



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: February 7, 2023
FROM: Mike DeSimone, Director
SUBJECT: Fee Waivers for Moderate Income Housing
Resolution 23-03 Fee Waiver Guidelines for Moderate Income Housing

The Logan City Moderate Income Housing Plan was adopted November 15, 2022 with eight specific goals the City would pursue to further the provision of additional Moderate Income Housing (MIH). Goal 4 considers waiving the City's development fees & impact fees for moderate income housing, Goal 1 considers investing in the rehabilitation of existing, uninhabitable housing to create more Moderate Income Housing, and Goal 3 considers a re-evaluation and expansion in the use of Accessory Dwelling Units. The focus of this resolution is the three specific State Strategies targeting impact and permit fee waivers for certain MIH projects and detached Accessory Dwelling Units. The other specific elements or strategies associated with Goals 1 and 3 will be addressed in subsequent discussions & actions. The three specific State strategies are as follows:

- (D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
- (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
- (L) reduce, waive, or eliminate impact fees related to moderate income housing;

Resolution No. 20-03 and LMC 3.36 authorize Logan City to assess and collect water, wastewater, parks, power, and transportation impact fees for most new development projects (attached). These impact fees are used for service and infrastructure improvements in accordance with the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) prepared by Lewis Young & Burningham, Inc.

Resolution No. 20-09 and LMC 15.04.030 authorize Logan City to assess and collect permit and plan review fees for new construction projects and as prescribed through the International Building Code Council and the State of Utah (attached). These fees are used to fund the City's expenses associated with reviewing development activities across the City. The fees listed in Resolution 20-09 do not include connection fees assessed by other departments, e.g., water connection fee, etc., as those fees are used for the specific equipment, materials and labor necessary for a project to tie into the City's infrastructure.

Logan City Municipal Code 3.36.070 allows the Mayor to make adjustments to impact fees for low

income housing.

3.36.070: FEE EXCEPTIONS AND ADJUSTMENTS:

- A. The City may adjust the impact fees imposed pursuant to this ordinance as necessary in order to:
 - 5. Exempt low income housing and other development activities with broad public purposes from impact fees and establish one or more sources of funds other than impact fees to pay for that development activity.
- B. The Mayor or his designee shall have the authority to make such adjustments based upon reliable information submitted by an applicant and any recommendation from the City staff.
- C. The Mayor may adopt policies consistent with this ordinance and any resolutions passed by the Municipal Council to assist in the implementation, administration and interpretation of this ordinance related to impact fees.

The purpose of Resolution No. 23-03 is to provide policy guidance for the implementation of a fee waiver program for MIH projects and authorize the waiving of impact fees for detached ADU's. This proposal does not include waiving the typical connection fees nor does it include waiving the wastewater Treatment Impact Fee as that fee is designated for a regional facility held jointly by multiple entities.

Below are the typical fees the City would collect for three different types of new residential construction projects (detached single family, attached townhomes, multi-level apartments) based on three current projects underway in the City. It is important to note that while impact fees are assessed on a per unit basis and partially driven by capacity needs, permit fees are assessed based on the value of a project. For example, a single family residential dwelling valued at \$250,000 will be assessed different permit fees than a single family residential dwelling valued at \$1,000,000; however, the impact fees for each dwelling unit are typically the same.

Comparison of Impact Fees by Residential Structure Type

Impact Fees	1,900 sf SFR	4 Unit Townhome Project	Townhome Fees/unit	106 Unit Apartment Project	Apartment Fees/unit
Culinary Water	2,293	9,172	2,293	9,172	86.53
Wastewater Collection	203	812	203	650	6.13
Wastewater Treatment	2,433	9,732	2,433	7,786	73.45
Parks & Trails	1,292	5,168	1,292	102,290	965
Power	426	1,420	355	25,560	241.13
Transportation	1,020	4,080	1,020	83,846	791
Totals	7,667	30,384	7,667	229,304	2,163.25
Totals w/o WW Treatment Fee	5,234	20,652	5,163	221,518	2,089.80

Comparison of Permit Fees by Residential Structure Type

Permit Fees	2,000 sf SFR	4 Unit Townhome Project	Townhome Fees/unit	106 Unit Apartment Project	Apartment Fees/unit
Building Permit	2,742	5,690.75	1,422.69	55,799	526
Electrical Permit	219.36	455.26	113.82	4,463.92	42.11
Land Disturbance Permit	200	1500	375	0	0
Mechanical Permit	219.36	455.26	113.82	4,463.92	42.11
Plan Review	347.16	840.30	210.08	36,269.35	342.16
Plumbing Permit	219.36	455.26	113.82	4,463.92	42.11
State Surcharge Fees	34.00	70.56	17.64	691.91	6.53
Totals	3,981.24	9,467.39	2,366.85	106,152	1,001.43

Depending upon the type of MIH residential units, the amount of a typical fee waiver could range from approximately \$3,000 for a multi-family unit in an apartment project, to \$7,500 for an attached townhome, and up to \$9,200 for a detached single family dwelling. It is important to note that this is just an approximate range and will vary based on an individual project.

In order to meet the State's MIH strategies "D" & "L" we are proposing to waive impact fees (excluding wastewater treatment fees) and permitting fees for Moderate Income Housing projects as follows:

Fee Waiver Guidelines for New Construction of Moderate Income Housing Units

1. The total number of combined fee waivers Logan City will issue in a calendar year for new Moderate Income Housing units, regardless of the number of projects, is 30 new MIH units/year.
2. The fee waivers will include waiving the water, wastewater collection, transportation and parks impact fees, and the building permit and plan review fees. The wastewater treatment impact fee is not included in this. This represents a potential annual financial impact to the City of approximately \$100,000 – \$300,000 for up to 30 new MIH units.
3. A project seeking a fee waiver shall have a recorded Land Use Restriction Agreement (LURA) that is approved by a federal or state agency. This approach assumes that any LMI project we offer fee waivers to are also qualifying for other types of State or Federal tax credits, and are being financed, constructed and managed consistent with State and Federal requirements for low income housing. This is also important because it helps to ensure that the units designated as MIH will have a life of anywhere from 15 – 99 years (as determined in the LURA).

4. The City may allow fee waivers for MIH units designed and built to meet a very specific need, e.g., transitional housing for domestic abuse survivors, etc., provided a LURA is approved by the City, a qualified non-profit entity is the owner & operator of the project, and 100% of the units are designated as MIH units serving individuals whose income is 60% or less of the area median gross income. These units will count towards the annual maximum of 30 units.
5. Any project seeking fee waivers shall have at least 50% of the total units restricted as MIH units while the occupancy of those units is limited to individuals whose income is 60% or less of the area median gross income.
6. Fee waivers are to be prorated to the number of MIH units in a project, meaning that if a project contains 20 units, and 10 of those are MIH units, the City will only grant a fee waiver for the 10 MIH units.
7. A qualified non-profit organization is required to own an interest in the project (directly, partnership, or limited liability corporation) and materially participate (within the meaning of Internal Revenue Code 469(h)) in the development and operation of the project throughout the extended use period prescribed in the LURA.
8. A project designed to house students, or a project located in the Campus Residential (CR) Zone, is ineligible for a fee waiver.

Conversion of Existing, Uninhabitable Housing into New Moderate Income Housing Units

Goal 1 of the City's MIHP considers the conversion of existing, uninhabitable housing into new moderate income housing as a priority for meeting our needs for additional affordable housing. The City maintains a registry of vacant residential properties which currently contains 16 residential structures on the registry which will be updated in May. According to the City's MIHP, in 2024 the City will explore the feasibility and details of converting uninhabitable housing stock into new MIH in greater detail. Currently, if a residential property is remodeled or updated, while we will collect permit fees, we generally do not collect impact fees. For a residential property being legally modified with an overall increase in the number of new units and an associated increase in service demand, we will collect permit fees and generally impact fees. The guidelines for waiving fees for converting uninhabitable housing into new MIH are as follows:

1. The total number of combined fee waivers Logan City will issue in a calendar year for the conversion of existing, uninhabitable housing into new MIH is 5 MIH units/year. The water, wastewater collection, parks, power, and transportation impact fees will be waived. The building, electrical, plumbing, mechanical, and land disturbance permits fees, and plan review fees will be waived.
2. A project seeking a fee waiver shall have a recorded Land Use Restriction Agreement (LURA) that is approved by the City along with a deed restriction specifying the use of the units are limited to MIH units in perpetuity.
3. The City may allow fee waivers for MIH units designed and built to meet a very specific need, e.g., transitional housing for domestic abuse survivors, etc., provided a LURA is approved by the City, a qualified non-profit entity is the owner & operator of the project, and 100% of the units are designated as MIH units serving individuals whose income is 60% or less of the area median gross income.
4. Any project seeking fee waivers shall have at least 50% of the total units restricted as MIH

units while the occupancy of those units is limited to individuals whose income is 60% or less of the area median gross income.

5. Fee waivers are to be prorated to the number of MIH units in a project, meaning that if a project contains 4 units, and 2 of those are MIH units, the City will only grant a fee waiver for the 2 MIH units.
6. A project designed to house students, or a project located in the Campus Residential (CR) Zone, is ineligible for a fee waiver.

Accessory Dwelling Units

A specific State MIH strategy "R" that was included in our MIHP eliminates impact fees for accessory dwelling units that are not internal ADU's. When the City adopted new ADU rules in 2021, we only permitted internal ADU's. We also began assessing permit and impact fees on new ADU's until the State passed legislation prohibiting impact fees on new "internal" ADU's. Currently, the City's Land Development Code does not permit detached ADU's, but as part of our adoption of the initial ADU program, and in accordance with MIHP Goal #3, sometime during 2023, we will be re-evaluating the current ADU program to determine if any changes are warranted. In order to meet the State's MIH strategy "R" listed above, we are also proposing to provide for an impact fee waiver (excluding wastewater treatment fees) for the construction of a detached Accessory Dwelling Unit (ADU's). While this may seem premature and might appear to presuppose a change to the City's current ADU standards, the proposal to include a fee waiver for detached ADU's at this time is to meet one of the State's MIH strategies while avoiding having to modify our fee policies in the future if a change to ADU standards are warranted. If the City determines that the current ADU program is sufficient, this fee waiver would not be applicable.

ADU's are viewed more as a way to get less expensive housing quickly into the market rather than just targeting a specific segment of the population (low income). The guidelines for ADU impact fee waivers are different than a MIH project. The typical impact fee associated with an accessory ADU will be less than the average SFR impact fees; however, there will still be a financial impact to the City based on increased demands for some services. Therefore, the recommendation is that Council consider limiting the total amount of impact fee waivers for an accessory ADU to no more than 50% of the total assessed impact fee amount (excluding the wastewater treatment impact fee). This waiver also excludes any building permit or connection fees associated with an ADU project. The guidelines for waiving fees for new detached ADU's are as follows:

1. Up to 50% of the following impact fees will be waived for approved and permitted detached accessory dwelling units: water, wastewater collection, parks, power, and transportation impact fees.
2. The total number of combined fee waivers Logan City will issue in a calendar year for new detached ADU's is 5 new detached ADU units/year.

If you have any questions about this matter, please let me know.

Attachments:

Resolution No. 23-03

Resolution No. 20-03

Resolution No. 20-09

**CITY OF LOGAN
RESOLUTION NO. 23-03**

**A RESOLUTION ADOPTING FEE WAIVER GUIDELINES FOR
MODERATE INCOME HOUSING**

WHEREAS, the Municipal Council adopted a Moderate Income Housing Plan on November 15, 2022 in accordance with Utah State Statute 10-9a-403 requiring the preparation of a Moderate Income Housing Plan; and

WHEREAS, the Logan City Moderate Income Housing Plan includes a series of goals and strategies designed to facilitate a reasonable opportunity for the provision of additional moderate income housing; and

WHEREAS, three specific Moderate Income Housing Strategies identify fee waivers for moderate income housing and detached accessory dwelling units as a viable strategy to help increase the supply and availability of moderate income housing; and

WHEREAS, Logan City Resolution No. 20-03 and Logan Municipal Council 3.36 authorize the assessment and collection of water, wastewater, parks, power, and transportation impact fees for most new development projects, and LMC 3.36.070 allows the Mayor to make adjustment to impact fees for low income housing; and

WHEREAS, Logan City Resolution No. 20-09 authorizes the assessment and collection of permit and plan review fees for new construction projects; and

WHEREAS, the Municipal Council finds that the attached guidelines for waiving certain development permit fees and impact fees to stimulate new moderate income housing will contribute to the City's goals of furthering the provision of additional affordable housing; and

WHEREAS, the Municipal Council finds, that while the specific programmatic requirements for the conversion of vacant residential structures and the adoption of detached accessory dwelling units are still in process of being developed and adopted by the Council, the consideration to waive a portion or all of the permit and impact fees associated with these specific types of developments is consistent with the intent of the City's Moderate Income Housing Plan and State requirements in furthering additional moderate income housing opportunities; and

WHEREAS, the Municipal Council finds that the benefits of subsidizing additional moderate income housing outweighs the fiscal impact to the City's general fund and is in the public interest.

NOW THEREFORE, LOGAN MUNICIPAL COUNCIL, finds that the implementation of the attached guidelines for fee waivers applicable to new moderate income housing, the rehabilitation of existing, uninhabitable structures into additional moderate income housing, and the construction of new detached accessory dwelling units are consistent with Logan City's 2022 Moderate Income Housing Plan and UCA 10.9a.403.2.b.iii.

THIS RESOLUTION duly adopted this ____ day of _____, 2023 by the following vote:

Ayes:

Nays:

Absent:

Ernesto López, Chairman

ATTEST:

Teresa Harris, City Recorder

Fee Waiver Guidelines for Moderate Income Housing Development Permit Fees and Impact Fees

New Construction - Moderate Income Housing Units

1. The total number of fee waivers Logan City will issue in a calendar year for all new Moderate Income Housing units, regardless of the number of projects, is 30 MIH units/year.
2. The impact fees to be waived include the water, wastewater collection, parks, power and transportation impact fees. The permit fees to be waived include building, electrical, plumbing, mechanical, land disturbance, and plan review fees.
3. A project seeking a fee waiver shall have a recorded Land Use Restriction Agreement (LURA) that is approved by a federal or state agency.
4. The City may allow fee waivers for MIH units designed and built to meet a very specific need, e.g., transitional housing for domestic abuse survivors, etc., provided a LURA is approved by the City, a qualified non-profit entity is the owner & operator of the project, and 100% of the units are designated as MIH units serving individuals whose income is 60% or less of the area median gross income. Any fee waivers authorized for these types of MIH units will count towards the annual maximum.
5. A project seeking fee waivers shall have at least 50% of the total units restricted as MIH units while the occupancy of those units is limited to individuals whose income is 60% or less of the area median gross income. Failure to maintain this standard for the life of the LURA shall result in a repayment of all waived fees.
6. Fee waivers are to be prorated to the number of MIH units in a project, meaning that if a project contains 20 units, and 10 of those are MIH units, the City will only grant a fee waiver for the 10 units.
7. A qualified non-profit organization is required to own an interest in the project (directly, partnership, or limited liability corporation) and materially participate (within the meaning of Internal Revenue Code 469(h)) in the development and operation of the project throughout the extended use period prescribed in the LURA.
8. A project designed to house students, or a project located in the Campus Residential (CR) Zone, is ineligible for a fee waiver.

Conversion of Existing, Uninhabitable Housing into New Moderate Income Housing Units

1. The total number of fee waivers Logan City will issue in a calendar year for the conversion of existing, uninhabitable housing into new Moderate Income Housing units, regardless of the number of projects, is 5 new MIH units/year. The water, wastewater collection, parks, power, and transportation impact fees will be waived. The building, electrical, plumbing, mechanical, and land disturbance permits fees, and plan review fees will be waived.

2. A project seeking a fee waiver shall have a recorded Land Use Restriction Agreement (LURA) that is approved by the City along with a deed restriction specifying the use of the units are limited to MIH units in perpetuity.
3. The City may allow fee waivers for MIH units designed and built to meet a very specific need, e.g., transitional housing for domestic abuse survivors, etc., provided a LURA is approved by the City, a qualified non-profit entity is the owner & operator of the project, and 100% of the units are designated as MIH units serving individuals whose income is 60% or less of the area median gross income. Any fee waivers authorized for these types of MIH units will count towards the annual maximum.
4. Any project seeking fee waivers shall have at least 50% of the total units restricted as MIH units while the occupancy of those units is limited to individuals whose income is 60% or less of the area median gross income.
5. Fee waivers are to be prorated to the number of MIH units in a project, meaning that if a project contains 4 units, and 2 of those are MIH units, the City will only grant a fee waiver for the 2 MIH units.
6. A project designed to house students, or a project located in the Campus Residential (CR) Zone, is ineligible for a fee waiver.

Accessory Dwelling Units

1. Up to 50% of the following impact fees will be waived for approved and permitted detached accessory dwelling units: water, wastewater collection, parks, power and transportation impact fees.
2. The total number of fee waivers Logan City will issue in a calendar year for new detached ADU's is 5 new accessory dwelling units per year.

**CITY OF LOGAN, UTAH
ORDINANCE NO. 20-03**

**AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN,
AND WRITTEN ANALYSIS FOR WATER, WASTEWATER,
PARKS, POWER, AND TRANSPORTATION IMPACT FEES;
ENACTING IMPACT FEES; AND ESTABLISHING A SERVICE
AREA FOR PURPOSES OF EQUITABLE DISTRIBUTION OF THE
IMPACT FEE.**

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

WHEREAS, the City of Logan has previously enacted impact fees for culinary water, wastewater, parks, power, and transportation services; and

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

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

WHEREAS, the City and impact fee consultants engaged by the City have reviewed and evaluated the City-Wide Service Area (the "*City Service Area*") and has determined that it is in the City's best interest to establish the City Service Area for purposes of the Impact Fee imposed; and

WHEREAS, the City and Lewis Young Robertson & Burningham, Inc. has completed the necessary impact fee facilities plans associated with water, wastewater, parks, power, and transportation infrastructure, attached hereto in *Exhibit A: Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA)*; and

WHEREAS, the City Council has directed Lewis Young Robertson & Burningham, Inc. to prepare an updated Written Impact Fee Analysis which is conducted consistent and in compliance with the Impact Fees Act. Copies of said Written Impact Fee Analyses are included in *Exhibit A: Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA)*.

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

SECTION I: ADOPTION OF IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS.

The Municipal Council of the City of Logan hereby approves and adopts the written analysis entitled “IMPACT FEE FACILITIES PLAN (IFFP) AND IMPACT FEE ANALYSIS (IFA) WATER, WASTEWATER, PARKS, POWER, AND TRANSPORTATION, LOGAN, CITY, UTAH” dated January 2020, and the analysis reflected therein for each of the impact fees described.

SECTION II: ORDINANCE AMENDED

Ordinance 13-01 previously adopted imposing impact fees is hereby amended as follows:

Title 3. Revenue and Finance Chapter 3.36.

IMPACT FEES

SECTIONS:	3.36.010	PURPOSE
	3.36.020	DEFINITIONS
	3.36.030	WRITTEN IMPACT FEE ANALYSIS
	3.36.040	IMPACT FEE CALCULATIONS
	3.36.050	IMPACT FEE FACILITIES PLAN
	3.36.060	IMPACT FEE SCHEDULES AND FORMULAS
	3.36.070	FEE EXCEPTIONS AND ADJUSTMENTS

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

3.36.020: DEFINITIONS:

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

DEVELOPMENT ACTIVITY:

Any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include residential and commercial users who are not currently connected to any of the City’s public facilities systems, but will be located within the City Service Area.

DEVELOPMENT APPROVAL:	Any written authorization from the City that authorizes the commencement of development activity.
CITY:	A political subdivision of the State of Utah and is referred to herein as City of Logan.
IMPACT FEE:	A payment of money imposed upon development activity as a condition of development approval. "Impact fee" includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.
IMPACT FACILITIES PLAN:	The plan required by Section 11-36a-301 of the Act.
PROJECT IMPROVEMENTS:	Site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupants or users of development resulting from a development activity. "Project improvements" do not include "system improvements" as defined below.
PROPORTIONATE SHARE:	An amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.
PUBLIC FACILITIES:	Water, Wastewater, Parks, Power, and Transportation infrastructure of the City for the City Service Area.
SERVICE AREA:	A geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's public facilities provides service. The Service Area for purposes of this Ordinance includes all of the area within the corporate limits and jurisdictional boundaries of the City.
SYSTEM IMPROVEMENTS:	Both existing public facilities designed to provide services within the Service Area and future public facilities identified in a reasonable plan for capital improvements adopted by the City that are intended

to provide service to the Service Area. "System improvements" do not include "Project improvements" as defined above.

3.36.030: WRITTEN IMPACT FEE ANALYSIS:

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

3.36.040: IMPACT FEE CALCULATIONS:

- A. The City Council, by this Ordinance, approves impact fees in accordance with the Written Impact Fee Analyses.
 - 1. In calculating the impact fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of system improvements, and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of system improvements.

2. The City has held a public hearing on February 18, 2020 and a copy of the Ordinance was available in its substantially final form at Logan City Hall 290 North 100 West, the Logan City Library and the City of Logan website, at least ten (10) days before the date of the hearing, all in conformity with the requirements of Utah Code annotated §10-9a-205.

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

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

5. To the extent that new growth and development will be served by previously constructed improvements, the City's impact fees may include public facility costs and outstanding bond costs related to the public facilities improvements previously incurred by the City. These costs may include all projects included in the Impact Fee Facilities Plan which are under construction or completed but have not been utilized to their capacity. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

- B. A developer, including a school district or charter school, may be allowed a credit against impact fees for any dedication of land for system improvements, a dedication of a public facility that will result in a reduced need for system improvements, or improvement to land or new construction of system improvements provided by the developer *provided* that it is (i) identified in the City's Impact Fee Facilities Plan and (ii) required by the City as a condition of approving the development activity. Otherwise, no credit may be given.
- C. The City will establish separate interest-bearing ledger accounts for each type of public facility for which an impact fee is promulgated in accordance with the requirements of the Impact Fees Act and deposited in the appropriate ledger account. Interest earned on each fund or account shall be segregated to that account. Impact fees collected prior to the effective date of this Ordinance need not meet the requirements of this section.
 - 1. At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.

2. The City may expend impact fees covered by the Impact Fee Policy only for system improvements that are (i) public facilities identified in the City's Impact Fee Facilities Plan and (ii) of the specific public facility type for which the fee was collected.
 3. Impact fees collected pursuant to the requirements of this Impact Fee Policy are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the City, unless the City Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
 4. The City may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six years and (ii) an absolute date by which the fees will be expended.
- D. The City shall refund any impact fees paid by a developer plus interest actually earned when (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.
- E. The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.
- F. Unless the City is otherwise bound by a contractual requirement, the impact fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section VI below.
- G. The City will collect the impact fees at the time of building permit issuance. The fees will be calculated by the City.
- H. Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

3.36.050: IMPACT FEE FACILITIES PLAN:

- A. The City has developed Impact Fee Facilities Plans for the water, wastewater, parks , power, and transportation systems. The Impact Fee Facilities Plans have been prepared

based on reasonable growth assumptions for the City and general demand characteristics of current and future users of each system. Furthermore, the Impact Fee Facilities Plans identify the impact on system improvements created by development activity and estimate the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity.

3.36.060: IMPACT FEE SCHEDULES AND FORMULAS:

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

MAXIMUM SUPPORTABLE IMPACT FEE SCHEDULES CULINARY WATER FEE SCHEDULE

METER SIZE	ERC MULTIPLIER	FEE PER ERC
1" Displacement Meter	1.0	\$2,293
2" Displacement/Compound Meter	4.0	\$9,172
4" Compound Meter	15.0	\$34,398

Water Impact Fees for meters larger than 4" will be calculated using this equation: (estimated usage/0.45 ac-ft) * \$2,293

WASTEWATER COLLECTION FEE SCHEDULE

METER SIZE	ERU MULTIPLIER	FEE PER ERU
1" Displacement Meter	1.0	\$203
2" Displacement/Compound Meter	3.2	\$650
4" Compound Meter	10.0	\$2,030

Collection Impact Fees for meters larger than 4" will be calculated using this equation: (estimated usage/245 gpd) * \$203

WASTEWATER TREATMENT FEE SCHEDULE

METER SIZE	ERU MULTIPLIER	FEE PER ERU
1" Displacement Meter	1.0	\$2,433
2" Displacement/Compound Meter	3.2	\$7,786
4" Compound Meter	10.0	\$24,327

Treatment Impact Fees for meters larger than 4" will be calculated using this equation: (estimated usage/245 gpd) * \$2,433

PARKS & TRAILS FEE SCHEDULE

Impact Fee Per Unit	Persons per Unit	Fee per Unit
Single Family	3.28	\$1,292
Multi-Family (Including Mobile Homes)	2.45	\$965

POWER FEE SCHEDULE

TABLE 8.6: POWER IMPACT FEE PER UNIT – RESIDENTIAL

AMPS	KVA	PEAK DEMAND	IMPACT FEE
100	24	3.00	\$213
125	30	4.00	\$284
150	36	5.00	\$355
200	48	6.00	\$426
225	54	8.00	\$568
400	96	24.00	\$852

TABLE 8.7: COMMERCIAL SINGLE PHASE

AMPS	KVA	PEAK DEMAND	IMPACT FEE
100	24	3.00	\$213
125	30	5.00	\$355
150	36	7.00	\$497
200	48	12.00	\$852
400	96	19.00	\$1,349

TABLE 8.8: COMMERCIAL 3 PHASE (120/208V) OR (120/240 V)

AMPS	KVA	PEAK DEMAND	IMPACT FEE
125	45	9.00	\$639
150	54	14.00	\$994
200	72	18.00	\$1,278
400	144	36.00	\$2,556
600	216	54.00	\$3,834
800	288	72.00	\$5,112
1000	360	90.00	\$6,390
1200	432	108.00	\$7,668
1600	576	144.00	\$10,224
2000	720	180.00	\$12,780

TABLE 8.9: COMMERCIAL 3 PHASE (277/480 V)

AMPS	KVA	PEAK DEMAND	IMPACT FEE
125	104	20.00	\$1,420
150	125	30.00	\$2,130
200	166	42.00	\$2,982
400	332	83.00	\$5,893
600	498	1125.00	\$8,875
800	664	166.00	\$11,786
1000	830	208.00	\$14,768
1200	996	249.00	\$17,679
1600	1329	333.00	\$23,643
2000	1661	416.00	\$29,536

Non-standard power fee will be calculated using this equation: Estimate of kW's per Unit x \$71 = Impact fee per Unit

TRANSPORTATION FEE SCHEDULE

	ITE Classification	Units	Weekday	Pass-By Adjustment	Adjusted Trips	Estimated Fee
Single Family Homes	210	Unit	9.44	0%	9.44	\$1,020
Multi-Family (Low-Rise)	220	Unit	7.32	0%	7.32	\$791
General Commercial/Shopping Center	820	1K SF	37.75	34%	24.92	\$2,691
General Office	710	1K SF	9.74	0%	9.74	\$1,052
General Light Industrial	110	1K SF	4.96	0%	4.96	\$536
Manufacturing	140	1K SF	3.93	0%	3.93	\$424

Non-standard transportation fee will be calculated using this equation: Estimate of trips per Unit x \$108 = Impact fee per Unit

3.36.070: FEE EXCEPTIONS AND ADJUSTMENTS:

- A. The City may adjust the impact fees imposed pursuant to this ordinance as necessary in order to:

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

SECTION IV. SEVERABILITY

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

SECTION V. EFFECTIVE DATE

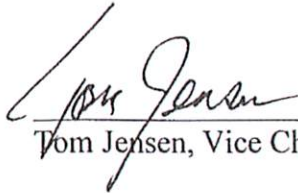
This ordinance shall take effect 90 days following adoption, as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH, THIS 18 DAY OF February, 2020.

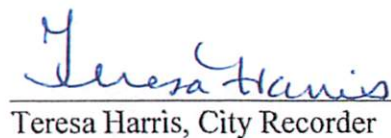
AYES: A. Andersson, M. Anderson, Bradfield, Jensen, Simmons

NAYS: none

ABSENT: none


Tom Jensen, Vice Chair

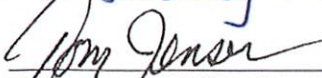
ATTEST:


Teresa Harris, City Recorder



PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 18 day of February, 2020.


Tom Jensen, Vice Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 18 day of February, 2020.


Holly H. Daines, Mayor

BUILDING PERMIT FEES



TO DETERMINE FEES:

Plan Check Fees are required to be paid at the time of submittal and are based on the valuation of the work being done.

- For a Commercial Plan Check Fee, refer to the tables on the following pages, locate the valuation on the left (round up to next even dollar amount), then see the PC Fee to the right. Example - Permit valuation of \$90,000, plan check fee is \$600.
- For a Residential Plan Check Fee, the fee is calculated at 0.1% of the construction valuation (construction valuation x .001). Example – if the value of the work is \$100,000, the plan check fee is \$100. The minimum fee is \$15.00.

Commercial and Residential Building Permit fees are based on the valuation of the permit. On the attached tables, locate the valuation (round up to the next even dollar amount). The fee amount is listed to the right of the valuation. To determine permit fees for Electrical, Mechanical, and Plumbing, multiply the fee amount by .08. (Example – Permit valuation of \$90,000, Building Permit fee is \$1050.00, any Electrical, Mechanical, Plumbing would be \$84.00 each.)

The state adds an extra 1% surcharge fee. All other fees such as connection fees and impact fees are additional. Refer to the Connection Fee and Impact Fee charts.

RESOLUTION NO. 20-09

RESOLUTION OF THE LOGAN MUNICIPAL COUNCIL ADOPTING BUILDING PERMIT FEES

WHEREAS, the Logan Municipal Council ("Council") is a public body corporate established under the laws of the State of Utah; and

WHEREAS, the Council finds it necessary to adopt the building permit fees as established herein.

NOW, THEREFORE, BE IT RESOLVED that the Logan Municipal Council does hereby adopt the attached Building Permit Fees.

Building Permit Fees

TOTAL VALUATION	FEES
\$1.00 TO \$500.00	\$50.00
\$501.00 TO \$2,000.00	\$50.00 for the first \$500 plus \$4.00 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001.00 to \$25,000.00	\$110.00 for the first \$2,000 plus \$15.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001.00 to \$50,000.00	\$455.00 for the first \$25,000 plus \$11.00 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001.00 to \$100,000.00	\$730.00 for the first \$50,000 plus \$8.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001.00 to \$500,000.00	\$1,130.00 for the first \$100,000 plus \$6.50 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001.00 to \$1,000,000.00	\$3730.00 for the first \$500,000 plus \$5.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001.00 and up	\$6,605.00 for the first \$1,000,000 plus \$4.50 for each additional \$1,000, or fraction thereof

BUILDING PERMIT FEES

Other Inspections and Fees:

1. Inspections outside of normal business hours.....\$50.00 per hour
(min. charge – two hours)
2. Reinspection fees for work not ready for inspection.....\$50.00 per hour
3. Inspections for which no fee is specifically indicated.....\$50.00 per hour
4. Additional plan review required by changes, additions or revisions to plans....\$50.00 per hour
(min. charge – two hours)
5. For use of outside consultants for plan checking and inspections, or both.....Actual costs
(Actual costs include administrative and overhead costs)

Plan Review Fees

One and Two-Family Dwellings and associated accessory structure plan review fee shall be calculated at 0.1% of construction valuation (Construction Valuation x .001). Minimum \$15.00 plan check fee.

All other Commercial, Industrial, Multi-family plan review fees shall be calculated at 65% of Building Permit Fee.

Other Additional Fees shall consist of:

- Electrical Permit Fee shall be calculated at 8% of Building Permit Fee.
- Mechanical Permit Fee shall be calculated at 8% of Building Permit Fee.
- Plumbing Permit Fee shall be calculated at 8% of Building Permit Fee.
- Commercial permits shall be calculated based on the project value.

Other and Miscellaneous Permits Fees

- | | |
|--|------------------------|
| • Solar Permit (Residential-Building Division Only) | \$200.00 |
| • Solar Permit (Commercial-Building Division Only) | Based on Project Value |
| • Manufactured/Mobile Homes | \$200.00 |
| • Electrical Service Change Permit (Residential) | \$ 50.00 |
| • Siding and/or Window Replacement Permit | \$ 50.00 |
| • Furnace and/or AC Replacement Permit (Residential) | \$ 50.00 |
| • Re-roofing Permit (Residential) | \$ 50.00 |
| • Water Heater Permit (Residential) | \$ 50.00 |
| • Gas Line Pressure Test Inspection Permit | \$ 50.00 |
| • Sign Permit | Based on Project Value |

Appeal Petition Fee

Appeal Petition Fee.....\$250.00