

**APPLE VALLEY  
ORDINANCE 2021-002**

**AN ORDINANCE MODIFYING IMPACT FEES**

**AN ORDINANCE ADOPTING A WRITTEN ANALYSIS OF TRANSPORTATION,  
STORMWATER, PARKS, TRAILS AND OPEN SPACE AND PUBLIC SAFETY  
IMPACT FEES; ENACTING WATER, WASTEWATER, TRANSPORTATION,  
STORMWATER, PARKS, TRAILS AND OPEN SPACE AND PUBLIC SAFETY  
IMPACT FEES; AND ESTABLISHING AN IMPACT FEE SERVICE AREA FOR  
PURPOSES OF EQUITABLE DISTRIBUTION OF THE IMPACT FEES**

**WHEREAS**, he Town of Apple Valley (the "Town") is a political subdivision of the state of Utah, authorized and organized under the provisions of Utah law; and

**WHEREAS**, he Town has legal authority, pursuant to Title 11, Chapter 36 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 Town desires to assess transportation, stormwater, parks, trails, and open space and public safety 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 Town, impact fee consultants, and consulting engineers retained by the Town have reviewed and evaluated the Town, and have determined that it is in the Town's best interest to establish the entire Town as a single impact fee service area ("Impact Fee Service Area") for purposes of Impact Fees imposed; and

**WHEREAS**, the Town has completed a reasonable capital facilities plan associated with water, wastewater, transportation, stormwater, parks, trails, and open space and public safety infrastructure, attached hereto; and

**WHEREAS**, the Town Council has directed Sunrise Engineering to prepare a written Development Impact Fee Analysis which is conducted consistent and in compliance with the Impact Fees Act ( specifically 11-36-201 ).

**NOW THEREFORE**, be it ordained by the Council of Apple Valley, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “14.02.080 Impact Fee Schedules And Formulas” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

#### 14.02.080 Impact Fee Schedules And Formulas

Maximum Supportable Impact Fees. The fee schedules included herein represent the maximum impact fees which the Town may impose on development within the defined Impact Fee Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The Town reserves the right under the Impact Fees Act (Utah Code § 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

This adjustment may result in a higher impact fee if the Town determines that a user would create a greater than normal impact on any of the systems. The Town may also 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 § 11-36-202(3)(a)).

Impact Fee Schedules:

CULINARY WATER IMPACT FEES. The impact fees for culinary water as set forth in the attached Table 1, shall be paid at the time of application for a building permit.

Table 1 - Culinary Water Maximum Impact Fees

Land Use	Units	Demand	ERUs	Unadjusted Impact Fee	Adjusted Impact Fee	Adopted Impact Fee
Residential	Dwelling	800	1.000	\$5,631	\$5,677	\$1,000
Multi-unit	Dwelling	800	1.000	\$5,631	\$5,677	\$1,000
High School	Person	15	0.0188	\$106	\$107	\$21
Middle School	Person	15	0.0188	\$106	\$107	\$21
Elementary School	Person	15	0.0188	\$106	\$107	\$21
Hotel	Room	150	0.1875	\$1,056	\$1,064	\$213
Service Station	Pump	250	0.1325	\$1,760	\$1,774	\$355
Restaurant	Seat	35	0.0438	\$247	\$249	\$50
RV Park	Vehicle	100	0.1250	\$704	\$710	\$142
Church	Seat	5	0.0063	\$35	\$36	\$7
Nursing Home	Bed	200	0.25	\$1,480	\$1,420	\$284
Doctor's Office	Patient	10	0.0125	\$70	\$71	\$14
	Staff	35	0.0438	\$247	\$249	\$50
Dentist Office	Chair	200	0.25	\$1,408	\$1,419	\$284
	Staff	35	0.044	\$248	\$250	\$50
Store	Toilet Rm	500	0.625	\$3,519	\$3,548	\$710
	Employee	11	0.014	\$79	\$79	\$16
Commercial	Building	1,600	2.000	\$11,262	\$11,354	\$2,271
Industrial	Building	3,200	4.000	\$22,524	\$22,708	\$4,542

WASTEWATER IMPACT FEES. The impact fees for wastewater facilities as set forth in the attached Table 2, shall be paid at the time of application for a building permit.

Table 2 - Wastewater Maximum Impact Fee

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Type	Units	ERUs	Adjusted Impact Fee / Unit	Adopted Impact Fee / Unit
Permanent residence	Residence	1.000 0	\$2,875	\$1,500
Hotels & motels	Room	0.375 0	\$1,078	\$216
RV parks	Space	0.250 0	\$719	\$144
Airports	Passenger	0.007 5	\$22	\$4
	Employee	0.037 5	\$108	\$22
Boarding houses	Residents	0.125 0	\$359	\$72
	Nonresidents	0.025 0	\$72	\$14
Bowling alleys w/snack bar	Alley	0.250 0	\$719	\$144
Bowling alleys w/o snack bar	Alley	0.212 5	\$611	\$122
Churches	Person	0.012 5	\$36	\$7
Country clubs	Resident member	0.250 0	\$719	\$144
	Non-resident member	0.062 5	\$180	\$36
	Employee	0.037 5	\$108	\$22
Dentist's office	Chair	0.500 0	\$1,438	\$288
	Staff member	0.087 5	\$252	\$50
Doctor's office	Patient	0.025 0	\$72	\$14
	Staff member	0.087 5	\$252	\$50

Fairgrounds	Person	0.0025	\$7	\$1
Fire station w/ food preparation	Full-time employee	0.1750	\$503	\$101
Fire station w/o food preparation	Full-time employee	0.0125	\$36	\$7
Gyms	Participant	0.0625	\$180	\$36
	Spectator	0.0100	\$29	\$6
Hairdresser	Chair	0.1250	\$359	\$72
	Operator	0.0875	\$252	\$50
Hospitals	Bed	0.6250	\$1,797	\$359
Industrial buildings w/ showers (exclusive of industrial waste)	Employee per shift	0.0875	\$252	\$50
Industrial buildings w/o showers (exclusive of industrial waste)	Employee per shift	0.0375	\$108	\$22
Jail facilities	Inmate	0.2875	\$827	\$165
	Employee	0.0250	\$72	\$14
Launderette	Washer	1.4500	\$4,169	\$834
Movie Theaters (auditorium)	Seat	0.0125	\$36	\$7
Movie Theaters (drive-in)	Car	0.0250	\$72	\$14
Nursing Homes	Bed	0.7000	\$2,013	\$403
Office buildings w/ cafeteria	Employee	0.0625	\$180	\$36

Office buildings w/o cafeteria	Employee	0.037 5	\$108	\$22
Picnic parks	Person	0.012 5	\$36	\$7
Restaurants w/ 24 hour service	Seat	0.125 0	\$359	\$72
Restaurants w/o 24 hour service	Seat	0.087 5	\$252	\$50
Restaurants – single service utensils	Customer/day	0.025 0	\$72	\$14
Rooming house	Person	0.100 0	\$288	\$58
Schools – boarding	Person	0.187 5	\$539	\$108
Schools w/o cafeteria & showers	Person	0.037 5	\$108	\$22
Schools w/ cafeteria w/o showers	Person	0.050 0	\$144	\$29
Schools w/ cafeteria & showers	Person	0.062 5	\$180	\$36
Service stations	Vehicle/day	0.025 0	\$72	\$14
Skating rinks & dance halls w/ kitchen	Person	0.032 5	\$93	\$19
Skating rinks & dance halls w/o kitchen	Person	0.025 0	\$72	\$14
Ski areas w/o kitchen	Person	0.025 0	\$72	\$14
Stores	Toilet stall	1.250 0	\$3,594	\$719
	Employee	0.027 5	\$79	\$16
Swimming pools & bath houses	Person	0.025 0	\$72	\$14
Taverns, bars, cocktail lounges	Seat	0.050 0	\$144	\$29

Visitor centers	Visitor day	0.012 5	\$36	\$7
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STORM WATER IMPACT FEES. The impact fees for storm water as set forth in the attached Table 3, shall be paid at the time of application for a building permit.

Table 3 - Storm Water Maximum Impact Fee

Zoning	Adj. Impact Fee	Adopted Impact Fee
Residential	\$172/acre	\$172/acre
Commercial	\$172/acre	\$172/acre

PARKS, TRAILS AND OPEN SPACE IMPACT FEES. The impact fees for parks, trails and open space as set forth in the attached Table 4, shall be paid at the time of application for a building permit.

Zoning	Adj. Impact Fee	Adopted Impact Fee
Residential	\$1,649/unit	\$141/unit
Commercial	None	None

PUBLIC SAFETY IMPACT FEES. The impact fees for public safety as set forth in the attached Table 5, shall be paid at the time of application for a building permit.

	Zoning	Adj. Impact Fee	Adopted Impact Fee
FIRE	Residential	\$59/unit	\$59/unit
	Commercial	\$852/acre	\$852/acre
POLICE	Residential	\$114/unit	\$114/unit
	Commercial	\$1,844/acre	\$1,844/acre

TRANSPORTATION IMPACT FEES. The impact fees for transportation as set forth in the attached Table 6, shall be paid at the time of application for a building permit.

Type	Units	Trips per day	ERUs	Adj. Impact Fee / Unit	Adopt. Impact Fee / Unit
Residential: Single Family Detached Housing	Lot	9.57	1.00	\$514.00	\$514.00
Auto Parts Store	1,000 S.F.	61.91	6.47	\$3,325.16	\$665.00

Bank: Drive in	1,000 S.F.	265.21	27.71	\$14,244.30	\$2,849.00
Bank: Walk in	1,000 S.F.	156.48	16.35	\$8,404.46	\$1,681.00
Car Lot	1,000 S.F.	37.5	3.92	\$2,014.11	\$403.00
Church	1,000 S.F.	9.11	0.95	\$489.29	\$98.00
Elementary School	Student	1.02	0.11	\$54.78	\$11.00
Furniture Store	1,000 S.F.	5.06	0.53	\$271.77	\$54.00
Gas or Service Station	Pump	168.56	17.61	\$9,053.27	\$1,811.00
Gas or Service Station w/ Convenience Center	Pump	162.78	17.01	\$8,742.83	\$1,749.00
Hardware or Paint Store	1,000 S.F.	51.29	5.36	\$2,754.76	\$551.00
High School	Student	1.79	0.19	\$96.14	\$19.00
Hospital	1,000 S.F.	16.78	1.75	\$901.25	\$180.00
Hotel	Room	8.92	0.93	\$479.09	\$96.00
Industrial Park	1,000 S.F.	6.96	0.73	\$373.82	\$75.00
Industrial: General Light	1,000 S.F.	6.97	0.73	\$374.36	\$75.00
Library	1,000 S.F.	54	5.64	\$2,900.31	\$580.00
Lumber Store	1,000 S.F.	39.71	4.15	\$2,132.80	\$427.00
Manufacturing	1,000 S.F.	3.82	0.40	\$205.17	\$41.00
Middle School	Student	1.45	0.15	\$77.88	\$16.00
Mobile home park	Occupied Unit	4.81	0.50	\$258.34	\$258.34
Nursery (Garden Center)	1,000 S.F.	36.08	3.77	\$1,937.84	\$388.00
Nursing Home	Beds	2.61	0.27	\$140.18	\$28.00
Office: General	1,000 S.F.	11.01	1.15	\$591.34	\$118.00
Office: Government	1,000 S.F.	68.93	7.20	\$3,702.20	\$740.00
Office: Medical or Dental	1,000 S.F.	36.13	3.78	\$1,940.52	\$388.00
Pharmacy w/ Drive Through Window	1,000 S.F.	88.16	9.21	\$4,735.03	\$947.00
Residential: Apartment	Unit	6.63	0.69	\$356.09	\$356.09
Residential: PUD	Lot	7.5	0.78	\$402.82	\$402.82
Residential: Townhome	Home	5.86	0.61	\$314.74	\$314.74

Restaurant: Fast-Food w/ Drive Through	1,000 S.F.	496.12	51.84	\$26,646.36	\$5,329.00
Restaurant: Fast-Food w/o Drive Through	1,000 S.F.	716	74.82	\$38,456.01	\$7,691.00
Restaurant: High-Turnover Sit Down	1,000 S.F.	130.34	13.62	\$7,000.50	\$1,400.00
Restaurant: Quality	1,000 S.F.	89.95	9.40	\$4,831.17	\$966.00
Specialty Retail Center	1,000 S.F.	40.67	4.25	\$2,184.37	\$437.00
Supermarket	1,000 S.F.	111.51	11.65	\$5,989.15	\$1,198.00
Tire Store	1,000 S.F.	24.87	2.60	\$1,335.76	\$267.00
Video Rental Store	1,000 S.F.	31.54	3.30	\$1,694.00	\$339.00
Warehouse	1,000 S.F.	4.96	0.52	\$266.40	\$53.00

\*Units and Trips per day are found in the 6th edition of *Trip Generation* Published by the Institute of Transportation Engineers.

Fees included in this Section may be adjusted with adequate documentation from the developer that the true impact differs from that shown.

#### AFTER AMENDMENT

##### 14.02.080 Impact Fee Schedules And Formulas

Maximum Supportable Impact Fees. The fee schedules included herein represent the maximum impact fees which the Town may impose on development within the defined Impact Fee Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The Town reserves the right under the Impact Fees Act (Utah Code § 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

This adjustment may result in a higher impact fee if the Town determines that a user would create a greater than normal impact on any of the systems. The Town may also 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 § 11-36-202(3)(a)).

Impact Fee Schedules:

**CULINARY WATER IMPACT FEES.** The impact fees for culinary water as set forth in the attached Table 1, shall be paid at the time of application for a building permit.

Table 1 - Culinary Water Maximum Impact Fees

Land Use	Units	Demand	ERUs	Unadjusted Impact Fee	Adjusted Impact Fee	Adopted Impact Fee
Residential	Dwelling	800	1.000	\$5,631	\$5,677	\$1,000
Multi-unit	Dwelling	800	1.000	\$5,631	\$5,677	\$1,000
High School	Person	15	0.0188	\$106	\$107	\$21
Middle School	Person	15	0.0188	\$106	\$107	\$21
Elementary School	Person	15	0.0188	\$106	\$107	\$21
Hotel	Room	150	0.1875	\$1,056	\$1,064	\$213
Service Station	Pump	250	0.1325	\$1,760	\$1,774	\$355
Restaurant	Seat	35	0.0438	\$247	\$249	\$50
RV Park	Vehicle	100	0.1250	\$704	\$710	\$142
Church	Seat	5	0.0063	\$35	\$36	\$7
Nursing Home	Bed	200	0.25	\$1,480	\$1,420	\$284
Doctor's Office	Patient	10	0.0125	\$70	\$71	\$14
	Staff	35	0.0438	\$247	\$249	\$50
Dentist Office	Chair	200	0.25	\$1,408	\$1,419	\$284
	Staff	35	0.044	\$248	\$250	\$50
Store	Toilet Rm	500	0.625	\$3,519	\$3,548	\$710
	Employee	11	0.014	\$79	\$79	\$16
Commercial	Building	1,600	2.000	\$11,262	\$11,354	\$2,271

Industrial	Building	3,200	4.000	\$22,524	\$22,708	\$4,542
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WASTEWATER IMPACT FEES. The impact fees for wastewater facilities as set forth in the attached Table 2, shall be paid at the time of application for a building permit.

Table 2 - Wastewater Maximum Impact Fee

Type	Units	ERUs	Adjusted Impact Fee / Unit	Adopted Impact Fee / Unit
Permanent residence	Residence	1.000 0	\$2,875	\$1,500
Hotels & motels	Room	0.375 0	\$1,078	\$216
RV parks	Space	0.250 0	\$719	\$144
Airports	Passenger	0.007 5	\$22	\$4
	Employee	0.037 5	\$108	\$22
Boarding houses	Residents	0.125 0	\$359	\$72
	Nonresidents	0.025 0	\$72	\$14
Bowling alleys w/snack bar	Alley	0.250 0	\$719	\$144
Bowling alleys w/o snack bar	Alley	0.212 5	\$611	\$122
Churches	Person	0.012 5	\$36	\$7
Country clubs	Resident member	0.250 0	\$719	\$144
	Non-resident member	0.062 5	\$180	\$36
	Employee	0.037 5	\$108	\$22

Dentist's office	Chair	0.500 0	\$1,438	\$288
	Staff member	0.087 5	\$252	\$50
Doctor's office	Patient	0.025 0	\$72	\$14
	Staff member	0.087 5	\$252	\$50
Fairgrounds	Person	0.002 5	\$7	\$1
Fire station w/ food preparation	Full-time employee	0.175 0	\$503	\$101
Fire station w/o food preparation	Full-time employee	0.012 5	\$36	\$7
Gyms	Participant	0.062 5	\$180	\$36
	Spectator	0.010 0	\$29	\$6
Hairdresser	Chair	0.125 0	\$359	\$72
	Operator	0.087 5	\$252	\$50
Hospitals	Bed	0.625 0	\$1,797	\$359
Industrial buildings w/ showers (exclusive of industrial waste)	Employee per shift	0.087 5	\$252	\$50
Industrial buildings w/o showers (exclusive of industrial waste)	Employee per shift	0.037 5	\$108	\$22
Jail facilities	Inmate	0.287 5	\$827	\$165
	Employee	0.025 0	\$72	\$14
Laundrette	Washer	1.450 0	\$4,169	\$834

Movie Theaters (auditorium)	Seat	0.012 5	\$36	\$7
Movie Theaters (drive-in)	Car	0.025 0	\$72	\$14
Nursing Homes	Bed	0.700 0	\$2,013	\$403
Office buildings w/ cafeteria	Employee	0.062 5	\$180	\$36
Office buildings w/o cafeteria	Employee	0.037 5	\$108	\$22
Picnic parks	Person	0.012 5	\$36	\$7
Restaurants w/ 24 hour service	Seat	0.125 0	\$359	\$72
Restaurants w/o 24 hour service	Seat	0.087 5	\$252	\$50
Restaurants – single service utensils	Customer/day	0.025 0	\$72	\$14
Rooming house	Person	0.100 0	\$288	\$58
Schools – boarding	Person	0.187 5	\$539	\$108
Schools w/o cafeteria & showers	Person	0.037 5	\$108	\$22
Schools w/ cafeteria w/o showers	Person	0.050 0	\$144	\$29
Schools w/ cafeteria & showers	Person	0.062 5	\$180	\$36
Service stations	Vehicle/day	0.025 0	\$72	\$14
Skating rinks & dance halls w/ kitchen	Person	0.032 5	\$93	\$19
Skating rinks & dance halls w/o kitchen	Person	0.025 0	\$72	\$14
Ski areas w/o kitchen	Person	0.025 0	\$72	\$14

Stores	Toilet stall	1.250 0	\$3,594	\$719
	Employee	0.027 5	\$79	\$16
Swimming pools & bath houses	Person	0.025 0	\$72	\$14
Taverns, bars, cocktail lounges	Seat	0.050 0	\$144	\$29
Visitor centers	Visitor day	0.012 5	\$36	\$7

STORMWATER IMPACT FEES. The impact fees for stormwater as set forth in the attached Table 3, shall be paid at the time of application for a building permit for any property located within the drainage boundary.

Table 3 - Storm Water Impact Fee

Zoning	Adopted Impact Fee Per Acre within Drainage Boundary
Residential	\$2,885.79/acre
Commercial	\$2,885.79/acre

PARKS, TRAILS, AND OPEN SPACE IMPACT FEES. The impact fees for parks, trails and open space as set forth in the attached Table 4, shall be paid at the time of application for a building permit.

Zoning	Adopted Impact Fee Per Household (2.38 Persons)
Residential	\$725
Commercial	None

NON-STANDARD PARK IMPACT FEES: The Town reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that a land-use will have upon public facilities. The adjustment for Non-Standard Park Impact Fees could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The non-standard impact fee is calculated based on the following formula:

$$\text{Estimated Population per Unit} \times \text{Estimate of Impact Fee Per Capita } (\$305) = \text{Impact Fee per Unit}$$

POLICE SAFETY IMPACT FEES. The impact fees for public safety as set forth in the attached Table 5, shall be paid at the time of application for a building permit.

	Zoning		Adopted Impact Fee
POLICE	Residential		\$114/unit
	Commercial		\$1,844/acre

FIRE AND EMS IMPACT FEES. The impact fees for public safety as set forth in the attached Table 6, shall be paid at the time of application for a building permit.

	Cost per SFE	SFE Conversion	Total Impact Fee per Unit
<b>Residential</b>			
Single Family Dwelling Unit	\$844	1.00	\$844
Multi-Family Dwelling Unit	\$844	0.68	\$571
<b>Non-Residential</b>			
Shopping Center (per 1K SF)	\$11,443	2.81	\$32,117
General Office (per 1K SF)	\$11,443	1.43	\$16,413
Light Industrial (per 1K SF)	\$11,443	0.84	\$9,594

NON-STANDARD FIRE AND EMS IMPACT FEES: City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities. This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. To determine the impact fee for a non-standard use, the City should use the following formula:

Formula for Non-Standard Fire Impact Fees: Fee: SFE Conversion x \$844 =  
 Recommended Impact Fee Non-Residential Fee: SFE Conversion x \$11,443 =  
 Recommended Impact Fee

TRANSPORTATION IMPACT FEES. The impact fees for transportation as set forth in the attached Table 7, shall be paid at the time of application for a building permit.

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**SECTION 2:            AMENDMENT** “14.02.020 Definitions” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

14.02.020 Definitions

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

“**Capital Facilities Plan**” means the plan required by Section 11-36-201 of the Act. In Section 11-36-201(2)(e) there is an exception to the Capital Facilities Plan for cities of 5,000 or less in population, based on the latest census. Town meets this exception but has chosen to perform and adopt the Capital Facilities Plan attached hereto.

“**Development activity**” means 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, commercial, and institutional users who are not currently connected to any of the Town’s public facilities systems, but will locate within the Impact Fee Service Area.

“**Development approval**” means any written authorization from the Town that authorizes the commencement of development activity.

“**Town**” means the Town of Apple Valley, a local political subdivision of the State of Utah.

“**Impact fee**” means 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.

“**Project improvements**” means 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**” of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.

“**Public facilities**” means water, wastewater, transportation, storm water, parks, trails and open space and public safety improvements of the Town for the Impact Fee Service Area.

“**Impact Fee Service Area**” refers to a geographic area designated by the Town based on sound

planning and engineering principles in which a defined set of the Town's public facilities provides service. The Impact Fee Service Area for purposes of this Chapter includes all of the area within the jurisdictional boundaries of the Town.

“**System improvements**” refers both to existing public facilities designed to provide services within the Impact Fee Service Area and to future public facilities identified in a reasonable plan for capital improvements adopted by the Town that are intended to provide service to the Impact Fee Service Area. “System improvements” do not include “Project improvements” as defined above.

## AFTER AMENDMENT

### 14.02.020 Definitions

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

“**Capital Facilities Plan**” means the plan required by Section 11-36-201 of the Act. In Section 11-36-201(2)(e) there is an exception to the Capital Facilities Plan for cities of 5,000 or less in population, based on the latest census. Town meets this exception but has chosen to perform and adopt the Capital Facilities Plan attached hereto.

“**Development activity**” means 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, commercial, and institutional users who are not currently connected to any of the Town's public facilities systems, but will locate within the Impact Fee Service Area.

“**Development approval**” means any written authorization from the Town that authorizes the commencement of development activity.

"Drainage Boundary" means the boundary defined as a drainage area in the Town's latest stormwater impact fee study.

“**Town**” means the Town of Apple Valley, a local political subdivision of the State of Utah.

“**Impact fee**” means 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.

“**Project improvements**” means 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**” of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.

“**Public facilities**” means water, wastewater, transportation, storm water, parks, trails and open space and public safety improvements of the Town for the Impact Fee Service Area.

“**Impact Fee Service Area**” refers to a geographic area designated by the Town based on sound planning and engineering principles in which a defined set of the Town’s public facilities provides service. The Impact Fee Service Area for purposes of this Chapter includes all of the area within the jurisdictional boundaries of the Town.


“**System improvements**” refers both to existing public facilities designed to provide services within the Impact Fee Service Area and to future public facilities identified in a reasonable plan for capital improvements adopted by the Town that are intended to provide service to the Impact Fee Service Area. “System improvements” do not include “Project improvements” as defined above.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL JANUARY 20, 2021.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor Lisonbee	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Edwardsen	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Beddo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember McLaughlin	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Presiding Officer

Attest

  
Marty Lisonbee, Mayor, Apple Valley

  
Michelle Kinney, Clerk Apple Valley