

## **IMPACT FEE ORDINANCE**

### Salt Lake City Code Chapter 18.98

#### **18.98.010 Findings And Authority:**

The city council (the "council") finds and determines that growth and development activity in the city will create additional demand and need for roadway facilities, publicly owned parks, open space and recreational facilities and trails, and police and fire facilities in the city, and the council finds that persons responsible for growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity. The council further finds that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received. Therefore, pursuant to Utah Code title 11, chapter 36, the council adopts this chapter to assess impact fees for planned facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program.

#### **18.98.020 Definitions:**

The following definitions shall apply for purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined by their usual and customary meanings.

"Accessory structure" means a subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main building.

"Accessory use" means a use that:

- A. Is subordinate in area, extent and purpose to, and serves a principal use;
- B. Is customarily found as an incident to such principal use;
- C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- D. Is located on the same zoning lot as such principal use; and
- E. Is under the same ownership or control as the principal use.

"Act" means the Utah impact fees act, Utah code title 11, chapter 36, as in existence on the effective date hereof or as hereafter amended.

"Building permit" means an official document or certification which is issued by the building official of the city and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

"Capital facilities" means the facilities or improvements included in a capital budget.

"Capital facilities plan" or the "plan" means the capital facilities plan of the city, as amended from time to time, and supporting documents, and as adopted pursuant to Utah code section 11-36-201, as amended.

"Change in use" means: a) a change from commercial use to residential use; or b) in the northwest quadrant only, a change from office or industrial use to retail use.

"City" means Salt Lake City, Utah.

"City engineer" means the duly appointed and acting city engineer for the city.

"Council" means the municipal council of the city.

"Department" means the department of community development of the city.

"Developer" means an individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person undertaking development activity, and their successors and assigns.

"Development activity" means any construction or expansion of a building, structure or use; any change in use of a building or structure; the subdivision of land; the seeking of plat approval, planned development approval, site plan approval, lot line adjustment, or conditional use permit approval; or any other change in use of land that creates additional demand and need for public streets and roads, publicly owned parks, open space recreational facilities and trails, police or fire facilities.

"Development approval" means any written authorization from the city, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, planned development approval, site plan approval, lot line adjustment, and a conditional use permit.

"Director" means the director of the department of community development of the city.

"Encumbered" means to reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.

"Fee payer" means a person, corporation, partnership, incorporated association, or any other similar entity, or a department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for planned facilities and which requires the issuance of a building permit. "Fee payer" includes an applicant for an impact fee credit.

"Fire impact fee" means the impact fee designated to pay for fire facilities.

"HUD" means the United States department of housing and urban development.

"Impact fee" means a payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting a building permit in order to pay for the planned facilities needed to serve new growth and development activity.

"Impact fee" does not include a tax, a special assessment, a hook up fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee calculations, or the administrative fee required for an appeal.

"Impact fee account" or "account" means the account or accounts established for the planned facilities for which impact fees are collected.

"Independent impact fee calculation" means the impact calculation or economic documentation prepared by a fee payer to support the assessment of an impact fee other than by the use of the schedule in appendix A of this chapter.

"Lot line adjustment" shall have the same meaning as set forth in chapter 20.08 of this code.

"Net positive fiscal impact" means new revenue to the city in excess of the cost of the necessary infrastructure and municipal services attributable to a development activity.

"Northwest quadrant" means the area bounded on the south by Interstate 80, on the west by the city limits, on the north by the city limits, and on the east by a line, running north and south, which is one thousand feet (1,000) west of and parallel to the centerline of sections 23, 26, and 35 of township 1 north, range 2 west, Salt Lake base and meridian survey.

"Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

"Park impact fees" means the impact fee designated to pay for publicly owned parks, open space, recreational facilities and trails.

"Planned development" or "PD" has the same meaning as set forth in section 21A.62.040 of this code.

"Planned facilities" means roadway facilities, parks, open space and recreational facilities and trails, police and fire facilities included in the capital improvements plan of the city.

"Police impact fee" means the impact fee designated to pay for police facilities.

"Qualifying improvement" means any portion of the infrastructure listed in the capital facilities plan.

"Residential unit" means any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the city, for not more than one family, and including site built buildings, manufactured homes and modular homes.

"Roadway facilities impact fee" means the impact fee designated to pay for roadway facilities.

"Standard of service" means the quantity and quality of service which the director has determined to be appropriate and desirable for the city. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on city streets and roads, maximum commute times, maximum wait at stops, minimum police service capabilities, minimum fire suppression capabilities, minimum park space per capita for a variety of types of parks, minimum distance from residences to parks, and any other factors the director may deem appropriate.

"State" means the state of Utah.

"Westside industrial area" means the area bounded on the east by Redwood Road, on the west by the city limits, on the north by Interstate 80, and on the south by 2100 South Street.

#### **18.98.030 Applicability:**

The collection of impact fees shall apply to all new development activity in the city unless otherwise provided herein. Until any impact fee required by this chapter has been paid in full, no building permit for any development activity shall be issued. A stop work order shall be issued on any development activity for which the applicable impact fee has not been paid in full.

- A. Park impact fees shall apply only to new residential development activity.
- B. Roadway facilities impact fees shall apply to any development activity which makes improvements to any land in the northwest quadrant or the westside industrial area.
- C. The movement of a structure onto a lot shall be considered development activity and shall be subject to the impact fee provisions, unless otherwise provided herein.

#### **18.98.040 Service Areas:**

- A. The following impact fee service areas are hereby established:
  - 1. For the purpose of park impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.
  - 2. For the purpose of fire impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.
  - 3. For the purpose of roadway facilities impact fees, the service area shall be the westside industrial area and the northwest quadrant.

4. For the purpose of police impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.

B. Impact fees shall be assessed only on development activity within the service area.

C. Impact fees collected within a service area shall be spent within that service area.

D. The appropriateness of the designation and boundaries of the service areas shall be reviewed periodically by the city as part of the impact fee revision process. Following such review and a public hearing, the service areas may be amended.

#### **18.98.050 Calculation Based On Fee Schedule:**

Impact fees shall be calculated as follows:

A. Unless an applicant requests an independent impact fee calculation as set forth in section 18.98.160 of this chapter, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the fee schedule in appendix A of this chapter, less any applicable offsets under section 18.98.070 of this chapter.

B. The impact fee schedule in appendix A of this chapter is hereby adopted and incorporated herein by reference.

C. The units of development activity specified in the fee schedule shall be interpreted as follows:

1. Residential impact fees shall be collected by unit. For the purposes of this chapter, modular or manufactured homes are considered residential.

2. Building square footage shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

D. For categories of uses not specified in the applicable impact fee schedule, the director shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

E. If the development plan approval or permit for the proposed development activity indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.

F. For an addition to or remodeling or replacement of existing structures, or for a change in use of an existing structure, the impact fee to be paid shall be the difference, if any, between:

1. The fee, if any, that would be payable for existing development activity on the site or, in the case of demolition or removal of a structure, the previous development activity on the site; provided that the demolition or removal has occurred within twelve (12) months after the date of submittal of the application for which impact fees are assessed; and

2. The fee, if any, that would be payable for the total development activity on the site for the new development.

G. Upon written request of an applicant, the director shall provide an estimate of the current fee based on the data provided by the applicant. However, the director shall not be responsible for determining, at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.

H. In any fiscal year in which an impact fee update is not conducted by the city, impact fees will be adjusted to reflect inflationary costs using the Engineering News-Record's construction cost index as of January 1 of that fiscal year. The adjustment shall be effective on October 1 of the next fiscal year. The City shall provide notice to the public of any such adjustment sixty (60) days in advance of the effective date of such adjustment.

#### **18.98.060 Exemptions:**

A. The following shall be exempted from the payment of all impact fees:

1. Replacement of a structure with a new structure of the same size and use at the same site or lot when a building permit for such replacement is obtained within twelve (12) months after the demolition or destruction of the prior structure or mobile home and the replacement is completed within twenty four (24) months after the granting of the building permit.

2. Alterations, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing unit where no additional units are created and the use is not materially changed.

3. Construction of accessory structures that will not create significant impacts on the planned facilities.

4. Miscellaneous accessory improvements to use, including, but not limited to, fences, walls, swimming pools, and signs.

5. Demolition or moving of a structure.

6. Placing on a lot in the city a temporary construction trailer or office, but only for the life of the building permit issued for the construction served by the trailer or office.

7. Any development activity not involving the construction or placement of a structure or building, including, but not limited to, the mere subdivision of land, installation of utilities, or the use of land for limited recreational, agricultural, filling or dredging purposes, which, as demonstrated by the developer in writing to the director, will not result in a net increase in demand on facilities covered by impact fees.

B. Nonresidential construction shall be exempted from the payment of the park impact fees.

C. Properties not located in the westside industrial area or the northwest quadrant shall be exempted from the payment of roadway impact fees.

D. If, prior to the effective date hereof and in anticipation of the imposition of impact fees, the city and a developer entered into a written agreement providing for the payment of fees, the dedication of land, or the construction of planned facilities by the developer in connection with a development activity, with specific reference to improvements identified in the capital facilities plan, such development activity shall be exempted from the payment of impact fees. The units in such development may be charged a reduced fee pursuant to an independent impact fee calculation under section 18.98.160 of this chapter. The developer shall provide to the director documentation demonstrating compliance with the terms of the voluntary agreement.

E. The following housing is exempt from the payment of impact fees, to the following extent:

1. A one hundred percent (100%) exemption shall be granted for rental housing for which the annualized rent per dwelling unit does not exceed thirty percent (30%) of the annual income of a family whose annual income equals sixty percent (60%) of the median income for Salt Lake City, as determined by HUD;

2. A one hundred percent (100%) exemption shall be granted for nonrental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose annual income equals eighty percent (80%) of the median income for Salt Lake City, as determined by HUD;

3. A seventy five percent (75%) exemption shall be granted for nonrental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose annual income equals ninety percent (90%) of the median income for Salt Lake City, as determined by HUD; and

4. A fifty percent (50%) exemption shall be granted for nonrental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose annual income equals one hundred percent (100%) of the median income for Salt Lake City, as determined by HUD.

The city shall use monies in its general fund to pay for the exempted development activity.

F. The director shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in this chapter.

#### **18.98.070 Offsets To Impact Fees:**

Offsets against the impact fee that would otherwise be due for a development activity may be approved by the director in accordance with the following provisions:

A. An offset shall be granted for qualifying improvements that are required to be made by a developer as a condition of development approval.

B. Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements. Unless otherwise expressly agreed to in writing by the city, offsets shall not result in reimbursement from the city or constitute a credit against future fees, and shall not constitute a liability of the city for any deficiency in the offset.

C. Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or his predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.

D. The person applying for an offset shall be responsible for providing and paying for appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The director shall not grant offsets to any person who cannot provide such documentation in such form as the director may reasonably require.

E. The value of land dedicated or donated shall be based on the appraised land value of the parent parcel on the date of transfer of ownership to the city, as determined by an MAI certified appraiser who was selected from a list of city approved appraisers provided by the director and paid for by the applicant, who used generally accepted appraisal techniques.

F. Offsets provided for qualifying improvements meeting the requirements of this Section shall be valid from the date of approval until ten (10) years after the date of approval or until the last date of construction of the project, whichever occurs first.

G. The right to claim offsets shall run with the land and may be claimed only by owners of property within the development area for which the qualifying improvement was required.

H. Any claim for offsets must be made in writing, not later than the time of submittal of a building permit application or an application for another permit subsequent to development approval that is subject to impact fees. Any claim not so made shall be deemed waived.

#### **18.98.080 Developer Agreements For Impact Fees:**

Where a development activity includes or requires a qualifying improvement, the City and the developer may agree in writing to have the developer participate in the financing or construction of part or all of the qualifying improvements. Such agreement may provide for cash reimbursements, offsets, or other appropriate compensation to the developer for the developer's participation in the financing or construction of the qualifying improvements.

The agreement shall include:

- A. The estimated cost of the qualifying improvements, using the lowest responsive bid by a qualified bidder, which bid is approved by the Director; or, if no bid is available, the estimated cost certified by a licensed Utah engineer and approved by the Director;
- B. A schedule for initiation and completion of the qualifying improvement;
- C. A requirement that the qualifying improvement be designed and completed in compliance with any applicable City or State laws or regulations; and
- D. Such other terms and conditions as deemed necessary by the City.

#### **18.98.090 Challenges And Appeals:**

A. 1. Any fee payer that has paid an impact fee may challenge the impact fee by filing:

- a. An appeal pursuant to subsection B of this Section;
- b. A request for arbitration as provided in Utah Code section 11-36-402(1), as amended;

or

c. An action in District Court as provided in Utah Code 11-36-401(4)(c)(iii), as amended. Such a challenge may not be initiated unless it is initiated within one year after the fee payer pays the impact fee.

2. The sole remedy for a challenge under subsection A1 of this Section shall be a refund of the difference between what the fee payer paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.

3. Nothing in this Section shall be construed to require a fee payer to exhaust administrative remedies with the City before filing an action in District Court under subsection A1 of this Section.

B. 1. Any fee payer may pay the impact fees imposed by this Chapter under protest in order to obtain a building permit, and thereafter may appeal the validity or amount of such payment to the Council. Appeals regarding the impact fees imposed on any development activity may only be taken by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

2. Appeals shall be made by filing a written notice of appeal with the Council, specifying the grounds thereof, and depositing with the Council an administrative fee in the amount of fifty dollars (\$50.00). The appellant shall also submit, in writing, a request for information relative to the impact fee. The Council shall, within fourteen (14) calendar days after receiving the notice of

appeal, hold a hearing to consider the evidence and arguments of the appellant, and shall record the hearing and retain such evidence. The Council shall issue a written decision on the appeal within thirty (30) calendar days after the date the appeal was filed.

C. If, pursuant to Utah Code section 11-36-402, as amended, a person submits an impact fee challenge to arbitration, the City shall not agree to participate in binding arbitration.

#### **18.98.100 Collection:**

The impact fees for all new development activity shall be calculated and collected in conjunction with the application for the first building permit for such development activity.

#### **18.98.110 Fund Accounting For Impact Fees:**

A. The City shall establish a separate interest-bearing accounting fund for each type of planned facility for which an impact fee is collected. Such fees shall be invested by the City and the yield on such fees, at the actual rate of return to the City, shall be credited to such accounting fund periodically in accordance with the accounting policies of the City, subject to a deduction by the City of a reasonable cash management fee. Such funds need not be segregated from other City monies for banking purposes. Interfund loans may be made between such accounting funds.

B. Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.

C. The City shall maintain and keep financial records for each such accounting fund, showing the source and amount of all monies collected, earned and received by the fund, and each expenditure from such fund, in accordance with normal City accounting practices, and at the end of each fiscal year shall prepare a report on each such fund showing such information. The records of such fund shall be open to public inspection in the same manner as other financial records of the City.

D. Impact fees shall be expended or encumbered within six (6) years after their receipt, unless the Council identifies, in writing, an extraordinary and compelling reason to hold the impact fees longer than six (6) years. Under such circumstances, the Council shall establish an absolute date by which the impact fees shall be expended.

#### **18.98.120 Refunds:**

A. If the City fails to expend or encumber the impact fees as required by subsection 18.98.110D of this Chapter, all current owners of the property on which impact fees have been paid shall receive a pro rata refund of such impact fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.

B. The City shall notify the owner or owners of property for which such a refund may be made, by first class mail deposited with the United States Postal Service, at the last known address of such property owners.

C. In order to receive such a refund, the owner or owners of the subject property must, within twelve (12) months after the mailing of such notice by the City, make a written

request for a refund to the Director, including a certification that such person is a record owner of the property and that he or she is entitled to the refund. The Director may rely on such certification, in the absence of a written certification by another person asserting that the proposed payee is not the proper payee. If in doubt as to whom to pay such funds, the Director may deposit the funds with an appropriate court for disposition as the court may determine. In that event, the City may deduct from the funds deposited an amount equal to the reasonable costs, including attorney fees, of causing the funds to be deposited with the court.

D. Any impact fees for which no application for a refund has been made within such one year period shall be retained by the City and expended on appropriate planned facilities.

E. Refunds of impact fees under this Section shall include any interest earned on the impact fees by the City.

F. When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered impact fees from any terminated component or components, including interest earned, shall be refunded pursuant to this Section. The City shall publish notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all owners of property for which a refund may be made by first class mail at the last known address of such property owners. All funds available for refund shall be retained for a period of twelve (12) months following the second publication. At the end of that period, any remaining funds shall be retained by the City, but must be expended for appropriate planned facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the impact fee account(s) being terminated.

G. The City shall refund to a developer any impact fees paid by that developer, plus interest earned on the impact fees, if: 1) the developer does not proceed with the development activity for which the impact fees were imposed; 2) the developer files with the Director a written request for the refund not later than thirty (30) calendar days after the expiration of the building permit (or any extension thereof) in connection with which the impact fees were assessed; and 3) the Director determines that no impact has resulted from the contemplated development activity.

H. The City shall charge an administrative fee for verifying and computing the refund equal to the lesser of three percent (3%) of the amount of the refund or the City's actual cost of such verification and computing.

#### **18.98.130 Use Of Funds:**

A. Impact fees shall be used solely for the purposes for which they were received.

B. Except as provided in subsection 18.98.120D or F of this Chapter, impact fees shall not be imposed to make up for deficiencies in existing facilities serving existing developments.

C. Impact fees shall not be used for maintenance or operation.

D. Impact fees may be spent for planned facilities, including, but not limited to, planning, land acquisition, construction, engineering, architectural, permitting, financing, and administrative expenses, mitigation costs, capital equipment pertaining to planned facilities, and any other similar expenses which can be capitalized pursuant to generally accepted accounting principles.

E. Impact fees may also be used to recoup improvement costs previously incurred by the City to the extent that new growth and development activity will be served by the previously constructed improvements or incurred costs.

F. Impact fees may be used to recoup the cost of studying, analyzing, and preparing the impact fees.

G. Impact fees may be used to pay debt service on bonds or similar debt instruments issued to finance planned facilities to the extent such planned facilities serve the development activity for which the impact fees were imposed.

#### **18.98.140 Supplemental Regulation To Other Financing Methods:**

Except as otherwise provided herein, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the City on development activity or the issuance of building permits or certificates of occupancy. Impact fees are intended to be consistent with the City's General Plan, Capital Facilities Plan, land development ordinances, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of capital facilities in conjunction with development activity.

In addition to the use of impact fees, the City may finance qualifying capital improvements through the issuance of bonds, the formation of assessment districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

#### **18.98.150 Adjustments:**

A. The Director may adjust the impact fees or service areas periodically, after a study and proper notice as provided in Utah Code title 11, chapter 36, as amended.

B. The Director may adjust the standard impact fee in the schedule of impact fees at the time the fee is charged to:

1. Respond to unusual circumstances in specific areas.
2. Ensure that the impact fees are imposed fairly.

#### **18.98.160 Independent Calculations:**

A. If a fee payer desires not to have the impact fees determined according to the schedule set forth in Appendix A of this Chapter, then the fee payer shall prepare and submit to the Director an independent impact fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent impact fee calculation was made. The appropriate department staff persons shall review the independent impact fee calculation and provide an analysis to the Director concerning whether the independent impact fee calculation should be accepted, rejected, or accepted in part. The Director may adopt, reject, or adopt in part the independent impact fee calculation based on the department's analysis and based on the specific characteristics of the development activity. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

B. Any fee payer submitting an independent impact fee calculation must pay to the City a fee to cover the cost of reviewing the independent impact fee calculation. The fee shall be an amount equal to the actual review costs incurred by the City, including the cost of any

consultant services deemed necessary by the City. The City shall require the fee payer to post a cash deposit of one hundred fifty dollars (\$150.00) prior to initiating the review, subject to refunding to the fee payer any portion of such deposit that exceeds actual costs of review.

C. The Director shall consider the documentation submitted by the fee payer and the analysis prepared by the appropriate department staff persons, but is not required to accept such documentation or analysis. The Director may require the fee payer to submit additional or different documentation for consideration. The Director may adjust the impact fees on a case-by-case basis based on the independent impact fee calculation and the specific characteristics of the development activity. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

#### **18.98.170 Penalty Provision:**

A violation of this Chapter is a Class B misdemeanor. Upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Chapter.

#### **18.98.180 Effective Date:**

This Chapter shall take effect on June 1, 2000. However, this Chapter shall not apply to any development activity with respect to which the developer has, prior to June 1, 2000:

- A. 1. Acquired title to or control of the property to be developed, or
2. Obtained a commitment for financing of the development activity; and
- B. Submitted development plans for the development activity to the City for review.

For purposes of this Section, a person acquires "control" of property when that person becomes the lessee of the property, obtains an option to purchase the property or becomes a party to a fully executed purchase contract for the property.

## APPENDIX A

### Impact Fee Schedule

#### Impact Fee Schedule By Unit Development

<u>Description</u>	<u>Impact Fee</u>
Public Safety—Fire Fees	
Residential (per dwelling unit) <sup>1</sup>	\$ 440.00
Commercial/industrial (per square foot) <sup>1</sup>	0.29
Public Safety—Police Fees	
Residential (per dwelling unit)	410.00
Commercial/industrial (per square foot)	0.27
Roadway Fees <sup>2</sup>	
Residential (per single-family dwelling unit)	0.00
Residential (per multi-family dwelling unit)	0.00
Retail (per square foot)	7.27
Office (per square foot)	3.25
Industrial (per square foot)	1.25
Park Fees	
Residential (per dwelling unit)	618.00
Commercial/industrial (per square foot)	0.00
Total Fees	
Residential (per single-family dwelling unit)	1,468.00
Residential (per multi-family dwelling unit)	1,468.00
Retail (per square foot)	7.83
Office (per square foot)	3.81
Industrial (per square foot)	1.81

**Note:**

<sup>1</sup>Residential units are specified by single-family and multi-family; commercial development is specified by retail, office, and industrial.

<sup>2</sup>Roadway fees are assessed only in the Westside Industrial Area.