Ordinance No. 2020-52

AN ORDINANCE AMENDING THE IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR PARKS, RECREATION, TRAILS, OPEN SPACE, PUBLIC SAFETY, AND ROADWAYS AND AMENDING TITLE 11, CHAPTER 13 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, SETTING FORTH THE ASSESSMENT AND CALCULATION OF IMPACT FEES

WHEREAS, Park City Municipal Corporation is a political subdivision of the state of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the City Council has caused an Impact Fee Study and Analysis to be completed for the City consistent with the Impact Fees Act, Title 11, Chapter 36a, Parts 101 et seq, as amended; and

WHEREAS, the Impact Fee Study contains an analysis and an executive summary that clearly defines the methodology by which the impact fees have been calculated and which identifies the impact upon parks, trails, open space, police facilities, and roadway systems required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity; and

WHEREAS, a public hearing was duly noticed and held at the regular scheduled City Council meeting of December 10, 2020;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that:

SECTION 1. PURPOSE. This Impact Fee Ordinance is promulgated pursuant to the requirements of the Impact Fees Act, Utah Code § 11-36a-1 01- 401 et seq (the "Act"). The purpose of this ordinance is to provide for the generation of sufficient revenue to pay the costs of capital projects and debt service related to or required due to new development.

SECTION 2. AMENDMENTS TO THE MUNICIPAL CODE OF PARK CITY, UTAH ADOPTED - (A) Amendment to Title 11 Chapter 13 of the Municipal Code of Park City is hereby amended as set out in Exhibit A.

SECTION 3. EFFECTIVE DATE. This ordinance shall be effective ninety (90) days from the date of City Council approval.

PASSED AND ADOPTED this 10th day of December, 2020.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Andy B

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Mayor Andy Beerman

Attest:

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DocuSigned by:

Michelle Kellogg

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Michelle Kellogg, City Recorder

Approved as to form:

DocuSigned by:

Mark Harrington

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City Attorney's Office

Exhibit A

11-13-1 Definitions

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise:

1. **BUILDING PERMIT**. The permit required for any Development Activity, as defined herein, and pursuant to Chapter 11-3 et seq. of the Municipal Code of Park City, Utah.
2. **CALCULATED**. Fees as determined by the Official.
3. **CONSTRUCTION VALUE**. The value of construction per square foot used by the Park City Building Department to determine plan check and Building Permit fees, multiplied by the area of Development Activity.
4. **DEPARTMENT**. The Park City Building Department.
5. **DEVELOPMENT ACTIVITY**. Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which is accompanied by a request for a Building Permit.
6. **OFFICIAL**. The Chief Building Official of Park City or his/her designee.
7. **ENCUMBER**. To reserve, set aside or otherwise earmark, the Impact Fees in order to pay for commitments, contractual obligations or other liabilities incurred for Public Facilities.
8. **IMPACT FEE**. Any fee levied pursuant to this chapter as a condition of issuance of a Building Permit. "Impact Fee" does not include fees imposed under MCPC § 11-12.

9. **INDEPENDENT FEE CALCULATION**. An Impact Fee calculation prepared by a fee payer to support assessment of an Impact Fee different from any fee set forth herein.
10. **OWNER**. The owner of record of real property, or a person with an unrestricted written option to purchase property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.
11. **PARKS, RECREATION, TRAILS AND OPEN SPACE IMPACT FEE**. The Impact Fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of City-owned parks, trails and open space.
12. **PROJECT IMPROVEMENT**. Site improvements and facilities that are planned and designed to provide service for the Development Activity and are necessary for the use and convenience of the users of the development resulting from the Development Activity.
13. **PUBLIC FACILITY**. Any structure built by or for, or maintained by, a governmental entity.
14. **PUBLIC SAFETY FACILITIES IMPACT FEE**. The Impact Fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, acquisition, engineering, financing and construction of public safety facilities.
15. **~~STREETS AND STORM WATER IMPACT FEE~~TRANSPORTATION IMPACT FEE**. The Impact Fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of additional roadway~~street and storm water management~~ facilities.
16. **SYSTEM IMPROVEMENT**. Public facilities identified in the ~~2006~~ 2020 Capital Facilities Plan and Impact Fee Analysis, the 2014 Water Impact Facilities Plan and the 2014 Water Impact Fee Analysis that are not Project Improvements.
17. **WATER IMPACT FEE**. The Impact Fee, calculated as an expression of gallons per minute (gpm), to assess the impact of indoor Development Activity, and increased area of irrigated landscape, to assess the impact of outdoor Development Activity, imposed as a condition

precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of water delivery systems. The Water Impact Fee is assessed within the Service Area which is the area within the Park City Water Service District Boundary.

11-13-2 Assessment And Calculation Of Impact Fees

A. **ASSESSMENT OF IMPACT FEES**. The City shall collect the following Impact Fees from any applicant seeking a Building Permit:

1. Parks, Recreation, Trails, Open Space, Public Safety ~~Facilities~~, ~~Streets and Storm Water Facilities Impact Fees~~Transportation:

~~2005~~ 2020 PCMC IMPACT FEE ANALYSIS UPDATE

~~Proposed~~ Impact Fee Schedule (Calendar Year ~~2005~~2020)

	Parks, Recreation, Trails, Open Space	~~Police~~Public Safety	~~Roadway Facilities~~Transportation	Total
Single Family				
~~Unit less than 3,000 sq. ft.~~ Per Unit	~~$1,925.00~~ $3,917.62	~~$300.00~~ $306.21	~~$155.00~~ $703.55	~~$2,380.00~~ $4,927.38
~~Unit 3,000 - 5,000 sq. ft.~~	~~$3,855.00~~	~~$605.00~~	~~$315.00~~	~~$4,775.00~~
~~Unit more than 5,000 sq. ft.~~	~~$5,780.00~~	~~$910.00~~	~~$470.00~~	~~$7,160.00~~
Duplex & Multi-Family				
Unit less than 2,000 sq. ft.	~~$1,575.00~~ $3,917.62	~~$245.00~~ $306.21	~~$145.00~~ $405.44	~~$1,965.00~~ $4,629.27
~~Unit 2,000 - 4,000 sq. ft.~~	~~$3,150.00~~	~~$495.00~~	~~$290.00~~	~~$3,935.00~~
Unit more than ~~4~~2,000 sq. ft.	~~$4,725.00~~ $4,409.30	~~$740.00~~ $306.21	~~$435.00~~ $405.44	~~$5,900.00~~ $5,120.95
Hotel Room				
~~Unit Less Than 750 sq. ft.~~ Per Unit	~~$1,000.00~~ $1,697.11	~~$155.00~~ $683.20 per 1,000 sq. ft.	~~$85.00~~ $623.06	~~$1,240.00~~ $2,320.17 per unit Plus $683.20 per 1,000 sq. ft.
~~Unit 750 - 2,000 sq. ft.~~	~~$2,005.00~~	~~$315.00~~	~~$170.00~~	~~$2,490.00~~
~~Unit more than 2,000 sq. ft.~~	~~$3,005.00~~	~~$470.00~~	~~$255.00~~	~~$3,730.00~~
Commercial per 1,000 sq. ft.	~~NA~~ $1,586.08	~~$555.00~~ $683.20	~~$410.00~~ $725.00	~~$965.00~~ $2,994.28

Light Industrial per 1,000 sq. ft.	NA	~~$445.00~~ $683.20	~~$320.00~~ $251.16	~~$765.00~~ $934.20
~~Additions~~				
~~Single Family~~				
~~0-500 Square Feet~~	~~NA~~	~~NA~~	~~NA~~	~~$0.00~~
~~501-1500 Square Feet~~	~~$480.00~~	~~$75.00~~	~~$35.00~~	~~$590.00~~
~~1501-3000 Square Feet~~	~~$960.00~~	~~$150.00~~	~~$75.00~~	~~1,185.00~~
~~3001-5000 Square Feet~~	~~$1,925.00~~	~~$300.00~~	~~$155.00~~	~~2,380.00~~
~~More than 5000 Square Feet~~	~~$3,855.00~~	~~$605.00~~	~~$315.00~~	~~$4,775.00~~
~~Duplex & Multi Family (per unit)~~				
~~0-500 Square Feet~~	~~NA~~	~~NA~~	~~NA~~	~~0~~
~~501-1000 Square Feet~~	~~$390.00~~	~~$60.00~~	~~$35.00~~	~~$485~~
~~1001-2000 Square Feet~~	~~$785.00~~	~~$120.00~~	~~$70.00~~	~~$975~~
~~2001-4000 Square Feet~~	~~$1,575.00~~	~~$245.00~~	~~$145.00~~	~~$1,965.00~~
~~More than 4000 Square Feet~~	~~$3,150.00~~	~~$495.00~~	~~$290.00~~	~~$3,935.00~~
~~Hotel Room (per unit)~~				
~~0-200 Square Feet~~	~~NA~~	~~NA~~	~~NA~~	~~0~~
~~201-750 Square Feet~~	~~$500.00~~	~~$75.00~~	~~$40.00~~	~~$615.00~~
~~751-2000 Square Feet~~	~~$1,000.00~~	~~$155.00~~	~~$85.00~~	~~$1,240.00~~
~~More than 2000 Square Feet~~	~~$2,005.00~~	~~$315.00~~	~~$170.00~~	~~$2,490.00~~
~~Commercial (per sq. ft.)~~	~~NA~~	~~$0.55~~	~~$0.41~~	~~$0.96~~
~~Light Industrial (per sq. ft.)~~	~~NA~~	~~$0.44~~	~~$0.32~~	~~$0.76~~