

CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
February 26, 2013 – REGULAR SESSION  
*Revised: February 22, 2013*

City Council Chambers  
55 South State Street  
Third Floor  
Clearfield, Utah

**Mission Statement:** To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

*Councilmember Shepherd will participate in the meeting electronically via a speaker phone.*

**6:30 P.M. WORK SESSION**

Discussion on Future CDBG Infrastructure Projects  
Discussion on the Youth City Council (YCC)  
Discussion on an Entrance Design for the Clearfield Community Arts Center

*(Any items not addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)*

**7:00 P.M. REGULAR SESSION**

CALL TO ORDER:

Mayor Wood

OPENING CEREMONY:

Youth City Councilmember Makenna Hill

APPROVAL OF THE MINUTES:

February 12, 2013 – Regular Session

***PRESENTATION:***

1. **PRESENTATION TO DONALD KEN ROBERTS FOR HIS SERVICE AS A MEMBER OF THE PARKS & RECREATION COMMISSION**

**BACKGROUND:** Ken Roberts has served the City as a member of the Parks & Recreation Commission and recently submitted a letter of resignation. Mr. Roberts had been a member of the Commission since 2001 and served as the Chair since April 2010. The Mayor and City Council desire to recognize Mr. Roberts for his service to the City.

***PUBLIC HEARING:***

2. **PUBLIC HEARING TO RECEIVE COMMENT ON A PARK CAPITAL FACILITIES PLAN AND PARK IMPACT FEE ANALYSIS**

**BACKGROUND:** Staff has been working to revise the Park Impact Fee Plan and Park Capital Facilities Plan. It recently completed a RFP (Request for Proposal) and contracted with Lewis Young Robertson and Burningham (LYRB) and JUB Engineering to complete both analyses. The findings were presented to the City Council during the January 22, 2013 work session and discussed by the Council during the February 5, 2013 work session.

**RECOMMENDATION:** Receive public comment.

***SCHEDULED ITEMS:***

3. CITIZEN COMMENTS

***COMMUNICATION ITEMS:***

Mayor's Report  
City Councils' Reports  
City Manager's Report  
Staffs' Reports

**\*\*COUNCIL MEETING ADJOURN\*\***

Dated this 21<sup>st</sup> day of February, 2013.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. REGULAR SESSION  
February 12, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	Councilmember
	Mark Shepherd	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Valerie Claussen	Development Services Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Andrea Friebel – Six Feet Below, Martha Matthews, Wade Schofield – Six Feet Below, Amanda Schofield – Six Feet Below, Diane Morton – Six Feet Below, Ashley Morton – Six Feet Below, Ally Morton – Six Feet Below, James Rasmussen – Six Feet Below, Adriana Contreras – Six Feet Below, Jessica Batty – Six Feet Below, Brandon Atkinson – Six Feet Below, Randi Reynolds – Six Feet Below, Matthew – Six Feet Below, Tiffany Browning – Six Feet Below, Bridgett Madsen – Six Feet Below, Kian Kupfer – Six Feet Below, Tom Patterson, Shannon Hamilton – Six Feet Below, Billy Gray – Six Feet Below, Alyssa Maw – Six Feet Below, Jason Hays – Six Feet Below, Jared Petersen – Six Feet Below, Paula Bell – Six Feet Below, Chris Wilson – Six Feet Below, Joe Evans – Six Feet Below, Jon Elmer – Six Feet Below, Javier Alvarado, Chris Olson – Six Feet Below, Shantell Olson – Six Feet Below, Sharon Heckerman – Six Feet Below

Mayor Wood informed the citizens present that if they would like to comment during the Public Hearings or Citizen Comments there were forms to fill out by the door.

Councilmember LeBaron conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JANUARY 15, 2013 WORK SESSION, THE JANUARY 22, 2013 WORK SESSION, AND THE JANUARY 22, 2013 REGULAR SESSION

Councilmember Murray requested the January 15, 2013 work minutes be amended to reflect the inclusion of the following as part of her Projects and Goals Presentation; *Continue budgeting for a maintenance fund for City assets.*

**Councilmember LeBaron moved to approve the minutes from the January 15, 2013 work session as amended, the January 22, 2013 work session, and the January 22, 2013 regular session as written, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE COMMENT ON PROPOSED AMENDMENTS TO TITLE 4 – BUSINESS AND LICENSE REGULATIONS AND TITLE 11 – LAND USE REGULATIONS OF THE CITY CODE REGARDING TATTOO OR BODY PIERCING ESTABLISHMENTS

Valerie Claussen, Community Development Manager, explained Community Development received an application for a text amendment request which would permit existing licensed tattoo establishments to relocate to another location, within the C-2, commercial, zoning district, not within 2000 feet of another same-type establishment. This request was deemed necessary by the applicants, because under current City Code the use was not permitted in any zoning district within the City. All existing tattoo or body piercing establishments were recognized as legal, non-conforming uses.

Ms. Claussen reported staff proposed three alternatives for consideration which would be applied City-wide and not just in this particular instance. She indicated both Title 4 and Title 11 would require modification. She stated there were currently three tattoo establishments located within the City and one additional establishment that had not renewed its business license.

Ms. Claussen presented and reviewed the three alternatives for consideration:

- Alternative A – permitted in C-2, commercial, with an approved Conditional Use Permit (CUP) and a separation requirement to not be located within 1/3 mile (1,760 feet) of another tattoo establishment and 880 feet of a payday lending, pawn, or sexually oriented business
- Alternative B – permitted in C-2, commercial, and M-1, manufacturing, with an approved CUP and a separation requirement to not be located within 1/3 mile (1,760 feet) of another tattoo establishment and 880 feet of payday lending, pawn or sexually oriented business
- Alternative C – permitted in M-1, manufacturing, with an approved CUP and a separation requirement to not be located within 1/3 mile (1,760 feet) of another tattoo establishment and 880 feet of payday lending, pawn, or sexually oriented business. A relocation provision for existing businesses to relocate to another property within the same zoning district in which it was originally located and any new tattoo establishments would be required to obtain a CUP in the M-1 zoning district in addition to meeting distance requirements (which would now require a change to draft language for a CUP).

Ms. Claussen mentioned additional text amendment elements would be required, specifically, the definitions in the supplementary standards as well as providing local and state health

requirements prior to business licensing. She added the text amendment specific to business licensing would require a provision that the applicant would need to demonstrate compliance with land use regulations. Ms. Claussen also reported the Planning Commission recommended Alternative A, based upon the City's Master Plan & Vision 2020, and that recommendation was before the Council for consideration.

Councilmember LeBaron requested clarification that Alternative C would still allow for an existing tattoo establishment in a C-2 zone to relocate to another C-2 zone; however, any new tattoo establishment would then be required to locate in the M-1 zone. Ms. Claussen responded in the affirmative.

Mayor Wood declared the public hearing open at 7:16 p.m.

Mayor Wood asked for public comments.

Christian Olsen, Clearfield, stated as a local contractor he had completed repairs to the building at Mr. Kupfer's expense. He continued the lease agreement would require the owner of the building to pay for improvements and not the business owner. He expressed his opinion Six Feet Below was a viable business in the City.

Andrea Freibel, Clearfield, stated she had worked at Six Feet Below shortly after it opened and reported she had witnessed the owner making repairs to the building, as opposed to the landlord. She emphasized the tattoo industry was highly regulated by the County Health Department and also the State of Utah. She encouraged the Council to allow the relocation.

Joe Evans, Clearfield, agreed with previous comments and stated he also worked at Six Feet Below for two years. He believed it would be in the best interest of those involved to allow the relocation. He expressed his opinion Six Feet Below would remain viable even if the City didn't allow the relocation.

Kian Kupfer stated he was the current owner of Six Feet Below and reported he had improved his business by providing services which generated revenue for Clearfield City. He indicated some of his clientele came from neighboring states to access the services the business provided. He stated he strived to improve the image of professional tattoo establishments as well as his own business. He desired to display a positive image and have others believe tattoo establishments could be considered "professional" in nature and expressed his support of either Alternative A or C.

**Councilmember Bush moved to close the public hearing at 7:23 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.**

CITIZEN COMMENTS

Martha Matthews, Goldstone Place, reported she had witnessed a violent attack of a small dog by two larger dogs allowed in the apartments by the management of Goldstone Apartments. She expressed her opinion the owner couldn't manage or control the large dogs. She believed the small dog didn't require medical attention but expressed her concern the next time an attack happened it could be against a small child. She expressed her opinion all apartments within the City shouldn't be allowed to have tenants who own large dogs given the close living quarters. She stated the large dogs were beautiful to admire; however, she didn't believe the apartment facility should allow large dogs since there is no private open space to accommodate them.

Ms. Matthews also expressed concern about the installation of a fire hydrant near Goldstone. She stated since the installation, she could visually see floating particles in her tap water and expressed concern about possible contamination which had resulted in her using bottled water.

Mayor Wood suggested she visit with Scott Hodge, Public Works Director, regarding the water issue and reported he would visit with Brian Brower, City Attorney, regarding the City's involvement with the dog issue.

Ms. Matthews expressed frustration with her experience in communicating her concerns regarding dog issues with Davis County Animal Control. She also inquired as to who would investigate an animal attack of a child. Mr. Brower explained if sufficient evidence were collected following a dog attack the police department would complete an investigation.

APPROVAL OF ORDINANCE 2013-02 APPROVING AMENDMENTS TO TITLE 4 – BUSINESS AND LICENSE REGULATIONS AND TITLE 11 – LAND USE REGULATIONS OF THE CITY CODE REGARDING TATTOO OR BODY PIERCING ESTABLISHMENTS

Brian Brower, City Attorney, emphasized the importance of establishing the reasons and justifications for amending the business license and land use regulations. He complimented the community development department staff for its preparation of the detailed report. He pointed out the Council, as the legislative body, could regulate particular types of uses but it was imperative to identify reasons and justifications for establishing the regulations.

Mayor Wood stated he was in favor of Alternative C for reasons stated earlier in the work session. He believed individuals in attendance at the work session had also expressed support for that option.

Councilmember Murray commented she read the petition by Six Feet Below's management that requested relocation. She expressed her opinion after considering the reason for moving and the proposed new location, it was in the best interest of the City to allow Six Feet Below's request to relocate. She added the business was trying to upgrade its appearance and continue its viability with the move. She expressed her opinion Alternative C was the best option because it aligned

with Vision 2020, the City's Strategic Plan, specific to upgrading the City's limited C-2, commercial, corridor and not limiting commercial development to one specific use.

Councilmember Shepherd pointed out there were a significant number of people in attendance at the meeting and complimented those individuals for sharing their opinions during the public hearing. He expressed appreciation to the attendees.

Mr. Brower pointed out the Planning Commission's recommendation and the ordinance prepared for the Council opted for Alternative A. He counseled that if the motion were to deviate from that recommendation the City Council would need to provide particular verbiage addressing its change to Alternative C and ordering changes to the proposed ordinance that would reflect the new alternative wherever necessary for implementation. Ms. Claussen asked if the Council would continue to require a Conditional Use Permit (CUP) for relocation under Alternative C. The consensus was the requirement for a CUP would remain. She asked that the motion include language that would require a CUP.

Mr. Brower pointed out the proposed ordinance established that any legal nonconforming use status which currently existed could be lost in a few different ways. Ms. Claussen emphasized the proposed ordinance would be more restrictive than typical abandonment clauses. She continued the proposed ordinance attached abandonment of the use to the status of the business license. She stated if the business license lapsed the use would be abandoned and any business would be forced to move to the M-1, manufacturing, zone. Mayor Wood wanted to make sure businesses were notified of business license renewals in sufficient enough time to stay current. Ms. Claussen indicated business license renewal notifications allowed sufficient time.

Councilmember Murray asked if a legal nonconforming use would keep its classification and its authorized CUP if it moved to a different location in the same zone. Ms. Claussen stated under the ordinance an existing legal nonconforming use would remain entitled if it located within the same zone but any new business would be required to locate in the M-1, manufacturing, zone. Mr. Brower added the legal nonconforming use status applied to the "use" and if a particular establishment had legal nonconforming use status, and then moved across the street, it would maintain legal nonconforming use status in the same zone. Ms. Claussen emphasized the "grandfathering" of the existing four businesses would allow each of them continuation of the legal nonconforming use in a different location.

Councilmember Murray pointed out Title 11 had a list of businesses which were permitted in a particular zones. She stated under current law tattoo establishments were not a permitted use in any zone. She asked if tattoo establishments would be permitted uses after the adoption for the proposed ordinance. Ms. Claussen stated the proposed ordinance would only allow tattoo establishments in the M-1, manufacturing, zone with a Conditional Use Permit (CUP).

Councilmember Bush expressed thanks for those residents attending the City Council meeting and complimented them for their input.

**Councilmember Shepherd moved to approve Ordinance 2013-02 approving amendments to Title 4 – Business and License Regulations and Title 11 – Land Use Regulations of the City Code regarding tattoo or body piercing establishments with Alternative C replacing Alternative A and allowing staff to make necessary corrections to the language of the ordinance in order to clarify the deviation from the Planning Commission’s recommendation, inclusion of today’s date and the requirement for a Conditional Use Permit, and authorize the Mayor’s signature to any necessary documents. He stated the regulations were necessary in accordance with Vision 2020, the City’s strategic plan, which identified a need to not cluster similar types of businesses given the limited amount of commercial space available for development in the City, suggestions by the staff including the staff report, and the intensive investigation and recommendation by the Planning Commission. Seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.**

APPROVAL OF RESOLUTION 2013R-02 AUTHORIZING THE DISPOSAL OF UNCLAIMED PROPERTY

The Clearfield City Police Department is required to dispose of unclaimed property. In the past the Council has approved the disposition of unclaimed property to bona fide charities.

Brian Brower, City Attorney, pointed out previously the donations had been distributed on an equally rotating basis. He continued staff expressed preference to donate to one specific charity, the Davis County Children’s Justice Center, in which the proceeds from the sale of the property would be donated to the Center. Chief Krusi explained the Justice Center auctioned bicycles received from several entities which proceeds were used to support programs and fund training for local law enforcement officers.

He indicated if the Council were in agreement, future resolutions addressing the property would be drafted reflecting the Children’s Justice Center as the specific charity. Each Councilmember expressed support of staff’s recommendation specific to designating any future donations be made to the Children’s Justice Center.

**Councilmember Young moved to approve Resolution 2013R-02 authorizing the disposal of unclaimed property and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.**

**APPROVAL OF A REQUEST FROM CHEVRON TO CONSENT TO THE ASSIGNMENT OF THE CITY'S EASEMENT ACROSS THE NORTHWEST PRODUCTS PIPELINE SYSTEM TO TESORO**

Chevron was in the process of conveying the Northwest Products Pipeline System to Tesoro and requested its easement with the City for the pipeline be transferred to Tesoro. The transfer of ownership was expected to take place sometime in April of 2013. Brian Brower, City Attorney, explained the City had been a grantor of the easement to Chevron and as it had expressed a desire to divest itself of the interest in the pipeline and associated easements, required the City to grant that authorization.

**Councilmember LeBaron moved to approve the request from Chevron to consent to the assignment of the City's easement across the Northwest Products Pipeline System to Tesoro and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.**

***COMMUNICATION ITEMS:***

***Mayor Wood***

1. Informed the Council he had received notice the Davis Education Foundation Gala was scheduled for Friday, April 26, 2013. He reported the City would be hosting North Davis Junior High staff at the City's table and indicated an invitation had been extended to Principal Hansen.
2. Stated he had attended a grand reopening event at Chancellor Gardens to view the recent renovations. He expressed his opinion the facility was beautiful and mentioned the improvements were comparable to that of a five-star hotel.
3. Reported he and City staff would be meeting with developers involved with the City to determine their long term goals for future development in the City.

***Councilmember Bush***

1. Stated he had attended the ribbon cutting ceremony for the Little Theatre and indicated the Storytelling Festival was very entertaining.
2. Reported he had attended the Utah League of Cities and Towns day at the State Legislature with the Youth City Council.
3. Wished everyone in attendance a Happy Valentine's Day.

***Councilmember LeBaron***

1. Informed the Council he had attended the ribbon cutting ceremony for the Little Theatre located at the Community Arts Center. He expressed appreciation to City staff for its efforts associated with the renovation.
2. He reported the Storytelling Festival was a great event.

***Councilmember Murray*** – nothing to report.

***Councilmember Shepherd***

1. Reported the Sign Committee had met and recommendations would be coming before the Planning Commission and Council for consideration.

2. Reiterated comments by Councilmember Bush regarding the Little Theatre ribbon cutting and the Utah League of Cities and Towns hosting the YCC at the Utah Legislature.
3. Shared an update regarding the Wing and Music Festival. He stated several individuals on the committee were still seeking sponsors for the event. He expressed his opinion it would be a great event for the City. He stated a number of bands had committed to performing during the event.

*Councilmember Young* – Reported the Youth City Council (YCC) had visited the George Wahlen Veteran's home in Ogden.

*Adam Lenhard, City Manager* – nothing to report.

STAFFS' REPORTS:

*Nancy Dean, City Recorder* –Informed the Council of the following meeting schedule: work session scheduled for Tuesday, February 19, 2013, policy session with a work session beginning at 6:00 p.m. on Tuesday, March 5, 2013, work session scheduled for Tuesday March 19, 2013 and regular policy session on Tuesday March 26, 2013.

There being no further business to come before the Council in policy session, **Councilmember Murray moved to adjourn the policy session and reconvene in a work session at 8:00 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd, and Young. Voting NO – None.**



# CLEARFIELD CITY, UTAH

## PARKS & RECREATION IMPACT FEE FACILITES PLAN AND IMPACT FEE ANALYSIS

FEBRUARY 2013

PREPARED BY:  
LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.  
& J-U-B ENGINEERS, INC.

**Certification for Park Impact Fee Facilities Plans and Impact Fee Analysis Prepared February 2013**

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**IFFP Certification**

LYRB certifies that the attached impact fee facilities plans prepared for Parks & Recreation facilities:

1. includes only the costs of public facilities that are:
  - a. allowed under the Impact Fees Act; and
  - b. actually incurred; or
  - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
  - a. costs of operation and maintenance of public facilities;
  - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
  - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and,
3. complies in each and every relevant respect with the Impact Fees Act.

**IFA Certification**

LYRB certifies that the attached impact fee analysis prepared for Parks & Recreation facilities:

1. includes only the costs of public facilities that are:
  - a. allowed under the Impact Fees Act; and
  - b. actually incurred; or
  - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
  - a. costs of operation and maintenance of public facilities;
  - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
  - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

**LYRB makes this certification with the following caveats:**

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the Impact Fee Analysis documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or Impact Fee Analysis are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



**TABLE OF CONTENTS**

**SECTION I: EXECUTIVE SUMMARY.....4**  
 PARK IMPACT FEES ..... 4

**SECTION 2: GENERAL IMPACT FEE METHODOLOGY .....6**

**SECTION 3: OVERVIEW OF CLEARFIELD CITY AND SERVICE AREA .....8**  
 SERVICE AREA ..... 8  
 DEMOGRAPHICS ..... 8

**SECTION 4: DEMAND ANALYSIS .....9**  
 DEMAND UNITS..... 9  
 FUTURE DEMAND ..... 9

**SECTION 5: EXISTING FACILITIES INVENTORY.....10**  
 PARK CLASSIFICATIONS..... 10  
 PARK INVENTORY ..... 11

**SECTION 7: EXCESS CAPACITY AND CAPITAL FACILITY ANALYSIS .....14**

**SECTION 8: SYSTEM VS. PROJECT IMPROVEMENTS .....16**

**SECTION 9: CONSIDERATION OF ALL REVENUE SOURCES .....17**  
 HISTORIC FUNDING OF FACILITIES ..... 17  
 FUNDING OF FUTURE FACILITIES ..... 17  
 EQUITY OF IMPACT FEES ..... 17

**SECTION 10: PARKS AND RECREATION IMPACT FEE ANALYSIS .....19**  
 DEMAND ANALYSIS..... 19  
 EXISTING FACILITIES INVENTORY ..... 19  
 MANNER OF FINANCING EXISTING PUBLIC FACILITIES ..... 19  
 LEVEL OF SERVICE ANALYSIS: PARKS & RECREATION..... 19  
 FUTURE CAPITAL FACILITIES ..... 19  
 CALCULATION OF IMPACT FEES ..... 19  
 PROPOSED PARK IMPACT FEES ..... 20  
 EXPENDITURE OF IMPACT FEES ..... 20  
 COST OF EXISTING PUBLIC FACILITIES – 201(5)(B)(I)..... 21  
 PROPOSED CREDITS OWED TO DEVELOPMENT ..... 21  
 GROWTH-DRIVEN EXTRAORDINARY COSTS ..... 21  
 TIME PRICE DIFFERENTIAL ..... 21

**APPENDIX A: EXISTING FACILITIES INVENTORY .....22**



## SECTION I: EXECUTIVE SUMMARY

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The purpose of the Parks & Recreation Impact Fee Facilities Plan (“IFFP”), with supporting Impact Fee Analysis (“IFA”), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the “Impact Fees Act,” and help Clearfield City (the “City”) plan necessary capital improvements for future growth. The following summarizes the inputs utilized in this analysis.

- ▣ **Service Area:** The service area includes all areas within the City’s boundaries. This IFFP identifies capital projects that will help to maintain the current and established level of service enjoyed by existing residents into the future.
- ▣ **Demand Analysis:** The demand unit used in this analysis is population. The City’s current population is approximately 30,621. Based on conservative growth estimates provided by the City, the service area should reach a buildout population of approximately 34,369 residents by 2021. As a result of new growth, the City will need to construct additional parks and trails to maintain the existing level of service (LOS).
- ▣ **Level of Service:** The LOS is calculated using a blended approach that includes park acres per 1,000 residents and a historic level of amenity investment per acre. In general, the level of service is: **1.54 park acres per 1,000 residents; 0.22 miles of trails per 1,000 residents; and amenities investment of \$90,236 per acre of park land.** Detailed tables showing the level of service are provided in SECTION 6.
- ▣ **Excess Capacity and Capital Facilities Analysis:** Based on the expected changes in population over the planning horizon, the City will need to acquire and develop an additional 5.73 acres of park land and approximately 0.83 miles of trail way. Table 7.3 details the City’s capital improvements through 2020.

## IMPACT FEE ANALYSIS

The methodology utilized in this analysis is based on the increase, or growth, in demand. The growth-driven method utilizes the existing level of service and perpetuates that level of service into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards within the Service Area.

### PROPOSED PARK IMPACT FEES

The park impact fees proposed in this analysis will be assessed within all areas of the City’s boundaries, as defined previously as the Service Area. The methodology for calculating the impact fee utilizes a blended approach that includes park acres per 1,000 residents and a historic level of amenity investment per acre. In this approach, the per capita investment is approximately \$850. This is based on the City financial records which show a value of \$4,255,309 in existing improvements. This value is then divided by the total city owned and improved park acres (approximately 47.16 acres)<sup>1</sup> to get a value per acre of \$90,236 for parks and \$81,256 for trails. There are approximately 7 miles of trails with an improvement value of \$552,538.

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<sup>1</sup> This does not include undeveloped park land.



TABLE 1.1: ESTIMATE OF IMPACT FEE COST PER PERSON

TYPE OF IMPROVEMENT	EXISTING LOS PER 1,000	LAND COST PER ACRE	COST OF IMPROVEMENTS PER ACRE	TOTAL COST PER ACRE	PER 1,000 POPULATION	PER CAPITA
<b>PARKS</b>						
Community Parks	0.95	\$130,000	\$90,236	\$220,236	\$209,999	\$210
Neighborhood Parks	0.59	\$130,000	\$90,236	\$220,236	\$129,174	\$129
TYPE OF IMPROVEMENT	EXISTING LOS PER 1,000	LAND COST PER ACRE	COST OF IMPROVEMENTS PER MILE	TOTAL COST PER MILE	PER 1,000 POPULATION	PER CAPITA
<b>TRAILS</b>						
Trail ways - Paved	0.22	\$0	\$81,256	\$81,256	\$18,044	\$18
<b>ADDITIONAL COSTS</b>						
Estimate of Buy-In on Existing Facilities					\$16,804,706	\$489
Estimate of Professional Expense <sup>2</sup>					\$14,013	\$4
<b>Estimate of Impact Fee Per Capita</b>						<b>\$850</b>
<i>The Cost per 1,000 Population is calculated by multiplying the Existing LOS per 1,000 by the total cost per acre.</i>						

Based on the per capita fee, the proposed impact fee per household is illustrated in Table 1.2. The City has chosen to assess only 75% of the maximum impact fee.

TABLE 1.2: PARK IMPACT FEE SCHEDULE

IMPACT FEE PER HH	PERSONS PER HH	MAXIMUM FEE PER HH	75% OF MAX TO BE IMPLEMENTED	EXISTING FEE PER HH
Single Family	3.67	\$3,119	<b>\$2,339</b>	\$853
Multi Family	2.26	\$1,921	<b>\$1,441</b>	\$604

**NON-STANDARD PARK IMPACT FEES**

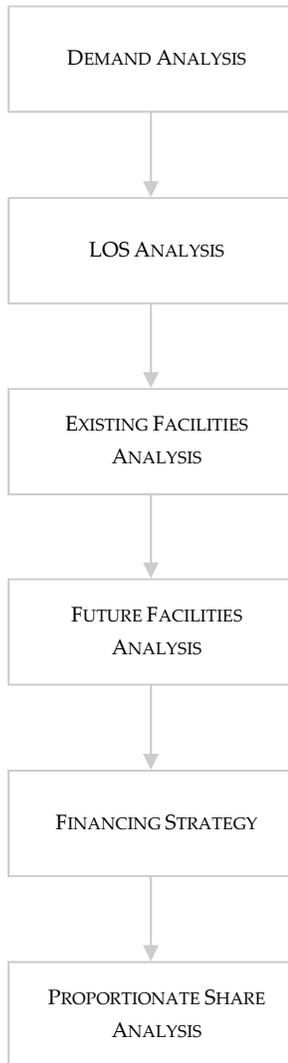
The proposed fees are based upon population growth. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon park facilities.<sup>3</sup> This adjustment could result in a lower or higher impact fee if the City determines that a particular user may create a different impact than what is standard for its land use.

<sup>2</sup> This is the cost to provide the IFFP and IFA.

<sup>3</sup> UC 11-36a-402(1)(c)

## SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP is designed to identify the demands placed upon the City’s existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which are intended to be funded by impact fees. The IFA is designed to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. Each component must consider the historic level of service provided to existing development and ensure that impact fees are not used to raise that level of service. The following elements are important considerations when completing an IFFP and IFA.

### DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact public facilities.

### LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing “Level of Service” (“LOS”). Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the level of service which is provided to a community’s existing residents and ensures that future facilities maintain these standards. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

### EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, the Impact Fee Facilities Plan provides an inventory of the City’s existing **system** facilities. To the extent possible, the inventory valuation should consist of the following information:

- ☐ Original construction cost of each facility;
- ☐ Estimated date of completion of each future facility;
- ☐ Estimated useful life of each facility; and,
- ☐ Remaining useful life of each existing facility.

The inventory of existing facilities is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

### FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future **system improvements** necessary to maintain the level of service. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.



### **FINANCING STRATEGY – CONSIDERATION OF ALL REVENUE SOURCES**

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.<sup>4</sup> In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.<sup>5</sup>

### **PROPORTIONATE SHARE ANALYSIS**

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future (UCA 11-36a-302).

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<sup>4</sup> 11-36a-302(2)

<sup>5</sup> 11-36a-302(3)

## SECTION 3: OVERVIEW OF CLEARFIELD CITY AND SERVICE AREA

Clearfield is a well-established city which is approaching buildout. The City will need to expand its existing services to maintain the current level of service through the buildout horizon.

### SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.<sup>6</sup> This service area includes all areas within the City. This document identifies capital projects that will help to maintain the same level of service enjoyed by existing residents into the future.

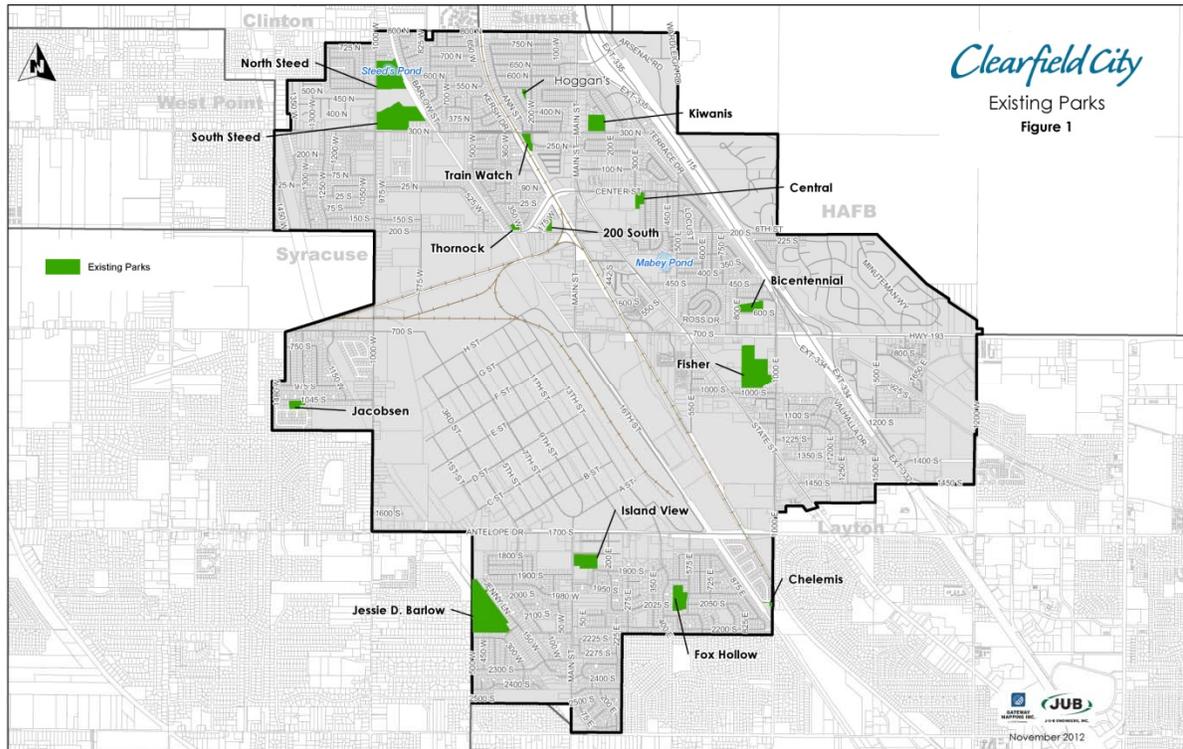
It is anticipated that the growth projected over the next six to ten years will impact the City's existing services. Parks will need to be expanded in order to maintain the existing level of service. The IFFP, in conjunction with the impact fee analysis, is designed to accurately assess the true impact of additional users upon the City's infrastructure.

### DEMOGRAPHICS

#### POPULATION

According to 2010 Census data, the total population for Clearfield in 2010 was approximately 30,112. Using Census data for 2000 and 2010, average annual growth was estimated at 1.49 percent. An analysis of building permit data obtained from the University of Utah's Bureau of Economic and Business Research (BEBR) resulted in a growth rate of approximately 1.44 percent. The more conservative estimate of 1.44 percent was used in future growth projections for this model.

ILLUSTRATION 3.1: MAP OF SERVICE AREA AND EXISTING PARKS



<sup>6</sup> UC 11-36a-402(a)



## SECTION 4: DEMAND ANALYSIS

The purpose of this document is to establish a LOS based on the facilities and amenities provided for development in the City within the service area. The current LOS for parks and recreation is based on the City's residential population, divided into two components – the land value (or the cost to purchase the land) and the improvement value of each type of park improvement.

### DEMAND UNITS

The demand unit used in this analysis is population. The population projections are based on several sources including building permit and Census data. According to these projections, the City's current population, and the existing service area demand, is approximately 30,621.

TABLE 4.1: ILLUSTRATION OF EXISTING DEMAND ASSUMPTIONS

	2010	2011	2012
Existing Population	30,112	30,185	30,621
Buildout Population	34,369		
Average household size	3.08		
Average family size	3.54		
Average HH Size: Owner Occupied	3.24		
Average HH Size: Renter Occupied	2.86		

Source: 2010 Census, Clearfield City

population, giving the City flexibility to provide future residents the types of improvements that are desired. The City will update the parks and recreation projections, the IFFP, and the impact fees, as land use planning changes.

TABLE 4.2: FUTURE DEMAND PROJECTIONS

Year	City Proper Population	% Added Annually
2012	30,621	
2013	31,063	1.44%
2014	31,511	1.44%
2015	31,966	1.44%
2016	32,427	1.44%
2017	32,895	1.44%
2018	33,370	1.44%
2019	33,851	1.44%
2020	34,340	1.44%
2021	34,369	

Using the conservative estimate of 1.44 percent annual growth, the service area should reach a buildout population of approximately 34,369 residents by 2021. As a result of this growth, the City will need to construct additional parks and recreation facilities to maintain the existing level of service.

### FUTURE DEMAND

The future population in Clearfield City is used to determine the additional parks and recreation needs. The level of service standards for each of these types of improvements has been calculated, and a blended level of service determined for the future



## SECTION 5: EXISTING FACILITIES INVENTORY

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### PARK CLASSIFICATIONS

The City's park classification system is summarized in the following paragraphs.<sup>7</sup>

#### COMMUNITY PARKS

Community parks are defined as public parks that are owned by the City and designed to serve multiple neighborhoods. They typically contain recreational amenities such as playgrounds, restrooms, sitting benches, picnic shelters, walking paths, and possibly recreation structures for large gatherings or special events. It is not uncommon for community parks to contain natural resource areas, unique landscapes, undeveloped open spaces, environmental features, duplicate amenities, and or athletic field space. The number of amenities is generally determined by its size, surrounding environment, and park layout. Community parks are intended to have active and passive uses. These parks are typically 6 acres or more, with a service radius of 1 mile.

#### NEIGHBORHOOD PARKS

Neighborhood parks are defined as public parks that are owned by the City and typically designed to serve an area that may encompass several residential blocks. Typical amenities for a neighborhood park may include depending on size, a restroom, playground, sitting benches, picnic shelters, and walking paths. Neighborhood parks are intended to have active as well as passive uses. These parks are typically between 2 and 6 acres, with a ½ mile service radius.

#### MINI PARKS

Mini parks are defined as public land that is owned and maintained by the City which vary in size, but generally have very limited amenities on them. Some mini parks are in final development stage and provide nothing more than a sitting bench and manicured turf or trees for shade and beautification. Some mini parks may not be in final development stage, but contain manicured turf areas, and or amenities, although such amenities will be limited in scope and quantity. In general, mini parks feature more passive uses than active uses. Mini parks are not considered to be system improvements thus they are not included in the impact fee. They are typically between 1 and 2 acres, with a service radius of ¼ mile.

#### POCKET PARKS

Pocket parks are defined as public land that is either owned and maintained by the City, or privately owned parcels that have mutually agreed upon conditions that serve the interests of the parties involved and the general public. In either case, the properties are generally maintained but have limited improvements on them. Such improvements may include manicured turf, trees, walkways, and sitting benches. Pocket park size may vary in acreage, but are generally less than 1 acre in size. Pocket parks are not intended to have restrooms structures. In general, pocket parks feature more passive uses than active uses. Pocket parks are not considered to be system improvements, thus they are not included in the impact fee.

#### SPECIAL USE PARKS/FACILITIES

Special use parks/facilities are defined as public land that is owned by the City or open to public access through permits granted to the City. Where applicable, the City maintains these areas. Size and shape of special use parks/facilities will vary based on location and intended use. Special use parks/facilities generally contain activity-specific uses such as cemeteries, community gardens, streetscapes, scenic viewpoints, historic sites, fishing piers, and may be located next to natural resource areas, contain environmental features, unique landscapes, and or undeveloped open spaces. In general, special use parks/facilities feature both passive and active uses.

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<sup>7</sup> As defined by Clearfield City's CFP, 2012.

**INDEPENDENT TRAIL WAYS**

Independent trail ways are defined as public trails that are improved and maintained by the City for the perpetual use of the public. These trails can vary in length and may be paved or have a gravel surface. These trail ways begin or end at a city park but may not pass through or connect to a city park.

**PARK INVENTORY**

The City's existing park inventory for park acres by type is shown in Table 5.1 and 5.2. See **Appendix A** for a detailed list of park facilities and amenities. This inventory is used to help calculate the LOS in the City that will need to be perpetuated as additional residents locate in the City. The improvement costs for parks and recreation are based on the historic value of existing amenities. According to the City's asset and depreciation schedules, existing City amenities have a total value of \$4,255,309. This value excludes any amenities that are not part of system improvements, or that were donated to the City.

TABLE 5.1: ACREAGE OF EXISTING PARKS, TRAILS, AND OPEN SPACES

PARKS	TOTAL ACREAGE	LESS DETENTION	LESS GIFTED	FINAL ACRES/MILES	CITY OWNED ACRES
Community Parks	61.44	0.00	32.24	29.20	29.20
Neighborhood Parks	17.96	0.00	0.00	17.96	17.96
Undeveloped Park Land	2.00	0.00	2.00	0.00	0.00
<b>Total Parks</b>	<b>81.40</b>	<b>0.00</b>	<b>34.24</b>	<b>47.16</b>	<b>47.16</b>
TRAILS	TOTAL MILES	LESS DETENTION	LESS GIFTED	FINAL ACRES/MILES	CITY OWNED MILES
Trail Ways	6.80	0.00	0.00	6.80	6.80
<b>Total Trail Ways</b>	<b>6.80</b>	<b>0.00</b>	<b>0.00</b>	<b>6.80</b>	<b>6.80</b>

Existing parks include a variety of services including: baseball fields, basketball courts, pavilion and picnic spaces, restrooms and other amenities as listed below.

TABLE 5.1: EXISTING PARK FACILITY IMPROVEMENTS

	TOTAL AMENITIES	MEASUREMENT
Improved Turf	79.40	Acre
Park Sign	10.00	Each
Barbecues	16.00	Each
Drinking Fountain (May-September)	9.00	Each
Parking Stalls (Off Street)	674.00	Each
Pavilion (1 Table)	14.00	Each
Pavilion (2-9 Tables)	8.00	Each
Pavilion (10+ Tables)	3.00	Each
Picnic Tables	85.00	Each
Benches	39.00	Each
Bleachers (Movable)	4.00	Each
Bleachers (Fixed)	16.00	Each
Concessions Stand	2.00	Each
Amphitheater	1.00	Each
Playground (25+ Kids)	3.00	Each
Playground (<25 Kids)	4.00	Each
Restrooms (May-September)	8.00	Each
Basketball Court	5.00	Each
Soccer Field	4.00	Each
Baseball Field	9.00	Each
Multi-Use Field	7.00	Each
Tennis Court	5.00	Each
Volleyball Pit	3.00	Each
Horseshoe Pit	4.00	Each
Trails (miles)	2.34	Mile

In addition to the park acreage and amenities mentioned above, the City also supports several special use facilities that are utilized by existing residents and will continue to serve the City through buildout. Future residents need to buy into the capacity of these facilities at a proportional rate. To do this, the total value of the amenities has been divided by the buildout population, thus creating an equal and proportionate cost for all residents served by these special use facilities. Buy-in to excess capacity is more fully discussed in Section 7.

It is noted that current costs are used strictly to determine the actual cost, in today's dollars, of duplicating the current level of service for future development in the City, and does not reflect the value of the existing improvements within the City. The assumptions utilized for estimation of land values are shown below. LYRB compared recent land sales in the Clearfield area zip code. The Wasatch Front Multiple List Service (MLS), showed an average commercial land value of \$292,490 per acre and an average residential land value of \$144,998 per acre. It is equally likely that the future land purchased by the City for parks will be commercial vs. residential, so an average of the two (\$218,744) would be an appropriate estimate of costs for future acres to be purchased. To be conservative, the City has chosen to use a lower land estimate of \$130,000 per acre in the analysis.

TABLE 5.3: LAND VALUE ASSUMPTIONS

ASSUMPTIONS	
Average Market Land Prices	\$218,744
Land Value per Acre used in IFA	\$130,000

TABLE 5.4: COMPARABLE OF RECENT LAND SALES

ADDRESS	SOLD/LIST PRICE	ACRES	PRICE/ACRE
<b>Commercial (zero sold in past 2 years, data is list price for zip 84015)</b>			
4133 W 1800 N, West Point	\$99,900	2.00	\$49,950
1800 N 859 W, Clinton	\$230,000	1.00	\$230,000
1760 S Main, Clearfield	\$299,000	0.81	\$369,136
125 S 3000 W, West Point	\$380,000	2.82	\$134,752
1963 N Main, Sunset	\$395,000	1.45	\$272,414
868 N 200 W, Clinton	\$475,000	0.98	\$484,694
17 N Main, Clearfield	\$775,000	2.34	\$331,197
938 S University Park Blvd, Clearfield	\$904,305	3.46	\$261,360
2118 N 2000 W, Clinton	\$913,000	1.83	\$498,907
Commercial Average			\$292,490
<b>Residential (properties sold in 84015 zip within past year)</b>			
4420 W 800 N, West Point	\$43,000	1.00	\$43,000
1655 N 4700 W, West Point	\$50,000	0.53	\$94,340
1628 N 4700 W, West Point	\$45,000	0.40	\$112,500
4678 W 1650 N, West Point	\$50,000	0.43	\$116,279
2189 W 470 N, West Point	\$55,000	0.21	\$261,905
413 N 2200 W, West Point	\$55,000	0.33	\$166,667
2177 W 375 N, West Point	\$59,000	0.26	\$226,923
3209 W 1680 N, Clinton	\$75,000	0.59	\$127,119
1574 N 4700 W, West Point	\$87,500	0.56	\$156,250
Residential Average			\$144,998
Commercial/Residential Average			\$218,744
<b>Target Price for Future Park Land (City Policy Decision)</b>			<b>\$130,000</b>

Source: Wasatch Front Regional MLS on 11/9/2012

Search Criteria: Status is sold or active or under contract, Zip is 84015, 720 days back, Property type is Commercial.

Search Criteria: Status is sold, Zip is 84015, 360 days back, Property type is Residential.

## SECTION 6: LEVEL OF SERVICE ANALYSIS

### LEVEL OF SERVICE STANDARDS

The costs used in this analysis will not be based on a list of specific future facilities by size and type. Rather, amenity costs will be calculated in historic dollars and based on the existing park amenities in the City. It is assumed that the City will maintain, at a minimum, the current set level of service standard.

**The existing level of service standards for park land and trails are 1.54 park acres per 1,000 residents and 0.22 miles of trails per 1,000 residents. The level of service standard for park amenities is \$90,236 of investment per acre of park land.**

The level of service standards are based on the existing park acres per 1,000 persons and the value of existing improvements per acre using the original book value of each improvement (instead of the actual cost to build each amenity in the future). While this *reduces* the impact fee, it allows the City the flexibility to meet the needs of changing demographics, as new development will construct facilities based on the same investment from existing development.

The calculation of impact fees relies upon the information contained in this analysis. The timing of construction for development-related park facilities will depend on the rate of development and the availability of funding. For purposes of this analysis, a specific construction schedule is not required. The construction of park facilities can lag behind development without impeding continued development activity. We have assumed that construction of needed park facilities will proceed on a pay-as-you-go basis, and have assumed a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements. Impact fees are calculated based on many variables centered on proportionality and level of service.

### PARK FACILITIES LOS

Table 6.1 below shows the cost per acre for park amenities in the defined service area, broken down by type of park. This is based on the City financial records which show a value of \$4,255,309 in existing improvements. This value is then divided by the total city owned and improved park acres (approximately 47.16 acres)<sup>8</sup> to get a value per acre of \$90,236 for parks and \$81,256 for trails. There are approximately 7 miles of trails with an improvement value of \$552,538. No land value has been included for trails because a majority of the trails run in rights of way or the land was donated.

TABLE 6.1: COST PER ACRE TO MAINTAIN LOS

TYPE OF IMPROVEMENT	ACRES PER 1,000	LAND COST PER ACRE	IMPROVEMENT COST PER ACRE	TOTAL COST PER ACRE
<b>PARKS</b>				
Combined Parks	1.54	\$130,000	\$90,236	\$220,236
Community Parks	0.95	\$130,000	\$90,236	\$220,236
Neighborhood Parks	0.59	\$130,000	\$90,236	\$220,236
Undeveloped Park Land	0.00	\$130,000	\$0	\$0
<b>TRAILS</b>				
Trail Ways (miles)	0.22	\$0	\$81,256	\$81,256

<sup>8</sup> This does not include undeveloped park land.

## SECTION 7: EXCESS CAPACITY AND CAPITAL FACILITY ANALYSIS

When calculating the aforementioned parks LOS, special use facilities were excluded. This is because those facilities are built to serve the buildout population and the City does not wish to have new growth pay for to add additional capacity to those facilities. Instead, new growth will buy into the existing facilities. To do this, the full cost of the facilities (less grants and RDA haircut funding) is divided by the total buildout population of the city to arrive at the cost per capita. Table 7.1 illustrates this calculation.

TABLE 7.1: PER CAPITA BUY-IN FOR EXISTING SPECIAL USE FACILITIES

FACILITY	ORIGINAL CONSTRUCTION	POPULATION SERVED	PER CAPITA COST
Aquatic Center	\$9,311,139	34,369	\$271
Aquatic/Skate (Interest & Financing Costs)	\$5,507,376	34,369	\$160
Skate Park	\$996,000	34,369	\$29
Senior Center	\$710,648	34,369	\$21
Youth Center	\$279,543	34,369	\$8
<b>Total</b>	<b>\$16,804,706</b>		<b>\$489</b>

Future planning for park land is an ongoing process, based on the changes in population and community preference. The City will purchase and improve parks and recreational facilities to maintain the level of service defined in this document. A summary of the City's desired improvements is found below, which includes projects that will enhance the existing parks and add to the existing inventory, while maintaining the current level of service. Actual future improvements will be determined as development occurs, and the opportunity to acquire and improve park land arises.

Based on the expected change in population of 3,719 persons through 2020, the City will need to acquire and develop an additional 5.73 acres of parkland and approximately 0.83 miles of trail way. **The City should be aware that these acres and miles are in addition to existing City inventory and does not contemplate the development of undeveloped park land that is not replaced. Should the City desire to develop the undeveloped park land without replacing these acres with additional undeveloped land, the level of service will decrease, triggering a need to re-evaluate the impact fees.**

TABLE 7.2: ILLUSTRATION OF NEW PARK ACRES NEEDED TO MAINTAIN LOS

TYPE OF IMPROVEMENT	UNIT OF MEASURE	CURRENT LOS PER 1,000	POPULATION INCREASE IFFP HORIZON	NEW PARK ACRES/MILES NEEDED
<b>PARKS</b>				
Community Parks	Acres	0.95	3,719	3.55
Neighborhood Parks	Acres	0.59	3,719	2.18
Undeveloped Park Land	Acres	0.00	3,719	0.00
<b>Total</b>		<b>1.54</b>		<b>5.73</b>
<b>TRAILS</b>				
Trail Ways	Miles	0.22	3,719	0.83
<b>Total</b>		<b>0.22</b>		<b>0.83</b>

The table below illustrates some of the City's capital improvements through 2020 which will be used to maintain the existing level of service through land acquisition, park development, and improvements. Actual future improvements will be determined as development occurs, and the opportunity to acquire and improve park land arises. Impact fees will only be assessed the proportionate fee to maintain the existing level of service.



TABLE 7.3: ILLUSTRATION OF CLEARFIELD CITY PARKS AND RECREATION CAPITAL IMPROVEMENTS FROM CFP, 2012

PROJECT	ESTIMATED COST
Develop park land to meet future demand	\$3,080,819
Acquire land in underserved areas	N/A
Develop a new community park for city gathering	N/A
Utilize RDA potential near Maybe Pond	N/A
Improve accessibility to parks through additional connecting trails	N/A



## SECTION 8: SYSTEM VS. PROJECT IMPROVEMENTS

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System improvements are defined as existing and future public facilities designed and intended to provide services to service areas within the community at large.<sup>9</sup> Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.<sup>10</sup> The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis.

Only park facilities that serve the entire community are included in the level of service. The following park facility types are considered system improvements, as defined in Section 5:

- ☐ Community Parks;
- ☐ Neighborhood Parks;
- ☐ Special Use Parks/Facilities;
- ☐ Undeveloped Park Land; and
- ☐ Trail Ways.

Mini Parks and Pocket Parks are considered to be project improvements and are thus not included in the level of service and impact fee analysis.

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<sup>9</sup> UC 11-36a-102(20)

<sup>10</sup> UC 11-36a102(13)



## SECTION 9: CONSIDERATION OF ALL REVENUE SOURCES

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The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.<sup>11</sup> In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.<sup>12</sup>

### HISTORIC FUNDING OF FACILITIES

#### GENERAL FUND REVENUES

The City's existing parks & recreation infrastructure has been funded through general fund revenues and grants and donations. General fund revenues include a mix of property taxes, sales taxes, federal and state grants, and any other available general fund revenues.

#### GRANT FUNDING

The City has received some grants monies and donations to fund parks & recreation facilities. All park land and improvements funded through grant monies and donations have been excluded in the impact fee calculations.

### FUNDING OF FUTURE FACILITIES

#### GENERAL FUND REVENUES

It is anticipated that the general fund will continue to be a source of revenue for future park improvements, maintenance and operations of parks, and level of service improvements. Impact fees will be necessary to help maintain the existing level of service for new development. Where general fund monies are used to pay for growth related improvements, impact fees can be used as a repayment mechanism to replace these funds.

#### GRANTS AND DONATIONS

This analysis has removed all funding that has come from federal grants and donations to ensure that none of those infrastructure items are included in the level of service. Therefore, the City's existing "level of service" standards have been funded by the City's existing residents. Funding the future improvements through impact fees places a similar burden upon future users as that which has been placed upon existing users through impact fees, property taxes, user fees, and other revenue sources.

#### IMPACT FEE REVENUES

Impact fees will be charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure if the revenues are used to maintain an existing level of service. Increases to an existing level of service will not be funded with impact fee revenues.

#### DEBT FINANCING

In the event the City has not amassed sufficient impact fees to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt. This analysis does consider debt financing related to the construction of the Aquatics building and skate park, which new growth will buy into.

### NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new

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<sup>11</sup> UC 11-36a-302(2)

<sup>12</sup> UC 11-36a-302(3)



development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth.

### **EQUITY OF IMPACT FEES**

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100% of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues such as general fund revenues will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.



## SECTION 10: PARKS AND RECREATION IMPACT FEE ANALYSIS

### DEMAND ANALYSIS

The demand unit used in this analysis is population. The City's current population and existing service area demand is approximately 30,621. Based on conservative growth estimates, the service area should reach a population of approximately 34,340 residents by 2020. As a result of this growth, the City will need to construct additional parks and recreation facilities to maintain the existing level of service. See Section 3 for additional details.

### EXISTING FACILITIES INVENTORY

The City owned acreage and estimated improvement value is shown in Section 5, Table 5.1. Existing parks include a variety of amenities including: baseball fields, basketball courts, pavilion and picnic spaces, restrooms and other amenities.

### MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City has funded its existing capital infrastructure through a combination of different revenue sources, including general fund revenues, property taxes, and grant monies. This analysis has removed all funding that has come from federal grants and donations from non-resident citizens to ensure that none of those infrastructure items are included in the level of service. Therefore, the City's existing "level of service" standards have been funded by the City's existing residents. Funding the future improvements through impact fees places a similar burden upon future users as that which has been placed upon existing users through property taxes, user fees, and other revenue sources.

### LEVEL OF SERVICE ANALYSIS: PARKS & RECREATION

The City will define its level of service for parks & recreation as follows:

- ☞ The City will maintain its existing level of service standards of **1.54 park acres per 1,000 residents; 0.22 miles of trails per 1,000 residents; and amenities investment of \$90,236 per acre of park land.**

Table 6.1 in Section 6 further details the LOS calculations and methodology.

### FUTURE CAPITAL FACILITIES

Based on the expected changes in population over the planning horizon, the City will need to acquire and develop an additional 5.73 acres of parkland and approximately 0.83 miles of trail ways. This assumes the City will grow by 3,719 persons through 2020. See Section 7 for illustration of new park acres and trail ways needed by type to maintain the existing LOS.

Section 7 also illustrates some of the City's capital improvements planned, according to the CFP, which will be used to maintain the existing level of service through land acquisition, park development and improvements. Impact fees will only be assessed the proportionate fee to maintain the existing level of service.

### CALCULATION OF IMPACT FEES

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are calculated based on many variables centered on proportionality and level of service. The following paragraphs briefly discuss the methodology for calculating impact fees.

#### IFFP METHODOLOGY - EXPANSION BASED

The methodology utilized in this analysis is based on the increase in residential demand. The growth driven method utilizes the existing level of service and perpetuates that level of service into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development

contributes the same level of investment as existing development while maintaining the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e. park facilities).

## PROPOSED PARK IMPACT FEES

The park impact fees proposed in this analysis will be assessed within all areas of the City. Utilizing the estimated land cost per acre by park type and the cost per acre to provide the same level of improvements (see Section 5) the total fee per capita is \$850.

TABLE 10.1: ESTIMATE OF IMPACT FEE COST PER PERSON

TYPE OF IMPROVEMENT	EXISTING LOS PER 1,000	LAND COST PER ACRE	COST OF IMPROVEMENTS PER ACRE	TOTAL COST PER ACRE	PER 1,000 POPULATION	PER CAPITA
<b>PARKS</b>						
Community Parks	0.95	\$130,000	\$90,236	\$220,236	\$209,999	\$210
Neighborhood Parks	0.59	\$130,000	\$90,236	\$220,236	\$129,174	\$129
TYPE OF IMPROVEMENT	EXISTING LOS PER 1,000	LAND COST PER ACRE	COST OF IMPROVEMENTS PER MILE	TOTAL COST PER MILE	PER 1,000 POPULATION	PER CAPITA
<b>TRAILS</b>						
Trail ways - Paved	0.22	\$0	\$81,256	\$81,256	\$18,044	\$18
<b>ADDITIONAL COSTS</b>						
Estimate of Buy-In on Existing Facilities					\$16,804,706	\$489
Estimate of Professional Expense <sup>13</sup>					\$14,013	\$4
<b>Estimate of Impact Fee Per Capita</b>						<b>\$850</b>
<i>The Cost per 1,000 Population is calculated by multiplying the Existing LOS per 1,000 by the total cost per acre.</i>						

Based on the per capita fee, the proposed impact fee per household is illustrated in Table 1.2. The City has chosen to assess only 75% of the maximum impact fee.

TABLE 10.2: RECOMMENDED PARK IMPACT FEE SCHEDULE

IMPACT FEE PER HH	PERSONS PER HH	MAXIMUM FEE PER HH	75% OF MAX TO BE IMPLEMENTED	EXISTING FEE PER HH
Single Family	3.67	\$3,119	\$2,339	\$853
Multi Family	2.26	\$1,921	\$1,441	\$604

### NON-STANDARD PARK IMPACT FEES

The proposed fees are based upon population growth. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon park facilities.<sup>14</sup> This adjustment could result in a lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use.

## EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered with six years after each impact fee is paid. Impact fees collected in the next five to six years should be spent only on those projects outlined in the CFP to maintain the LOS.

Table 10.3 below illustrates the projected sources and uses of impact fee funds during the plan horizon. Sources of funds are impact fees collected by the City as new growth occurs and uses include expenditures on additional

<sup>13</sup> This is the cost to provide the IFFP and IFA.

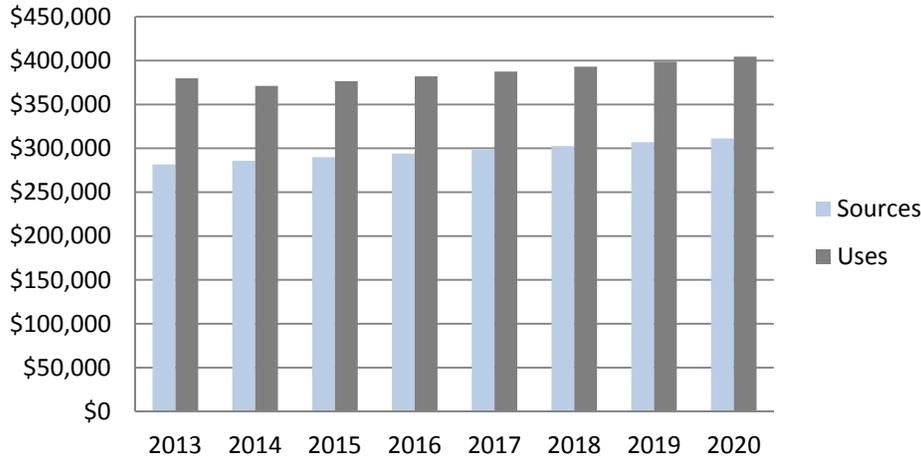
<sup>14</sup> 11-36a-402(1)(c)



park land, park amenities, buy-in to existing facilities and professional expenses as listed in the IFA with are attributable to new growth.

TABLE 10.3: CASH FLOW OF PROJECTED IMPACT FEES

### Sources and Uses of Impact Fees



### COST OF EXISTING PUBLIC FACILITIES – 201(5)(B)(I)

The City has parks and trails that provide service to all developed property within the City. The level of service standard has been set by the City’s parks department and is based on actual improvements available to the residents in the Service Area. The expansion to these facilities will maintain the established level of service for all future development.

### PROPOSED CREDITS OWED TO DEVELOPMENT

To the extent that a developer constructs improvement(s) included in the CFP, the developer will be eligible for an impact fee credit. This situation does not apply to developer exactions, minimum standards required by the developer or project improvements.

### GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

### TIME PRICE DIFFERENTIAL

The time price differential of amounts paid at different times may be handled through an annual adjustment being made to the impact fees, based on an index as determined by City Council and enacted each year in a regular Council Meeting.



## **APPENDIX A: EXISTING FACILITIES INVENTORY**

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I. Existing Park Inventory

Park Type	City Parks System	Accessible Park	Total Acreage	Leas Detention	Donated Land	Final Acreage	% City Owned	% City Funded	City Owned Acreage	Status	Land Value	Improved Turf	Park Sign	Barbecues	Drinking Fountain (May-September)	Parking Stalls (Off Street)	Pavilion (1 Table)	Pavilion (2-9 Tables)	Pavilion (10+ Tables)	Picnic Tables	Benches	Bleachers (Movable)	Bleachers (Fixed)	Concessions Stand	Amphitheater	Playground (25+ Kids)	Playground (<25 Kids)	Restrooms (May-September)	Basketball Court	Soccer Field	Baseball Field	Multi-Use Field	Tennis Court	Skate Park	Volleyball Pit	Horseshoe Pit	Paved Trails (miles)	Unpaved Trails (miles)	Total Improvements		
																																								\$218,744	\$45,000
<b>Community Parks</b>																																									
<i>Cost per Unit</i>																																									
C	Fisher - 820 South 1000 East	Yes	15.60			15.60	100%	100%	15.60 Existing	\$3,412,405	15.60	2			2	179				6	8			1		1	1	1	2	4				0	3	0	0	1.56	0		
C	North Steed - 30 North 1000 West	Yes	11.07	5.22		5.85	100%	100%	5.85 Existing	\$1,290,708	11.07	1	2		112		1			8	5		8																		
C	Jessie D. Barlow - 2100 South 500 West	Yes	20.13			20.13	100%	100%	0.00 Existing	\$0	20.13	1	1		3	142				10	14																				
C	South Steed - 300 North 1000 West	Yes	14.64		6.90	7.74	100%	100%	7.74 Existing	\$1,693,727	14.64	2			112	5			5																						
<b>SUBTOTAL COMMUNITY PARKS</b>																																									
<i>Cost per Unit</i>																																									
<b>Neighborhood Parks</b>																																									
<i>Cost per Unit</i>																																									
N	Biocentennial - 931 East 600 South	Yes	3.58			3.58	100%	100%	3.58 Existing	\$783,103	3.58	1	3		74		3			6	6				1																
N	Kiwanis - 300 North Vine Street	Yes	4.25			4.25	100%	100%	4.25 Existing	\$929,862	4.25	1	6		17		4		1	15	2	2																			
N	Island View - 1800 South Main	Yes	5.05			5.05	100%	100%	5.05 Existing	\$1,104,657	5.05	1	2		30		8		1	21	2	2																			
N	Fox Hollow Park & Arboretum - 2050 South 575 East	Yes	5.08			5.08	100%	100%	5.08 Existing	\$1,111,219	5.08	1	2		8		1		14	2	2																				
<b>SUBTOTAL NEIGHBORHOOD PARKS</b>																																									
<i>Cost per Unit</i>																																									
<b>Undeveloped Park Land</b>																																									
<i>Cost per Unit</i>																																									
C	Jessie D. Barlow - 2100 South 500 West		2.00		2.00		100%	100%	Future Park	\$0																															
<b>SUBTOTAL UNDEVELOPED PARK LAND</b>																																									
<i>Cost per Unit</i>																																									
<b>Trail Ways</b>																																									
<i>Cost per Unit</i>																																									
T	Rail Trail		3.7	0	3.70		100%																																		
T	Canal Trail		3.1	0	3.10		100%																																		
<b>SUBTOTAL TRAILWAYS</b>																																									
<i>Cost per Unit</i>																																									
<b>TOTALS</b>																																									
<i>Cost per Unit</i>																																									
<b>Parks Removed from Impact Fees</b>																																									
<i>Cost per Unit</i>																																									
<b>Mini Parks</b>																																									
<i>Cost per Unit</i>																																									
M	Central - 800 South 2000 East		1.98			1.98	100%	100%	1.98 Existing	\$433,113																															
M	Train Watch - 200 West 250 North		1.66			1.66	100%	100%	1.66 Existing	\$363,115						4				4																					
M	Jacobson - 1045 South 1350 West		1.77			1.77	100%	100%	1.77 Existing	\$387,177										1	2																				
M	Thornock - 200 South 500 West		0.73			0.73	100%	100%	0.73 Existing	\$159,683										3																					
<b>SUBTOTAL MINI PARKS</b>																																									
<i>Cost per Unit</i>																																									
<b>Pocket Parks</b>																																									
<i>Cost per Unit</i>																																									
P	Hoggan's - 234 West 550 North	Yes	0.42			0.42	100%	100%	0.42 Existing	\$91,872																															
P	Chelmeres - 2100 South 1000 East		0.26			0.26	100%	100%	0.26 Existing	\$56,873						1																									
P	Rose Garden - 400 North		0.52			0.52	100%	100%	0.52 Existing	\$13,747																															
P	200 South - 200 South	Yes	0.64			0.64	100%	100%	0.64 Existing	\$39,996																															
<b>SUBTOTAL POCKET PARKS</b>																																									
<i>Cost per Unit</i>																																									
<b>Other Parks</b>																																									

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**CLEARFIELD CITY, UTAH**  
**ORDINANCE NO. 13-**

**AN ORDINANCE ADOPTING IMPACT FEE FACILITIES PLAN,  
AND WRITTEN ANALYSIS FOR PARKS AND RECREATION  
IMPACT FEES; ENACTING IMPACT FEES; AND ESTABLISHING  
A SERVICE AREA FOR PURPOSES OF EQUITABLE  
DISTRIBUTION OF THE IMPACT FEE; AND RELATED MATTERS.**

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

**WHEREAS**, the City has previously enacted impact fees for parks and recreation facilities; and

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

**WHEREAS**, the City desires to assess parks and recreation impact fees as a condition of development approval in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner; and

**WHEREAS**, the City and impact fee consultants engaged by the City have reviewed and evaluated the City-Wide Service Area (the “*City Service Area*”) and has determined that it is fair and equitable to designate the City Service Area, which is contiguous with the City’s municipal boundaries as the appropriate service area for purposes of the Impact Fee imposed; and

**WHEREAS**, the City and Lewis Young Robertson & Burningham, Inc. has completed the necessary impact fee facilities plan associated with parks and recreation infrastructure, attached hereto in *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis*; and

**WHEREAS**, the City Council has directed Lewis Young Robertson & Burningham, Inc. to prepare an updated Written Impact Fee Analysis which is conducted consistent and in compliance with the Impact Fees Act (specifically 11-36a-301-305). Copies of said Written Impact Fee Analysis are included in *Exhibit B: Impact Fee Facilities Plan and Impact Fee Analysis*;

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of Clearfield City, State of Utah, as follows:

**SECTION I: ADOPTION OF IMPACT FEE FACILITIES PLANS AND IMPACT FEE ANALYSES.**

The Municipal Council of Clearfield City hereby approves and adopts the written analysis entitled “Impact Fee Facilities Plans and Impact Fee Analyses,” dated December 2012, and the analysis reflected therein for each of the impact fees in question.

**SECTION II: ORDINANCE REPEALED**

Ordinance \_\_\_\_\_ previously adopted imposing impact fees is hereby repealed in its entirety.

**SECTION III: ADDITION OF CHAPTER X.XX CAPTIONED “IMPACT FEES” TO TITLE X OF THE CLEARFIELD MUNICIPAL CODE, XXXX (Insert YEAR).**

**Title 3. Revenue and Finance  
Chapter 3.36.**

**IMPACT FEES**

<b>SECTIONS:</b>	<b>3.36.010</b>	<b>PURPOSE</b>
	<b>3.36.020</b>	<b>DEFINITIONS</b>
	<b>3.36.030</b>	<b>WRITTEN IMPACT FEE ANALYSIS</b>
	<b>3.36.040</b>	<b>IMPACT FEE CALCULATIONS</b>
	<b>3.36.050</b>	<b>IMPACT FEE FACILITIES PLAN</b>
	<b>3.36.060</b>	<b>IMPACT FEE SCHEDULES AND FORMULAS</b>
	<b>3.36.070</b>	<b>FEE EXCEPTIONS AND ADJUSTMENTS</b>
	<b>3.36.080</b>	<b>APPEAL PROCEDURE</b>

**3.36.010: PURPOSE:** This Impact Fee Ordinance establishes the City’s impact fee policies and procedures and is promulgated pursuant to the requirements of the Utah Impact Fees Act. This Ordinance establishes or re-enacts impact fees for parks and recreation facilities within the Service Area, describes certain capital improvements to be funded by impact fees, provides a schedule of impact fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing impact fees.

**3.36.020: DEFINITIONS:**

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

**CITY:** A political subdivision of the State of Utah and is referred to herein as Clearfield City.

DEVELOPMENT ACTIVITY:	Any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include residential and commercial users who are not currently connected to any of the City's public facilities systems, but will be located within the City Service Area.
DEVELOPMENT APPROVAL:	Any written authorization from the City that authorizes the commencement of development activity.
ENACTMENT:	A municipal ordinance, for a municipality; a county ordinance, for a county; and a governing board resolution, for a local district, special service district, or private entity.
ENCUMBER:	A pledge to retire debt; or an allocation to a current purchase order or contract.
IMPACT FEE:	A payment of money imposed upon development activity as a condition of development approval. "Impact fee" includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.
IMPACT FEE ANALYSIS:	or "IFA" means the written analysis required by Section 11-36a-201 of the Act and is included in this ordinance by this reference and attached in Exhibit B.
IMPACT FEE FACILITIES PLAN:	The plan required by Section 11-36a-301 of the Act.
PROJECT IMPROVEMENTS:	Site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupants or users of development resulting from a development activity. "Project improvements" do not include "system improvements" as defined below.

PROPORTIONATE SHARE:	An amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.
PUBLIC FACILITIES:	Parks and recreation infrastructure of the City for the City Service Area.
SERVICE AREA:	A geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's public facilities provides service. The Service Area for purposes of this Ordinance includes all of the area within the corporate limits and jurisdictional boundaries of the City.
SYSTEM IMPROVEMENTS:	Both existing public facilities designed to provide services within the Service Area and future public facilities identified in a reasonable plan for capital improvements adopted by the City that are intended to provide service to the Service Area. "System improvements" do not include "Project improvements" as defined above.

**3.36.030: WRITTEN IMPACT FEE ANALYSIS:**

- A. EXECUTIVE SUMMARY: A summary of the findings of the Written Impact Fee Analysis that is designed to be understood by a lay person is included in each of the Impact Fee Facilities Plans and Impact Fee Analyses and demonstrates the need for impact fees to be charged. The Impact Fee Facilities Plans and Impact Fee Analyses are available for review at City Hall. A copy of the Executive Summaries have been available for public inspection at least ten (10) days prior to the adoption of this Ordinance.
- B. WRITTEN IMPACT FEE ANALYSIS: The City has prepared Impact Fee Facilities Plans and Impact Fee Analyses that identifies the impacts upon public facilities required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity and identifies how the impact fees are calculated. A copy of the Impact Fee Facilities Plans and Impact Fee Analyses has been available for public inspection at least fourteen (10) days prior to the adoption of this Ordinance.
- C. PROPORTIONATE SHARE ANALYSIS: The City must prepare a Proportionate Share Analysis which analyzes whether or not the proportionate share of the costs of future public facilities is reasonably related to new development activity. The Proportionate Share Analysis must identify the costs of existing Public Facilities, the manner of

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

**3.36.040: IMPACT FEE CALCULATIONS:**

A. The City Council, by this Ordinance, approves impact fees in accordance with the Written Impact Fee Analyses.

1. In calculating the impact fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of system improvements, and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of system improvements.

2. The City has held a public hearing on \_\_\_\_\_, 2013 and a copy of the Ordinance was available in its substantially final form at City Hall 55 South State Street and the City Recorder's Office in the Clearfield City, City Hall at least ten (10) days before the date of the hearing, all in conformity with the requirements of Utah Code annotated 10-9a-205.

3. This Ordinance adopting or modifying an impact fee will contain such detail and elements as deemed appropriate by the City Council, including a designation of the service area within which the impact fees are to be calculated and imposed. The City Service Area will be the service area included in this analysis, which is defined as all of the areas within the corporate limits and jurisdictional boundaries of the City.

4. The standard impact fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The standard impact fee may also be adjusted to ensure that impact fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes. The impact fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

5. To the extent that new growth and development will be served by previously constructed improvements, the City's impact fees may include public facility costs and outstanding bond costs related to the public facilities improvements previously incurred

by the City. These costs may include all projects included in the Impact Fee Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

- B. A developer, including a school district or charter school, may be allowed a credit against impact fees for any dedication of land for system improvements, a dedication of a public facility that will result in a reduced need for system improvements, or improvement to land or new construction of system improvements provided by the developer *provided* that it is (i) identified in the City's Impact Fee Facilities Plan and (ii) required by the City as a condition of approving the development activity. Otherwise, no credit may be given.
- C. The City will establish separate interest-bearing ledger accounts for each type of public facility for which an impact fee is promulgated in accordance with the requirements of the Impact Fees Act and deposited in the appropriate ledger account. Interest earned on each fund or account shall be segregated to that account. Impact fees collected prior to the effective date of this Ordinance need not meet the requirements of this section.
1. At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
  2. The City may expend impact fees covered by the Impact Fee Policy only for system improvements that are (i) public facilities identified in the City's Impact Fee Facilities Plan and (ii) of the specific public facility type for which the fee was collected.
  3. Impact fees collected pursuant to the requirements of this Impact Fees Policy are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the City, unless the City Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
  4. The City may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six years and (ii) an absolute date by which the fees will be expended.
- D. The City shall refund any impact fees paid by a developer plus interest actually earned when (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

- E. The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.
- F. Unless the City is otherwise bound by a contractual requirement, the impact fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section VI below.
- G. The City will collect the impact fees at the time of building permit issuance. The fees will be calculated by the City.
- H. Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

**3.36.050: IMPACT FEE FACILITIES PLAN:**

- A. The City has developed an Impact Fee Facilities Plan for the parks and recreation system. The Impact Fee Facilities Plan has been prepared based on reasonable growth assumptions for the City and general demand characteristics of current and future users of the parks and recreation system. Furthermore, the Impact Fee Facilities Plan identifies the impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity.

**3.36.060: IMPACT FEE SCHEDULES AND FORMULAS:**

- A. The fee schedules included herein represents the maximum impact fees which the City may impose on development within the defined Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right as allowed by law to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.
- B. The City may decrease the impact fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code 11-36a-402(1)(d)).
- C. The City reserves the right to establish the impact fees as established in this Ordinance by Rate Resolution or Consolidated Fee Schedule. In no event will the impact fees established by Resolution exceed the maximum supportable impact fee schedule.

## IMPACT FEE SCHEDULES

Impact Fee Per HH	Persons Per HH	Maximum Fee per HH	75% of Max to be Implemented	Existing Fee per HH
Single Family	3.67	\$3,119	<b>\$2,339</b>	\$853
Multi Family	2.26	\$1,921	<b>\$1,441</b>	\$604

### **3.36.070: FEE EXCEPTIONS AND ADJUSTMENTS:**

- A. The City may adjust the impact fees imposed pursuant to this ordinance as necessary in order to:
1. Respond to unusual circumstances in specific cases;
  2. Ensure that the impact fees are imposed fairly;
  3. Ensure that the fee represents the proportionate share of the costs of providing such facilities which are reasonably related to and necessary in order to provide the services in question to anticipated future growth and development activities;
  4. Allow credits against impact fees for dedication of land for improvement to or new construction of any system improvements which are identified in the Capital Facilities Plan and required by the City as a condition of approving the development activity. No credits shall be given for project improvements. The determination of what constitutes a project improvement will, of necessity, vary somewhat depending on the specific facts and circumstances presented by the nature, size and scope of any particular development activity. All new development activity will be required to install site improvements and facilities which are reasonably necessary to service the proposed development at adopted level of service standards; and
  5. Exempt low income housing and other development activities with broad public purposes from impact fees and establish one or more sources of funds other than impact fees to pay for that development activity.
- B. The Mayor or his designee shall have the authority to make such adjustments based upon reliable information submitted by an applicant and any recommendation from the City staff.
- C. The Mayor may adopt policies consistent with this ordinance and any resolutions passed by the Municipal Council to assist in the implementation, administration and interpretation of this ordinance related to impact fees.
- D. If the applicant, person, or entity is not satisfied with the decision of the Mayor, a further appeal may be made under the procedures set forth in UCA§11-36a-703.

#### **SECTION IV. SEVERABILITY**

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

#### **SECTION V. EFFECTIVE DATE**

This ordinance shall take effect 90 days after the day on which the impact fee enactment is approved, as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND ADOPTED BY THE MUNICIPAL COUNCIL OF THE CLEARFIELD CITY, STATE OF UTAH, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

**CLEARFIELD CITY COUNCIL**

By: \_\_\_\_\_  
[Name of Authorized Individual]

[SEAL]

**VOTING:**

<u>Kent Bush</u>	Yea ___ Nay ___
<u>Mike LeBaron</u>	Yea ___ Nay ___
<u>Mark Shepherd</u>	Yea ___ Nay ___
<u>Kathryn Murray</u>	Yea ___ Nay ___
<u>Bruce Young</u>	Yea ___ Nay ___

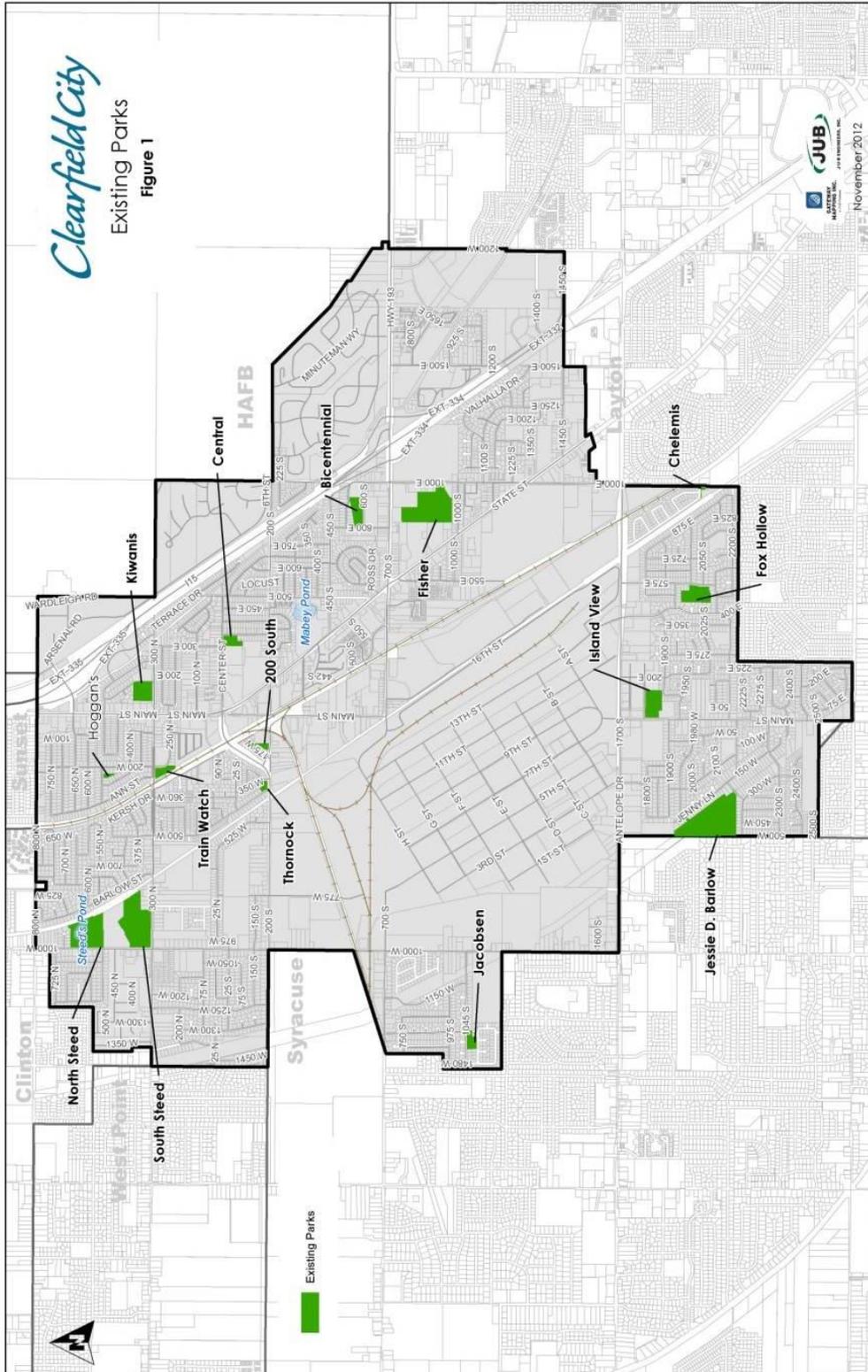
**ATTEST:**

By \_\_\_\_\_  
Nancy R. Dean, City Recorder

**DEPOSITED** in the office of the City Recorder this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**RECORDED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

# EXHIBIT A MAP OF THE CITY SERVICE AREA



**EXHIBIT B**

**IMPACT FEE FACILITIES PLANS AND IMPACT FEE ANALYSES**