect concurrently.

III. Golf Course Architect's Landscape Field Observation Schedule

A. Field Observation Coordination
The following observations shall be initiated by the contractor and coordinated through the owner or owners representative. The contractor shall notify the owner, owners representative and golf course architect not less than forty-eight{48}hours in advance of any observation. Continued work without observation of these phases of work is at the contractor's risk, with any required change or modifications at the contractor's expense. The owner owners representative shall inform the golf course architect as to the purpose and time of the observations forty-eight{48} hours in advance.

B. Contractor Orientation/Pre-Construction Meeting
This meeting shall be conducted to discuss the specifications, possible discrepancies, site conditions and other aspects of the project landscape work such as personnel, schedule and requirements for starting work. Prior to the meeting, contractor shall thoroughly acquaint himself with site conditions and the plans, details and specifications.

C. Plant Material Approval, Layout and Fine Grade Observation
This observation visit shall be performed after placement or staking in the field of all plant material per the plans. Container plants shall be paced on site. Boxed specimens shall be staked as to location. The owner, owners representative or golf course architect shall approve plant material type and quality; locations of all plant material; backfill mix and fine grade prior to any planting work.

D. Progress/Installation Inspections
Periodic inspections shall be performed by the owner or owners representative during construction operations to insure conformance to plans and specifications.

E. Maintenance Observations
These observations visits shall be performed at the end of each thirty{30}day interval of the maintenance period with the owner, owners representative and golf course architect to insure conformance with the maintenance specifications.

F. Final Observation/Project Substantial Conformance
This observation visit will be performed to review all aspects of the contracted work prior to releasing the project to the owner.

IV. Scope of Landscape Work

A. Drainage
The contractor shall be responsible for drainage in all planting areas in accordance with the plans, details and specifications at a minimum 2% gradient.

B. Import Soil
On-site soil shall be used for all landscape berm and mounding.

C. Plant Material
All plant material shall be of a size, character and quality which meets the accepted industry standards for that plant and be free from insects, their eggs, disease, weeds or other detrimental characteristics.

D. Handling/Storage
All plants shall be handled and stored so they are adequately protected from drying out, sun, windburn, vandalism or any other injury. All plants shall be watered on a regular bases, to keep the plant from drying out.

E. Rejection of Plant Material
The owner, owners representative or golf course architect may reject any and all plant material regarded as unsuitable at any time. Such plants shall be removed from the job site immediately and be replaced at no additional cost to the owner.

F. Planting
All plant material shall be as specified and planted as detailed and noted herein.

G. Planting Tablets
As indicated on the details, plant tablets shall be 'Gro-Power' planting tablets 12-8-8 equal) and shall be furnished in the following rates. Plant tablets shall be placed at the top of the root ball, approximately two inches{2"}from root tip at even spacing around the plant.
1. Three tablets for one gallon container;
2. Nine tablets per five gallon container;
3. Fifteen tablets per fifteen gallon container;
4. Sixteen tablets per twenty inch box and twenty-four inch box;
5. Twenty tablets per thirty inch box and thirty-six inch box;
6. Twenty-two tablets per forty-two inch box and forty-eight inch box;
7. Thirty-six tablets per sixty inch box; and,
8. Forty-eight tablets per eighty-four inch box.

V. Establishment Maintenance Notes

A. Establishment Maintenance Period
The maintenance period shall commence upon the owner's written approval of each phase of planting installation and shall be for ninety{90}continuous calendar days.

B. Maintenance Procedures
1. General
The general care and maintenance of all areas shall consist of proper watering, fertilization, weeding, rodent control, clean-up and as noted below.
2. Fertilization
Maintenance work shall include fertilization with the following fertilizer at the following intervals:
a. Trees, Shrubs & Ground Covers
Every 60-90 days after planting, apply 16-6-8 uniformly broadcast 6 lbs/1000 sf
3. Weeding
Any concentrated development of weed growth that may appear in planting areas during the maintenance period shall be removed at ten{10}day intervals. The contractor shall remove such concentrations of weeds including their roots by hand or in a manner acceptable to the owner {job superintendent} and golf course architect.
5. Rodent Control
The contractor shall take the necessary steps to eliminate any rodents encountered on site.
6. Clean-Up
During the course of the maintenance work, the contractor shall remove surplus material and debris from the site and shall keep the premises in a neat and clean condition at all times.
7. Protection of Landscape
During the maintenance period, the contractor shall be responsible for maintaining adequate protection of all planting areas. Any damaged areas shall be repaired at the contractor's expense.

VI. Special Planting Notes

A. Special Planting Notes
1. Refer to the planting details sheet for all installation details.
2. Refer to the landscape construction plans for all existing street improvements, utility and construction feature reference.
3. Refer to the civil engineering plans for all grading and drainage work associated with the planting work.
4. Soil Preparation
Per horticultural soils report.
5. Backfill Mix {Trees and Shrubs}
Per horticultural soils report.
6. Rock Mulch
1. TYPE: Nephi Cobble
2. SIZE RANGE: 1"-1 1/2"
3. Color: Match Existing
4. DEPTH: 2"-3"
7. Landscape Fabric
1. TYPE: DeWitt Pro 5

VII. Landscape Irrigation "By Others"

Prepared By:
Burton Golf Design
3116 Freeman Farm Way
Rolesville, North Carolina 27571
w. burtongolfdesign.com

TopGolf at The Vineyard | Putting Course

Landscape Plan & Details

Vineyard, Utah, USA

Scale: 1" = 10'

SCALE: 0 10 20

August 4, 2022

North

Sheet 05

LEGEND

Symbol	Definition
	Synthetic Turf - Putting
	Synthetic Turf - Rough
	Synthetic Turf - Bunker

Prepared By:

Burton Golf Design
3116 Freeman Farm Way
Rolesville, North Carolina 27571
w. burtongolfdesign.com

TopGolf at The Vineyard | Putting Course

Synthetic Turf Plan

Vineyard, Utah, USA

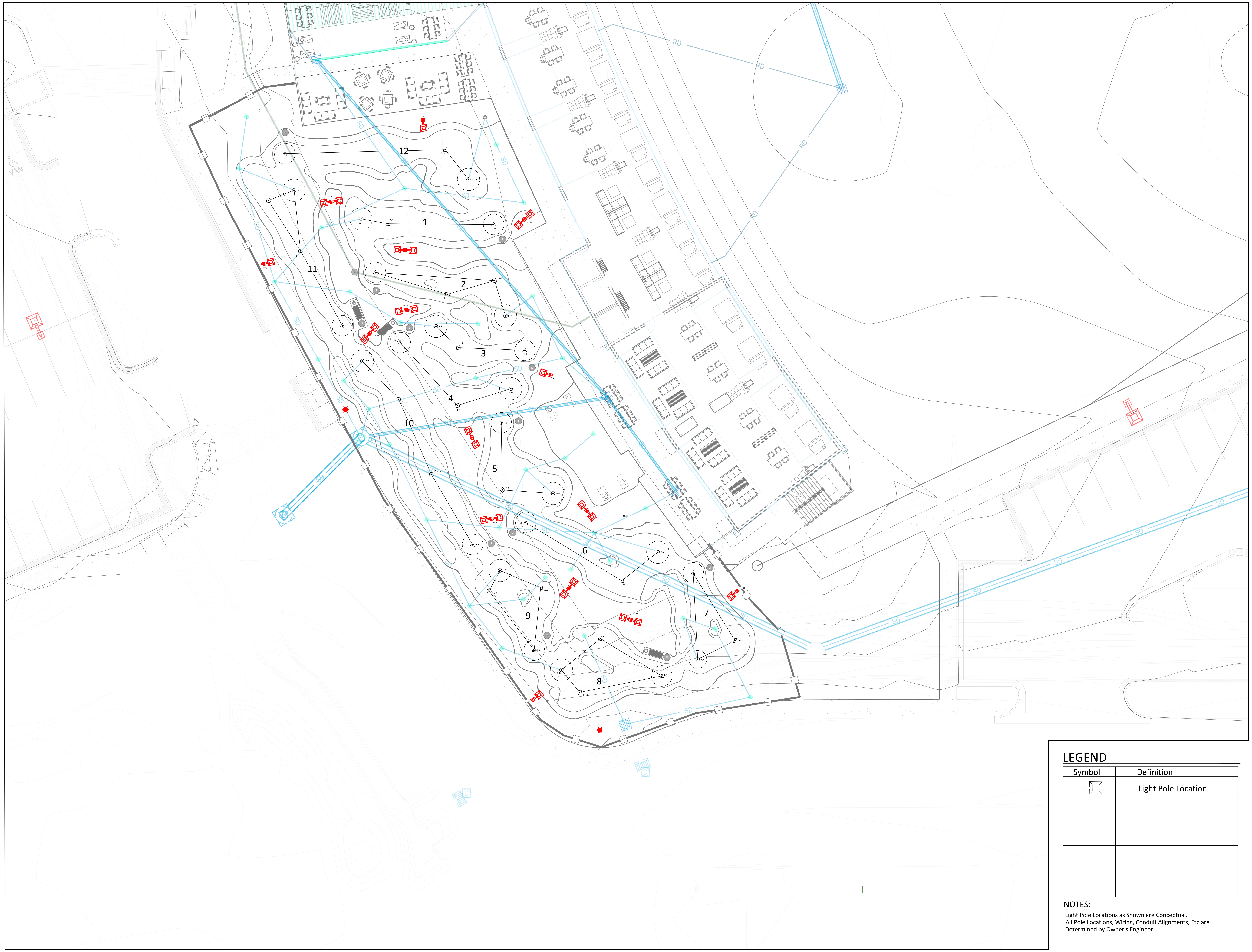
Scale: 1" = 10'

SCALE: 0 10 20

August 4, 2022

North

Sheet
06



LEGEND

Symbol	Definition
	Light Pole Location

NOTES:

Light Pole Locations as Shown are Conceptual.
All Pole Locations, Wiring, Conduit Alignments, Etc.are Determined by Owner's Engineer.

Prepared By:

Burton Golf Design
3116 Freeman Farm Way
Rolesville, North Carolina 27571
w. burtongolfdeisgn.com

TopGolf at The Vineyard | Putting Course

Conceptual Light Pole Location Plan

Vineyard, Utah, USA

Scale: 1" = 10'

SCALE: 0 10 20

August 4, 2022

North

Sheet
07

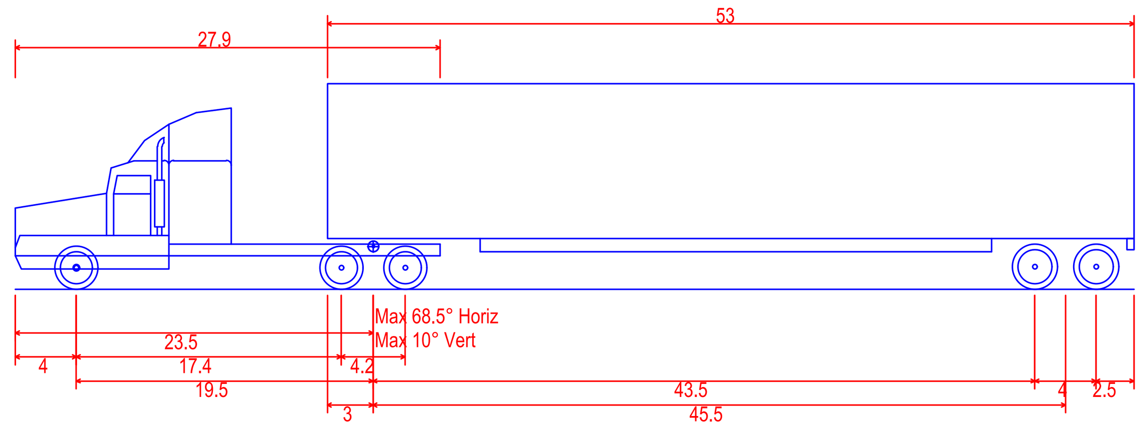
CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

Know what's below. Call before you dig.

BENCHMARK

SOUTHEAST CORNER OF SECTION 8,
TOWNSHIP 6 SOUTH, RANGE 2 EAST
SALT LAKE BASE AND MERIDIAN

ELEV = 4650.50'



WB-67 - Interstate Semi-Trailer

Overall Length	73.501ft
Overall Width	8.500ft
Overall Body Height	13.500ft
Min Body Ground Clearance	1.334ft
Max Track Width	8.500ft
Lock-to-lock time	6.00s
Max Steering Angle (Virtual)	28.40°

PARKING REQUIREMENTS (LOT 2 ENTERTAINMENT)

LOT 2 GOLF COURSE & DRIVING RANGE REQUIREMENTS-	1 STALL / 200 SQ FT FLOOR AREA (NOT INCLUDING CIRCULATION AREA) + 1 STALL / EVERY 2 HITTING BAYS 1 STALL/1000 S.F. OF ACTIVITY AREA
LOT 2 BUILDING AREA (2 STORIES)-	24,257 S.F. (NON HITTING BAYS + 50% HITTING BAYS)
HITTING BAYS-	72
LOT 2 MINI GOLF AREA-	10,000 S.F.
PARKING REQUIRED (LOT 2 ENTERTAINMENT) -	168 STALLS (5 ADA STALLS, 1 VAN ADA STALL)
PARKING PROVIDED (LOT 2 ENTERTAINMENT) -	263 STALLS (5 ADA STALLS, 2 VAN ADA STALL)
BIKE PARKING REQUIREMENTS-	10% REQUIRED VEHICLE STALLS
REQUIRED VEHICLE PARKING STALLS-	168 STALLS
BIKE PARKING REQUIRED -	17 BIKE STALLS
BIKE PARKING PROVIDED -	17 BIKE STALLS

SITE SUMMARY TABLE

DESCRIPTION	LOT 2 AREA (SF)	LOT 2 PERCENTAGE
PAVEMENT/HARDSCAPE	138,411	31.9%
OUTFIELD	202,077	46.6%
BUILDING FOOTPRINT	20,813	4.8%
LANDSCAPING	72,619	16.7%
TOTAL SITE	433,920 9.961 ACRES	100%

PARKING LOT LANDSCAPE SUMMARY TABLE

DESCRIPTION	PARKING LOT AREA (SF)	LANDSCAPING AREA (SF)	PARKING LOT LANDSCAPE PERCENTAGE
LOT 2	100,069	8,991	9.0%

VINEYARD TOWN SITE PLAN NOTES

A. ALL UTILITY LINES LESS THAN 69KV SHALL BE UNDERGROUNDED WITH THE FIRST PHASE OF DEVELOPMENT.

B. ALL GROUND-MOUNTED EQUIPMENT SHALL BE SCREENED/CONCEALED FROM STREET VIEW.

C. PLANTS LOCATED WITHIN REQUIRED SIGHT VISIBILITY TRIANGLES SHALL BE PRUNED REGULARLY TO PERMIT UNOBSTRUCTED VISION. PLANT MATERIAL SHALL BE MAINTAINED TO BE LOWER THEN 3' (SHRUBS) OR TALLER THAN 7' (BOTTOM OF TREE CANOPY).

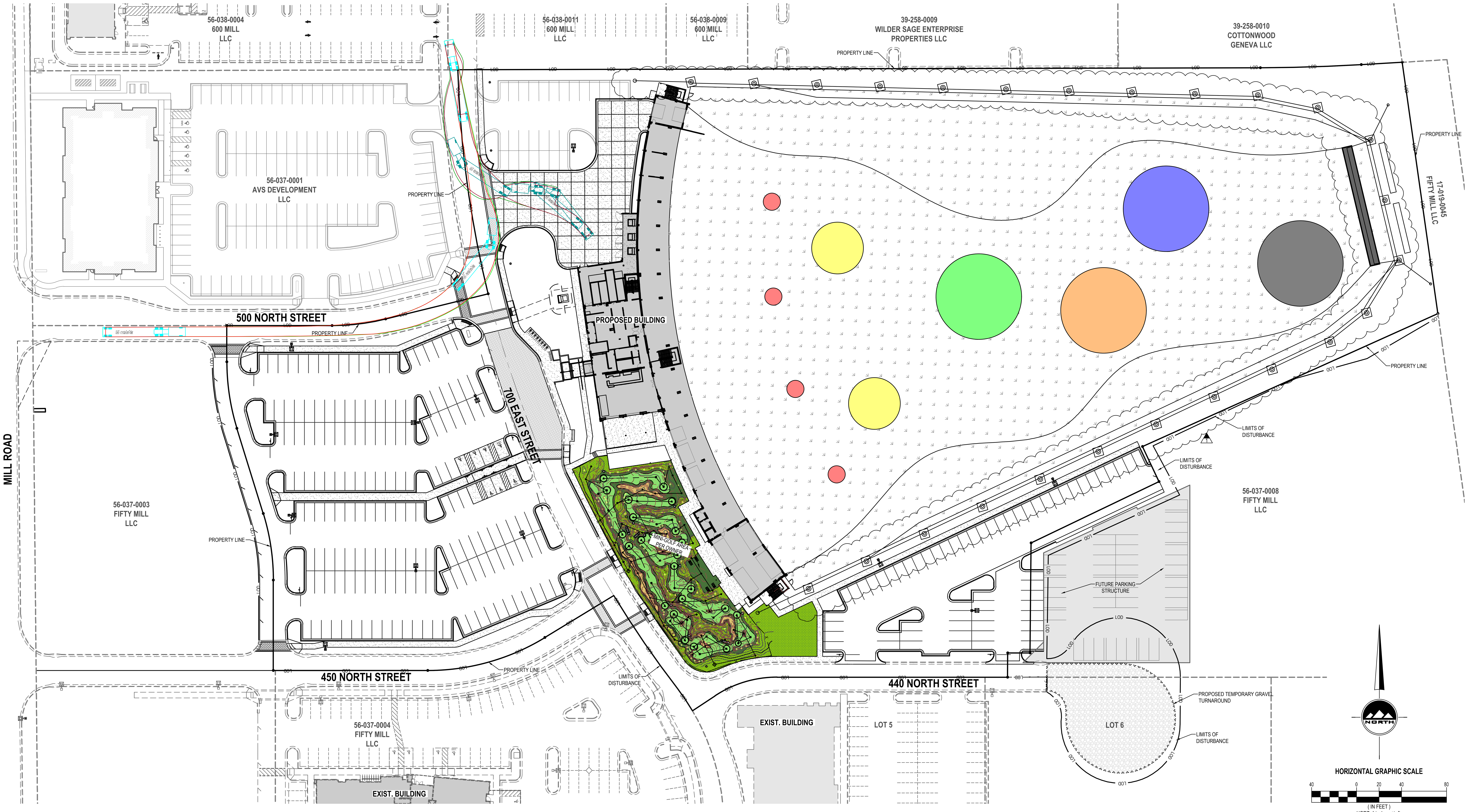
D. FUTURE DEVELOPMENT PADS WITHIN MASTER PLANNED DEVELOPMENTS SHALL BE COVERED FOR DUST AND WEED CONTROL AT TIME OF DEVELOPMENT.

E. ALL DEVELOPMENTS SHALL BE MAINTAINED IN CONFORMANCE WITH THE APPROVED SITE PLAN AND LANDSCAPE PLAN. ANY CHANGES THERETO SHALL REQUIRE APPROVAL OF VINEYARD TOWN.

F. THIS PROJECT IS SUBJECT TO THE CURRENT VINEYARD TOWN ENGINEERING REQUIREMENTS, GENERAL PLAN, ZONING ORDINANCE, AND ANY APPLICABLE REGUALTIONS.

GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.



ENSIGN
THE STANDARD IN ENGINEERING

SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT 84070
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
ARCO/MURRAY
113 NORTH MAY STREET - 2ND FLOOR
CHICAGO, IL 60607

CONTACT:
PAUL STRAITS
PHONE: 331-775-4118

ARCO MURRAY
DESIGN BUILD

TOPGOLF VINEYARD

484 NORTH 700 EAST
VINEYARD, UTAH

NO.	DATE	REVISION	BY
2	2/15/2022	CLIENT MODIFICATIONS	IJM
3	2/24/2022	DELIVERY CURB MODIFICATION	BDM
4	3-11-2022	TRANSFORMER RELOCATE	BDM
5	3-15-2022	SERVICE AND PATIO DRAINS	BDM
6	4-6-2022	WEST PARKING LOT MOD.	BDM
7	5-12-2022	DRAIN & WATER SERVICE CHNG	BDM
8	5-20-2022	ENTRY GRADE MODIFICATION	BDM
9	6-23-2022	NEW BLDG. FOOTPRINT	BDM
10	7-27-2022	MINI GOLF ADD	BDM

OVERALL SITE PLAN

PROJECT NUMBER
6435P

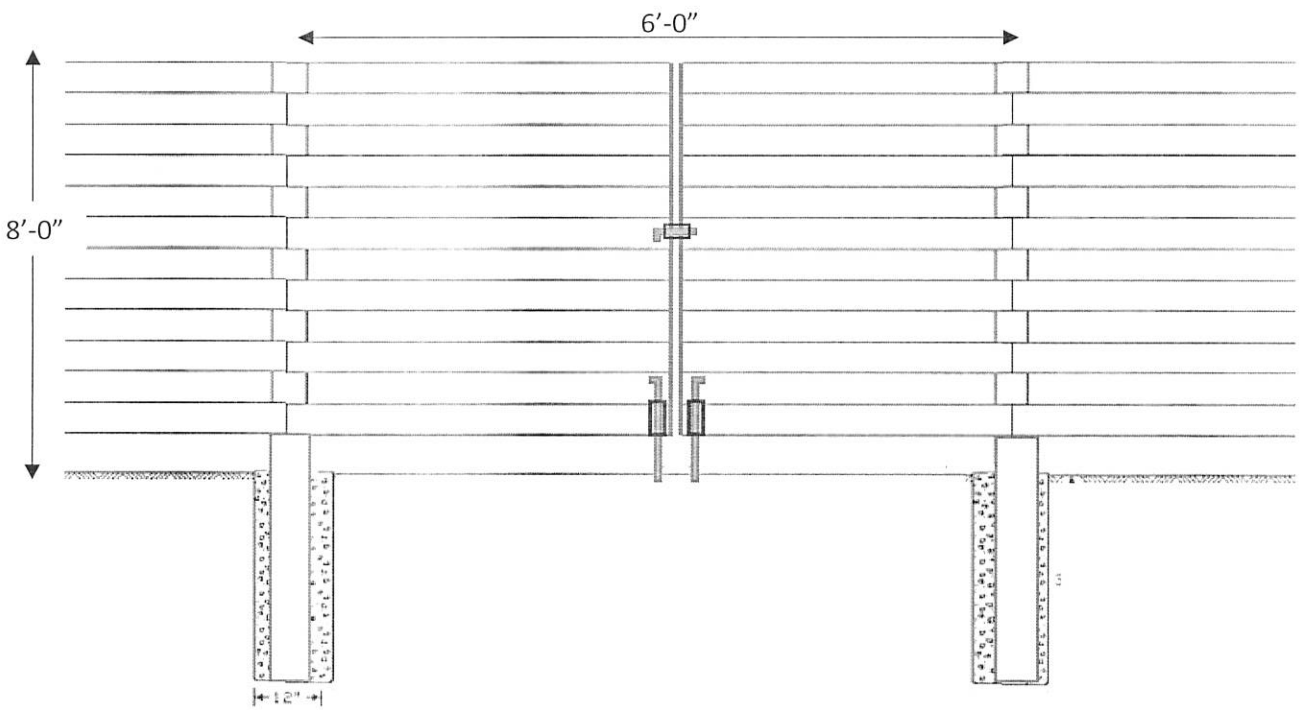
PRINT DATE
8/11/22

DRAWN BY
C.D. OESTREICH

CHECKED BY
M. BUDGE

PROJECT MANAGER
B. MORRIS

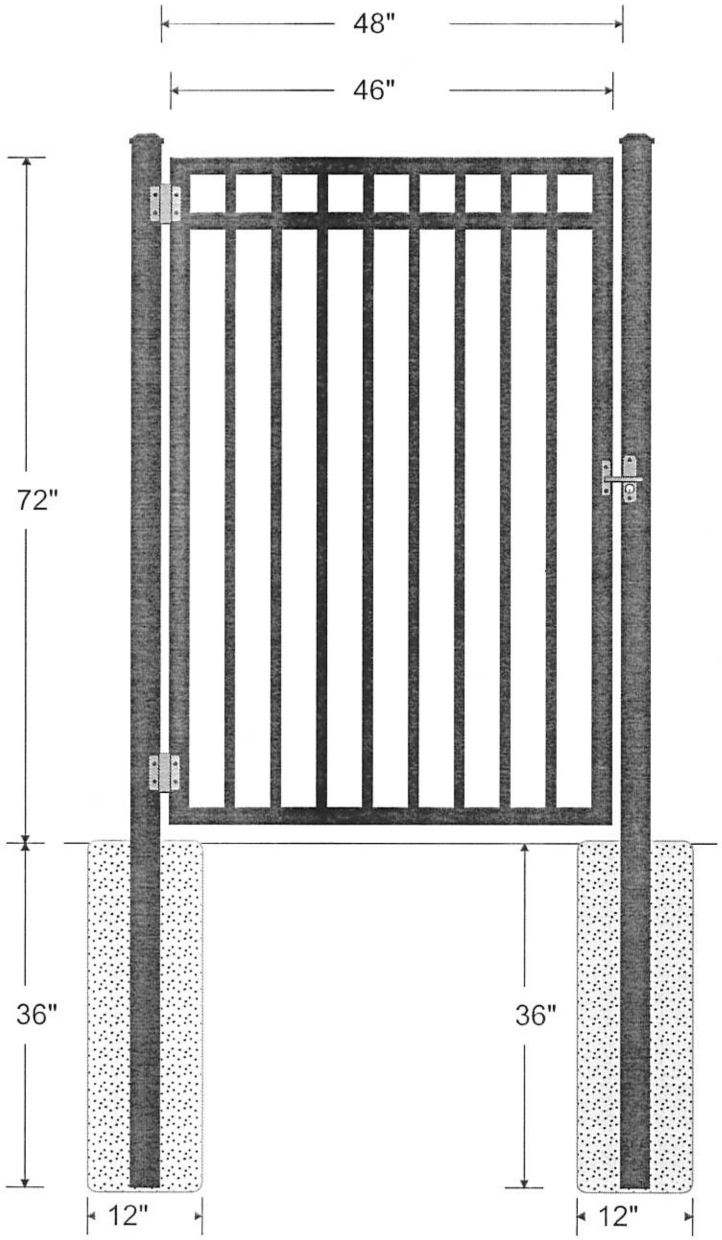
C-200



Western Fence Co.

WESTERN FENCE CO., INC.
1935 S Fremont Dr
SALT LAKE CITY, UTAH 84104
1-888-GET-FENCE

Top Golf Vineyard	DRAWN BY: Jon 07/18/22	SCALE:	PAGE:
	REVISED: 07/18/22	FILE: Top Golf	1 of 1



72" tall Ornamental Single Gate.

Specifications:

3" X 3" X 110" Hinge Post with Flat Pressed Steel Post Cap, 12" post footing diameter and 36" post footing depth.

The opening width of the Single Gate is 48".

1 3/4" Top Rail.

1 3/4" Middle Rail.

1 3/4" Bottom Rail.

1" Picket. There is a 3.7778" space between each picket.

Gate is hung with Tru-Close Hinges.
Gate is secured with a Lokk Latch.

Western Fence Co.

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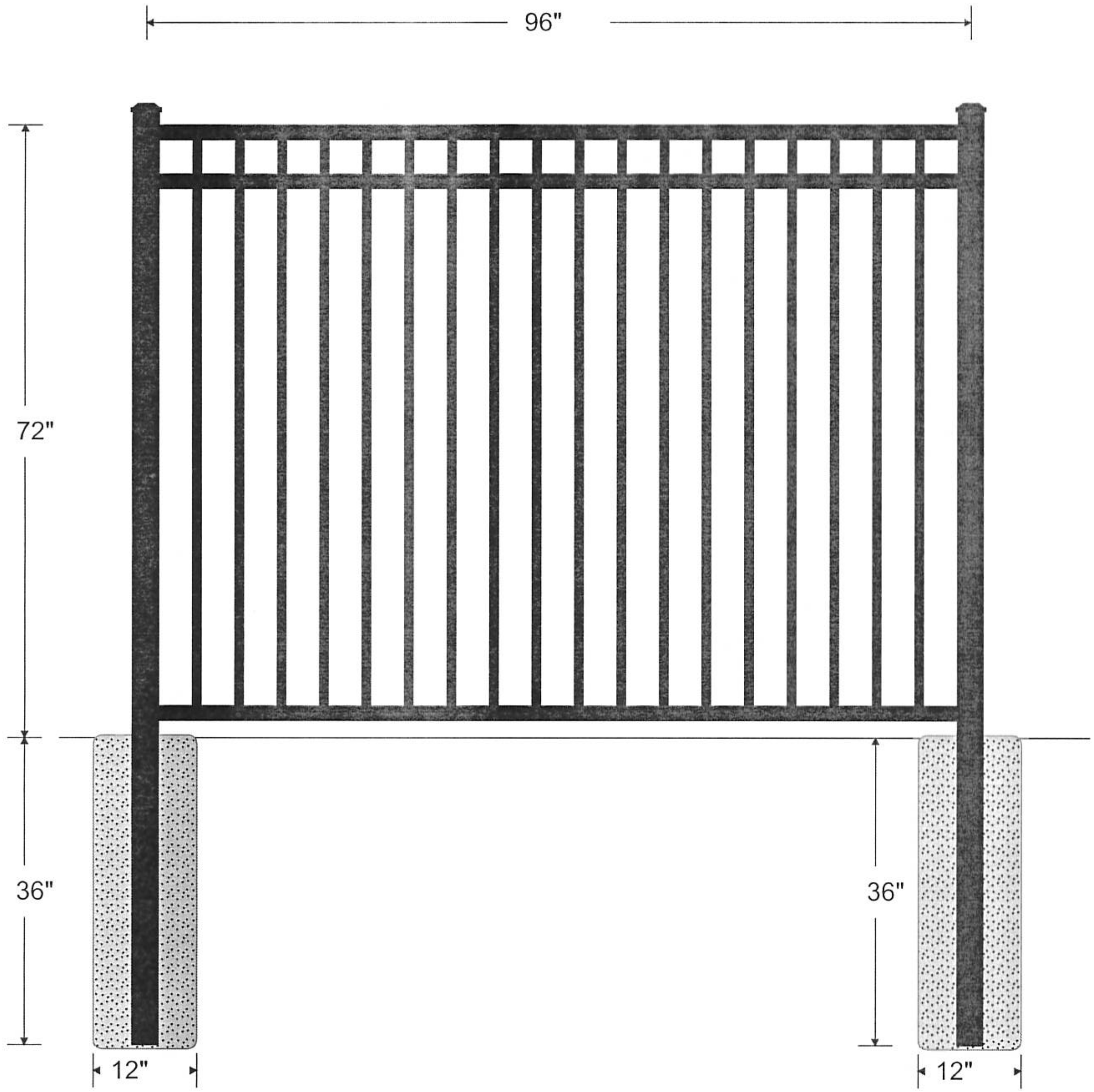
SALT LAKE CITY, UTAH 84104
1-888-GET-FENCE

72" X 48" Ornamental Single Swing Gate

Drawn: Jon 8/3/2022
File:



72" tall Ornamental Fence.

Specifications:

3" X 3" X 110" Terminal Post with Flat Pressed Steel Post Cap, 12" post footing diameter and 36" post footing depth.

3" X 3" X 110" Line Post with Flat Pressed Steel Post Cap, 12" post footing diameter and 36" post footing depth.

1 3/4" Top Rail.

1 3/4" Middle Rail.

1 3/4" Bottom Rail.

1" Picket. There is a 3.9474" space between each picket.

The Line Post Spacing is 96" O.C.

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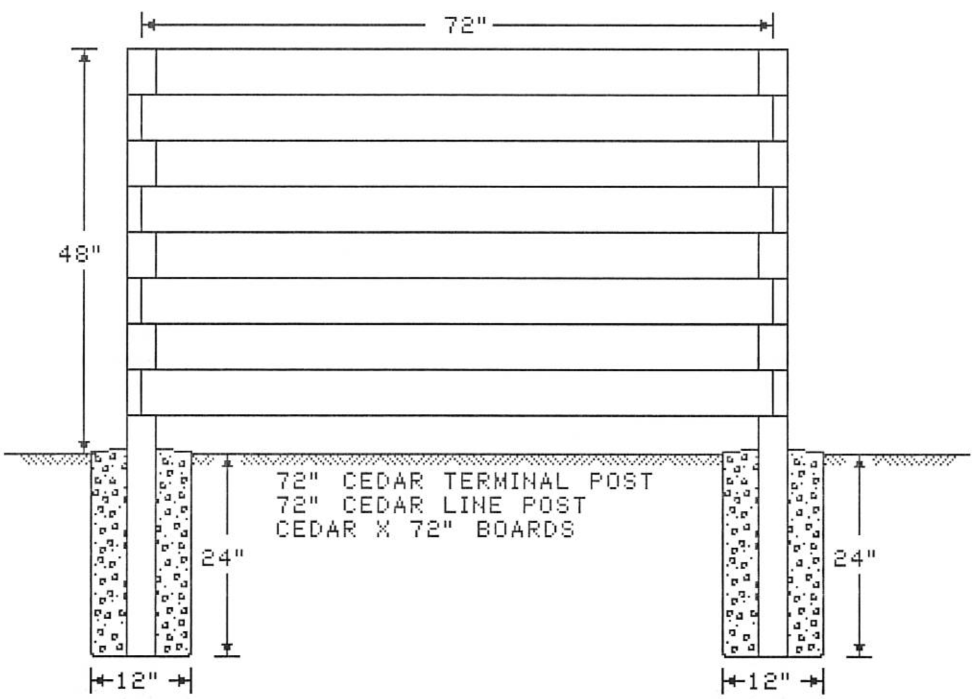
Top Golf Vineyard 6' Tall Echelon 2
SALT LAKE CITY, UTAH

72" Ornamental Line of Fence

Drawn: Jon 8/3/2022
File:



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SALT LAKE CITY, UTAH 84104
1-888-GET-FENCE

Top Golf Vineyard 4' Tall Line of Fence Submittal	DRAWN BY: Jon 07/22/22	SCALE:	PAGE:
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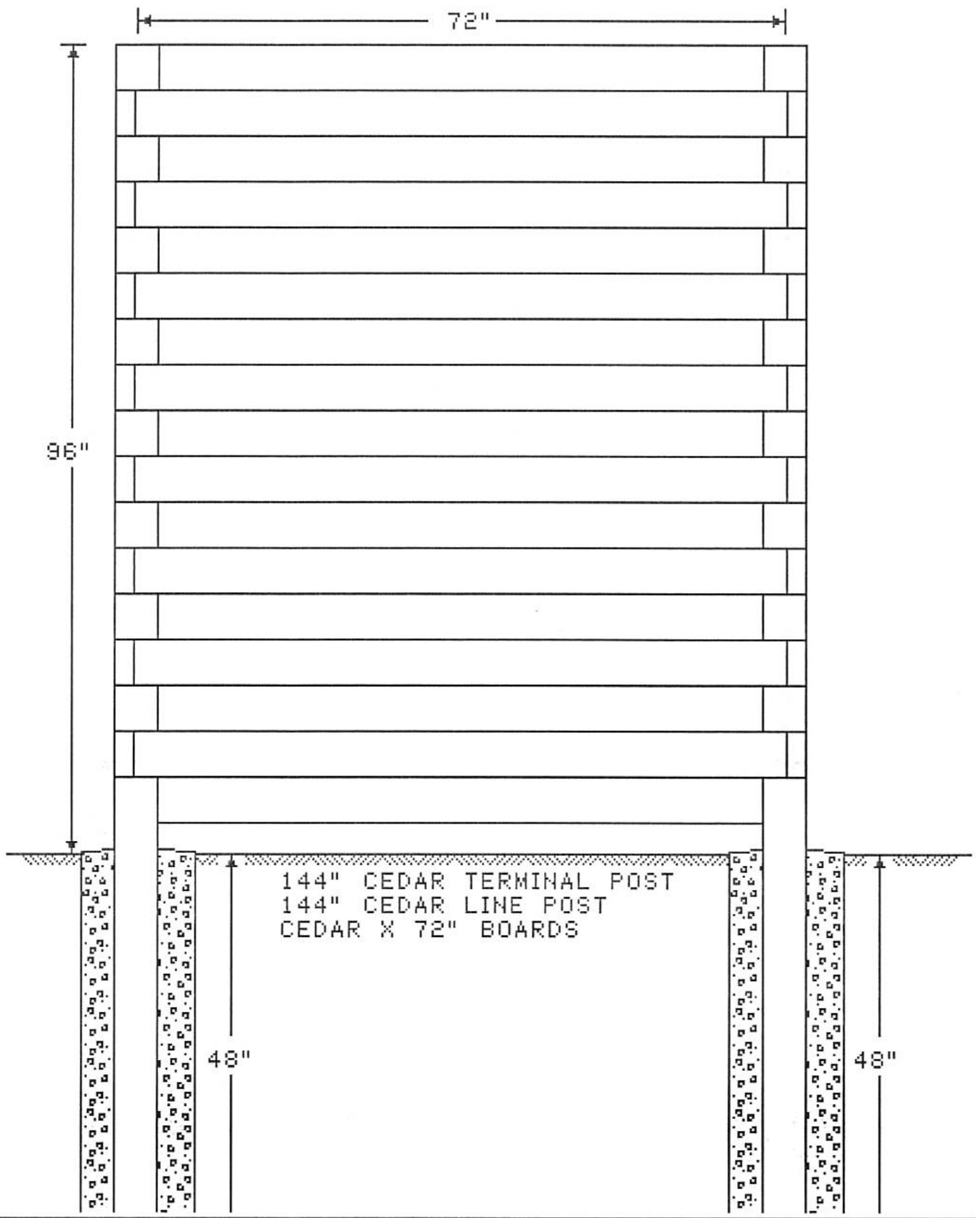

Western Fence Co.

WESTERN FENCE CO., INC.
1935 S Fremont Dr
SALT LAKE CITY, UTAH 84104
1-888-GET-FENCE

Top Golf Vineyard 8' Tall Line of Fence Submittal	DRAWN BY: Jon 07/22/22	SCALE:	PAGE:
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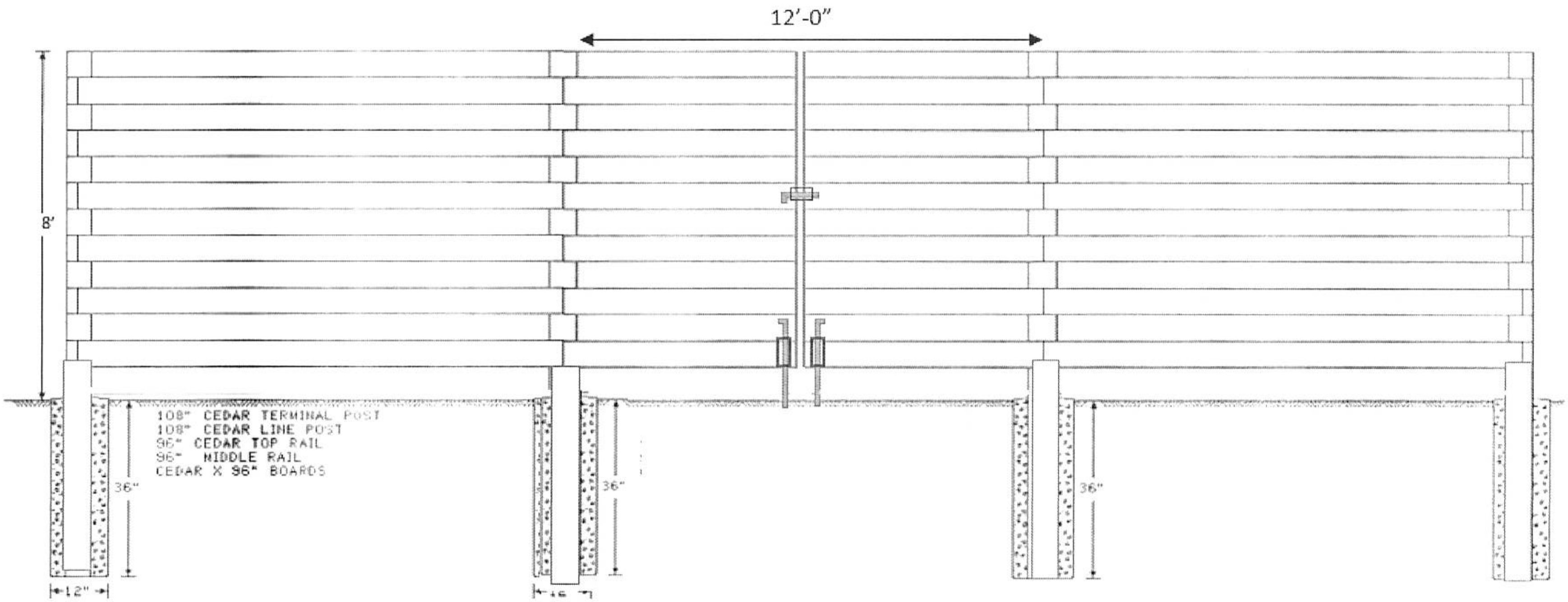

Western Fence Co.

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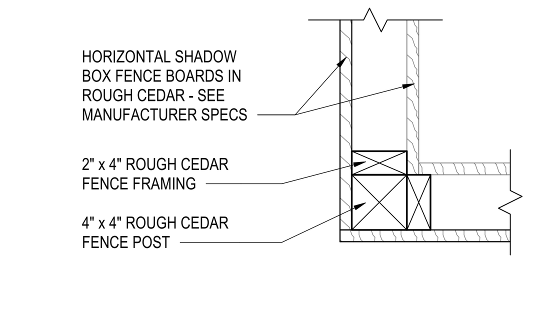
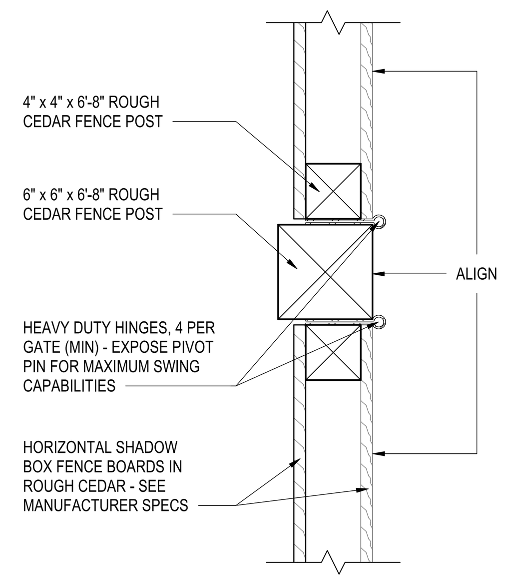
SALT LAKE CITY, UTAH 84104
1-888-GET-FENCE

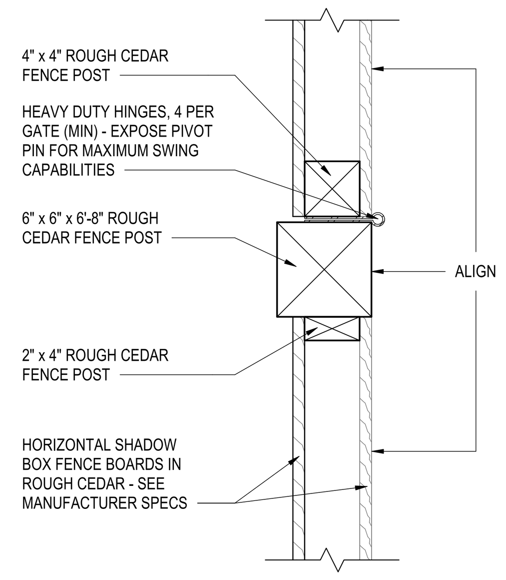
Top Golf Vineyard	DRAWN BY: Jon 07/18/22	SCALE:	PAGE:
	REVISED: 07/18/22	FILE: Top Golf	1 of 1



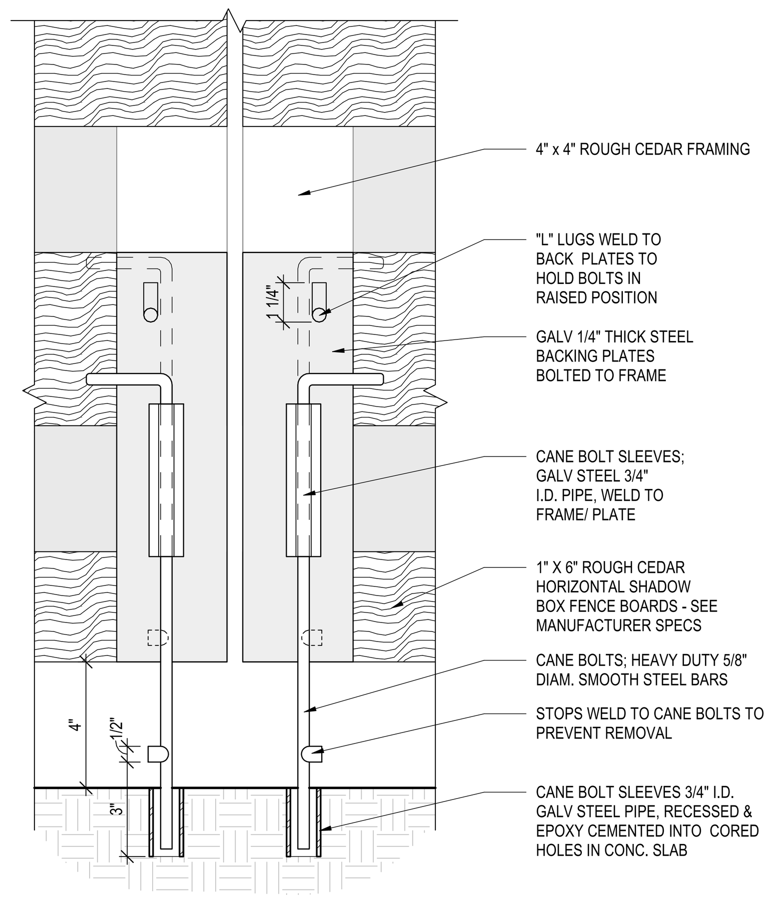
12 PLAN DETAIL
1 1/2" = 1'-0"



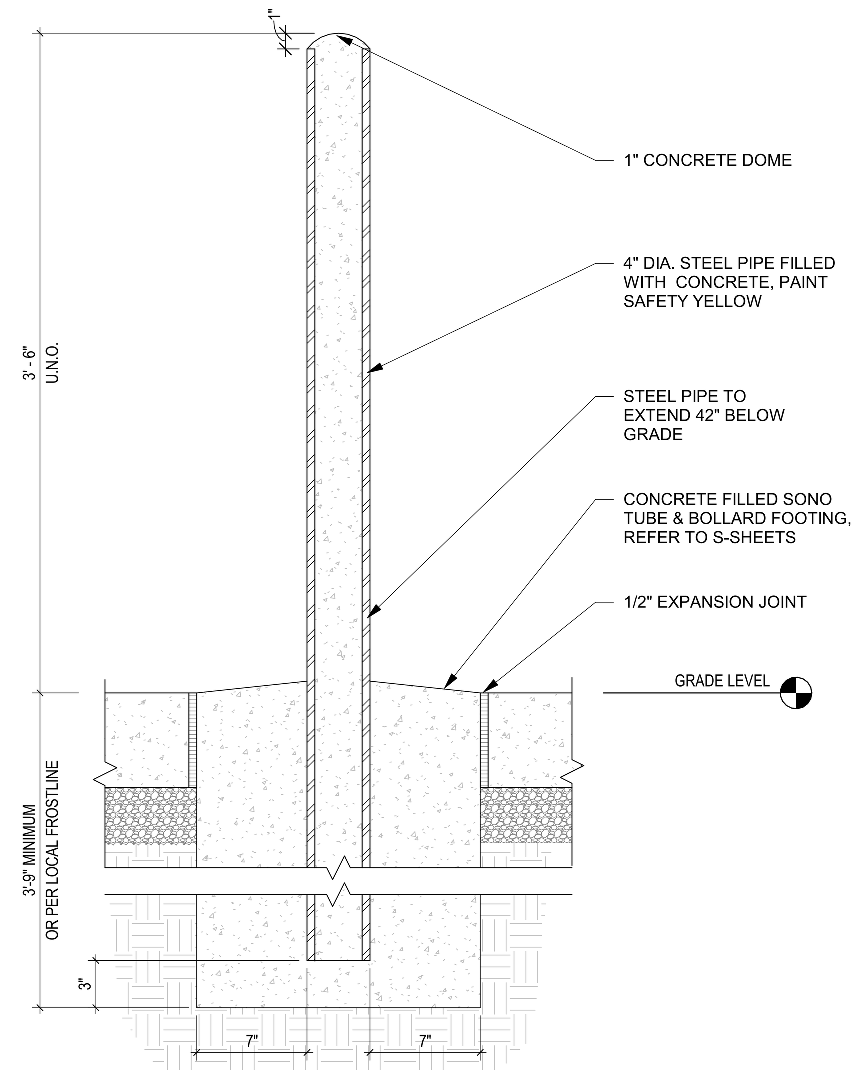
11 PLAN DETAIL
1 1/2" = 1'-0"



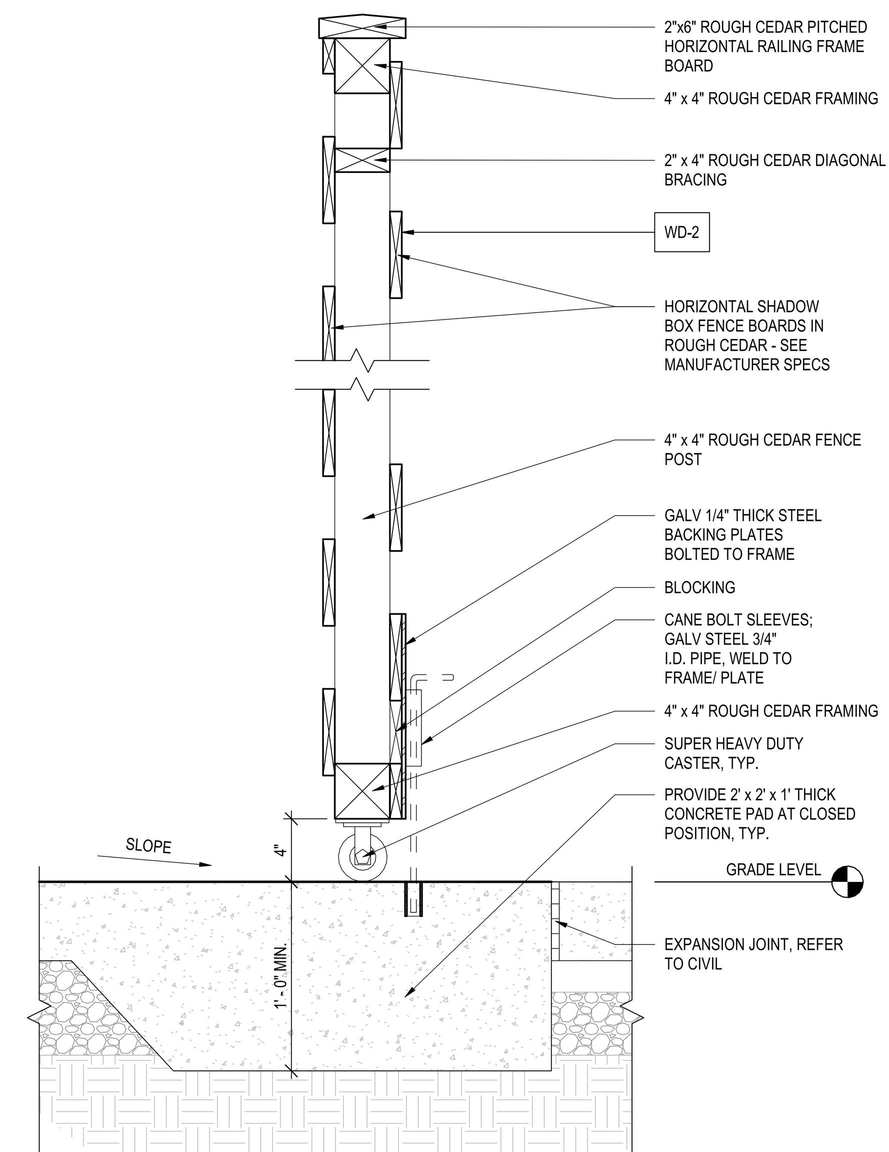
10 PLAN DETAIL
1 1/2" = 1'-0"



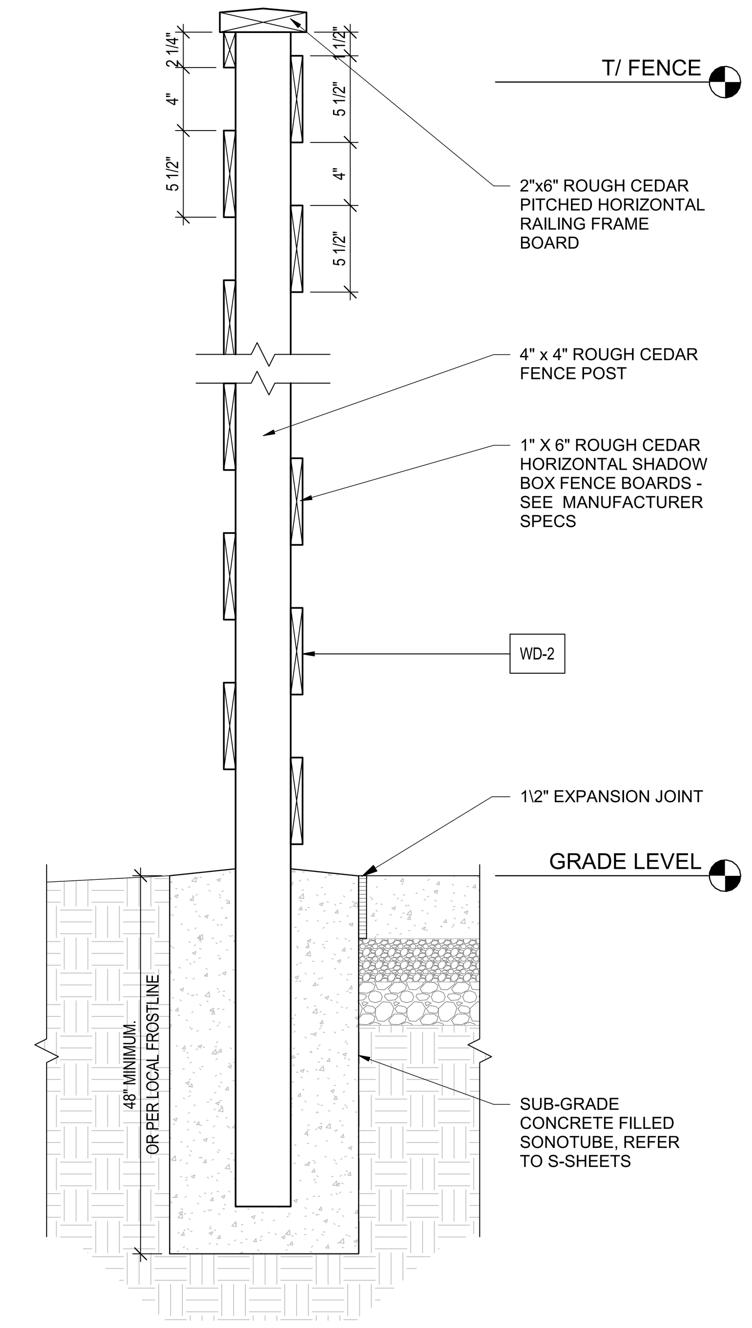
8 GATE DETAIL
3" = 1'-0"



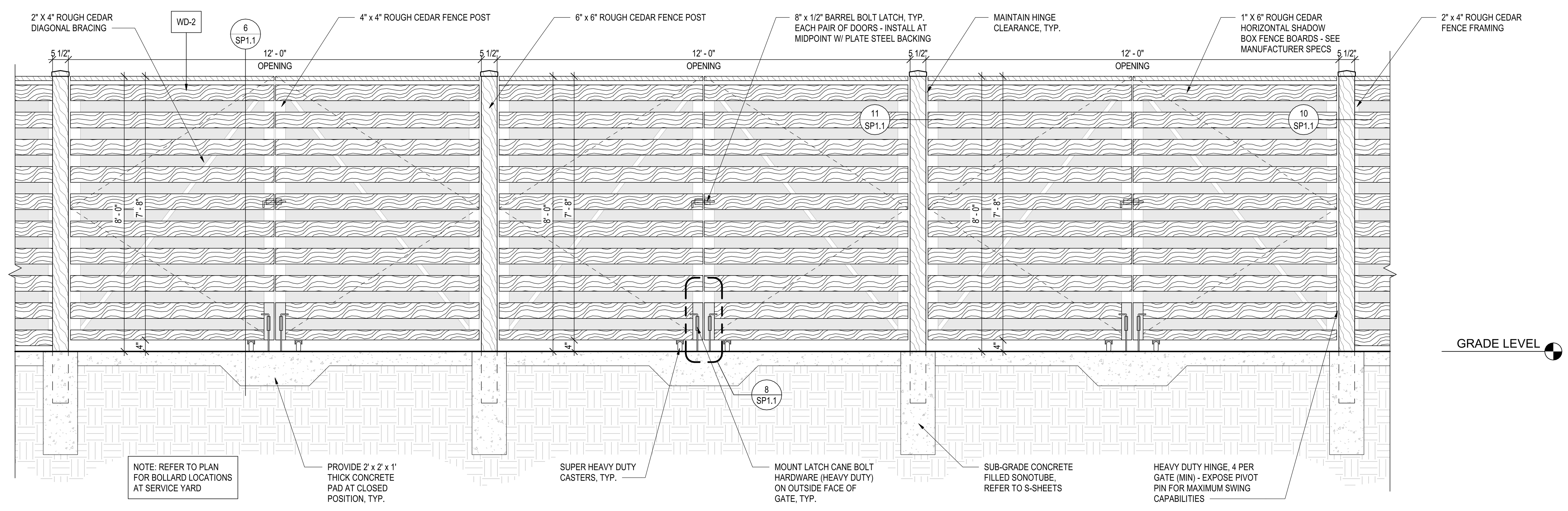
7 BOLLARD DETAIL
1 1/2" = 1'-0"



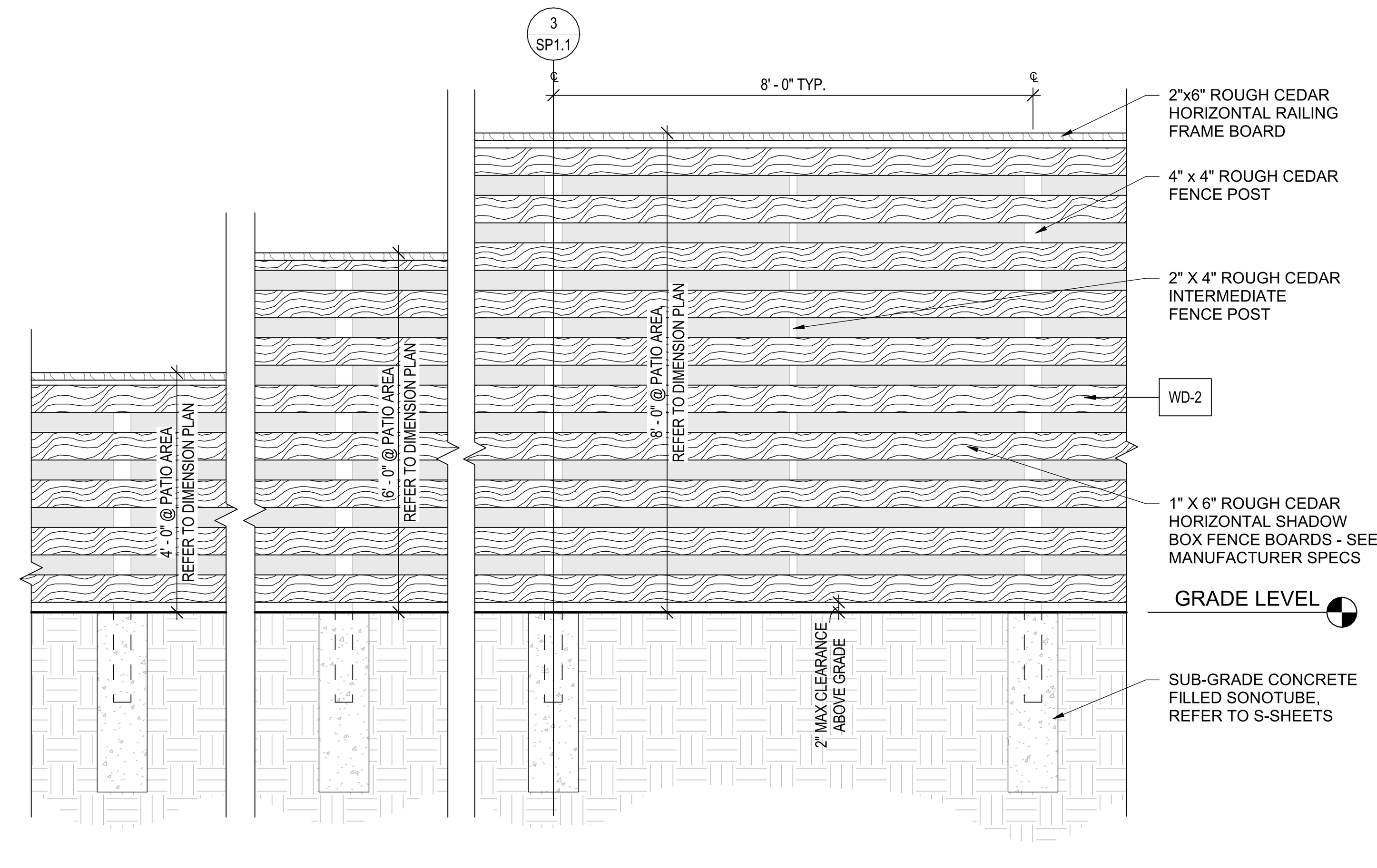
6 GATE SECTION
1 1/2" = 1'-0"



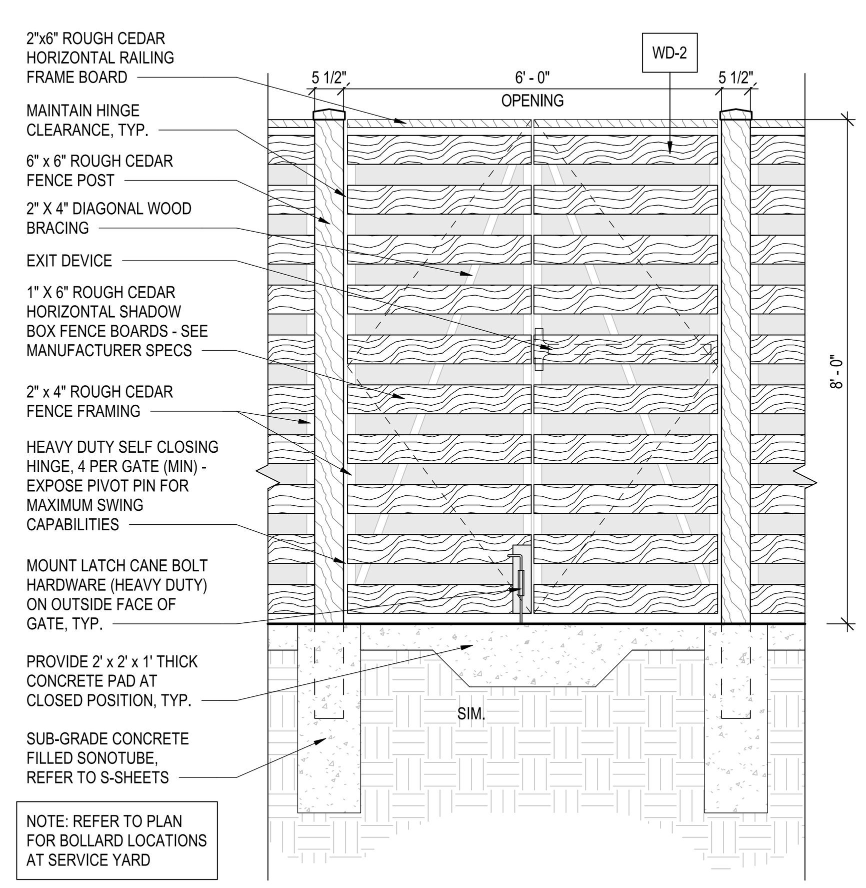
3 FENCE SECTION
1 1/2" = 1'-0"



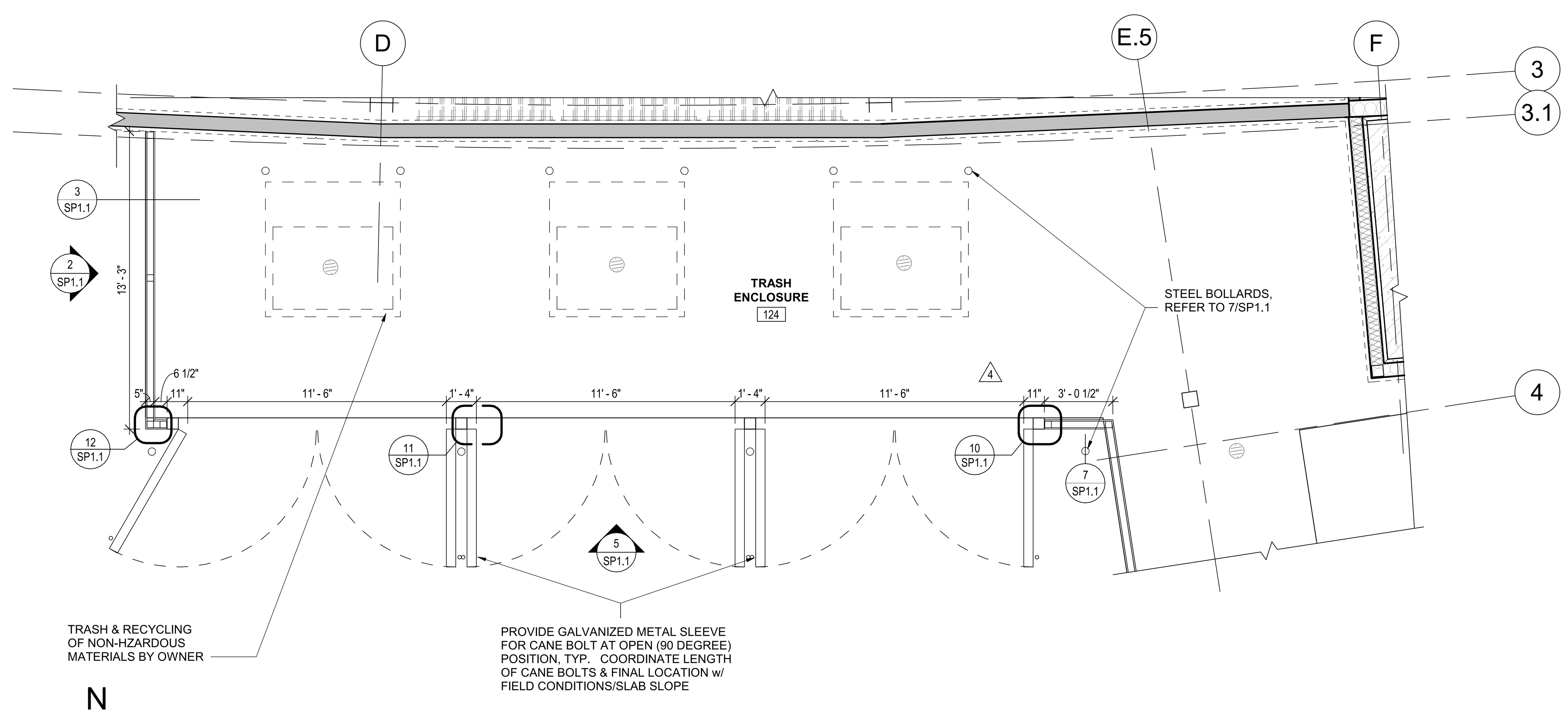
5 FENCE ELEVATION
1/2" = 1'-0"



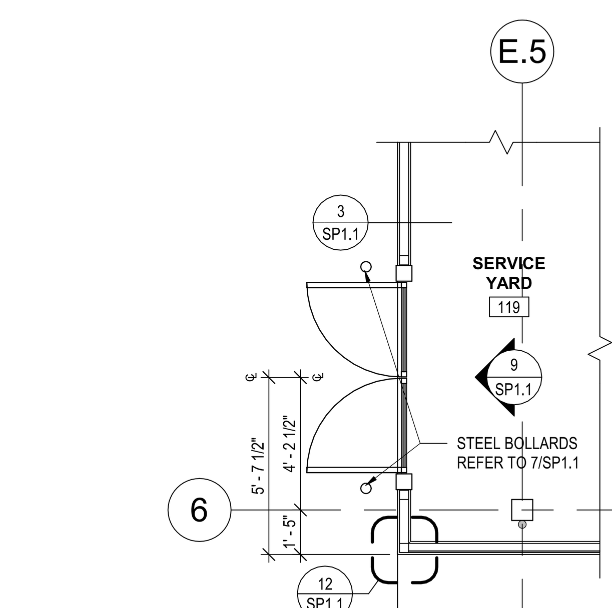
2 FENCE ELEVATION
1/2" = 1'-0"



9 GATE ELEVATION
1/2" = 1'-0"



4 TRASH ENCLOSURE GATE PLAN
1/4" = 1'-0"



1 SERVICE YARD GATE PLAN
1/4" = 1'-0"

aria GROUP
830 North Blvd.
Oak Park, Illinois 60301
708-445-8400
ariainc.com
ARIA GROUP ARCHITECTS, INC.

TOPGOLF®
TOPGOLF VINEYARD, UT
484 NORTH 700 EAST
VINEYARD, UT 84057

FIELD VERIFICATION
Contractor shall verify all figured dimensions and conditions at the job site and notify Aria Group Architects, Inc. of any dimensional errors, omissions or discrepancies before beginning or fabricating any work. Do not scale these drawings.

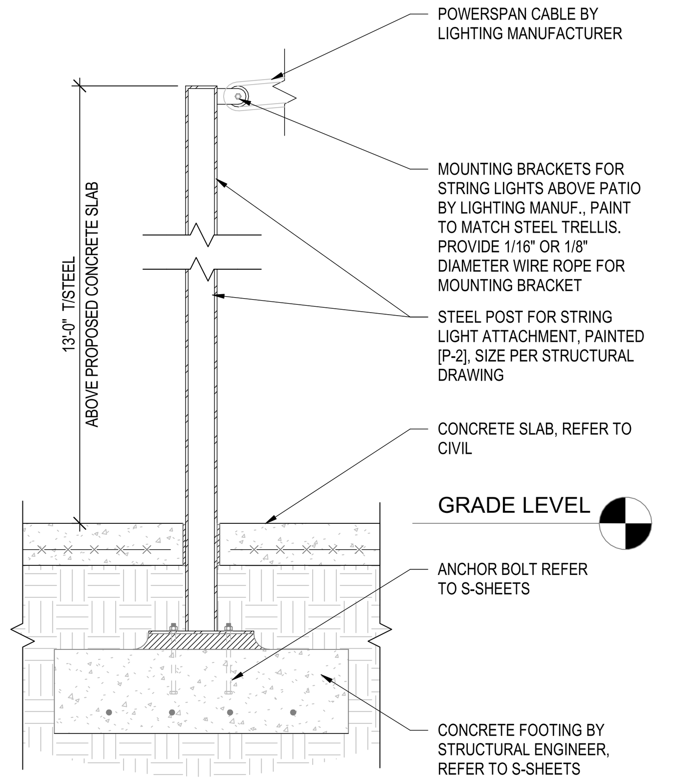
NO.	DATE	REMARKS
4	04/13/2022	BULLETIN #1
1	12/20/2021	ISSUED FOR GMAX
	12/06/2021	ISSUE FOR PERMIT

REVISIONS

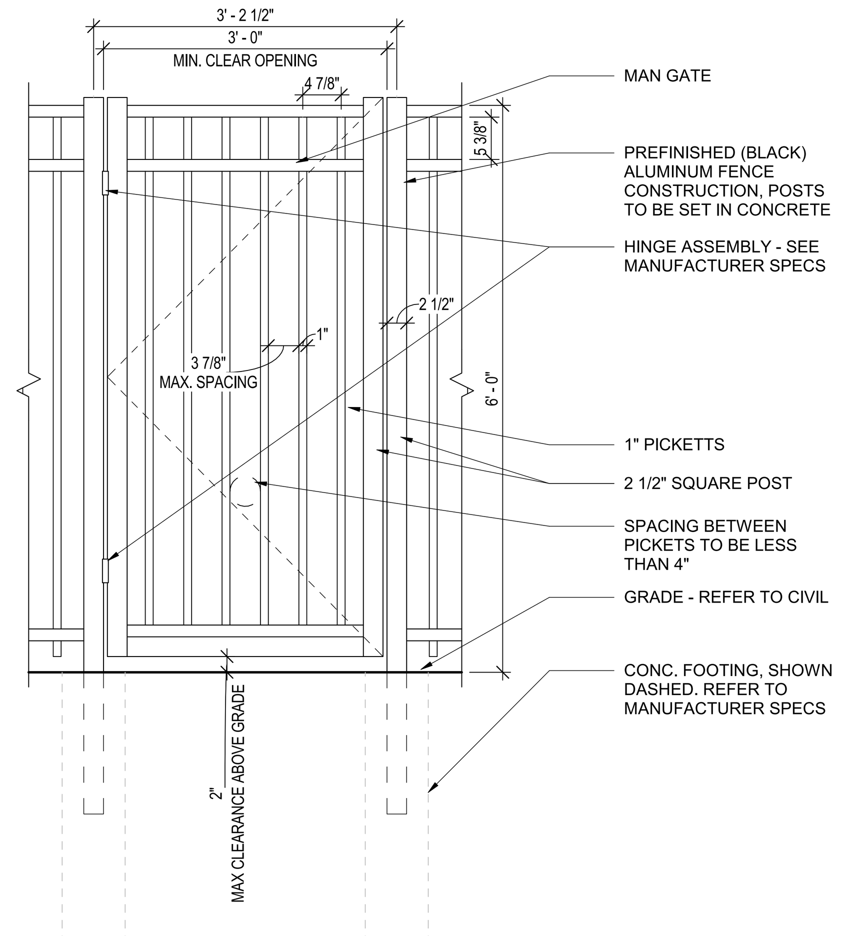
Drawing Title
SITE PLAN DETAILS

Job No.	Drawn
214804	Author
Scale	Date
As indicated	10/25/2021

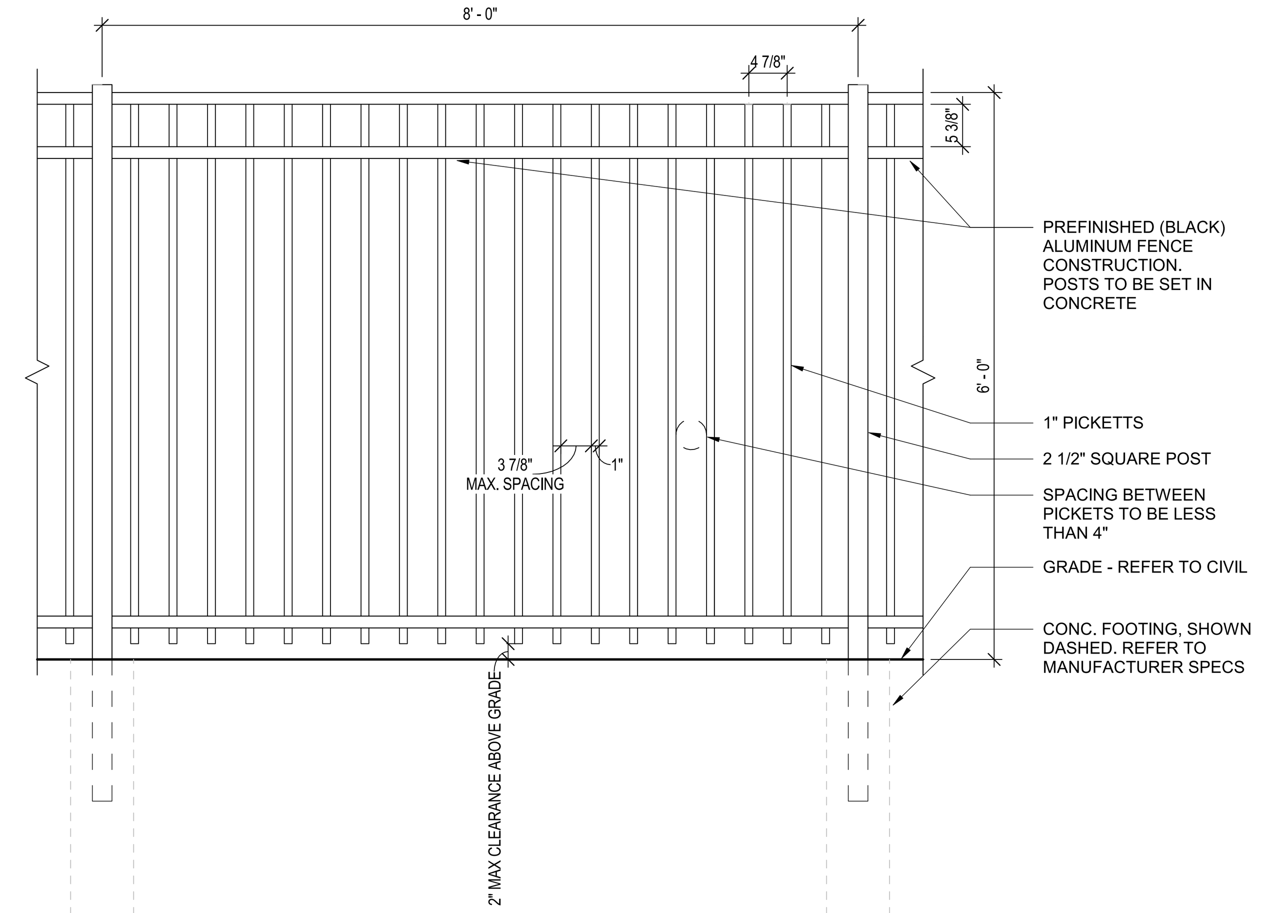
Sheet No.
SP1.1



4 FOOTING DETAIL
1" = 1'-0"



3 ALUMINUM FENCE WITH MAN GATE DETAIL ELEVATION
3/4" = 1'-0"



2 ALUMINUM FENCE DETAIL ELEVATION
3/4" = 1'-0"

1 MINI GOLF AND PATIO FENCING DIMENSION PLAN
1/8" = 1'-0"

aria GROUP
830 North Blvd.
Oak Park, Illinois
60301
708-445-8400
ariainc.com
ARIA GROUP ARCHITECTS, INC.

484 NORTH 700 EAST
VINEYARD, UT 84057

FIELD VERIFICATION
Contractor shall verify all figured dimensions and conditions at the job site and notify Aria Group Architects, Inc. of any dimensional errors, omissions or discrepancies before beginning or fabricating any work. Do not scale these drawings.

NO.	DATE	REMARKS
6		
	12/06/2021	ISSUE FOR PERMIT

REVISIONS

Drawing Title
SITE PLAN DETAILS

Job No.	Drawn
214804	AR
Scale	Date
As indicated	10/25/2021

Sheet No.
SP1.2
REVISED

8/10/2022 1:31:00 PM BIM 360://214804-TOPGOLF VINEYARD/214804_R21_A_TOPGOLF VINEYARD.rvt

VINEYARD
STAY CONNECTED

VINEYARD PLANNING COMMISSION STAFF REPORT

Meeting Date: 8-17-2022

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

Department: Engineering

Presenter: Naseem Ghandour, P.E.

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 PLANNING COMMISSION 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 recommend ordinance 2022-14 for approval to the City Council, adjusting the Sewer Impact Fee as presented by city staff.

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

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

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

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

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

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.

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

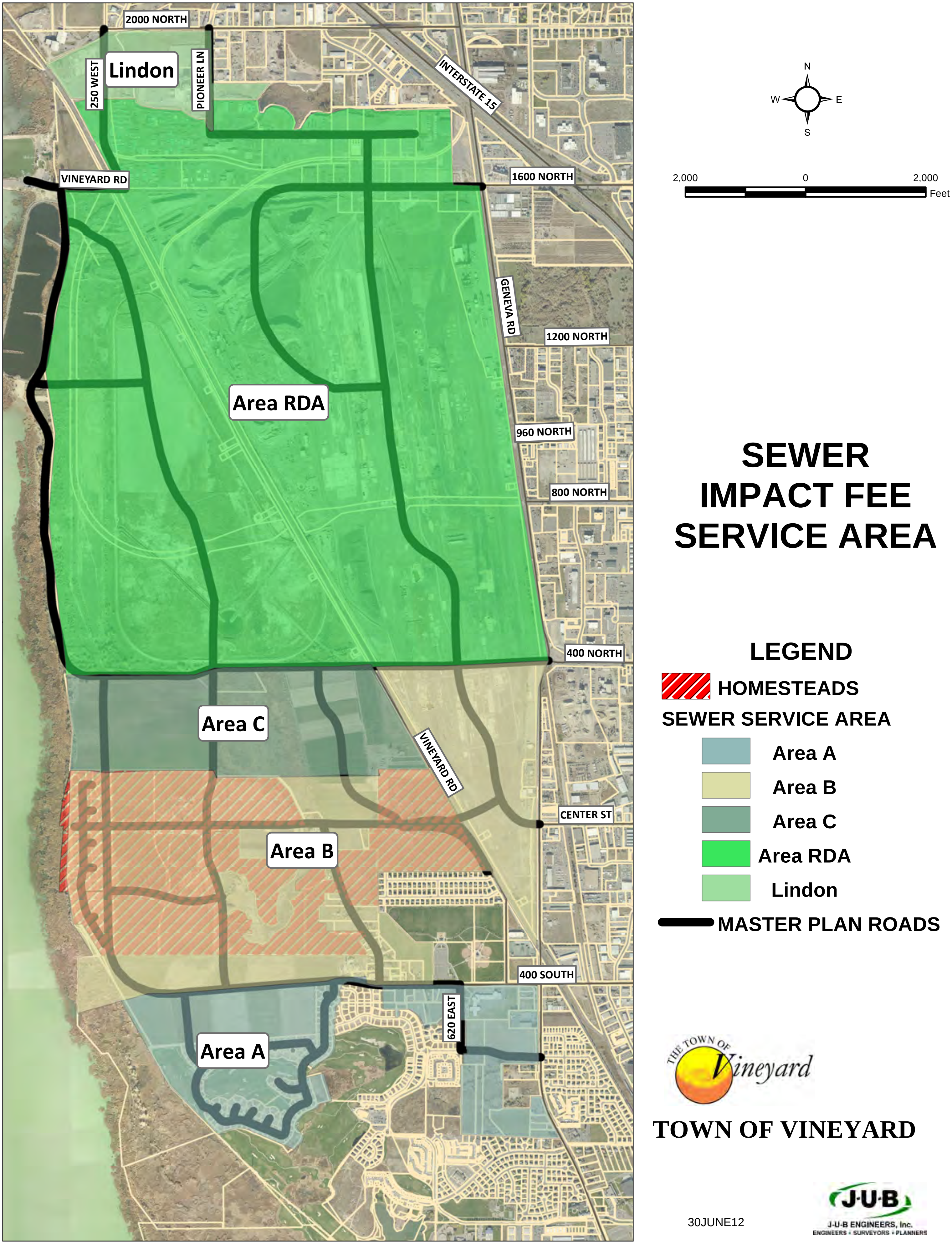
This ordinance was recorded in the office of the Vineyard Town Recorder on the 5th day of December, 2003, with a short summary published on the 11th day of March, 2004 in the Orem/Geneva Times a newspaper published in Orem Utah, and/or complete copies placed on three separate posting boards throughout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



SEWER IMPACT FEE SERVICE AREA

LEGEND

HOMESTEADS

SEWER SERVICE AREA

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

MASTER PLAN ROADS

TOWN OF VINEYARD

30JUNE12

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

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 2nd missed read = $100 3rd missed read = $200 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

Community Development

Date:	Wednesday, August 17, 2022
From:	Briam Amaya Perez, Planner II
To:	Planning Commission
Item:	Moderate Income Housing Element of General Plan – Work Session
Permit:	NA
Address:	125 S Main St., Vineyard, Utah, 84059
Parcel No:	NA
Applicant:	City Initiated
Owner(s):	NA

BACKGROUND

During the August 3, 2022, Planning Commission meeting, the Commission held a work session to discuss Vineyard City's plans and strategies for providing moderate income housing. Through HB462 (update to SB34 from 2019), the State of Utah is requiring that all municipalities update their moderate income housing plans by October 1, 2022. Vineyard will be required to updates its MIHP to add an implementation timeline and submit to the Department of Workforce Services (DWS) by October 1, 2022. The moderate income housing report submitted in 2022 shall include: a description of each moderate income housing strategy selected by the municipality for implementation, and an implementation plan.

In the August 3, 2022 meeting, the Commission was presented with the various strategies for selection outlined in Utah Code 10-9a-403 'General Plan Preparation'. The Commission was tasked with reading each of these goals, selecting the strategies that they feel Vineyard City is already accomplishing, and selecting future strategies they would like Vineyard City to prioritize moving forward and include in the revised report due on October 1, 2022. That same list has been attached to this report. In this week's meeting the Commission will follow up and choose which goals and strategies they feel are most appropriate and most effective at this time for the city to focus on.

ATTACHMENTS

Strategies from State Code 10-9a-403 'General Plan Preparation'

UTAH CODE 10-9A-403 'GENEAL PLAN PREPARATION'

Below are the lists of strategies that may be selected and incorporated into Vineyard's MIHP:

a) rezone for densities necessary to facilitate the production of moderate income housing;
b) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
c) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
d) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
e) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
f) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;
g) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
h) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
i) amend land use regulations to allow for single room occupancy developments;
j) implement zoning incentives for moderate income units in new developments;
k) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;
l) reduce, waive, or eliminate impact fees related to moderate income housing;
m) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
n) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
o) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
p) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;

q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
r) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
s) create a program to transfer development rights for moderate income housing;
t) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
u) develop a moderate income housing project for residents who are disabled or 55 years old or older;
v) develop and adopt a station area plan in accordance with Section 10-9a-403.1;
w) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and
x) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing; and

Community Development

Date:	Wednesday, August 17, 2022
From:	Briam Amaya Perez, Planner II
To:	Planning Commission
Item:	Heritage and Cultural Resources Element of General Plan – Work Session
Permit:	NA
Address:	125 S Main St., Vineyard, Utah, 84059
Parcel No:	NA
Applicant:	City Initiated
Owner(s):	NA

BACKGROUND

During the April 20, 2022, and May 18, 2022, Planning Commission meetings, the Commission reviewed proposed text changes to the existing Heritage and Cultural Resources element/chapter of the Vineyard City General Plan. The revisions presented on those dates were provided by Community Development Department Staff. The revisions being presented during this week's meeting have been made by the Vineyard Heritage Committee and are a continuing draft of the work completed by staff. This draft has been attached to the staff report. Staff invites all members of the public to read their draft and come to the meeting prepared to discuss ways that Vineyard could honor and celebrate its heritage and cultural resources.

ATTACHMENTS

Redlines from May 18, 2022

Recent Redlines from Vineyard Heritage Committee

GOAL 1: Identify and locate significant historic vintage farm implements, tools, artifacts, buildings and other heritage-related items.

Strategy 1: Identify, locate and create an inventory of significant historically related implements, tools, buildings, properties and other such artifacts. Continue dialogue with owners of these items in order, to the degree possible, reassign ownership to the Vineyard Heritage Foundation or receive them on loan.

Strategy 2: Use Vineyard's Trails and Parks overall master plan to determine proper placement for such artifacts/implements, etc. for display and enjoyment of all residents and visitors.

Strategy 3: Create a Vineyard Heritage Museum, Cultural Center and/or viewing area specifically for the purpose of demonstrating the rich life of Vineyard's forefathers.

GOAL 2: Identify, locate, and preserve significant sites of historical importance throughout the City.

Strategy 1: Using existing maps and other resources, specifically identify historically important and culturally rich sites and areas that need to be noted, preserved, cataloged and identified with signage.

Strategy 2: Where possible, work with homeowners/land owners to nominate sites and structures that meet the criteria to be registered on the National Register of Historic Places.

Strategy 3: Designate the principal/major trail throughout Vineyard as the Vineyard Heritage Trail with appropriate signage placed throughout the system.

Strategy 4: Expand the existing "Gammon Park" with the adjacent undeveloped property, into a larger and vibrant multi-faceted "Vineyard Heritage Park".

GOAL 3: Enhance and promote the City's historical character to increase visitation and commerce throughout the City and to help all residents and visitors appreciate and connect with the past.

Strategy 1: Working with BYU Library and other institutions, establish a traveling historical exhibit relating to Geneva Steel that can be exhibited in Vineyard on loan and or on special occasions.

Strategy 2: Support the preparation and publication of brochures and other written and online resources that provide visitors with information on the City's history and significant history-related resources, such as online access to the book "Our Vineyard Heritage" on the City's website.

Strategy 3: Obtain as many oral and written personal histories and photos from original families as possible and have them published online on the City's website.

Strategy 4: Create self-guided history and heritage tours and materials to be used on bike trails and hiking trails throughout the entire trail system. Consider augmented reality system to show historic uses of sites.

GOAL 4:

Strategy 1: Work with private sector investment in preservation and renovation projects.

Strategy 2: Create theme-based park benches and other public area features that recognize and promote Vineyard's history.

HERITAGE AND CULTURAL RESOURCES

GOAL 1: Introduce innovative, enjoyable, creative, and educational ways to recognize, celebrate and display Vineyard's rich and diverse heritage and culture

STRATEGY 1. Create an inventory of significant, historic farm implements, tools and artifacts and Geneva Steel artifacts, pictures and tools: establish dialogues with the owners of such items to reassign their ownership to the Vineyard Heritage Foundation, the City, or to receive them on loan; determine locations for these implements to be on public display with appropriate explanations and descriptions.

STRATEGY 2. Expand the existing Gammon Park with the adjacent, underdeveloped property into a larger, multi-faceted "Vineyard Heritage Park". Incorporate gardens, reflecting pool, an indoor/outdoor heritage museum, historic educational center, and/or cultural center into the design.

STRATEGY 3: Obtain oral/written histories and photographs from Vineyard past/present families and from former Geneva Steel employees, that can be published on the city's website and in other media or locations for public consumption.

STRATEGY 4: Secure funds for at least one significant historical preservation project per year such as the designation of the Vineyard Heritage Trail. This trail could incorporate a self-guided tour with physical and/or virtual materials.

STRATEGY 5: Incorporate historically themed design features to public parks and gathering areas and to other amenities such as benches, waste bins, and light posts.

GOAL 2: Enhance and promote the City's diverse historical character and resources to increase general awareness, education, commerce and tourism.

STRATEGY 1: Identify, catalogue, and preserve historically significant sites/structures or other properties throughout the city. Work to have these recorded on the Register of Historic Places (where appropriate) and other related/pertinent databases. Team up with property owners to allow the public to visit/tour these sites.

STRATEGY 2: Work with local higher educational institutions, such as BYU and UVU to create internships within the city to help in the identification, promotion and preservation of all related historical sites, artifacts, etc. Working with these educational institutions also partner to showcase local, historical exhibits (i.e., traveling displays, photographs, oral histories, artwork, artifacts, etc.), These could be displayed on campus, City Hall, Museums, city-sponsored events, and other community gatherings.

STRATEGY 3: Working with private and public elementary and secondary schools in Vineyard create an age-appropriate curriculum focusing on Vineyard's history as part of the regular Utah history curriculum.

STRATEGY 4: Work to publish written and online materials (such as handouts, brochures, webpages, blog articles, etc.) about Vineyard's history, not only for general information but also to provide self-guided historical tours.

STRATEGY 5: Using advancing technologies (GPS, satellites, etc.) create an interactive data base allowing anyone in Vineyard, using their own technology devises, to see a picture with narration of what was on a specific property at their location in early years.

STRATEGY 6: The Vineyard Zoning Code (VZC) shall require the development community to incorporate historical-based themes in the design guidelines and principles for the general education, preservation and/or renovation/construction of building, structures, streets and landscapes.

Heritage and Cultural Resources

GOAL 1: Introduce fun, creative, and educational ways to celebrate and display Vineyard's rich heritage and cultural resources.

Strategy 1: Create an inventory of historically related implements, tools, and artifacts. Continue dialogue with owners of these items to reassign their ownership to the Vineyard Heritage Foundation or to receive them on loan.

Strategy 2: Use Vineyard's comprehensive master plans to determine proper placement for such artifacts/implements for the display and enjoyment of all residents and visitors.

Strategy 3: Expand the existing Gammon Park into the adjacent, undeveloped property. Create a Vineyard Heritage Museum, Cultural Center, and/or viewing area to showcase Vineyard's heritage.

Strategy 4: Obtain oral/written histories and photographs that can be published online and in other locations for public consumption.

Strategy 5: Secure funds for at least one significant historical project per year, such as the Vineyard Heritage Trail. This trail could incorporate appropriate signage and a self-guided tour with physical and/or virtual materials. Consider augmented reality features throughout the greater trail network.

Strategy 6: Incorporate historically themed programming and design features throughout public property that enhances a sense of place and community.

GOAL 2: Enhance and promote the City's historical and cultural resources to increase commerce and tourism

Strategy 1: Identify, catalogue, and preserve historical buildings, sites, and properties throughout the City. Have these recorded on the Register of Historic Places and other relevant databases. Partner with property owners to allow the public to visit/tour these sites.

Strategy 2: Work with local, education institutions, such as BYU and UVU, to showcase local, historical exhibits (i.e., photographs, artwork, artifacts, etc.). These could be displayed at City Hall, City-sponsored events, and other community events.

Strategy 3: Prepare and publish written and online material that provide visitors with information on the City's history.

Strategy 4: The Vineyard Zoning Code (VZC) shall incorporate standards for the historical preservation and renovation of buildings, sites, and structures.