

# SALEM CITY

TRANSPORTATION  
IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS

NOVEMBER 2016

HORROCKS  
ENGINEERS

## Impact Fee Facilities Plan Certification Page

I certify that the attached impact fee facilities plan:

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;
  - d. existing deficiencies documented as such and not meant for inclusion in impact analysis.
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

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Brent R. Ventura, P.E.

## Impact Fee Analysis Certification Page

I certify that the attached impact fee analysis:

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.

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Brent R. Ventura, P.E.



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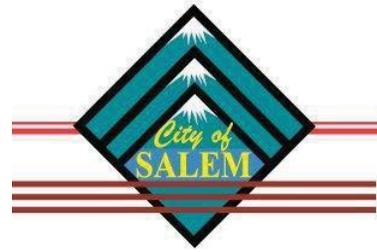
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## Executive Summary

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Utah State Code allows for the creation and assessment of impact fees for new development. This impact fee facilities plan and analysis is based upon the Salem City Transportation Master Plan and meets the requirements of Title 11, 36a.

The Impact Fee Facilities Plan (IFFP) defines Salem City's minimum Level of Service (LOS) on its roadways as LOS D. All roads currently meet the minimum standard except for a segment of 100 East. In fact, every other roadway in the City has excess capacity to accommodate traffic from new development.

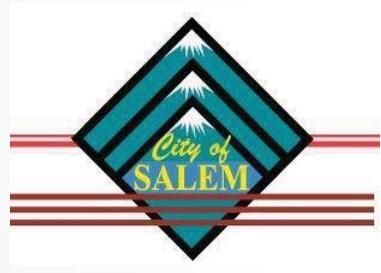
During preparation of the City's transportation master plan, the entire roadway system was modeled to represent its current condition and its potential 2040 no-build conditions. The results were used to identify which roads throughout the system would drop below the minimum level of service by 2040 if improvements were not constructed. Projects were then identified to address the future needs.

For this impact fee study, a model was constructed for 2025 as well and traffic was interpolated proportionately to generate 2022 traffic numbers on major roadways. The results were used to identify which projects would be required in the next six years and to identify what proportion of future trips (2,744) would utilize the new infrastructure. Ten projects were identified that will need to be constructed in the six years to maintain Salem City's current level of service on its roadways. They will cost an estimated \$5,546,100.

The Impact Fee Act requires that new development only pay impact fees its proportionate share of the new infrastructure. As such, appropriate adjustments have been calculated and applied for excess capacity, pass-through traffic, and existing deficiencies. The resulting eligible project costs total \$3,945,942.

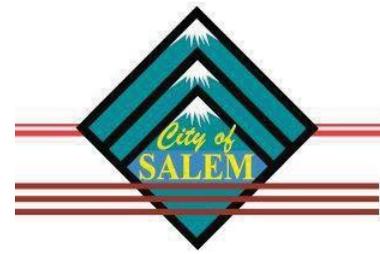
The Impact Fee Analysis (IFA) uses the IFFP data to calculate and recommend Impact fees for future development. The eligible \$3,945,942 of new infrastructure system projects should be shared equally by the next six years' worth of trips generated by new developments, including updates to the IFFP and IFA. The calculated impact fee is \$1,460 per peak hour trip or single family equivalency.

Utilizing ITE trip generation rates, impact fees were calculated for various types of land use. They are presented in the following table.



## Impact Fee Facilities Plan & Analysis

Category	Land Use	Unit	Applicable ITE Code(s)	ITE Trips	Impact Fee Cost Per Unit
Residential	Single Family Detached	Dwelling Unit	210	1	\$1,460
	Condominium/Townhome	Dwelling Unit	230	0.51	\$745
Office	Office Building	1,000 sq. ft.	710	1.55	\$2,263
	Medical Office Building	1,000 sq. ft.	720	3.68	\$5,373
Retail	Less Intensive Retail	1,000 sq. ft.	890	0.24	\$350
	Intensive Retail	1,000 sq. ft.	820	1.95	\$2,847
Services	High Turnover (sit down) Restaurant	1,000 sq. ft.	932	3.11	\$4,541
	Fast Food	1,000 sq. ft.	934	10.80	\$15,768
	Gas Station w/ Convenience Market	Pump Station	945	2.09	\$3,051
	Bank	1,000 sq. ft.	912	11.32	\$16,527
Industrial	Industrial	1,000 sq. ft.	110	1.46	\$2,132
	Manufacturing	1,000 sq. ft.	140	1.10	\$1,606
	Warehousing	1,000 sq. ft.	150	0.70	\$1,022
Institutional	Elementary School	Student	520	0.15	\$219
	Middle/Junior School	Student	522	0.16	\$234
	High School	Student	530	0.13	\$190
	Private School (K-12)	Student	536	0.17	\$248
	Day Care	1,000 sq. ft.	565	0.81	\$1,183
	Church	1,000 sq. ft.	560	0.55	\$803
Ldg	Hotel/Motel	Room	310/320	0.55	\$803



# Impact Fee Facilities Plan

## Introduction

The purpose of an Impact Fee Facilities Plan (IFFP) is to identify public facilities that are needed to accommodate development, and to determine the public facilities required to serve development resulting from new development activity. Utah law requires communities to prepare an IFFP prior to establishing an impact fee. According to Title 11, Chapter 36a-302 of the Utah Code, the IFFP is required to identify the following:

- **The existing level of service**
- **A proposed level of service**
- **Any excess capacity to accommodate future growth at the proposed level of service**
- **The demands placed on existing public facilities by new development**
- **A proposed means by which the local political subdivision will meet those demands**
- **General consideration of potential revenue sources to finance system improvements**

This analysis incorporates the information provided in the Salem Transportation Master Plan (TMP) regarding the upcoming demands on the existing infrastructure facilities that will require improvements to accommodate future growth and provide an acceptable LOS. Reference should be made to that document for additional information on the evaluation methodology and how the projections were made.

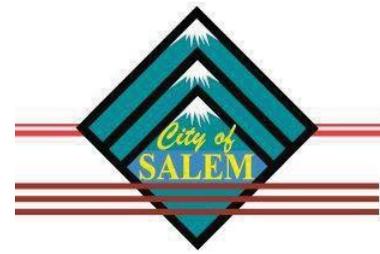
This plan focuses on the improvements that are projected to be needed over the next six years. Utah law requires that any impact fees collected for those improvements be spent within six years of being collected. Only capital improvements are included in this plan.

## Existing Level of Service (11-36a-302(1)(a)(i))

According to the Impact Fee Act, level of service is defined as “the defined performance standard or unit of demand for each capital component of a public facility within a service area.” The LOS of a roadway segment or intersection is used to determine if improvements are necessary. LOS is measured by capacity and/or safety factors. A capacity standard of LOS D was chosen as the acceptable LOS for Salem City. This allows for speeds at or near free-flow speeds, but with less freedom to maneuver. At intersections, LOS D means that vehicles should not have to wait more than one cycle to proceed through the intersection and experience delays less than 35 seconds, according to the Highway Capacity Manual 2010. [Table 1](#) below summarizes the capacities for roadway segments used by Salem City at LOS D.

**Table 1: Capacity Criteria in Vehicles per Day**

Functional Classification	Lanes	Capacity
Arterial	3-5	11,500 – 26,500
Major Collector	3	10,000
Minor Collector	2	9,000



### Intersection Standards

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The performance of intersections has a large effect on the level of service of the roadway network. Intersections have different stop controls such as: no control, stop controlled, signal, roundabout, or are controlled in another way. The level of service for each type of intersection is calculated in a different way. Intersection improvements will be necessary in order to maintain LOS D. One method to reduce costs is to coordinate the placement of signal wiring, foundations, and other features, with roadway construction before the placement of the actual traffic signals and other elements.

### Trips

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Typically, the unit of demand for transportation impact fees is the PM peak hour trip. A PM peak hour trip is defined by the Institute of Transportation Engineers (ITE) as a single or one-directional vehicle movement to or from a site between the hours of 4pm and 6pm. The total traffic impact of a new development can be determined by the sum of the total number of trips generated by a development during the PM peak hour. However, there are some exceptions including schools and churches whose peak traffic does not coincide with the roadway PM peak hour.

This trip generation number, or impact, can be estimated for an individual development using the ITE Trip Generation Manual (currently 8<sup>th</sup> edition) (Examples of ITE Trip Generation values are found in [Appendix A – ITE Trip Generation](#)). This publication uses national data studied over decades to assist traffic engineering professionals to determine the likely impact of new development on transportation infrastructure. In this study, we will use the ITE data to generate impact fees for various developments relative to a single family dwelling.

It is also important to consider that certain types of developments do not generate primary trips or trips that originated for the sole purpose of visiting that development. An example of a primary trip is a home based work trip where someone leaves their house with the express purpose of going to work. This primary trip has been generated by a combination of the home the trip originated in and the place of occupation where the trip is terminated. Thus it is easily understood that the impact of this trip should be attributed to the housing development and workplace development, without either of these locations, the trip doesn't happen. Some trips are not primary trips, they are defined as pass-by trips. This essentially means that the trip (crossing the driveway of a development) was generated by a driver deciding to make a stop on their way to their primary destination. Pass-by trips do not add traffic to the roadway and therefore do not create additional impact. The ITE Trip Generation Manual also provides a suggested reduction for pass-by trips where applicable. These factors can also be used to more precisely identify new impacts on a case by case basis as needed.

### System Improvements and Project Improvements

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As described in the TMP, there are four primary classifications of roads, including local streets, collectors, arterials, and freeways/expressways. Local streets primarily serve land-access functions, while freeways and expressways are primarily meant for mobility. Each classification may have a variable amount of lanes, which is a function of the expected traffic volume and serves as the greatest measure of roadway capacity.



Improvements to collectors and arterials are considered “system improvements” according to the Utah Impact Fee Law, as these streets serve users from multiple developments. System improvements may include anything within the roadway such as curb and gutter, sidewalk, asphalt, road base, lighting, and signing for collectors and arterials. These projects are eligible to be funded with impact fees and are included in this IFFP.

## Proposed Level of Service (11-36a-302(1)(a)(ii))

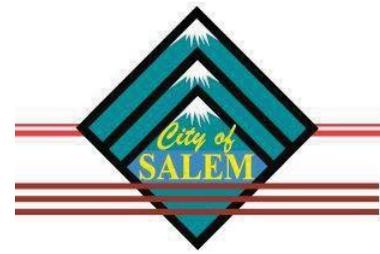
The proposed level of service provides a standard for future roadway conditions to be evaluated against. This standard will determine whether or not a roadway will need improvements or not. According to the Utah Impact Fee Law, the proposed level of service may:

1. Diminish or equal the existing level of service
2. Exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or
3. Establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.

This IFFP will not make any changes to the existing level of service, and LOS D will be the capacity standard by which future growth will be evaluated.

## Existing Capacity to Accommodate Future Growth (11-36a-302(1)(a)(iii))

An important element of the IFFP is the determination of excess capacity on the roadway network. Excess capacity is defined as the amount of available capacity on any given street in the roadway network under existing conditions. **Table 2** illustrates the excess capacity existing on each major roadway within Salem’s jurisdiction. A positive excess capacity represents available capacity for new development in the City before additional infrastructure will be needed. As presented below, excess capacity has been calculated proportionate to the design life use on individual roadways. In the IFA, only these percentages of the existing roadways will be eligible for inclusion in a buy-in component. No roadway segments indicate existing deficiencies.



**Table 2: Excess Capacity Calculations for Existing Roads**

Road Name	Existing Volume (EV)	2022 Volume (22V)	2040 Volume (40V)	Excess Capacity (40V-EV)	Excess Capacity %	Eligible Proportion (22V-EV)/(40V-EV)	Effective Impact Fee Eligible Portion
Beet Road	2,000	1,333	3,000	1,000	33%	-67%	<b>0%</b>
SR-198	11,700	14,367	22,200	10,500	47%	25%	<b>12%</b>
Main Street	2,900	4,100	5,600	2,700	48%	44%	<b>21%</b>
400 North	1,500	1,833	3,500	2,000	57%	17%	<b>10%</b>
Center Street	1,700	1,767	3,500	1,800	51%	4%	<b>2%</b>
Salem Canal Road	1,700	2,100	3,600	1,900	53%	21%	<b>11%</b>
Woodland Hills	7,400	8,667	9,000	1,600	18%	79%	<b>14%</b>
1600 West	5,400	6,067	9,800	4,400	45%	15%	<b>7%</b>
300 West	2,100	2,233	3,500	1,400	40%	10%	<b>4%</b>
250 West	1,000	1,333	1,900	900	47%	37%	<b>18%</b>
1320 South	1,000	1,333	3,000	2,000	67%	17%	<b>11%</b>
100 East	3,500	4,367	6,900	3,400	49%	25%	<b>13%</b>
750 East	1,000	1,400	1,500	500	33%	80%	<b>27%</b>
1700 East	4,000	4,333	5,100	1,100	22%	30%	<b>7%</b>
180 North	1,000	1,133	1,500	500	33%	27%	<b>9%</b>
600 South	1,000	1,333	1,500	500	33%	67%	<b>22%</b>
11200 South	1,000	1,600	5,200	4,200	81%	14%	<b>12%</b>
800 West	1,000	1,333	2,000	1,000	50%	33%	<b>17%</b>
8800 South	3,100	4,567	4,800	1,700	35%	86%	<b>31%</b>
500 East	1,000	2,400	5,000	4,000	80%	35%	<b>28%</b>
SR-164	5,500	9,700	15,400	9,900	64%	42%	<b>27%</b>

## Demands Placed on Facilities by New Development (11-36a-302(1)(a)(iv))

To meet the requirements of the Utah Impact Fee law, to “identify demands placed upon existing public facilities by new development activity at the proposed level of service” and to “identify the means by which the political subdivision or private entity will meet those growth demands”, the following steps were completed and are explained in further detail in the following sections:

1. **Existing Demand** – The current demand was estimated using traffic counts and population data.
2. **Existing Capacity** – Current capacity was estimated using the calculated LOS.
3. **Existing Deficiencies** – The deficiencies in the current network were identified by comparing the LOS of the roadways to the LOS standard.

# Impact Fee Facilities Plan & Analysis

October 2016



4. **Future Demand** – Future demand estimated using development projections.
5. **Future Deficiencies** – The deficiencies in the future network due to development were identified by comparing the calculated future LOS with the LOS standard.
6. **Recommended Improvements** – Recommendations were made that will meet future demands.

## Existing Roadway Network Conditions

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### *Conversions of Growth and Development Projections to Trip Generations*

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The basis of the future travel demand was projected using the Mountainland Association of Governments (MAG) Travel Demand Model (TDM). The MAG TDM models the entire Wasatch Front from north of Ogden to south of Spanish Fork. The entire region is split into Traffic Analysis Zones (TAZ). Each TAZ includes socio-economic and land use data provided by MAG and the City. Variables included in the model come directly from the Utah Governor’s Office of Management and Budget such as total population, total households, household size, total employment as well as average income. The existing population in Salem is 7,237 and the projected population in 2040 will be 33,650.

The MAG TDM was calibrated to fit existing traffic conditions in Salem City. Traffic counts were collected throughout the city. Traffic counts were also obtained from UDOT and include annual average daily traffic (AADT) volumes as defined in *Traffic on Utah Highways*. The TDM was updated with the data and calibrated to produce similar traffic patterns as actually exist within the City.

The TDM generates traffic projections and, future traffic demands/impacts based on the socioeconomic data within each TAZ. There are numerous variables within each TAZ, but the two main variables that determine traffic generation are total households and total employment. Since the MAG TDM provides a regional model with large TAZ’s, citywide traffic volumes generated in the MAG model are not accurate at an individual city level. In order to calibrate the MAG TDM with the existing local conditions, each TAZ is split into smaller units based on the roadway network and zoning plan in Salem. The socioeconomic data within the original TAZ’s are then redistributed within the split TAZ’s. No data in the model is changed, but redistributed to ensure that the model is calibrated with the existing roadway conditions. The model then better reflects future growth impacts specific to Salem City, The TAZ socioeconomic data is included in **Appendix B** – TAZ Socioeconomic Data.

### *Existing Functional Classification and Level of Service*

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The existing functional classification used in the MAG Travel Demand Model is shown in **Figure 1**. The LOS was calculated for each roadway and intersection according to the guidelines explained in the Level of Service section and a LOS map is included in **Figure 2**.

### *Mitigations to Existing Capacity Deficiencies*

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Using LOS D as the threshold for roadway improvements in **Figure 2** (Indicated by red lines), the following shows the roadways that have existing capacity deficiencies:

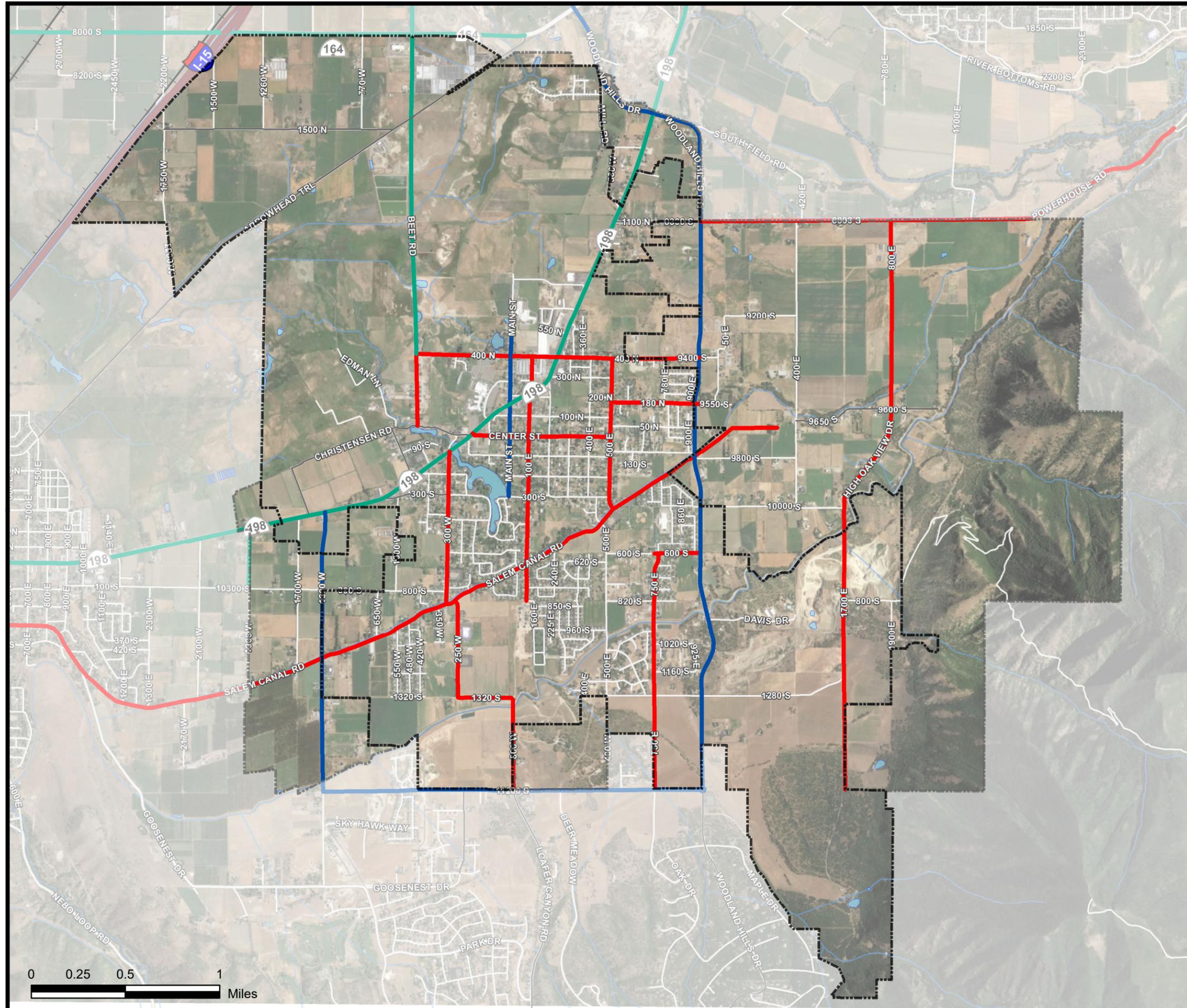
#### **Roadway Segments at or below Capacity:**

- **100 East:** 200 South to Hazel Drive – although 100 East has sufficient asphalt for two lanes of traffic, the asphalt width is minimal with no shoulders, curb, gutter or sidewalk.



# Transportation Master Plan

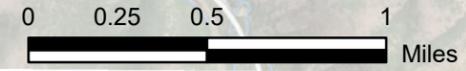
Figure 1: Existing Functional Classification (2007 Adopted Classification)



**Legend**

**Existing Roadway Network**

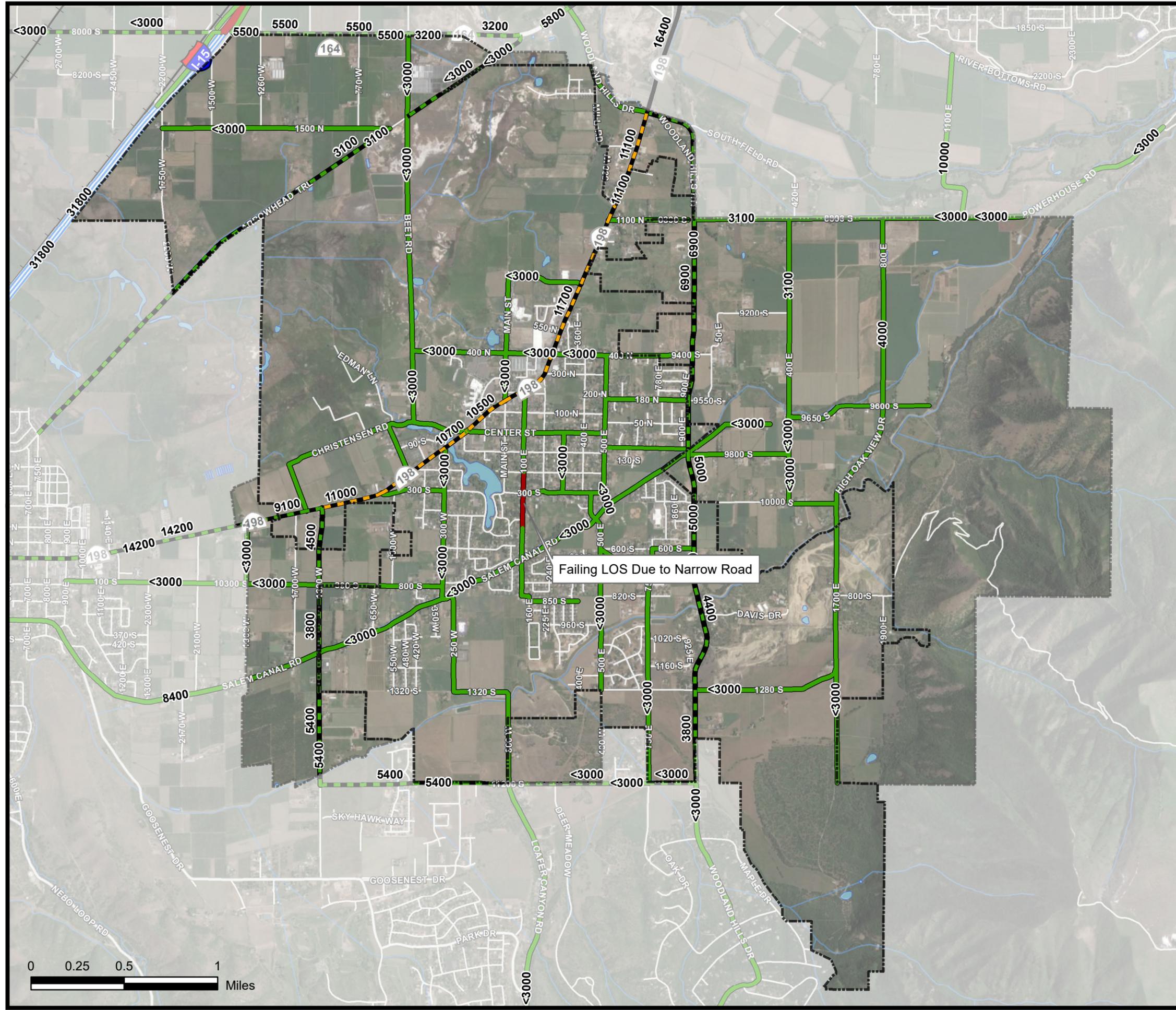
- Freeway
- Arterial
- Major Collector
- Minor Collector
- Roads
- Salem Boundary
- Annexation Boundary





# Transportation Master Plan

Figure 2: Existing Level of Service



**Legend**

**UDOT Existing Level of Service**

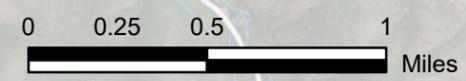
- Acceptable (LOS C or Better)
- Acceptable (LOS D)
- Unacceptable (LOS E or F)

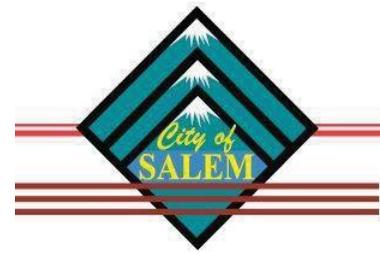
**Existing Level of Service**

- Acceptable (LOS B or Better)
- Acceptable (LOS C)
- Unacceptable (LOS D)

Salem Boundary

Annexation Boundary





In most cases, roadway capacity improvements are achieved by adding travel lanes. In some cases, additional capacity can be gained by striping additional lanes where the existing pavement width will accommodate it. This can be accomplished by eliminating on street parking, creating narrower travel lanes, and adding two-way left turn lanes where they don't currently exist. For all roadway capacity improvements, it is recommended to investigate other mitigation methods before widening the roadway.

### Future Roadway Network Conditions

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By calibrating the MAG Travel Demand Model to fit the existing traffic conditions in Salem City, the model is prepared to project traffic volumes into the future. There were two future models used for this TMP. The first model created identifies potential capacity deficiencies and is called the 2040 No Build Model. The other model created is the 2025 Master Plan Solution Model, which includes future projects to accommodate future development as indicated by the 2040 No Build Model.

### No Build Level of Service

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A no build scenario is intended to show what the roadway network would be like in the future if no action was taken to improve the City roadway network. The travel demand model was used to predict this condition by applying future growth and travel demand to the existing roadway network. As shown in **Figure 3**, the following roadways would perform at LOS E or worse if no action was taken by 2040 to improve the roadway network:

- **100 East:** 200 South to Hazel Drive
- **SR-198:** Western Border to Northern Border.
- **SR-164:** I-15 to Beet Road

## Infrastructure Required to Meet Demands of New Development (11-36a-302(1)(a)(v))

### Infrastructure Required in the Next 6 Years

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Although no roadways are illustrated to exceed capacity in the 2040 no-build model, there are roadway improvements required to accommodate future growth. Three of these projects are roadway extensions required to provide access to developing properties and maintain circulation within the system. The other seven projects provide new storm drain and pedestrian improvements required by increased pedestrian traffic and impervious surface created by new development. Projects and their projected costs are summarized in

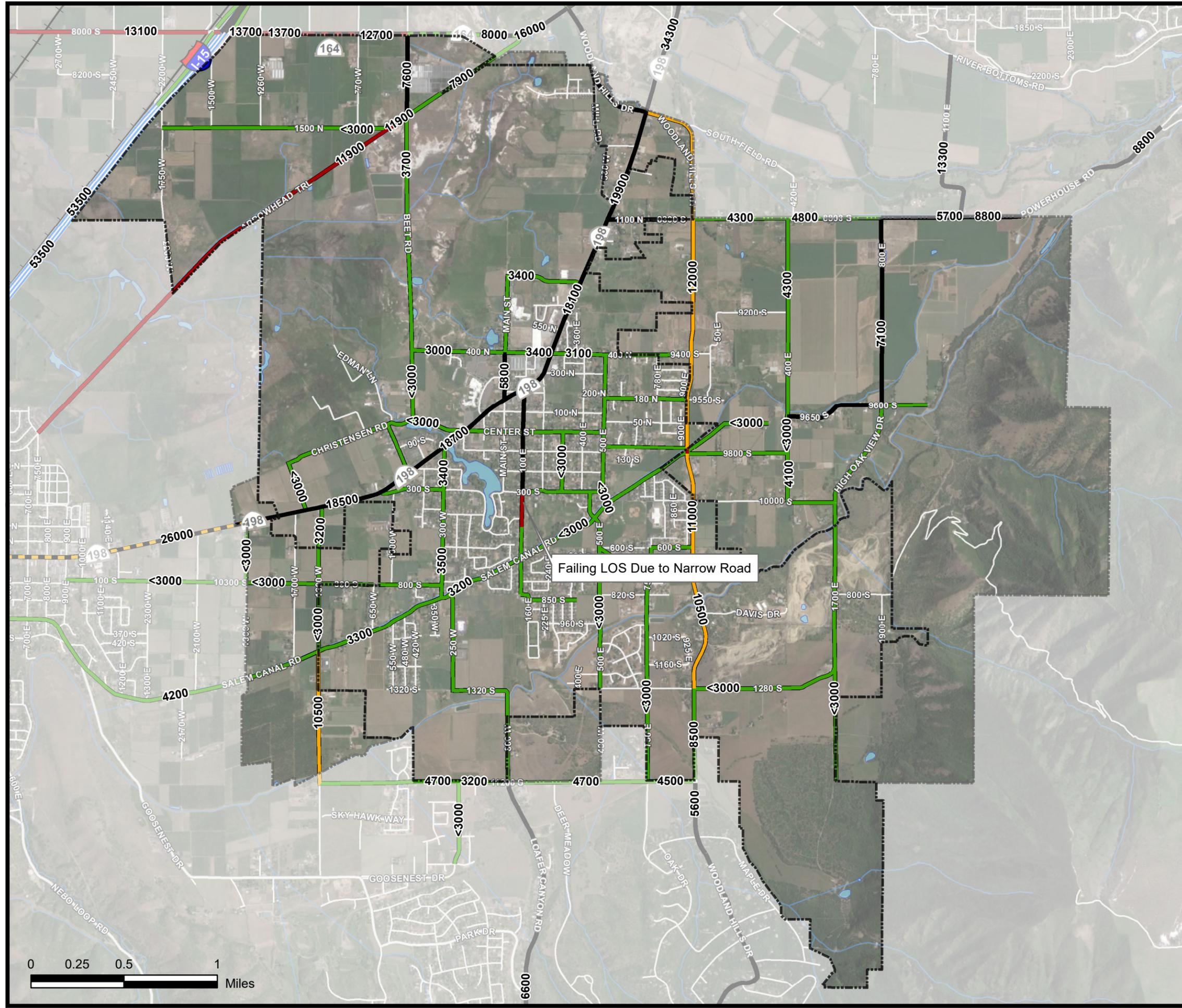
#### **Table 3.**

Projects include in this IFFP are new infrastructure and capacity improvement projects planned for roads without existing deficiencies and are considered 100% impact fee eligible since they are necessary as a result of new development. Projects on UDOT roadways will be funded by the state and are not included in this impact fee facilities plan.



# Transportation Master Plan

Figure 3: 2040 No-Build Level of Service



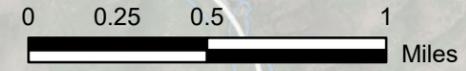
**Legend**

**UDOT No Build Level of Service**

- Acceptable (LOS B or Better)
- Acceptable (LOS C)
- Acceptable (LOS D)
- Unacceptable (LOS E or F)

**Salem No Build Level of Service**

- Acceptable (LOS B or Better)
- Acceptable (LOS C)
- Unacceptable (LOS D)
- Unacceptable (LOS E or F)
- Salem Boundary
- Annexation Boundary



Impact Fee Facilities Plan & Analysis  
 October 2016



Project cost estimates incorporate planning level contingency, mobilization, preconstruction engineering, and construction management. Contingency accounts for the items not estimated during the concept cost estimate. Examples include roadway striping, utility placement, and survey. Contingency costs can range up to 25% based on the number of items not estimated. Mobilization is the preparation before construction begins on a project. It is recommended that a value of 10% be used for project mobilization. Preconstruction engineering is based on the complexity of the project as well as the construction costs. Construction management includes the construction management and additional design necessary during construction. For cost estimates included in this IFFP, we have used an average value of 8% for both preconstruction engineering and construction management. All cost estimates along with all unit costs and assumptions are included in [Appendix C – IFFP Cost Estimates](#).

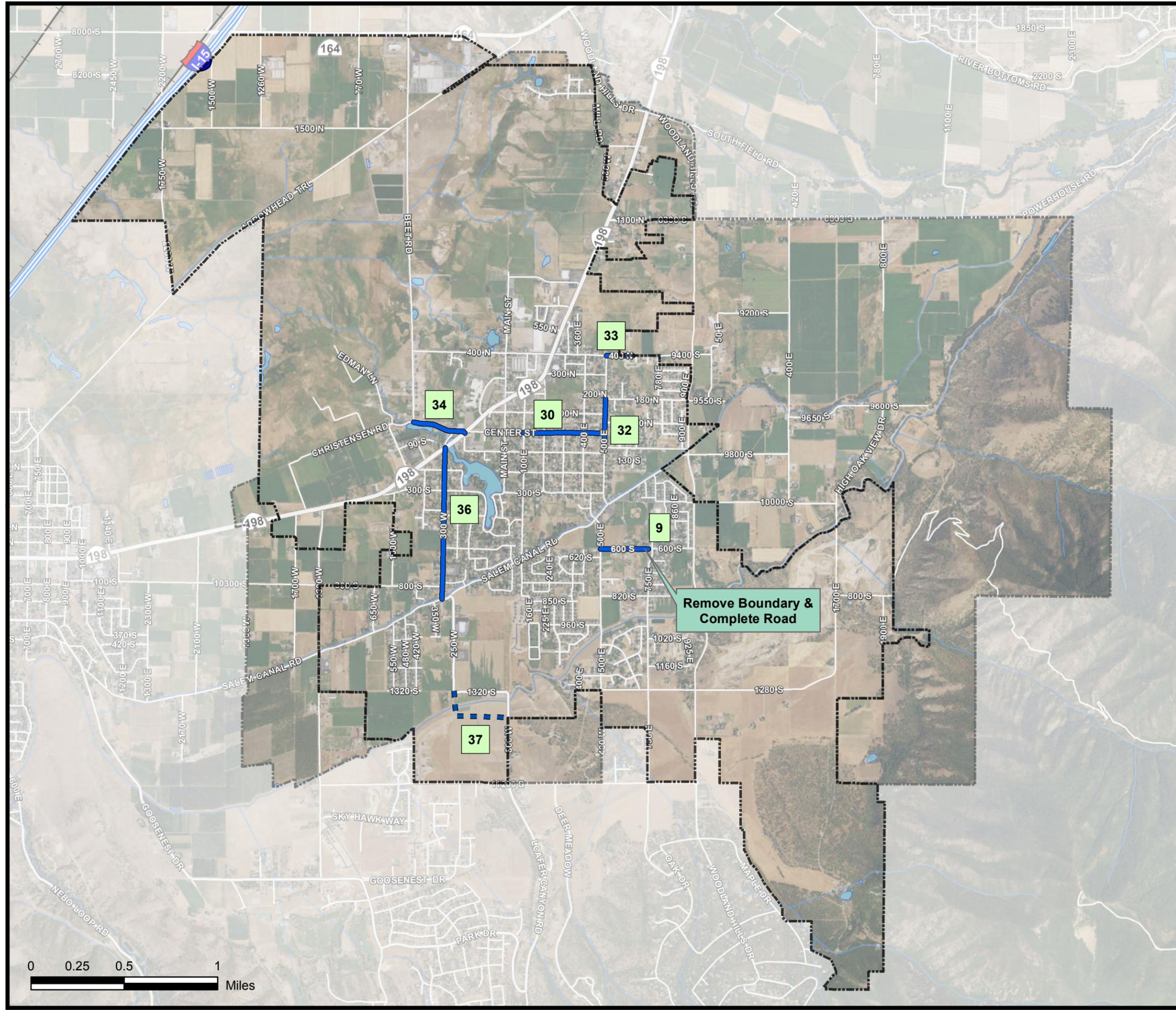
**Table 3: Impact Fee Facilities Plan 2016-2022**

Project	Location	Project Year	Project Cost (2016)	Funding Source	Project Year Cost (3% inflation)
30	Center Street Widening – 500 E to 100 E	2017	\$502,100	City	\$502,100
32	500 East Widening – 180 N to 80 S	2018	\$337,700	City	\$347,831
33	400 North – Ranch Meadows to 500 E/389 E to 405 E	2018	\$180,900	City	\$186,327
36	300 West Widening – SR198 to Salem Canal Rd	2019	\$529,800	City	\$562,065
34	Center Street Widening – Sr-198 to 460 W	2020	\$370,300	City	\$404,637
9	600 South – 500 E to 750 E (Make Connection)	2022	\$1,564,800	City	\$1,814,032
37	250 West Bridge and Road Extension	2022	\$2,060,500	City	\$2,185,984
<b>Total</b>			<b>\$5,546,100</b>		<b>\$6,020,976</b>



# Transportation Master Plan

Figure 4: Impact Fee Facilities Plan Projects



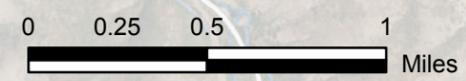
**Legend**

**IFFP Projects**

**IFFP, Status, RTP**

- Capacity Improvements - City
- New Roadways - City
- Salem Boundary
- Annexation Boundary

Remove Boundary & Complete Road





Project Cost Attributable to 6-Year Growth

Using the travel demand model mentioned in previous chapters it is possible to estimate the number of PM trips originating or terminating in Salem for the existing and future conditions. The difference between the future PM trips and the existing PM trips (the number of new trips in the City) becomes the denominator in the equation used to calculate the impact fee cost per PM peak hour trip for new development. Salem currently generates approximately **12,485** one-way PM peak hour trips. In 2040 this number is expected to increase to **37,603**, an increase of **202%**. The projected 2022 PM peak hour trip number for Salem City is **15,229**, a **22%** increase on today’s value. The number of new trips expected in the next six years is, therefore, 2,744.

In order to meet the requirements of the Impact Fee Act, the following factors must be considered when evaluating impact fees. These factors include analysis of, and potential reductions for, existing deficiencies, pass-through traffic, and excess capacity that will not be consumed in the next six years. For purposes of this study, these are calculated based on the projected 2022 traffic volumes as well as output data from the TDM.

Excess Capacity of New Infrastructure

In order to specifically estimate the proportionate growth associated with the infrastructure required in the next 6 years, we will use the proportionate share of new trips generated in the next six years compared to the 2040 expected use, similar to Table 2. Table 4 illustrates the projects that will increase capacity due to new trips and calculates each project’s excess capacity.

**Table 4: Costs Attributable to 6-Year Growth**

Project	Location	Existing Volume (EV)	2022 Volume (22V)	2040 Volume (40V)	Excess Capacity (40V-EV)	Excess Capacity Reduction (40V-22V)/(40V-EV)
9	600 South – 500 E to 750 E (Make Connection)	1,000	1,333	1,500	500	33%
37	250 West Bridge and Road Extension	500	5,500	7,500	7,000	29%

Existing Deficiency Reduction

None of the projects identified in this IFFP resolve existing deficiencies. Therefore, no reductions can be calculated for any project in this section.

Pass-Through Reduction

Pass-through traffic for projects that will increase capacity are illustrated in Table 5. A vehicle trip is considered pass-through when the origin and the destination for a specific trip occurs outside the city limits. For all growth within Salem, there is a certain percentage of new trips which are considered pass-through. This percentage is determined using the MAG Travel Demand Model. The Travel Demand Model determines pass-through traffic by keeping track of the origin, destination, and path for each vehicle trip generated. When the vehicle trip uses a roadway in Salem and the origin and destination of that trip is located outside of Salem, that trip is considered a pass-through trip. Since a pass-through trip does not arise from new development activity in Salem, it cannot



be paid using impact fees. The proportion of each project’s capacity increase due to pass-through traffic is illustrated below. The percentage of eligible costs on the projects will be reduced accordingly.

**Table 5: Pass-Through Traffic Calculation**

Project	Location	Pass-Through Volume	IFFP Cost Reduction %
9	600 South – 500 E to 750 E (Make Connection)	40	1%
37	250 West Bridge and Road Extension	1000	14%

*Impact Fee Summary and Costs*

Impact fees can only be collected for the proportion of the infrastructure required by new development that is projected to occur in the next six years. **Table 6** is a summary of the reductions applicable to each project as identified in the previous sections. Projects 30-36 are capacity improvements involving pedestrian access. Since no definitive pedestrian data is currently available, we have evaluated each pedestrian project with a 25% reduction that accounts for the benefit to existing residents.

**Table 6: Proportion of Projects Attributed to New Development**

Project	Location	Excess Capacity Reduction	Pass-Through Reduction	Total Reductions	Proportion Attributable to New Development
9	600 South – 500 E to 750 E (Make Connection)	33%	1%	34%	66%
30	Center Street Widening – 500 E to 100 E	25%	0%	25%	75%
32	500 East Widening – 180 N to 80 S	25%	0%	25%	75%
33	400 North – Ranch Meadows to 500 E/389 E to 405 E	25%	0%	25%	75%
34	Center Street Widening – Sr-198 to 460 W	25%	0%	25%	75%
36	300 West Widening – SR198 to Salem Canal Rd	25%	0%	25%	75%
37	250 West Bridge and Road Extension	29%	14%	43%	57%

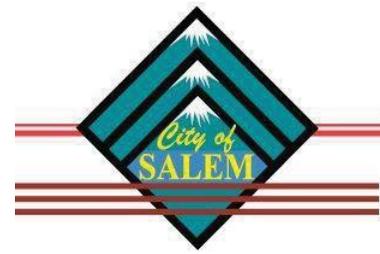
Using these calculated reductions, eligible costs have been calculated in Table 7. Of the \$6,002,976 required by Salem for roadway improvements, \$3,945,492 is eligible to be paid using impact fees. All project costs in Table 7 include inflation based upon the project’s anticipated construction year. Details are available in Appendix C.

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**Table 7: Impact Fee Eligible Costs**

Project	Location	Project Year	Project Year Cost	Impact Fee Eligible	Impact Fee Eligible Cost (With Inflation)
<b>30</b>	Center Street Widening – 500 E to 100 E	2017	\$502,100	75%	<b>\$376,575</b>
<b>32</b>	500 East Widening – 180 N to 80 S	2018	\$347,831	75%	<b>\$260,873</b>
<b>33</b>	400 North – Ranch Meadows to 500 E/389 E to 405 E	2018	\$186,327	75%	<b>\$139,745</b>
<b>36</b>	300 West Widening – SR198 to Salem Canal Rd	2019	\$562,065	75%	<b>\$421,549</b>
<b>34</b>	Center Street Widening – Sr-198 to 460 W	2020	\$404,637	75%	<b>\$303,478</b>
<b>9</b>	600 South – 500 E to 750 E (Make Connection)	2022	\$1,814,032	66%	<b>\$1,197,261</b>
<b>37</b>	250 West Bridge and Road Extension	2022	\$2,185,984	57%	<b>\$1,246,011</b>
<b>Total</b>			<b>\$6,002,976</b>		<b>\$3,945,492</b>



## Proposed Means to Meet Demands of New Development (11-36a-302(2))

All possible revenue sources have been considered as a means of financing transportation capital improvements needed as a result of new growth. This section discusses the potential revenue sources that could be used to fund transportation needs as a result of new development.

Transportation routes often span multiple jurisdictions and provide regional significance to the transportation network. As a result, other government jurisdictions or agencies often help pay for such regional benefits. Those jurisdictions and agencies could include the Federal Government, the State Government or UDOT, or MAG. The City will need to continue to partner and work with these other jurisdictions to ensure the adequate funds are available for the specific improvements necessary to maintain an acceptable LOS. The City will also need to partner with adjacent communities to ensure corridor continuity across jurisdictional boundaries (i.e., arterials connect with arterials; collectors connect with collectors, etc.).

Funding sources for transportation are essential if Salem City recommended improvements are to be built. The following paragraphs further describe the various transportation funding sources available to the City.

### Federal Funding

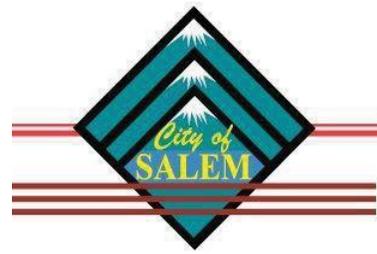
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Federal monies are available to cities and counties through the federal-aid program. UDOT administers the funds. In order to be eligible, a project must be listed on the five-year Statewide Transportation Improvement Program (STIP).

The Surface Transportation Program (STP) funds projects for any roadway with a functional classification of a collector street or higher as established on the Functional Classification Map. STP funds can be used for both rehabilitation and new construction. The Joint Highway Committee programs a portion of the STP funds for projects around the state in urban areas. Another portion of the STP funds can be used for projects in any area of the state at the discretion of the State Transportation Commission. Transportation Enhancement funds are allocated based on a competitive application process. The Transportation Enhancement Committee reviews the applications and then a portion of the application is passed to the State Transportation Commission. Transportation enhancements include 12 categories ranging from historic preservation, bicycle and pedestrian facilities, and water runoff mitigation. Other federal and state trail funds are available from the Utah State Parks and Recreation Program.

MAG accepts applications for federal funds through local and regional government jurisdictions. The MAG Technical Advisory and Regional Planning committees select projects for funding annually. The selected projects form the Transportation Improvement Program (TIP). In order to receive funding, projects should include one or more of the following aspects:

- **Congestion Relief** – spot improvement projects intended to improve Levels of Service and/or reduce average delay along those corridors identified in the Regional Transportation Plan as high congestion areas



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- **Mode Choice** – projects improving the diversity and/or usefulness of travel modes other than single occupant vehicles
- **Air Quality Improvements** – projects showing demonstrable air quality benefits
- **Safety** – improvements to vehicular, pedestrian, and bicyclist safety

### State/County Funding

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The distribution of State Class B and C Program monies is established by State Legislation and is administered by the State Department of Transportation. Revenues for the program are derived from State fuel taxes, registration fees, driver license fees, inspection fees, and transportation permits. Seventy-five percent of these funds are kept by UDOT for their construction and maintenance programs. The rest is made available to counties and cities. Since some of the roads in Salem fall under UDOT jurisdiction, it is in the interests of the City that staff is aware of the procedures used by UDOT to allocate those funds and to be active in requesting the funds be made available for UDOT owned roadways in the City.

Class B and C funds are allocated to each city and county by a formula based on population, centerline miles, and land area. Class B funds are given to counties, and Class C funds are given to cities and towns. Class B and C funds can be used for maintenance and construction projects; however, thirty percent of those funds must be used for construction or maintenance projects that exceed \$40,000. The remainder of these funds can be used for matching federal funds or to pay the principal, interest, premiums, and reserves for issued bonds.

In 2005, the state senate passed a bill providing for the advance acquisition of right-of-way for highways of regional significance. This bill would enable cities in the county to better plan for future transportation needs by acquiring property to be used as future right-of-way before it is fully developed and becomes extremely difficult to acquire. UDOT holds on account the revenue generated by the local corridor preservation fund, but the county is responsible to program and control monies. In order to qualify for preservation funds, the City must comply with the Corridor Preservation Process found online at [www.udot.utah.gov/public/ucon](http://www.udot.utah.gov/public/ucon).

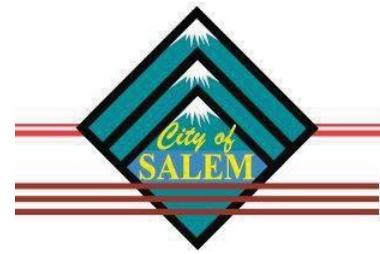
### City Funding

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Some cities utilize general fund revenues for their transportation programs. Another option for transportation funding is the creation of Special Assessment Area (SAA). SAA's can be created for infrastructure needs that benefit or encompass specific areas of the City. Creation of the SAA may be initiated by the municipality by a resolution declaring the public health, convenience, and necessity requiring the creation of a SAA. The boundaries and services provided by the district must be specified and a public hearing held prior to creation of the SAA. Once the SAA is created, funding can be obtained from tax levies, bonds, and fees when approved by the majority of the qualified electors of the SAA. These funding mechanisms allow the costs to be spread out over time. Through the SAA, tax levies and bonding can apply to specific areas in the City needing to benefit from the improvements.

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Private interests often provide resources for transportation improvements. Developers construct the local streets within subdivisions and often dedicate right-of-way and participate in the construction of collector/arterial streets adjacent to their developments. Developers can also be considered a possible source of funds for projects through the use of impact fees. These fees are assessed as a result of the impacts a particular development will have on the surrounding roadway system, such as the need for traffic signals or street widening.

General fund revenues are typically reserved for operation and maintenance purposes as they relate to transportation. However, general funds could be used if available to fund the expansion or introduction of specific services. Providing a line item in the City budgeted general funds to address roadway improvements, which are not impact fee eligible is a recommended practice to fund transportation projects should other funding options fall short of the needed amount.

General obligation bonds are debt paid for or backed by the City's taxing power. In general, facilities paid for through this revenue stream are in high demand amongst the community. Typically, general obligation bonds are not used to fund facilities that are needed as a result of new growth because existing residents would be paying for the impacts of new growth. As a result, general obligation bonds are not considered a fair means of financing future facilities needed as a result of new growth.

### Interfund Loans

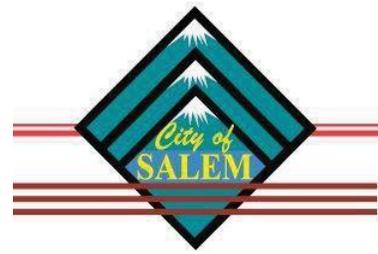
Since infrastructure must generally be built ahead of growth, it must sometimes be funded before expected impact fees are collected. Bonds are the solution to this problem in some cases. As impact fees are received, they will be reimbursed. Consideration of these loans will be included in the impact fee analysis and should be considered in subsequent accounting of impact fees.

### Developer Impact Fees

Impact fees are a way for a community to obtain funds to assist in the construction of infrastructure improvements resulting from and needed to serve new growth. The premise behind impact fees is that if no new development occurred, the existing infrastructure would be adequate. Therefore, new developments should pay for the portion of required improvements that result from new growth. Impact fees are assessed for many types of infrastructures and facilities that are provided by a community, such as roadway facilities. According to state law, impact fees can only be used to fund growth related system improvements.

## Necessity of Improvements to Maintain Level of Service

According to State statute, impact fees must only be used to fund projects that will serve needs caused by future development. They are not to be used to address present deficiencies. Only projects costs that address future needs are included in this IFFP. This ensures a fair fee since developers will not be expected to address present deficiencies.



## Impact Fee Certification (11-36a-306)

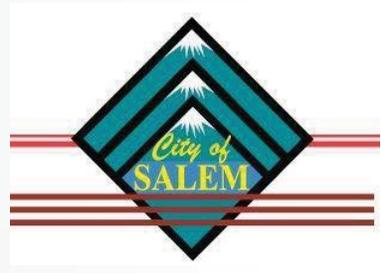
According to state law, this report has been prepared in accordance with Utah Code Title 11 Chapter 36 titled "Impact Fees Act". This report relies upon the planning, engineering, land use and other source data provided by the City and their designees and all results and projections are founded upon this information.

In accordance with Utah Code Annotate, 11-36a-306(1), Horrocks Engineers, certifies that this impact fee facilities plan:

1. Includes only the cost of public facilities that are:
  - a. Allowed under the Impact Fees Act; and
  - b. Actually incurred; or
  - c. Are projected to be incurred or encumbered within six years of the day on which each impact fee is paid;
2. Does not include:
  - a. Costs of operation and maintenance of public facilities
  - b. Cost of qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service 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.

This certification is made with the following limitations:

1. All of the recommendations for implementing this IFFP of IFA are followed in their entirety by the City.
2. If any portion of the IFFP is modified or amended in any way, this certification is no longer valid.
3. All information presented and used in the creation of this IFFP is assumed to be complete and correct, including any information received from the City or other outside source



# Impact Fee Analysis

## Introduction

Impact fees provide communities with a legal means to obtain funds from new developments to finance the construction of infrastructure improvements that are needed to serve new growth. State law requires that impact fees be used only for projects made necessary by new growth and not for existing deficiencies. Throughout this study, existing conditions have been analyzed as well as future needs due to development and growth. This section defines the financial impact that new development will have on Salem City in the next six years and recommends transportation impact fees. These fees will be needed to maintain the existing level of service throughout the City. They do not include existing deficiencies.

Impact fees charged for new development are based on trip generations of proposed developments. Calculations for the impact fees are included in this chapter. The calculations in this chapter consider only those projects that are planned to be constructed or encumbered within the next six years. Budgetary costs were evaluated in future dollars (proposed project planning year dollars), assuming an inflation rate of 3% per year. They consider and assume current and future projects can be financed by 10 year loans with a 4% interest rate. Salem’s transportation system is interconnected and has been evaluated as a single service area.

## Anticipated Impact (11-36a-304(1)(a))

### Projected Growth in Peak Hour Trips

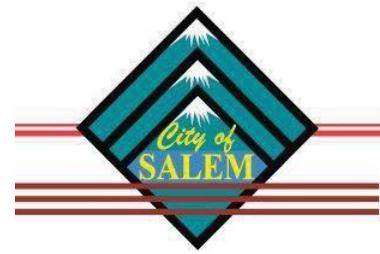
Salem City is projected to grow approximately 22% over the next 6 years. Trips will increase from approximately 12,485 (2016) to 15,229 (2022) peak hour trips, an increase of 2,744 trips in the next 6 years.

### Use of Excess Capacity

Excess capacity available on the existing roadway system is illustrated in Table 2 on page 4 of the Impact Fee Facilities Plan.

### Current Deficiencies

There is only one existing deficiency on 100 East between 200 South and Hazel Drive. No projects to improve this roadway section have been included in the impact fee calculation.



### Anticipated Impact of New Development

Salem City has identified 7 projects necessitated by new development at a cost of \$6,002,976 over the next 6 years. They are identified in Table 3 on page 10 of the IFFP. The cost of these projects must be shared proportionately between the peak hour trips (2,744) projected to be generated from new development.

New infrastructure costs must be adjusted to only reflect the cost of infrastructure attributable to the next six years of growth and reduced to account for pass-through traffic not attributable to the new developments anticipated by the new projects. Table 7 on page 14 illustrates the total reduction for each project. Eligible impact fee costs can be calculated as shown in Table 7. Total eligible costs are \$3,945,492.

### Cost Per Peak Hour Trip

In order to maintain the existing level of service, Salem City will need to construct the previously identified projects. They will need to be financed by future trip generators. The cost of one peak hour trip can be calculated as follows:

$$\$3,945,492 \text{ Impact Fee Eligible Costs} / 2,744 \text{ new peak hour trips} = \underline{\$1,438.03} \text{ per peak hour trip}$$

### Other Costs

The impact fee law allows for the preparation of impact fee facilities plans and impact fee analyses to be included in impact fee calculations. Assuming that impact fees will be updated twice during the next 6 years, the following can be added to the calculated cost per peak hour trip:

$$(\$30,000 \text{ Impact Fee Study Cost} \times 2) / 2,744 \text{ new peak hour trips} = \underline{\$21.87} \text{ per peak hour trip}$$

### Total Costs

The total cost per peak hour trip is therefore:

$$\$1,438.03 + \$21.87 = \underline{\$1,459.90} \text{ per peak hour trip (Use \$1,460 Single Family Equivalency)}$$

### Buy-in Component

Although there is excess capacity on the existing roadway system, the City does not wish, at this time, to require new developments to pay additional impact fees to utilize the available capacity in the existing system. This is in part due to the fact that there is very little information available to accurately portray/calculate the original cost of the existing roadways and/or how they were paid for. Second,

### School and Church Exceptions

As mentioned in the IFFP, impact fees are generally calculated using the peak hour of the roadway. However, peak hour for schools and churches generally does not coincide with the peak hour for the roadway. Therefore we have ensured that the trip generation factor used for these institutional facilities is trips generated during the peak hour of the adjacent roadway. Furthermore, additional reductions can be considered by Salem City if the institution can provide empirical data to illustrate additional reductions are warranted due to bussing, enrollment patterns, etc.

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**Land Use Impact Fee Calculations**

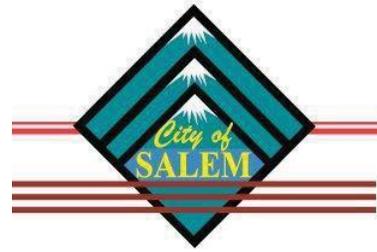
As calculated above, the maximum impact fee that can be charged to a single family dwelling is \$1,460. In Table 8 we have calculated the equivalent impact fees for various land uses using the ITE trip generation equivalency rates. Impact fees are recommended as follows:

**Table 8: Impact Fees per Land Use**

Category	Land Use	Unit	Applicable ITE Code(s)	ITE Trips	Impact Fee Cost Per Unit
Residential	Single Family Detached	Dwelling Unit	210	1	\$1,460
	Condominium/Townhome	Dwelling Unit	230	0.51	\$745
Office	Office Building	1,000 sq. ft.	710	1.55	\$2,263
	Medical Office Building	1,000 sq. ft.	720	3.68	\$5,373
Retail	Less Intensive Retail	1,000 sq. ft.	890	0.24	\$350
	Intensive Retail	1,000 sq. ft.	820	1.95	\$2,847
Services	High Turnover (sit down) Restaurant	1,000 sq. ft.	932	3.11	\$4,541
	Fast Food	1,000 sq. ft.	934	10.80	\$15,768
	Gas Station w/ Convenience Market	Pump Station	945	2.09	\$3,051
	Bank	1,000 sq. ft.	912	11.32	\$16,527
Industrial	Industrial	1,000 sq. ft.	110	1.46	\$2,132
	Manufacturing	1,000 sq. ft.	140	1.10	\$1,606
	Warehousing	1,000 sq. ft.	150	0.70	\$1,022
Institutional	Elementary School	Student	520	0.15	\$219
	Middle/Junior School	Student	522	0.16	\$234
	High School	Student	530	0.13	\$190
	Private School (K-12)	Student	536	0.17	\$248
	Day Care	1,000 sq. ft.	565	0.81	\$1,183
	Church	1,000 sq. ft.	560	0.55	\$803
Ldg	Hotel/Motel	Room	310/320	0.55	\$803

## Impact Fee Facilities Plan & Analysis

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Some of the titles and units described in Table 8 are references to a general group ITE categories. Others are specific to the ITE manuals and defined therein. The following definitions apply.

*“Less Intensive Retail”* – businesses retailing specialty items attracting patronage from a single market segment.

*“Intensive Retail”* - businesses generating high volume sales and constant patronage from multiple market segments.

*“Pump Station”* – a vehicle fueling position or the maximum number of vehicles that can be fueled simultaneously.



# Appendix A – ITE Trip Generation

Category	Units; Per	ITE Trips
130 - Industrial Park	1000 Sq. Feet Gross Floor Area	0.84
140 - General Manufacturing *	1000 Sq. Feet Gross Floor Area	0.75
151 - Storage Units	1000 Sq. Feet Rentable Storage Area	0.22
152 - Warehouse / Distribution Center	1000 Sq. Feet Gross Floor Area	0.16
210 - Single-Family Detached Housing	Dwelling Unit	1.02
220 - Multi-Family / Apartment (Greater than 4 Units)	Dwelling Unit	0.67
230 - Multi-Family / Condo, Townhouse, Duplex, Triplex, Quadplex	Dwelling Unit	0.52
240 - Mobile Home / RV Park	Dwelling Lot	0.60
254 - Assisted Living Center	Bed	0.35
310 - Hotel	Room	0.61
444 - Movie Theatre < 10 Screens	1000 Sq. Feet Gross Floor Area	3.80
445 - Movie Theatre > 10 Screens	1000 Sq. Feet Gross Floor Area	4.91
492 - Health/Fitness Club	1000 Sq. Feet Gross Floor Area	4.06
520 - Elementary School	1000 Sq. Feet Gross Floor Area	3.11
522 - Middle School / Junior High School	1000 Sq. Feet Gross Floor Area	2.52
530 - High School	1000 Sq. Feet Gross Floor Area	2.12
534 - Private School (K-8)	1000 Sq. Feet Gross Floor Area	6.53
560 - Church	1000 Sq. Feet Gross Floor Area	0.94
565 - Day Care Center	1000 Sq. Feet Gross Floor Area	13.75
590 - Library	1000 Sq. Feet Gross Floor Area	7.20
610 - Hospital	1000 Sq. Feet Gross Floor Area	1.16
710 - General Office Building	1000 Sq. Feet Gross Floor Area	1.49
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	4.27
770 - Business Park	1000 Sq. Feet Gross Floor Area	1.26
812 - Building Materials and Lumber Store	1000 Sq. Feet Gross Floor Area	5.56
817 - Nursery (Garden Center)	1000 Sq. Feet Gross Floor Area	9.04
820 - Shopping Center / Strip Mall	1000 Sq. Feet Gross Leasable Area	3.71
826 - Specialty Retail Center	1000 Sq. Feet Gross Leasable Area	5.02
841 - Automobile Car Sales	1000 Sq. Feet Gross Floor Area	2.80
848 - Tire Store	1000 Sq. Feet Gross Floor Area	4.15
850 - Supermarket	1000 Sq. Feet Gross Floor Area	8.37
851 - Convenience Store	1000 Sq. Feet Gross Floor Area	53.42
912 - Bank / Financial Institution	1000 Sq. Feet Gross Floor Area	26.69
918 - Hair / Nails / Massage / Beauty Salon / Day Spa	1000 Sq. Feet Gross Floor Area	1.93

Category	Units; Per	ITE Trips
932 - Restaurant, Sit-Down (Low Turnover)	1000 Sq. Feet Gross Floor Area	9.02
932 - Restaurant, Sit-Down (High Turnover)	1000 Sq. Feet Gross Floor Area	18.49
934 - Restaurant with Drive-Trough Window	1000 Sq. Feet Gross Floor Area	47.30
942 - Auto Care Center	1000 Sq. Feet Occupied Gross Leasable Area	3.51
944 - Gasoline/Service Station	Fueling Position	15.65
945 - Gasoline/Service Station with Convenience Store	1000 Sq. Feet Gross Floor Area	97.14
947 - Self Service Car Wash	Wash Stall	5.54
948 - Automated Car Wash	1000 Sq. Feet Gross Floor Area	14.12



## Appendix B – TAZ Socioeconomic Data

Z	TOTHH	TOTPOP	TOTEMP	RETEMP	INDEMP	OTHEMP	HHSIZE	AVGINCOME
2137	62	216	124	30	60	34	3	65213
2140	4	18	0	0	0	0	5	65213
2141	9	32	13	4	0	9	3	65213
2142	9	36	6	0	1	5	4	65213
2164	186	467	245	0	0	245	3	45860
2165	5	14	23	0	0	23	3	45860
2167	13	48	0	0	0	0	4	58362
2168	56	204	18	15	2	1	4	58362
2169	131	431	192	23	68	101	3	62118
2170	142	461	57	9	6	43	3	62118
2171	68	252	1	0	0	1	4	62118
2172	50	159	2	1	0	0	3	65432
2173	60	197	3	0	0	3	3	65432
2174	6	21	0	0	0	0	4	62118
2175	12	42	0	0	0	0	4	62118
2176	44	197	6	0	0	6	5	62118
2177	132	510	11	0	0	11	4	62118
2178	62	271	3	0	1	2	4	62118
2179	152	528	73	0	0	73	3	58362
2194	392	1547	164	4	3	157	4	76984
2196	272	1117	25	0	5	20	4	76984
2197	22	80	0	0	0	0	4	76984
2200	13	49	7	0	0	7	4	76984
2201	33	114	39	0	0	39	3	76984
2202	353	1348	189	3	79	107	4	76984
2267	62	251	5	0	0	5	4	54415
2268	1	4	0	0	0	0	4	54415
2269	0	0	1734	351	213	1170	0	54415
2270	7	20	3	0	1	2	3	62132
2271	653	1914	308	29	90	189	3	62132
2272	17	72	60	3	17	40	4	62132
2273	109	529	73	6	1	66	5	62132
2274	262	1015	27	0	2	25	4	65758
2276	35	155	455	257	2	196	4	88013
2277	143	445	97	7	0	90	3	78180
2278	0	0	0	0	0	0	0	78180
2279	0	0	0	0	0	0	0	78180
2282	382	1319	27	18	0	9	3	62132
2284	186	802	58	2	0	56	4	54415
2285	0	0	28	16	2	10	3	54415
2286	11	36	8	0	8	0	3	54415
2287	14	44	10	0	10	0	3	54415
2288	0	0	59	0	58	1	0	78180
2289	12	43	8	0	0	8	4	65048
2290	16	58	10	0	0	10	4	65048
2291	8	26	4	0	0	4	3	65048
2292	13	44	7	0	0	7	3	65048
2293	23	78	13	0	0	13	3	65048
2294	41	124	3	0	1	2	3	65048
2295	8	28	0	0	0	0	4	65048
2296	9	29	0	0	0	0	3	65048
2297	49	192	455	23	189	243	4	65048

## Existing SE Data

Z	TOTHH	TOTPOP	TOTEMP	RETEMP	INDEMP	OTHEMP	HHSIZE	AVGINCOME
2298	49	192	455	23	189	243	4	65048
2299	24	96	202	10	84	108	4	65048
2300	0	0	455	23	189	243	4	65048
2301	2	6	0	0	0	0	3	65048
2302	2	6	0	0	0	0	3	65048
2303	1	5	0	0	0	0	5	65048
2304	4	12	0	0	0	0	3	65048
2305	9	22	0	0	0	0	2	65048
2306	4	10	0	0	0	0	3	65048
2307	5	13	0	0	0	0	3	65048
2308	42	186	24	0	6	18	4	65213
2309	46	205	27	0	6	21	4	65213
2310	338	1362	64	1	39	24	4	47875
2311	36	114	490	48	19	423	3	47875
2312	303	965	163	16	6	141	3	47875
2313	44	153	39	0	0	39	3	47875
2314	157	552	37	0	0	37	4	47875
2315	28	99	11	0	0	11	4	47875
2316	39	138	15	0	0	15	4	47875
2317	172	518	928	118	28	782	3	47875
2318	100	319	191	82	7	102	3	47875
2319	145	460	262	112	10	140	3	47875
2320	82	161	375	147	98	130	2	65048
2321	0	0	760	56	460	244	0	65048
2322	0	0	107	22	19	66	4	47678
2323	160	534	101	43	1	57	3	47678
2324	253	764	448	164	0	284	3	47678
2325	59	244	2	0	2	0	4	47678
2326	13	56	6	1	0	5	4	47678
2327	121	387	300	42	105	153	3	47678
2328	177	691	7	0	0	7	4	47678
2329	69	222	20	2	0	18	3	46192
2330	124	397	36	4	1	31	3	46192
2331	60	193	18	2	0	16	3	46192
2332	111	356	32	4	1	27	3	46192
2333	357	1218	54	0	11	43	3	46192
2334	65	264	13	5	1	7	4	68063
2335	182	740	37	13	3	21	4	68063
2336	221	898	44	16	4	24	4	68063
2337	17	58	24	0	5	19	3	68063
2338	17	59	24	0	5	19	3	68063
2339	24	116	1	0	0	1	5	68063
2340	57	279	3	0	0	3	5	68063
2341	12	37	55	18	22	15	3	68063
2342	3	10	15	5	6	4	3	68063
2343	4	12	171	56	68	47	3	68063
2344	10	31	119	39	48	32	3	68063
2345	18	58	459	149	183	127	3	68063
2346	16	50	150	49	60	41	3	68063
2347	28	89	134	44	54	36	3	68063
2348	0	0	0	0	0	0	3	68063
2349	54	170	110	36	44	30	3	68063

Z	TOTHH	TOTPOP	TOTEMP	RETEMP	INDEMP	OTHEMP	HHSIZE	AVGINCOME
2350	117	370	38	13	15	10	3	68063
2351	50	157	88	29	35	24	3	68063
2352	41	121	357	65	0	292	3	46948
2353	33	100	305	55	0	250	3	46948
2354	70	209	301	55	0	246	3	46948
2355	135	392	135	31	1	103	3	51413
2356	210	607	210	49	2	159	3	51413
2357	117	351	48	9	1	38	3	51413
2358	156	470	65	12	1	52	3	51413
2359	271	900	134	10	2	122	3	65491
2360	270	908	60	0	0	60	3	51413
2361	212	892	71	16	5	50	4	51413
2362	24	118	30	0	0	30	5	68063
2363	18	88	23	0	0	23	5	68063
2364	22	110	28	0	0	28	5	68063
2365	0	0	301	55	0	246	3	46948
2366	0	0	143	46	57	40	3	68063
2367	6	33	0	0	0	0	5	65213
2368	9	44	0	0	0	0	5	65213
2369	3	14	2	0	1	2	4	65213
2370	2	9	2	0	0	1	4	65213
2371	1	6	1	0	0	1	4	65213
2372	1	6	1	0	0	1	4	65213
2373	2	5	8	0	0	8	3	45860
2374	4	12	20	0	0	20	3	45860
2376	1	2	4	0	0	4	3	45860
2377	16	57	0	0	0	0	4	58362
2378	119	434	37	33	3	2	4	58362
2379	27	127	0	0	0	0	5	76984
2382	21	99	3	0	0	3	5	76984
2384	22	100	3	0	0	3	5	76984
2385	95	433	14	0	0	14	5	62118
2386	50	229	8	0	0	8	5	62118
2387	150	575	12	0	0	12	4	62118
2388	101	332	148	18	53	78	3	62118
2389	14	48	18	6	0	13	3	65213
2390	55	187	72	22	0	49	3	65213
2391	160	528	236	28	84	123	3	62118
2392	27	88	39	5	14	20	3	62118
2393	78	243	2	2	0	1	3	65432
2394	46	170	1	0	0	1	4	62118
2395	73	271	2	0	0	2	4	62118
2396	82	268	34	5	3	25	3	62118
2399	18	71	0	0	0	0	4	62118
2400	4	15	0	0	0	0	4	62118
2401	19	67	0	0	0	0	4	62118
2402	3	13	2	0	0	2	4	76984
2403	6	22	3	0	0	3	4	76984
2404	9	34	5	0	0	5	4	76984
2405	12	49	8	0	0	8	4	76984

IFFP (10 Year) SE Data

Z	TOTHH	TOTPOP	TOTEMP	RETEMP	INDEMP	OTHEMP	HHSIZE	AVGINCOME
2137	212	820	226	52	60	114	4	65213
2140	18	65	0	0	0	0	5	65213
2141	103	397	931	312	0	607	4	65213
2142	51	192	11	0	1	11	4	65213
2164	490	1216	303	0	0	303	3	45860
2165	21	86	41	0	0	41	4	45860
2167	39	155	0	0	0	0	4	58362
2168	87	309	36	18	2	20	4	58362
2169	224	717	47	6	11	31	3	62118
2170	174	548	64	10	6	49	3	62118
2171	96	345	1	0	0	1	4	62118
2172	128	398	2	1	0	0	3	65432
2173	187	722	3	0	0	3	4	65432
2174	21	75	0	0	0	0	4	62118
2175	35	138	0	0	0	0	4	62118
2176	58	252	6	0	0	6	5	62118
2177	157	589	11	0	0	11	4	62118
2178	117	453	3	0	1	2	4	62118
2179	197	666	109	0	0	109	3	58362
2194	474	1802	187	8	9	170	4	76984
2196	320	1264	36	0	5	31	4	76984
2197	44	156	0	0	0	0	4	76984
2200	52	195	13	0	0	13	4	76984
2201	90	355	41	0	0	41	4	76984
2202	419	1556	209	7	80	122	4	76984
2367	6	33	0	0	0	0	5	65213
2368	9	44	0	0	0	0	5	65213
2369	3	14	2	0	1	2	4	65213
2370	2	9	2	0	0	1	4	65213
2371	1	6	1	0	0	1	4	65213
2372	1	6	1	0	0	1	4	65213
2373	2	5	8	0	0	8	3	45860
2374	4	12	20	0	0	20	3	45860
2376	1	2	4	0	0	4	3	45860

IFFP (10 Year) SE Data

Z	TOTHH	TOTPOP	TOTEMP	RETEMP	INDEMP	OTHEMP	HHSIZE	AVGINCOME
2377	16	57	0	0	0	0	4	58362
2378	119	434	37	33	3	2	4	58362
2379	27	127	0	0	0	0	5	76984
2382	21	99	3	0	0	3	5	76984
2384	22	100	3	0	0	3	5	76984
2385	95	433	14	0	0	14	5	62118
2386	50	229	8	0	0	8	5	62118
2387	150	575	12	0	0	12	4	62118
2388	142	467	89	9	27	53	3	62118
2389	39	134	30	12	0	18	3	65213
2390	8	27	90	35	0	55	3	65213
2391	56	184	536	55	164	317	3	62118
2392	37	122	54	6	17	31	3	62118
2393	78	243	2	2	0	1	3	65432
2394	46	170	1	0	0	1	4	62118
2395	73	271	2	0	0	2	4	62118
2396	82	268	34	5	3	25	3	62118
2399	18	71	0	0	0	0	4	62118
2400	4	15	0	0	0	0	4	62118
2401	19	67	0	0	0	0	4	62118
2402	3	13	2	0	0	2	4	76984
2403	6	22	3	0	0	3	4	76984
2404	9	34	5	0	0	5	4	76984
2405	12	49	8	0	0	8	4	76984



## Appendix C – IFFP Cost Estimates

**Salem City  
Transportation Master Plan**

Project No. 9  
Improvement Type: New

**600 South - 500 East to 750 East (Make Connection)**

Minor Collector

**Costs**

Item	Unit	Unit Cost	Quantity	Cost
Parkstrip	S.F.	\$4	24,000	\$96,000
Removal of Existing Asphalt	S.Y.	\$6	0	\$0
Clearing and Grubbing	Acre	\$2,000	2	\$4,683
Roadway Excavation	C.Y.	\$10	5,278	\$52,778
HMA Concrete	Ton	\$85	1,473	\$125,163
Untreated Base Course	C.Y.	\$25	1,407	\$35,185
Granular Borrow	C.Y.	\$15	2,463	\$36,944
Curb and Gutter (2.5' width)	L.F.	\$23	3,000	\$67,500
	L.F.	\$25	3,000	\$75,000
Drainage	L.F.	\$45	3,000	\$135,000
Right of Way	S.F.	\$4	102,000	\$408,000
Bridge/Culvert	S.F.	\$225	0	\$0
Traffic Signal	Each	\$180,000	0	\$0
<b>Subtotal</b>				<b>\$1,036,253</b>

<b>Contingency</b>	25%	\$259,063
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<b>Mobilization</b>	10%	\$103,625
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<b>Preconstruction Engineering</b>	8%	\$82,900
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<b>Construction Engineering</b>	8%	\$82,900
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<b>Total Project Costs</b>	<b>\$1,564,800</b>	
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<b>Inflation per Year</b>	<b>3%</b>
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<b>Construction Year</b>	<b>2022</b>
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<b>Total Cost with Inflation Percentage</b>	<b>\$1,814,032</b>
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Overall Assumptions:

HMA Pavement Density (pcf) =	155
HMA Thickness (in) =	4
Untreated Base Course Thickness (in) =	8
Granular Borrow Thickness (in) =	14
Roadway Excavation Depth (ft) =	2.5
Number of Sidewalks (No.) =	2

**Salem City**  
**Transportation Master Plan**

Project No. 30  
Improvement Type: Capacity Improvement

**Center Street Widening - 500 E to 100E**

Minor Collector

**Costs**

Item	Unit	Unit Cost	Quantity	Cost
Parkstrip	S.F.	\$2	18,000	\$36,000
Removal of Existing Asphalt	S.Y.	\$6	500	\$3,000
Clearing and Grubbing	Acre	\$2,000	0	\$0
Roadway Excavation	C.Y.	\$11	1,333	\$14,667
HMA Concrete	Ton	\$85	518	\$44,021
Untreated Base Course	C.Y.	\$25	667	\$16,667
Granular Borrow	C.Y.	\$15	667	\$10,000
Curb and Gutter (2.5' width)	L.F.	\$23	2,250	\$50,625
Sidewalk (5' width)	L.F.	\$25	2,250	\$56,250
Drainage	L.F.	\$45	2,250	\$101,250
Right of Way	S.F.	\$4	0	\$0
Bridge/Culvert	S.F.	\$225	0	\$0
Traffic Signal	Each	\$180,000	0	\$0
<b>Subtotal</b>				<b>\$332,479</b>

<b>Contingency</b>	25%	\$83,120
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<b>Mobilization</b>	10%	\$33,248
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<b>Preconstruction Engineering</b>	8%	\$26,598
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<b>Construction Engineering</b>	8%	\$26,598
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<b>Total Project Costs</b>	<b>\$502,100</b>	
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<b>Inflation per Year</b>	<b>3%</b>
<b>Construction Year</b>	<b>2017</b>
<b>Total Cost with Inflation Percentage</b>	<b>\$502,100</b>

Overall Assumptions:

HMA Pavement Density (pcf) =	155
HMA Thickness (in) =	4
Untreated Base Course Thickness (in) =	8
Granular Borrow Thickness (in) =	14
Roadway Excavation Depth (ft) =	2.5
Number of Sidewalks (No.) =	2

**Salem City**  
**Transportation Master Plan**

Project No. 32  
Improvement Type: Capacity Improvement

**500 East Widening - 180 N to 80S**

Minor Collector

**Costs**

Item	Unit	Unit Cost	Quantity	Cost
Parkstrip	S.F.	\$2	11,200	\$22,400
Removal of Existing Asphalt	S.Y.	\$6	311	\$1,867
Clearing and Grubbing	Acre	\$2,000	0	\$0
Roadway Excavation	C.Y.	\$10	1,556	\$15,556
HMA Concrete	Ton	\$85	358	\$30,434
Untreated Base Course	C.Y.	\$25	596	\$14,907
Granular Borrow	C.Y.	\$15	596	\$8,944
Curb and Gutter (2.5' width)	L.F.	\$23	1,400	\$31,500
Sidewalk (5' width)	L.F.	\$25	1,400	\$35,000
Drainage	L.F.	\$45	1,400	\$63,000
Right of Way	S.F.	\$4	0	\$0
Bridge/Culvert	S.F.	\$225	0	\$0
Traffic Signal	Each	\$180,000	0	\$0
<b>Subtotal</b>				<b>\$223,608</b>

<b>Contingency</b>	25%	\$55,902
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<b>Mobilization</b>	10%	\$22,361
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<b>Preconstruction Engineering</b>	8%	\$17,889
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<b>Construction Engineering</b>	8%	\$17,889
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<b>Total Project Costs</b>	<b>\$337,700</b>	
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<b>Inflation per Year</b>	<b>3%</b>
<b>Construction Year</b>	<b>2018</b>
<b>Total Cost with Inflation Percentage</b>	<b>\$347,831</b>

Overall Assumptions:

HMA Pavement Density (pcf) =	155
HMA Thickness (in) =	4
Untreated Base Course Thickness (in) =	8
Granular Borrow Thickness (in) =	14
Roadway Excavation Depth (ft) =	2.5
Number of Sidewalks (No.) =	2

**Salem City**  
**Transportation Master Plan**

Project No. 33  
Improvement Type: Capacity Improvement

**400 North - Ranch Meadows to 500 E**

Minor Collector

**Costs**

Item	Unit	Unit Cost	Quantity	Cost
Parkstrip	S.F.	\$2	2,880	\$5,760
Removal of Existing Asphalt	S.Y.	\$6	720	\$4,320
Clearing and Grubbing	Acre	\$2,000	0	\$0
Roadway Excavation	C.Y.	\$10	267	\$2,667
HMA Concrete	Ton	\$85	45	\$3,821
Untreated Base Course	C.Y.	\$25	80	\$2,000
Granular Borrow	C.Y.	\$15	1,333	\$20,000
Curb and Gutter (2.5' width)	L.F.	\$23	360	\$8,100
Sidewalk (5' width)	L.F.	\$25	360	\$9,000
Drainage	L.F.	\$45	0	\$0
Right of Way	S.F.	\$4	0	\$0
Bridge/Culvert	S.F.	\$225	0	\$0
Traffic Signal	Each	\$180,000	0	\$0
<b>Subtotal</b>				<b>\$55,668</b>

<b>Contingency</b>	25%	\$13,917
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<b>Mobilization</b>	10%	\$5,567
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<b>Preconstruction Engineering</b>	8%	\$4,453
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<b>Construction Engineering</b>	8%	\$4,453
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<b>Total Project Costs</b>	<b>\$84,100</b>	
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<b>Inflation per Year</b>	<b>3%</b>
<b>Construction Year</b>	<b>2018</b>
<b>Total Cost with Inflation Percentage</b>	<b>\$86,623</b>

Overall Assumptions:

HMA Pavement Density (pcf) =	155
HMA Thickness (in) =	4
Untreated Base Course Thickness (in) =	8
Granular Borrow Thickness (in) =	14
Roadway Excavation Depth (ft) =	2.5
Number of Sidewalks (No.) =	2

**Salem City**  
**Transportation Master Plan**

Project No. 34  
Improvement Type: Capacity Improvement

**Center Street Widening - SR198 to 460 W**

Minor Collector

**Costs**

Item	Unit	Unit Cost	Quantity	Cost
Parkstrip	S.F.	\$2	8,800	\$17,600
Removal of Existing Asphalt	S.Y.	\$6	244	\$1,467
Clearing and Grubbing	Acre	\$2,000	0	\$0
Roadway Excavation	C.Y.	\$10	2,444	\$24,444
HMA Concrete	Ton	\$85	109	\$9,257
Untreated Base Course	C.Y.	\$25	224	\$5,602
Granular Borrow	C.Y.	\$15	224	\$3,361
Curb and Gutter (2.5' width)	L.F.	\$23	1,100	\$24,750
Sidewalk (5' width)	L.F.	\$25	1,100	\$27,500
Drainage	L.F.	\$45	1,100	\$49,500
Right of Way	S.F.	\$4	20,425	\$81,700
Bridge/Culvert	S.F.	\$225	0	\$0
Traffic Signal	Each	\$180,000	0	\$0
<b>Subtotal</b>				<b>\$245,181</b>

<b>Contingency</b>	25%	\$61,295
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<b>Mobilization</b>	10%	\$24,518
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<b>Preconstruction Engineering</b>	8%	\$19,614
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<b>Construction Engineering</b>	8%	\$19,614
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<b>Total Project Costs</b>	<b>\$370,300</b>	
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<b>Inflation per Year</b>	<b>3%</b>
<b>Construction Year</b>	<b>2020</b>
<b>Total Cost with Inflation Percentage</b>	<b>\$404,637</b>

Overall Assumptions:

HMA Pavement Density (pcf) =	155
HMA Thickness (in) =	4
Untreated Base Course Thickness (in) =	8
Granular Borrow Thickness (in) =	14
Roadway Excavation Depth (ft) =	2.5
Number of Sidewalks (No.) =	2

**Salem City**  
**Transportation Master Plan**

Project No. 36  
Improvement Type: Capacity Improvement

**300 West Widening - SR198 to Salem Canal Rd**

Minor Collector

**Costs**

Item	Unit	Unit Cost	Quantity	Cost
Parkstrip	S.F.	\$4	14,100	\$56,400
Removal of Existing Asphalt	S.Y.	\$6	9,400	\$56,400
Clearing and Grubbing	Acre	\$2,000	0	\$0
Roadway Excavation	C.Y.	\$10	435	\$4,352
HMA Concrete	Ton	\$85	121	\$10,320
Untreated Base Course	C.Y.	\$25	116	\$2,901
Granular Borrow	C.Y.	\$15	203	\$3,046
Curb and Gutter (2.5' width)	L.F.	\$23	2,350	\$52,875
Sidewalk (5' width)	L.F.	\$25	2,350	\$58,750
Drainage	L.F.	\$45	2,350	\$105,750
Right of Way	S.F.	\$4	0	\$0
Bridge/Culvert	S.F.	\$225	0	\$0
Traffic Signal	Each	\$180,000	0	\$0
<b>Subtotal</b>				<b>\$350,795</b>

<b>Contingency</b>	25%	\$87,699
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<b>Mobilization</b>	10%	\$35,079
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<b>Preconstruction Engineering</b>	8%	\$28,064
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<b>Construction Engineering</b>	8%	\$28,064
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<b>Total Project Costs</b>	<b>\$529,800</b>	
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<b>Inflation per Year</b>	<b>3%</b>
<b>Construction Year</b>	<b>2019</b>
<b>Total Cost with Inflation Percentage</b>	<b>\$562,065</b>

Overall Assumptions:

HMA Pavement Density (pcf) =	155
HMA Thickness (in) =	4
Untreated Base Course Thickness (in) =	8
Granular Borrow Thickness (in) =	14
Roadway Excavation Depth (ft) =	2.5
Number of Sidewalks (No.) =	2

**Salem City**  
**Transportation Master Plan**

Project No. 37  
Improvement Type: New

**250 West Bridge and Road Extension**

Minor Collector

**Costs**

Item	Unit	Unit Cost	Quantity	Cost
Parkstrip	S.F.	\$4	27,000	\$108,000
Removal of Existing Asphalt	S.Y.	\$6	0	\$0
Clearing and Grubbing	Acre	\$2,000	4	\$7,025
Roadway Excavation	C.Y.	\$10	7,917	\$79,167
HMA Concrete	Ton	\$85	2,209	\$187,744
Untreated Base Course	C.Y.	\$25	2,111	\$52,778
Granular Borrow	C.Y.	\$15	3,694	\$55,417
Curb and Gutter (2.5' width)	L.F.	\$23	2,350	\$52,875
Sidewalk (5' width)	L.F.	\$25	2,350	\$58,750
Drainage	L.F.	\$45	2,350	\$105,750
Right of Way	S.F.	\$4	153,000	\$612,000
Bridge/Culvert	L.F.	\$450	100	\$45,000
Traffic Signal	Each	\$180,000	0	\$0
<b>Subtotal</b>				<b>\$1,364,505</b>

<b>Contingency</b>	25%	\$341,126
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<b>Mobilization</b>	10%	\$136,450
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<b>Preconstruction Engineering</b>	8%	\$109,160
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<b>Construction Engineering</b>	8%	\$109,160
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<b>Total Project Costs</b>	<b>\$2,060,500</b>	
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<b>Inflation per Year</b>	<b>3%</b>
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<b>Construction Year</b>	<b>2019</b>
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<b>Total Cost with Inflation Percentage</b>	<b>\$2,185,984</b>
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Overall Assumptions:

HMA Pavement Density (pcf) =	155
HMA Thickness (in) =	4
Untreated Base Course Thickness (in) =	8
Granular Borrow Thickness (in) =	14
Roadway Excavation Depth (ft) =	2.5
Number of Sidewalks (No.) =	2



## Appendix D – Applicable Codes



## Chapter 36a Impact Fees Act

### Part 1 General Provisions

#### **11-36a-101 Title.**

This chapter is known as the "Impact Fees Act."

Enacted by Chapter 47, 2011 General Session

#### **11-36a-102 Definitions.**

As used in this chapter:

- (1)
  - (a) "Affected entity" means each county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:
    - (i) whose services or facilities are likely to require expansion or significant modification because of the facilities proposed in the proposed impact fee facilities plan; or
    - (ii) that has filed with the local political subdivision or private entity a copy of the general or long-range plan of the county, municipality, local district, special service district, school district, interlocal cooperation entity, or specified public utility.
  - (b) "Affected entity" does not include the local political subdivision or private entity that is required under Section 11-36a-501 to provide notice.
- (2) "Charter school" includes:
  - (a) an operating charter school;
  - (b) an applicant for a charter school whose application has been approved by a charter school authorizer as provided in Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
  - (c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
- (3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (4) "Development approval" means:
  - (a) except as provided in Subsection (4)(b), any written authorization from a local political subdivision that authorizes the commencement of development activity;
  - (b) development activity, for a public entity that may develop without written authorization from a local political subdivision;
  - (c) a written authorization from a public water supplier, as defined in Section 73-1-4, or a private water company:
    - (i) to reserve or provide:
      - (A) a water right;
      - (B) a system capacity; or
      - (C) a distribution facility; or
    - (ii) to deliver for a development activity:
      - (A) culinary water; or

- (B) irrigation water; or
- (d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:
  - (i) to reserve or provide:
    - (A) sewer collection capacity; or
    - (B) treatment capacity; or
  - (ii) to provide sewer service for a development activity.
- (5) "Enactment" means:
  - (a) a municipal ordinance, for a municipality;
  - (b) a county ordinance, for a county; and
  - (c) a governing board resolution, for a local district, special service district, or private entity.
- (6) "Encumber" means:
  - (a) a pledge to retire a debt; or
  - (b) an allocation to a current purchase order or contract.
- (7) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, local district, special service district, or private entity.
- (8)
  - (a) "Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.
  - (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- (9) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
- (10) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
- (11) "Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.
- (12)
  - (a) "Local political subdivision" means a county, a municipality, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.
  - (b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 53A-20-100.5.
- (13) "Private entity" means an entity in private ownership with at least 100 individual shareholders, customers, or connections, that is located in a first, second, third, or fourth class county and provides water to an applicant for development approval who is required to obtain water from the private entity either as a:
  - (a) specific condition of development approval by a local political subdivision acting pursuant to a prior agreement, whether written or unwritten, with the private entity; or
  - (b) functional condition of development approval because the private entity:
    - (i) has no reasonably equivalent competition in the immediate market; and
    - (ii) is the only realistic source of water for the applicant's development.
- (14)
  - (a) "Project improvements" means site improvements and facilities that are:
    - (i) planned and designed to provide service for development resulting from a development activity;
    - (ii) necessary for the use and convenience of the occupants or users of development resulting from a development activity; and

- (iii) not identified or reimbursed as a system improvement.
- (b) "Project improvements" does not mean system improvements.
- (15) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.
- (16) "Public facilities" means only the following impact fee facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity:
  - (a) water rights and water supply, treatment, storage, and distribution facilities;
  - (b) wastewater collection and treatment facilities;
  - (c) storm water, drainage, and flood control facilities;
  - (d) municipal power facilities;
  - (e) roadway facilities;
  - (f) parks, recreation facilities, open space, and trails;
  - (g) public safety facilities; or
  - (h) environmental mitigation as provided in Section 11-36a-205.
- (17)
  - (a) "Public safety facility" means:
    - (i) a building constructed or leased to house police, fire, or other public safety entities; or
    - (ii) a fire suppression vehicle costing in excess of \$500,000.
  - (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.
- (18)
  - (a) "Roadway facilities" means a street or road that has been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances.
  - (b) "Roadway facilities" includes associated improvements to a federal or state roadway only when the associated improvements:
    - (i) are necessitated by the new development; and
    - (ii) are not funded by the state or federal government.
  - (c) "Roadway facilities" does not mean federal or state roadways.
- (19)
  - (a) "Service area" means a geographic area designated by an entity that imposes an impact fee on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area.
  - (b) "Service area" may include the entire local political subdivision or an entire area served by a private entity.
- (20) "Specified public agency" means:
  - (a) the state;
  - (b) a school district; or
  - (c) a charter school.
- (21)
  - (a) "System improvements" means:
    - (i) existing public facilities that are:
      - (A) identified in the impact fee analysis under Section 11-36a-304; and
      - (B) designed to provide services to service areas within the community at large; and
    - (ii) future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide services to service areas within the community at large.
  - (b) "System improvements" does not mean project improvements.

Amended by Chapter 363, 2014 General Session

## **Part 2 Impact Fees**

### **11-36a-201 Impact fees.**

- (1) A local political subdivision or private entity shall ensure that any imposed impact fees comply with the requirements of this chapter.
- (2) A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102.
- (3) Nothing in this chapter may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this chapter that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this chapter.

Enacted by Chapter 47, 2011 General Session

### **11-36a-202 Prohibitions on impact fees.**

- (1) A local political subdivision or private entity may not:
  - (a) impose an impact fee to:
    - (i) cure deficiencies in a public facility serving existing development;
    - (ii) raise the established level of service of a public facility serving existing development;
    - (iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement; or
    - (iv) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with:
      - (A) generally accepted cost accounting practices; and
      - (B) the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
  - (b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or
  - (c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.
- (2)
  - (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:
    - (i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
    - (ii) on a school district or charter school for a park, recreation facility, open space, or trail;
    - (iii) on a school district or charter school unless:
      - (A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
      - (B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;

- (iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:
    - (A) the Utah National Guard;
    - (B) the Utah Highway Patrol; or
    - (C) a state institution of higher education that has its own police force; or
  - (v) on development activity on the state fair park, as defined in Section 63H-6-102.
- (b)
- (i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
    - (A) the school is intended to replace another school, whether on the same or a different parcel;
    - (B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and
    - (C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.
  - (ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)
    - (i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.
  - (c) Notwithstanding any other provision of this chapter, a political subdivision or private entity may impose an impact fee for a road facility on the state only if and to the extent that:
    - (i) the state's development causes an impact on the road facility; and
    - (ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.
- (3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 53A-20-100.5.

Amended by Chapter 2, 2016 Special Session 3

**11-36a-203 Private entity assessment of impact fees -- Charges for water rights, physical infrastructure -- Notice -- Audit.**

- (1) A private entity:
  - (a) shall comply with the requirements of this chapter before imposing an impact fee; and
  - (b) except as otherwise specified in this chapter, is subject to the same requirements of this chapter as a local political subdivision.
- (2) A private entity may only impose a charge for water rights or physical infrastructure necessary to provide water or sewer facilities by imposing an impact fee.
- (3) Where notice and hearing requirements are specified, a private entity shall comply with the notice and hearing requirements for local districts.
- (4) A private entity that assesses an impact fee under this chapter is subject to the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Enacted by Chapter 47, 2011 General Session

**11-36a-204 Other names for impact fees.**

- (1) A fee that meets the definition of impact fee under Section 11-36a-102 is an impact fee subject to this chapter, regardless of what term the local political subdivision or private entity uses to refer to the fee.
- (2) A local political subdivision or private entity may not avoid application of this chapter to a fee that meets the definition of an impact fee under Section 11-36a-102 by referring to the fee by another name.

Enacted by Chapter 47, 2011 General Session

**11-36a-205 Environmental mitigation impact fees.**

Notwithstanding the requirements and prohibitions of this chapter, a local political subdivision may impose and assess an impact fee for environmental mitigation when:

- (1) the local political subdivision has formally agreed to fund a Habitat Conservation Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq. or other state or federal environmental law or regulation;
- (2) the impact fee bears a reasonable relationship to the environmental mitigation required by the Habitat Conservation Plan; and
- (3) the legislative body of the local political subdivision adopts an ordinance or resolution:
  - (a) declaring that an impact fee is required to finance the Habitat Conservation Plan;
  - (b) establishing periodic sunset dates for the impact fee; and
  - (c) requiring the legislative body to:
    - (i) review the impact fee on those sunset dates;
    - (ii) determine whether or not the impact fee is still required to finance the Habitat Conservation Plan; and
    - (iii) affirmatively reauthorize the impact fee if the legislative body finds that the impact fee must remain in effect.

Enacted by Chapter 47, 2011 General Session

**Part 3**  
**Establishing an Impact Fee**

**11-36a-301 Impact fee facilities plan.**

- (1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity.
- (2) A municipality or county need not prepare a separate impact fee facilities plan if the general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements required by Section 11-36a-302.
- (3) A local political subdivision or a private entity with a population, or serving a population, of less than 5,000 as of the last federal census that charges impact fees of less than \$250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that:
  - (a) the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and this chapter; and

(b) each applicable notice required by this chapter is given.

Amended by Chapter 200, 2013 General Session

**11-36a-302 Impact fee facilities plan requirements -- Limitations -- School district or charter school.**

- (1)
  - (a) An impact fee facilities plan shall:
    - (i) identify the existing level of service;
    - (ii) subject to Subsection (1)(c), establish a proposed level of service;
    - (iii) identify any excess capacity to accommodate future growth at the proposed level of service;
    - (iv) identify demands placed upon existing public facilities by new development activity at the proposed level of service; and
    - (v) identify the means by which the political subdivision or private entity will meet those growth demands.
  - (b) A proposed level of service may diminish or equal the existing level of service.
  - (c) A proposed level of service may:
    - (i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or
    - (ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.
- (2) In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:
  - (a) grants;
  - (b) bonds;
  - (c) interfund loans;
  - (d) impact fees; and
  - (e) anticipated or accepted dedications of system improvements.
- (3) A local political subdivision or private entity may only impose impact fees on development activities when the local political subdivision's or private entity's plan for financing system improvements establishes that impact fees are necessary to maintain a proposed level of service that complies with Subsection (1)(b) or (c).
- (4)
  - (a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:
    - (i) through the planning process; or
    - (ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.
  - (b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).
  - (c)

- (i) In accordance with Subsections 10-9a-305(3) and 17-27a-305(3), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.
- (ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Amended by Chapter 200, 2013 General Session

**11-36a-303 Impact fee analysis.**

- (1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a written analysis of each impact fee.
- (2) Each local political subdivision or private entity that prepares an impact fee analysis under Subsection (1) shall also prepare a summary of the impact fee analysis designed to be understood by a lay person.

Enacted by Chapter 47, 2011 General Session

**11-36a-304 Impact fee analysis requirements.**

- (1) An impact fee analysis shall:
  - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
  - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
  - (c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
  - (d) estimate the proportionate share of:
    - (i) the costs for existing capacity that will be recouped; and
    - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
  - (e) based on the requirements of this chapter, identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
  - (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
  - (b) the cost of system improvements for each public facility;
  - (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
  - (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
  - (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
  - (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;

- (g) extraordinary costs, if any, in servicing the newly developed properties; and
- (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Enacted by Chapter 47, 2011 General Session

**11-36a-305 Calculating impact fees.**

- (1) In calculating an impact fee, a local political subdivision or private entity may include:
  - (a) the construction contract price;
  - (b) the cost of acquiring land, improvements, materials, and fixtures;
  - (c) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and
  - (d) for a political subdivision, debt service charges, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements.
- (2) In calculating an impact fee, each local political subdivision or private entity shall base amounts calculated under Subsection (1) on realistic estimates, and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Enacted by Chapter 47, 2011 General Session

**11-36a-306 Certification of impact fee analysis.**

- (1) An impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan that states the following: "I certify that the attached impact fee facilities plan:
  - 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; or
    - 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."
- (2) An impact fee analysis shall include a written certification from the person or entity that prepares the impact fee analysis which states as follows: "I certify that the attached impact fee analysis:
  - 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; or
  - 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."

Amended by Chapter 278, 2013 General Session

## **Part 4 Enactment of Impact Fees**

### **11-36a-401 Impact fee enactment.**

- (1)
  - (a) A local political subdivision or private entity wishing to impose impact fees shall pass an impact fee enactment in accordance with Section 11-36a-402.
  - (b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.
- (2) An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Enacted by Chapter 47, 2011 General Session

### **11-36a-402 Required provisions of impact fee enactment.**

- (1) A local political subdivision or private entity shall ensure, in addition to the requirements described in Subsections (2) and (3), that an impact fee enactment contains:
  - (a) a provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories;
  - (b)
    - (i) a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement; or
    - (ii) the formula that the local political subdivision or private entity, as the case may be, will use to calculate each impact fee;
  - (c) a provision authorizing the local political subdivision or private entity, as the case may be, to adjust the standard impact fee at the time the fee is charged to:
    - (i) respond to:
      - (A) unusual circumstances in specific cases; or
      - (B) a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and
    - (ii) ensure that the impact fees are imposed fairly; and
  - (d) a provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.

- (2) A local political subdivision or private entity shall ensure that an impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
  - (a) dedicates land for a system improvement;
  - (b) builds and dedicates some or all of a system improvement; or
  - (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- (3) A local political subdivision or private entity shall include a provision in an impact fee enactment that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
  - (a) are system improvements; or
  - (b)
    - (i) are dedicated to the public; and
    - (ii) offset the need for an identified system improvement.

Enacted by Chapter 47, 2011 General Session

**11-36a-403 Other provisions of impact fee enactment.**

- (1) A local political subdivision or private entity may include a provision in an impact fee enactment that:
  - (a) provides an impact fee exemption for:
    - (i) development activity attributable to:
      - (A) low income housing;
      - (B) the state;
      - (C) subject to Subsection (2), a school district; or
      - (D) subject to Subsection (2), a charter school; or
    - (ii) other development activity with a broad public purpose; and
  - (b) except for an exemption under Subsection (1)(a)(i)(A), establishes one or more sources of funds other than impact fees to pay for that development activity.
- (2) An impact fee enactment that provides an impact fee exemption for development activity attributable to a school district or charter school shall allow either a school district or a charter school to qualify for the exemption on the same basis.
- (3) An impact fee enactment that repeals or suspends the collection of impact fees is exempt from the notice requirements of Section 11-36a-504.

Enacted by Chapter 47, 2011 General Session

**Part 5  
Notice**

**11-36a-501 Notice of intent to prepare an impact fee facilities plan.**

- (1) Before preparing or amending an impact fee facilities plan, a local political subdivision or private entity shall provide written notice of its intent to prepare or amend an impact fee facilities plan.
- (2) A notice required under Subsection (1) shall:
  - (a) indicate that the local political subdivision or private entity intends to prepare or amend an impact fee facilities plan;

- (b) describe or provide a map of the geographic area where the proposed impact fee facilities will be located; and
  - (c) subject to Subsection (3), be posted on the Utah Public Notice Website created under Section 63F-1-701.
- (3) For a private entity required to post notice on the Utah Public Notice Website under Subsection (2)(c):
- (a) the private entity shall give notice to the general purpose local government in which the private entity's private business office is located; and
  - (b) the general purpose local government described in Subsection (3)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

**11-36a-502 Notice to adopt or amend an impact fee facilities plan.**

- (1) If a local political subdivision chooses to prepare an independent impact fee facilities plan rather than include an impact fee facilities element in the general plan in accordance with Section 11-36a-301, the local political subdivision shall, before adopting or amending the impact fee facilities plan:
- (a) give public notice, in accordance with Subsection (2), of the plan or amendment at least 10 days before the day on which the public hearing described in Subsection (1)(d) is scheduled;
  - (b) make a copy of the plan or amendment, together with a summary designed to be understood by a lay person, available to the public;
  - (c) place a copy of the plan or amendment and summary in each public library within the local political subdivision; and
  - (d) hold a public hearing to hear public comment on the plan or amendment.
- (2) With respect to the public notice required under Subsection (1)(a):
- (a) each municipality shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);
  - (b) each county shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205 and 17-27a-801 and Subsection 17-27a-502(2); and
  - (c) each local district, special service district, and private entity shall comply with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.
- (3) Nothing contained in this section or Section 11-36a-503 may be construed to require involvement by a planning commission in the impact fee facilities planning process.

Enacted by Chapter 47, 2011 General Session

**11-36a-503 Notice of preparation of an impact fee analysis.**

- (1) Before preparing or contracting to prepare an impact fee analysis, each local political subdivision or, subject to Subsection (2), private entity shall post a public notice on the Utah Public Notice Website created under Section 63F-1-701.
- (2) For a private entity required to post notice on the Utah Public Notice Website under Subsection (1):
- (a) the private entity shall give notice to the general purpose local government in which the private entity's primary business is located; and

- (b) the general purpose local government described in Subsection (2)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

**11-36a-504 Notice of intent to adopt impact fee enactment -- Hearing -- Protections.**

- (1) Before adopting an impact fee enactment:
  - (a) a municipality legislative body shall:
    - (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee enactment were a land use ordinance;
    - (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment were a land use ordinance; and
    - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 10-9a-801 as if the impact fee were a land use ordinance;
  - (b) a county legislative body shall:
    - (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee enactment were a land use ordinance;
    - (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee enactment were a land use ordinance; and
    - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 17-27a-801 as if the impact fee were a land use ordinance;
  - (c) a local district or special service district shall:
    - (i) comply with the notice and hearing requirements of Section 17B-1-111; and
    - (ii) receive the protections of Section 17B-1-111;
  - (d) a local political subdivision shall at least 10 days before the day on which a public hearing is scheduled in accordance with this section:
    - (i) make a copy of the impact fee enactment available to the public; and
    - (ii) post notice of the local political subdivision's intent to enact or modify the impact fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice Website created under Section 63F-1-701; and
  - (e) a local political subdivision shall submit a copy of the impact fee analysis and a copy of the summary of the impact fee analysis prepared in accordance with Section 11-36a-303 on its website or to each public library within the local political subdivision.
- (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning commission in the impact fee enactment process.

Enacted by Chapter 47, 2011 General Session

**Part 6**  
**Impact Fee Proceeds**

**11-36a-601 Accounting of impact fees.**

A local political subdivision that collects an impact fee shall:

- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;

- (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);
- (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
- (4) at the end of each fiscal year, prepare a report on each fund or ledger account showing:
  - (a) the source and amount of all money collected, earned, and received by the fund or ledger account; and
  - (b) each expenditure from the fund or ledger account; and
- (5) produce a report that:
  - (a) identifies impact fee funds by the year in which they were received, the project from which the funds were collected, the impact fee projects for which the funds were budgeted, and the projected schedule for expenditure;
  - (b) is in a format developed by the state auditor;
  - (c) is certified by the local political subdivision's chief financial officer; and
  - (d) is transmitted annually to the state auditor.

Enacted by Chapter 47, 2011 General Session

**11-36a-602 Expenditure of impact fees.**

- (1) A local political subdivision may expend impact fees only for a system improvement:
  - (a) identified in the impact fee facilities plan; and
  - (b) for the specific public facility type for which the fee was collected.
- (2)
  - (a) Except as provided in Subsection (2)(b), a local political subdivision shall expend or encumber the impact fees for a permissible use within six years of their receipt.
  - (b) A local political subdivision may hold the 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.

Enacted by Chapter 47, 2011 General Session

**11-36a-603 Refunds.**

A local political subdivision shall refund any impact fee paid by a developer, plus interest earned, when:

- (1) the developer does not proceed with the development activity and has filed a written request for a refund;
- (2) the fee has not been spent or encumbered; and
- (3) no impact has resulted.

Enacted by Chapter 47, 2011 General Session

**Part 7  
Challenges**

**11-36a-701 Impact fee challenge.**

- (1) A person or an entity residing in or owning property within a service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a service area, has standing to file a declaratory judgment action challenging the validity of an impact fee.
- (2)
  - (a) A person or an entity required to pay an impact fee who believes the impact fee does not meet the requirements of law may file a written request for information with the local political subdivision who established the impact fee.
  - (b) Within two weeks after the receipt of the request for information under Subsection (2)(a), the local political subdivision shall provide the person or entity with the impact fee analysis, the impact fee facilities plan, and any other relevant information relating to the impact fee.
- (3)
  - (a) Subject to the time limitations described in Section 11-36a-702 and procedures set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that was imposed by a local political subdivision may challenge:
    - (i) if the impact fee enactment was adopted on or after July 1, 2000:
      - (A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and
      - (B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and
    - (ii) except as limited by Subsection (3)(c), the impact fee.
  - (b)
    - (i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.
    - (ii) The protections given to a municipality under Section 10-9a-801 and to a county under Section 17-27a-801 do not apply in a challenge under Subsection (3)(a)(i)(A).
  - (c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.
- (4)
  - (a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:
    - (i) the substantially prevailing party on that cause of action:
      - (A) may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution; and
      - (B) shall be refunded an impact fee held to be in violation of this chapter, based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee; and
    - (ii) in accordance with Section 13-43-206, a government entity shall refund an impact fee held to be in violation of this chapter to the person who was in record title of the property on the day on which the impact fee for the property was paid if:

- (A) the impact fee was paid on or after the day on which the advisory opinion on the impact fee was issued but before the day on which the final court ruling on the impact fee is issued; and
  - (B) the person described in Subsection (3)(a)(ii) requests the impact fee refund from the government entity within 30 days after the day on which the court issued the final ruling on the impact fee.
- (b) A government entity subject to Subsection (3)(a)(ii) shall refund the impact fee based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee.
  - (c) Subsection (4) may not be construed to create a new cause of action under land use law.
  - (d) Subsection (3)(a) does not apply unless the resolution described in Subsection (3)(a) is final.

Enacted by Chapter 47, 2011 General Session

**11-36a-702 Time limitations.**

- (1) A person or an entity that initiates a challenge under Subsection 11-36a-701(3)(a) may not initiate that challenge unless it is initiated within:
  - (a) for a challenge under Subsection 11-36a-701(3)(a)(i)(A), 30 days after the day on which the person or entity pays the impact fee;
  - (b) for a challenge under Subsection 11-36a-701(3)(a)(i)(B), 180 days after the day on which the person or entity pays the impact fee; or
  - (c) for a challenge under Subsection 11-36a-701(3)(a)(ii), one year after the day on which the person or entity pays the impact fee.
- (2) The deadline to file an action in district court is tolled from the date that a challenge is filed using an administrative appeals procedure described in Section 11-36a-703 until 30 days after the day on which a final decision is rendered in the administrative appeals procedure.

Enacted by Chapter 47, 2011 General Session

**11-36a-703 Procedures for challenging an impact fee.**

- (1)
  - (a) A local political subdivision may establish, by ordinance or resolution, or a private entity may establish by prior written policy, an administrative appeals procedure to consider and decide a challenge to an impact fee.
  - (b) If the local political subdivision or private entity establishes an administrative appeals procedure, the local political subdivision shall ensure that the procedure includes a requirement that the local political subdivision make its decision no later than 30 days after the day on which the challenge to the impact fee is filed.
- (2) A challenge under Subsection 11-36a-701(3)(a) is initiated by filing:
  - (a) if the local political subdivision or private entity has established an administrative appeals procedure under Subsection (1), the necessary document, under the administrative appeals procedure, for initiating the administrative appeal;
  - (b) a request for arbitration as provided in Section 11-36a-705; or
  - (c) an action in district court.
- (3) The sole remedy for a successful challenge under Subsection 11-36a-701(1), which determines that an impact fee process was invalid, or an impact fee is in excess of the fee allowed under this act, is a declaration that, until the local political subdivision or private entity enacts a new

- impact fee study, from the date of the decision forward, the entity may charge an impact fee only as the court has determined would have been appropriate if it had been properly enacted.
- (4) Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1) may not be construed as requiring a person or an entity to exhaust administrative remedies with the local political subdivision before filing an action in district court under Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1).
  - (5) The judge may award reasonable attorney fees and costs to the prevailing party in an action brought under this section.
  - (6) This chapter may not be construed as restricting or limiting any rights to challenge impact fees that were paid before the effective date of this chapter.

Amended by Chapter 200, 2013 General Session

**11-36a-704 Mediation.**

- (1) In addition to the methods of challenging an impact fee under Section 11-36a-701, a specified public agency may require a local political subdivision or private entity to participate in mediation of any applicable impact fee.
- (2) To require mediation, the specified public agency shall submit a written request for mediation to the local political subdivision or private entity.
- (3) The specified public agency may submit a request for mediation under this section at any time, but no later than 30 days after the day on which an impact fee is paid.
- (4) Upon the submission of a request for mediation under this section, the local political subdivision or private entity shall:
  - (a) cooperate with the specified public agency to select a mediator; and
  - (b) participate in the mediation process.

Enacted by Chapter 47, 2011 General Session

**11-36a-705 Arbitration.**

- (1) A person or entity intending to challenge an impact fee under Section 11-36a-703 shall file a written request for arbitration with the local political subdivision within the time limitation described in Section 11-36a-702 for the applicable type of challenge.
- (2) If a person or an entity files a written request for arbitration under Subsection (1), an arbitrator or arbitration panel shall be selected as follows:
  - (a) the local political subdivision and the person or entity filing the request may agree on a single arbitrator within 10 days after the day on which the request for arbitration is filed; or
  - (b) if a single arbitrator is not agreed to in accordance with Subsection (2)(a), an arbitration panel shall be created with the following members:
    - (i) each party shall select an arbitrator within 20 days after the date the request is filed; and
    - (ii) the arbitrators selected under Subsection (2)(b)(i) shall select a third arbitrator.
- (3) The arbitration panel shall hold a hearing on the challenge no later than 30 days after the day on which:
  - (a) the single arbitrator is agreed on under Subsection (2)(a); or
  - (b) the two arbitrators are selected under Subsection (2)(b)(i).
- (4) The arbitrator or arbitration panel shall issue a decision in writing no later than 10 days after the day on which the hearing described in Subsection (3) is completed.
- (5) Except as provided in this section, each arbitration shall be governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- (6) The parties may agree to:

- (a) binding arbitration;
  - (b) formal, nonbinding arbitration; or
  - (c) informal, nonbinding arbitration.
- (7) If the parties agree in writing to binding arbitration:
- (a) the arbitration shall be binding;
  - (b) the decision of the arbitration panel shall be final;
  - (c) neither party may appeal the decision of the arbitration panel; and
  - (d) notwithstanding Subsection (10), the person or entity challenging the impact fee may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
- (8)
- (a) Except as provided in Subsection (8)(b), if the parties agree to formal, nonbinding arbitration, the arbitration shall be governed by the provisions of Title 63G, Chapter 4, Administrative Procedures Act.
  - (b) For purposes of applying Title 63G, Chapter 4, Administrative Procedures Act, to a formal, nonbinding arbitration under this section, notwithstanding Section 63G-4-502, "agency" means a local political subdivision.
- (9)
- (a) An appeal from a decision in an informal, nonbinding arbitration may be filed with the district court in which the local political subdivision is located.
  - (b) An appeal under Subsection (9)(a) shall be filed within 30 days after the day on which the arbitration panel issues a decision under Subsection (4).
  - (c) The district court shall consider de novo each appeal filed under this Subsection (9).
  - (d) Notwithstanding Subsection (10), a person or entity that files an appeal under this Subsection (9) may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
- (10)
- (a) Except as provided in Subsections (7)(d) and (9)(d), this section may not be construed to prohibit a person or entity from challenging an impact fee as provided in Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
  - (b) The filing of a written request for arbitration within the required time in accordance with Subsection (1) tolls all time limitations under Section 11-36a-702 until the day on which the arbitration panel issues a decision.
- (11) The person or entity filing a request for arbitration and the local political subdivision shall equally share all costs of an arbitration proceeding under this section.

Enacted by Chapter 47, 2011 General Session