

**CITY OF SOUTH JORDAN
CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
TUESDAY, OCTOBER 01, 2024 at 6:30 p.m.**



Notice is hereby given that the South Jordan City Council will hold a meeting at 6:30 p.m. on Tuesday, October 1, 2024. The meeting will be conducted in person in the City Council Chambers, located at 1600 W. Towne Center Drive, South Jordan, Utah, and virtually via Zoom phone and video conferencing. Persons with disabilities requesting assistance should contact the City Recorder at least 24 hours prior to the meeting. The agenda may be amended, and an executive session may be held at the end of the meeting. Times listed are approximate and may be accelerated or delayed.

In addition to in-person attendance, individuals may join virtually using Zoom. Attendees joining virtually may not comment during public comment; virtual participants may only comment on items scheduled for a public hearing. Video must be enabled during the public hearing period. Attendees wishing to present photos or documents to the City Council must attend in person.

If the meeting is disrupted in any way deemed inappropriate by the City, the City reserves the right to immediately remove the individual(s) from the meeting and, if necessary, end virtual access to the meeting. Reasons for removal or ending virtual access include, but are not limited to, posting offensive pictures or remarks, making disrespectful statements or actions, and other actions deemed inappropriate.

The ability to participate virtually depends on the individual's internet connection. To ensure that comments are received regardless of technical issues, please submit them in writing to City Recorder Anna Crookston at acrookston@sjc.utah.gov by 3:00 p.m. on the day of the meeting. Instructions on how to join virtually are provided below.

Join South Jordan City Council Meeting Virtually:

- Join on any device that has internet capability.
- Zoom link, Meeting ID and Password will be provided 24 hours prior to meeting start time.
- Zoom instructions are posted <https://ut-southjordan.civicplus.com/241/City-Council>.

Regular Meeting Agenda: 6:30 p.m.

A. Welcome, Roll Call, and Introduction: By Mayor, Dawn R. Ramsey

B. Invocation: By Council Member, Kathie Johnson

C. Pledge of Allegiance: Communications Manager, Rachael Van Cleave

D. Minute Approval:

[D.1.](#) September 17, 2024 Combined City Council & Planning Commission Meeting

[D.2.](#) September 17, 2024 City Council Meeting

E. Mayor and Council Reports: 6:35 p.m.

F. Public Comment: 6:50 p.m.

This is the time and place on the agenda for any person who wishes to comment. Any person or group wishing to comment on any item not otherwise scheduled for public hearing on the agenda may address the City Council at this point by stepping to the microphone, and giving their name and address for the record. Note, to participate in public comment you must attend City Council Meeting in-person. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Chair. Groups wishing to comment will be asked to appoint a spokesperson. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council Meeting. Time taken on non-agenda items, interrupts the process of the noticed agenda.

G. Public Hearing Item: 7:00 p.m.

G.1. Ordinance 2024-21, Adopting an amended and updated Impact Fee for Transportation within the "Last Hold Out" properties; establishing certain policies related to Impact Fees for Transportation Facilities; establishing Service Area; and/or other related matters. RCV (By Director of Strategy & Budget, Don Tingey & LRB Vice President, Fred Philpot)

H. Staff Reports and Calendaring Items: 7:30 p.m.

ADJOURNMENT

CERTIFICATE OF POSTING

STATE OF UTAH)
: §
COUNTY OF SALT LAKE)

I, Anna Crookston, the duly appointed City Recorder of South Jordan City, Utah, certify that the foregoing City Council Agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body and also posted on the Utah State Public Notice Website <http://www.utah.gov/pmn/index.html> and on South Jordan City's website at www.sjc.utah.gov. Published and posted September 28, 2024.

SOUTH JORDAN CITY
COMBINED CITY COUNCIL &
PLANNING COMMISSION STUDY MEETING

September 17, 2024

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Assistant City Attorney Greg Simonsen, Director of Strategy & Budget Don Tingey, Director of City Commerce Brian Preece, Director of Public Works Raymond Garrison, Associate Director of Public Works Colby Hill, CFO Sunil Naidu, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Director of Planning Steven Schaefermeyer, Police Chief Jeff Carr, Deputy Fire Chief Ryan Lessner, Director of Recreation Janell Payne, Communications Manager Rachael Van Cleave, IS Technician Michael Erickson, IS Senior System Administrator Phill Brown, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Planning Commission Chair Michele Hollist, Planning Commissioner Nathan Gedge, Planning Commissioner Laurel Bevans, Planning Commissioner Sam Bishop

Absent: Planning Commissioner Ray Wimmer

Others: Greg, HBO, Samsung SM-G973U, NS, Renee, C Brienz, Google Pixel 7,

4:37 P.M.
STUDY MEETING

A. Welcome, Roll Call, and Introduction: *By Mayor, Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present and introduced the meeting.

B. Invocation: *By City Commerce Director, Brian Preece*

Director Preece offered the invocation.

C. Mayor and Council Coordination

D. Discussion/Review of Regular Council Meeting

E. Annual Training

E.1. Open and Public Meetings Act, Land Use, Ethics, Fraud Reporting, and Utah Political Activities of Public Entities Act Training. (By City Attorney, Ryan Loose)

Assistant City Attorney Greg Simonsen reviewed his prepared presentation on Land Use, specifically exactions (Attachment A).

City Attorney Ryan Loose shared and reviewed three videos from the State Auditor Website on the Open and Public Meetings Act, Ethics, Political Activities of Public Entities Act, and Fraud Reporting.

City Manager Dustin Lewis gave a brief overview of city's current nepotism policy and recent changes made.

F. Discussion Item

F.1. Short Term Rentals. (By Assistant City Manager, Jason Rasmussen & City Attorney, Ryan Loose)

City Attorney Ryan Loose reviewed his prepared presentation on Short-Term Rentals (Attachment B). He asked the council if they believe someone should be required to live on the property, or how close should they live to the property.

Council Member McGuire preferred the owner live there, but acknowledged that wasn't realistic and said there should at least be a contact within an hour's distance of the property.

Council Member Zander responded she would prefer having someone able to be on the property with 72 hours or less, possibly 24 hours.

Chief Carr added that the biggest complaint received is that they can't get a hold of whoever is responsible for the property when dealing with a large party or other big issue.

Council Member Johnson noted that if a manager or the owner lives on the property, they are going to control what's going on much more effectively.

Council Member Harris noted that in comparison, an apartment complex has a manager that takes care of things immediately, in a condo there is usually an association with elected members living on-site to take care of situations. Even in hotels, there are hotel staff to take care of things immediately. This is the only scenario that doesn't have that requirement.

Council Member Johnson added these are also in a residential area, and when living in a residential area you expect a certain quality of life that bringing a business affects.

Mayor Ramsey noted that she knows many people living in our city who own short-term rentals in other areas that are more than an hour away, many times a few hours away. We don't know

where the owners of our current short-term rentals reside, we are not a resort community, we do not charge a resort tax; we do however have some short-term rentals and we need to figure out what standards we want going forward.

Council Member Zander asked for an estimate of current short term rentals in the city.

Attorney Loose doesn't have those exact numbers, but he can run an Air DNA Report after tonight to get that information.

Council Member Zander asked how many current short term rentals in the city are estimated to have a business license currently.

Attorney Loose responded that none currently have them because they weren't available. However, if the council decided to begin requiring them they would start proactively reaching out to owners when they are discovered.

Council Member Harris noted that the city has no legal duty to allow or offer short-term rentals, and Attorney Loose confirmed that.

Attorney Loose noted that there is an expectation out there, and if they were totally banned people would start pushing their legislators to make changes and make an example of the cities or areas banning them. If they want to consider a full prohibition, he recommended they seriously consider the concept of people's right to use their property. He suggested finding a solution that gives the council control to keep the character and residential feel of neighborhoods while balancing the fact that they can't stop people from renting their house out permanently when they go from a starter home to their next home.

Council Member Harris noted that with the nature of short-term rentals, the owners don't know the people renting the property, they aren't doing background checks on anyone, and problems happen similar to police having to show up at a hotel. Things will pop up and he thinks in our city we have good, respectable people living here. When we have people coming into the city who chose not to behave that way, of course police will respond but we should also expect responsive owners who will take action. He suggested expecting the level of action to be more like a hotel, where they would take swift action and have the ability to get there quickly and address the situation. These short-term rentals are competing with short-term rentals and he feels that expectation would help maintain who we are as a city.

Attorney Loose noted that the root of the problem is access to the owners/managers of these properties when there is an ongoing issue since the occupants are constantly changing.

ADJOURNMENT

Council Member McGuire motioned to adjourn the September 17, 2024 City Council Study Meeting. Council Member Zander seconded the motion; vote was 5-0 unanimous in favor.

The September 17, 2024 City Council Study meeting adjourned at 6:32 p.m.

UNAPPROVED

SOUTH JORDAN CITY
CITY COUNCIL MEETING

September 17, 2024

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Strategy & Budget Don Tingey, Director of City Commerce Brian Preece, Director of Public Works Raymond Garrison, Associate Director of Public Works Colby Hill, CFO Sunil Naidu, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Director of Planning Steven Schaefermeyer, Police Chief Jeff Carr, Deputy Fire Chief Ryan Lessner, Director of Recreation Janell Payne, Communications Manager Rachael Van Cleave, IS Technician Michael Erickson, IS Senior System Administrator Phill Brown, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Planning Commissioner Sam Bishop, Parks & Rec Administrative Assistant Kaitlin Youd

Absent:

Others: Bryan, Srisha Nalla, Megan Colligan, Carol Brown, M. Heine, L. Darby, S. Groves, Laurie Stringham, LeeAnn Powell, Chet Wanlass, Robin Pierce, Jamie Anderson

6:40 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction - *By Mayor, Dawn Ramsey*

Mayor Ramsey welcomed everyone and introduced the meeting.

B. Invocation – *By Director of Strategy & Budget, Don Tingey*

Director Tingey offered the invocation.

C. Pledge of Allegiance – *By Assistant City Manager, Jason Rasmussen*

Manager Rasmussen led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. September 3, 2024 City Council Study Meeting

D.2. September 3, 2024 City Council Meeting

Council Member McGuire motioned to approve the September 3, 2024 City Council Study Meeting and September 3, 2024 City Council Meeting minutes as published. Council Member Johnson seconded the motion; vote was 5-0, unanimous in favor.

E. Mayor and Council Reports

Council Member Jason McGuire

- Attended the Utah League of Cities and Town Conference, participated on their Nominating Committee for the board members.
- Art's Council hosted a Plein Air competition in conjunction with the Get to the River Campaign.
- Attended the rebranding and grand opening of the Gale Center.
- Attended the Bee's Stadium construction tour and downtown Daybreak updates.
- Art's Council Meeting.
- LPC Meeting yesterday.

Council Member Kathie Johnson – Nothing

Council Member Patrick Harris

- Attended the Utah League of Cities and Towns Conference.
- Attended the Bee's Stadium tour.
- Attended Salt Lake Chamber event today.
- Attended the Legacy Retirement Center Car Show.

Council Member Tamara Zander

- Attended the Employee BBQ and played pickleball.
- Wednesday on 9/11 was invited to speak to a group of residents in Springhouse Village (55+ residents).
- Attended the Bee's Stadium tour.
- Noted that September 28 is the peak of fall colors, encouraged those interested to get out and hike different areas to see those.

Council Member Don Shelton

- Attended many of the same events already mentioned, enjoying his time at those meetings.
- Attended the Jordan River Commission Executive Committee meeting, Get to the River Festival sponsored by them. Thanked the Art's Council and other staff members for hosting activities to help promote that.
- Had multiple interactions with staff regarding the annual day of service, staff helped prepare well for that huge amount of service.
- Spoke with Brad Klavano about some issues with road construction, which have since been cleaned up.

- Spoke with Janell Payne about rescheduling a family reunion to Highland Park instead of Spruces Campground since there is snow there.

Mayor Dawn Ramsey

- Attended many same events.
- After the stadium tour she had the opportunity to film footage with team staff and Bumble, the Bee's mascot.
- Toured the new Trax stop by the stadium as well.
- Attended a Jordan Valley Water Conservancy Board Meeting.
- Media interview about the stadium tour with staff prioritizing getting promotions about the stadium to the sports media.
- Discussions on comprehensive and functional transit system for our region, round three of transit fresh look.
- On 9/11 went to North Logan for the Cache Valley Remembers with the Major Brent Taylor foundation.
- Attended annual Jordan Education Foundation meeting, planning for the whole year
- Talked about Water School, where the Prep 60 group teaches a two day intensive water school for local officials.
- Attended the Legacy Car Show.
- Saturday, the Korean American Federation had their annual Korean Festival at the community center.
- Attended the Salt Lake County Founders and Constitution ceremony with the Salt Lake County Council.
- Thanked everyone involved in the Day of Service.
- Visited with Carlos, Executive Director of UDOT.
- Attended the Unified Economic Opportunity Commission, with a presentation regarding the organizing committee being created for Olympics.

F. Public Comment

Mayor Ramsey opened the public comment portion of the meeting; there were no comments and the Public Comment portion of the meeting was closed.

G. Presentation Items

G.1. Proclamation in recognition of the 237th Anniversary of the Constitutional Convention & Constitution Week 2024. *(By Mayor, Dawn Ramsey)*

G.2. Utah Recreation and Parks Association Parks and Recreation Department of the Year award. *(By Utah Recreation and Parks Association, LeeAnn Powell)*

G.3. Informational Presentation on a Proposed Public Safety Bond. (*By Salt Lake County Council Chair, Laurie Stringham & Salt Lake County Human Services Director, Kelly Colopy*)

Kelly Colopy reviewed her prepared presentation (Attachment A), provided a fact sheet for the public in attendance (Attachment B), and submitted additional paperwork to support her presentation (Attachment C).

H. Staff Reports and Calendaring Items

Council Member Johnson motioned to adjourn the September 17, 2024 City Council Meeting. Council Member Harris seconded the motion; vote was 5-0, unanimous in favor.

ADJOURNMENT

The September 17, 2024 City Council Meeting adjourned at 7:39 p.m.

UNAPPROVED

ORDINANCE NO. 2024 - 21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ADOPTING AN AMENDED AND UPDATED IMPACT FEE FOR TRANSPORTATION WITHIN THE “LAST HOLD OUT” PROPERTIES; ESTABLISHING CERTAIN POLICIES RELATED TO IMPACT FEES FOR TRANSPORTATION FACILITIES; ESTABLISHING SERVICE AREA; AND/OR OTHER RELATED MATTERS.

WHEREAS, the City of South Jordan (the “City”) is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; 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 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 has historically assessed Impact Fees as a condition precedent to development approval in order to assign capital infrastructure costs to development in an equitable and proportionate manner; and

WHEREAS, the City has traditionally provided a high level of service in its transportation infrastructure, which has been a factor in the City’s growth, and high property values due to the unique aesthetics which City residents enjoy; and

WHEREAS, the City has entered into a Master Development Agreement to develop the Daybreak subdivision.

WHEREAS, the developer has agreed to pay for and construct certain infrastructure, including transportation in lieu of collecting impact fees.

WHEREAS, the City desires to identify and assess the proportionate share of transportation infrastructure which has or will be constructed and dedicated to the City to service the area known as “Last Hold Out” property (see service area map); and

WHEREAS, in the exercise of its legislative discretion the City Council desires to take a conservative approach in preparing the Impact Fee Facilities Plan (“IFFP”) and Impact Fee Analysis (“IFA”) and in the assessment of an impact fee which may be less than might otherwise be justified by the IFA and IFFP in order to promote economic development, expand the tax base, allow for more job creation, and respond to current economic realities; and

WHEREAS, the City properly noticed its intent to prepare the IFFP and IFA on July 16, 2024 and the City held the required hearing on October 1, 2024; and

WHEREAS, the City has completed a transportation IFFP and IFA which meets the requirements of State Law and City Ordinance; and

WHEREAS, the City Council has directed Lewis Young Robertson & Burningham, Inc. (“Consultants”) to prepare a Written Impact Fee Analysis including the Executive Summary of the Impact Fee Analysis consistent and in compliance with the Act specifically 11-36a-303; and

WHEREAS, the City and Consultants retained by the City have reviewed and evaluated the land within the City boundaries and have determined there shall be one service area; and

WHEREAS, the South Jordan City Council has reviewed the transportation IFFP and IFA, and find it in the best interest of the welfare of the residents of the City to adopt the transportation IFFP and IFA and enact a new transportation Impact Fee based on the IFFP and IFA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Purpose.

This Impact Fee Ordinance establishes the City’s transportation Impact Fee policies and procedures and repeals certain provisions of prior ordinances related to transportation Impact Fees and conforms to the requirements of the Utah Impact Fees Act (§ 11-36a, the Act). This Ordinance repeals any prior ordinances related to transportation facilities within the Service Area, provides a schedule of Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying, and appealing Impact Fees.

SECTION 2. 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:

1. “City” means a political subdivision of the State of Utah and is referred to herein as City of South Jordan.
2. “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 located within the Service Area that creates additional demand and need for transportation Facilities.
3. “Development Approval” means any written authorization from the City that authorizes the commencement of Development Activity and vests the property owner with the right to commence Development Activity, whether or not a specific building permit has been issued.

4. “Impact Fee” means a payment of money imposed upon Development Activity as a condition of development approval. “Impact Fee” includes development Impact Fees, but is not a tax, a special assessment, a hookup fee, a building permit fee, a fee for project improvements, or other reasonable permit or application fees.
5. “Impact Fee Analysis” or (“IFA”) means the written analysis required by Section 11-36a-201 of the Act and is included in this ordinance by this reference and attached in Exhibit A.
6. “Impact Fee Facilities Plan” or (“IFFP”) means the plan required by Section 11-36a-301 of the Act. In Section 11-36a-301 (3) (a) there is an exception for cities of 5,000 or less in population, based on the latest census. “The City of South caused to be prepared an Impact Fee Facilities Plan in accordance with the Impact Fees Act. The IFFP is to be adopted by passage of this Ordinance, and is included by this reference and attached hereto in Exhibit A.”
7. “Project Improvements” includes but is not limited to site improvements and facilities that are planned and designed to provide service for development resulting from a Development Activity and are necessary solely for the use and convenience of the occupants or users of said Development Activity. “Project Improvements” do not include “System Improvements” as defined below.
8. “Proportionate Share” of the cost of transportation Facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a Development Activity.
9. “Public Safety Facilities” means a police facility, fire facility, and/or fire apparatus valued at five hundred thousand dollars (\$500,000) or greater.
10. “Service Area” refers to a geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City’s transportation Facilities provides service. For purposes of this Ordinance, there will be one service area. A map of the Service Area is included in Exhibit A attached hereto.
11. “System Improvements” refer both to existing transportation Facilities designed to provide services within the Service Areas and to future transportation Facilities identified in the transportation IFFP adopted by the City that are intended to provide service to the Service Area. “System Improvements” do not include “Project Improvements” as defined above.

SECTION 3. Written Impact Fee Analysis.

1. Executive Summary. A summary of the findings of the written impact fee analysis that is designed to be understood by a lay person is included in the transportation

IFFP and IFA and demonstrates the need for Impact Fees to be assessed on Development Activity. The Executive Summary has been available for public inspection at least ten (10) days prior to the adoption of this Ordinance.

2. Impact Fee Analysis. The City has commissioned the IFFP and IFA for the transportation Impact Fees which identifies the impacts upon transportation Facilities required by the Development Activity, demonstrates how those impact the City and the facilities required by Development Activity, demonstrates how those impacts on System Improvements are reasonably related to Development Activity, estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to the Development Activity and identifies how the Impact Fees are calculated. A copy of the transportation IFFP and IFA has been available for public inspection at least ten (10) days prior to the adoption of this Ordinance.
3. Proportionate Share Analysis. In connection with the IFFP and IFA, the City has prepared a Proportionate Share analysis which analyzes whether or not the proportionate share of the costs of future transportation Facilities is reasonably related to new Development Activity. The Proportionate Share analysis identifies the costs of existing transportation Facilities, the manner of financing existing transportation 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 written transportation Impact Fee Analysis and has been available for public inspection at least ten (10) days prior to the adoption of this Ordinance (See Exhibit A attached).

SECTION 4. Impact Fee Calculations.

1. Ordinance Enacting Impact Fees. The City Council does, by this Ordinance, approve Impact Fees in accordance with the transportation IFFP and IFA.
 - a. Elements. 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 outstanding or future 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.
 - b. Notice and Hearing. In conjunction with the approval of this, the City held a public hearing on October 1, 2024, and made a copy of the Ordinance available to the public in the two (2) South Jordan City Libraries, at least ten (10) days before the date of the hearing, all in conformity with the

requirements of Utah Code Annotated 11-36a-502 (1). After the public hearing, the Council adopted this Impact Fee Ordinance as presented herein.

- c. Contents of the Ordinance. The Ordinance adopting or modifying an Impact Fee contains such detail and elements as deemed appropriate by the Council, including a designation of the Service Area within which the Impact Fees are to be calculated and imposed. The South Jordan Service Area is the only service area, with a map defining its boundaries included in the transportation IFFP and IFA. The Ordinance herein includes (i) a schedule of Impact Fees to be imposed for transportation and (ii) the formula to be used by the City in calculating the Impact Fee.
 - d. Adjustments. The standard Impact Fee may be adjusted at the time the fee is assessed:
 - i. in response to unusual circumstances in specific cases;
 - ii. in response to a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected;
 - iii. to ensure that the impact fees are imposed fairly; or
 - iv. to a particular development should the developer supply sufficient studies and data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.
 - e. Previously Incurred Costs. To the extent that new growth and Development Activity will be served by previously constructed improvements, the City's Impact Fees may include transportation Facility costs and outstanding bond costs related to the transportation 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, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity may also be included to offset the costs of future capital projects.
2. Developer Credits. Development Activity may be allowed a credit against Impact Fees for any dedication or improvement to land or new construction of System Improvements provided by the Development Activity provided that the Development Activity is (i) identified in the City's Impact Fee Facilities Plans and (ii) required by the City as a condition of Development Approval. Otherwise, no credit may be given.

3. Impact Fees Accounting. The City will establish a separate interest-bearing ledger account for the Impact Fees collected pursuant to this Ordinance and will conform to the accounting requirements provided in the Impact Fees Act. All interest earned on the collection of transportation Impact Fees shall accrue to the benefit of the segregated account. Impact Fees collected prior to the effective date of this Ordinance need not meet the requirements of this section.
 - a. Reporting. At the end of each fiscal year, the City shall prepare a report pursuant to Utah Code Ann, 11-36a-601.
 - b. Impact Fee Expenditures. The City may expend Impact Fees pursuant to Utah Code Ann.§ 11-36-602 the Impact Fees Policy only for System Improvements that are (i) transportation Facilities identified in the City’s Impact Fee Facilities Plans and (ii) of the specific transportation Facility type for which the fee was collected. Impact Fees will be expended on a First-In First-Out (“FIFO”) basis.
 - c. Time of Expenditure. Impact fees collected pursuant to the requirements of this Impact Fees Ordinance 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 meets other conditions outlined in the Act. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
 - d. Refunds. 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.
4. Additional Fees and Costs. 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.
5. Fees Effective at Time of Payment. 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 Development Approval and paid in accordance with the provisions of Section 6 below.

- 6. Imposition of Additional Fee or Refund After Development. 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 recover the total Impact Fee pursuant the IFFP and IFA from the developer or other appropriate person covering the density for which an Impact Fee was not previously paid.

SECTION 5. Impact Fee Facilities Plan.

- 1. Impact Fee Facilities Plan. The City has developed a transportation IFFP for the City’s transportation system. The transportation IFFP has been prepared based on reasonable growth assumptions for the Service Area, and analyzes the general demand characteristics of current and future users of the system. Furthermore, the IFFP identifies the impact on System Improvements created by Development Activity and estimates the Proportionate Share of the costs of impacts on System Improvements that are reasonably related to new Development Activity.

SECTION 6. Impact Fee Schedules and Formulas.

- 1. Fee Adoption. The City hereby adopts as the Impact Fee per unit for transportation as found in the South Jordan transportation IFFP & IFA and detailed below.

RECOMMENDED TRANSPORTATION IMPACT FEE SCHEDULE
(SEE IFFP & IFA)

- Transportation Impact Fee: (See Amended Table 6.2)
- 2. Maximum Supportable Impact Fees. The fee schedule included in the transportation IFFP and IFA indicates 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 under the Impact Fees Act (Utah Code § 11-36a-402(1)(c)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed. The City 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 § 11-36a-402(1)(d)).

SECTION 7. Fee Exceptions and Waivers.

- 1. Waiver for “Public Purpose”. The City Council may, on a project by project basis, authorize exceptions or waivers to the Impact Fees due from development for those

projects the Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature. The City Council may elect to waive or adjust Impact Fees in consideration of economic benefits to be received from the Development Activity.

- a. Procedures. Applications for exceptions are to be filed with the City at the time the developer first requests the extension of service to the respective development or property.

SECTION 8. Appeal Procedure.

- 1. Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:
 - a. An appeal to the City pursuant to South Jordan Municipal Code § 16.32.090. If no decision is issued pursuant to South Jordan Municipal Code §16.32.090 within 30 days of a timely filed appeal the appeal will be deemed denied.
 - b. A request for arbitration as provided in Utah Code Ann. § 11-36a-705 as amended; or
 - c. An action in district court.

SECTION 9. 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 Ordinance are declared to be severable.

SECTION 10 Interpretation. This Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Ordinance shall not be affected by such division or by any heading contained herein.

SECTION 11. Effective Date. This Impact Fee Ordinance shall become effective 90 days after the day which this Impact Fee Ordinance is passed and adopted by the South Jordan City Council. Except as otherwise specifically provided herein and according to law, this Impact Fee Ordinance shall not repeal, modify or affect any Impact Fee of the City in existence as of the effective date of this Ordinance, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees, after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance.

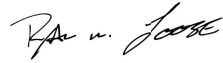
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2024 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:



Office of the City Attorney

Exhibit A
“Last Hold Out”
Impact Fee Facilities Plan & Impact Fee Analysis Amendment

IMPACT FEE FACILITIES PLAN (IFFP) AND IMPACT FEE ANALYSIS (IFA)

AMENDMENT

PURSUANT TO 11-36A, UTAH CODE

SERVICE AREA 1 - LAST HOLDOUT PROPERTIES

AUGUST 2024

SOUTH JORDAN CITY, UTAH

IMPACT FEE FACILITIES PLAN & ANALYSIS CERTIFICATION

IFFP CERTIFICATION

LRB certifies that the attached impact fee facilities plan amendment:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and,
3. complies in each and every relevant respect with the Impact Fees Act.

LRB Public Finance Advisors

IFA CERTIFICATION

LRB certifies that the attached impact fee analysis amendment:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

LRB makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LRB Public Finance Advisors

EXECUTIVE SUMMARY

This document amends the 2023 impact fee for Service Area 1 – Last Hold Out. This report is supported by an analysis completed by Wall Consulting Group (“WCG”) relative to the transportation buy-in value of South Jordan Parkway. **The impact fee has been adjusted to account for the recalculation of buy-in value based on the 2015 Purchase and Reimbursement Agreement for the Extension of South Jordan Parkway (dated November 2, 2015, see Article III).** No changes to the Service Areas, demand analysis, LOS, capital facilities analysis, or other assumptions from the 2023 analysis have been incorporated into this amendment.

AMENDED TRANSPORTATION IMPACT FEE

Service Area 1 impact fee is amended to include the adjusted buy-in fee for transportation infrastructure as shown below, based on a total cost per trip-end.

AMENDED TABLE 1.1: ALLOCATED COST PER TRIP

	TOTAL QUALIFIED COST	% OF TOTAL QUALIFIED COST	COST TO SERVICE AREA	NEW TRIP ENDS	COST PER TRIP END	PROFESSIONAL EXPENSE	TOTAL
School District Property	\$34,177,635	5.96%	\$2,036,706	11,221	\$181.51	\$0.96	\$182.47
Bastian East Property	\$34,177,635	4.67%	\$1,594,897	4,395	\$362.86	\$0.96	\$363.82

The cost per trip is then applied to the trip statistics for each type of land use, as shown below in order to derive the impact fee for various types of land uses.

AMENDED TABLE 1.2: RECOMMENDED IMPACT FEE BASED ON LAND-USE TYPE

LAND USE	ITE CODE	UNIT	WEEKDAY TRIP RATE	PASS-BY ADJUST.	ENTERING/ EXITING	ADJUSTED TRIPS ENDS	SCHOOL DISTRICT PROPERTY	BASTIAN PROPERTY
Single Family Residential	210	Unit	9.43	0%	0.5	4.72	\$860.36	\$1,715.39
Multi-Family Low-Rise (≤ 3 stories)	220	Unit	6.74	0%	0.5	3.37	\$614.93	\$1,226.06
Multi-Family Mid-Rise (4-10 stories)	221	Unit	4.54	0%	0.5	2.27	\$414.21	\$825.86
Senior Adult Housing Detached	251	Unit	4.31	0%	0.5	2.16	\$393.23	\$784.02
Senior Adult Housing Attached	252	Occ. Unit	3.24	0%	0.5	1.62	\$295.61	\$589.38
Assisted Living	254	Beds	2.6	0%	0.5	1.30	\$237.21	\$472.96
Hotel	310	Rooms	7.99	0%	0.5	4.00	\$728.98	\$1,453.45
Light Industrial	110	KSF	4.87	0%	0.5	2.44	\$444.32	\$885.89
Industrial Park	130	KSF	3.37	0%	0.5	1.69	\$307.47	\$613.03
Mini Warehouse	151	KSF	1.45	0%	0.5	0.73	\$132.29	\$263.77
Elementary School	520	Students	2.27	0%	0.5	1.14	\$207.11	\$412.93
Middle/Jr. High School	522	Students	2.1	0%	0.5	1.05	\$191.60	\$382.01
High School	525	Students	1.94	0%	0.5	0.97	\$177.00	\$352.90
Daycare Center	565	KSF	47.62	0%	0.5	23.81	\$4,344.67	\$8,662.46
Nursing Home	620	KSF	6.75	0%	0.5	3.38	\$615.84	\$1,227.88
Clinic	630	KSF	37.6	0%	0.5	18.80	\$3,430.48	\$6,839.74
Church	560	KSF	7.6	0%	0.5	3.80	\$693.40	\$1,382.50
General Office	710	KSF	10.84	0%	0.5	5.42	\$989.00	\$1,971.88
Medical Dental Office	720	KSF	36	0%	0.5	18.00	\$3,284.51	\$6,548.69
Free Standing Discount Store	813	KSF	50.52	21%	0.5	19.96	\$3,641.31	\$7,260.10
Hardware/Paint Store	816	KSF	8.07	26%	0.5	2.99	\$544.84	\$1,086.32
Shopping Center/General Commercial 150k-300k sq ft	820	KSF	37.01	29%	0.5	13.14	\$2,397.43	\$4,780.02
Shopping Center/General Commercial > 300k sq ft	820	KSF	37.01	19%	0.5	14.99	\$2,735.09	\$5,453.26
New Car Sales	840	KSF	27.84	0%	0.5	13.92	\$2,540.02	\$5,064.32
Tire Store	848	KSF	27.69	25%	0.5	10.38	\$1,894.75	\$3,777.78
Supermarket	850	KSF	93.84	24%	0.5	35.66	\$6,506.83	\$12,973.39
Discount Club	857	KSF	42.46	34%	0.5	14.01	\$2,556.77	\$5,097.72
Home Improvement Superstore	862	KSF	30.74	42%	0.5	8.91	\$1,626.67	\$3,243.28

LAND USE	ITE CODE	UNIT	WEEKDAY TRIP RATE	PASS-BY ADJUST.	ENTERING/ EXITING	ADJUSTED TRIPS ENDS	SCHOOL DISTRICT PROPERTY	BASTIAN PROPERTY
Department Store	875	KSF	22.88	0%	0.5	11.44	\$2,087.49	\$4,162.06
Pharmacy/Drugstore w/ Drive Thru	881	KSF	108.4	49%	0.5	27.64	\$5,043.91	\$10,056.61
Drive In Bank	912	KSF	100.35	35%	0.5	32.61	\$5,951.12	\$11,865.41
Quality Restaurant	931	KSF	83.84	44%	0.5	23.48	\$4,283.58	\$8,540.66
High Turnover/Sit Down Restaurant	932	KSF	107.2	43%	0.5	30.55	\$5,574.90	\$11,115.31
Fast Food with Drive Thru	934	KSF	467.48	55%	0.5	105.18	\$19,193.01	\$38,267.27
Automobile Care Center	942	KSF	2.25	0%	0.5	1.13	\$205.28	\$409.29
Convenience Store/Gas Station (9-15 veh. fueling positions)	945	KSF	700.43	75%	0.5	87.55	\$15,976.16	\$31,853.47

Source: South Jordan Parkway Buy-In Fee Analysis, Table 4, LRB

AMENDED NON-STANDARD IMPACT FEES

The proposed Buy-In Fees are based on projected trip ends generated by potential land uses. If the City determines to assess a non-standard Buy-In Fee that more closely represents the true trip making characteristics of a proposed land use type, the following formulas will be utilized:

FORMULA FOR NON-STANDARD IMPACT FEES:

School District Property: Total Trip Ends (per specified land use) x Applicable Adjustment Factors x Cost Per Trip End (\$182.47) = Impact Fee

Bastian Property: Total Trip Ends (per specified land use) x Applicable Adjustment Factors x Cost Per Trip End (\$363.82) = Impact Fee

AMENDMENT TO SECTION IV: EXISTING FACILITIES & EXCESS CAPACITY

The impact fee has been adjusted to account for the recalculation of buy-in value based on the 2015 Purchase and Reimbursement Agreement for the Extension of South Jordan Parkway (dated November 2, 2015, see Article III).

SERVICE AREA 1 - LAST HOLD OUT

TRANSPORTATION BUY-IN

The 2023 impact fee for Service Area 1 – Last Hold Out is amended determine the appropriate buy-in fee for the Service Area, this analysis calculates the percentage of daily traffic on each road segment, multiplied by the segment's qualified cost, as shown below.

AMENDED TABLE 4.1: DETERMINATION OF SERVICE AREA 1 BUY-IN ALLOCATION

SOUTH JORDAN PARKWAY SEGMENT	TRAFFIC GENERATOR/SUB AREA			QUALIFIED COST
	HIGH SCHOOL SITE	SCHOOL DIST. FLEX/MIXED USE SITE	BASTIAN PROPERTY EAST SITE	
Mountain View Corridor East to Daybreak Boundary				\$17,905,637
2016 Developer Agreement				(\$1,481,636)
Amended Mountain View Corridor East to Daybreak Boundary Cost				\$16,424,001
Percent of daily traffic on segment	1.22%	3.96%	7.03%	12.21%
Buy-in Cost	\$200,373	\$650,390	\$1,154,607	\$2,005,370
West of the Mountain View Corridor to Highway 111				\$17,753,634
Percent of daily traffic on segment	1.87%	4.81%	2.48%	9.16%
Buy-in Cost	\$331,993	\$853,950	\$440,290	\$1,626,233
Amended Overall Corridor within Daybreak				\$34,177,635
Total Buy-in Cost	\$532,366	\$1,504,340	\$1,594,897	
Percent of total qualified cost	1.56%	4.40%	4.67%	

Source: South Jordan Parkway Buy-In Fee Analysis Update, Table 1
Amended August 2024

AMENDED SECTION 6: IMPACT FEE CALCULATION

The calculation of impact fees relies upon the demand analysis, LOS analysis, inventory of existing facilities and excess capacity, and the needed future capital improvement as identified in **Sections 2** through **4** of the 2023 Impact Fee Analysis. Impact fees are calculated based on many variables centered on proportionality and level of service. This analysis defines the impact fees for Service Area 1 defined in **Section 3** of the 2023 Impact Fee Analysis.

SERVICE AREA 1 – LAST HOLD OUT TRANSPORTATION IMPACT FEE

Service Area 1 includes a buy-in fee for transportation as shown below, based on a total cost per trip-end. In addition, the professional expense of \$14,972 related to completing the capital facility analysis and impact fee analysis is also included.

AMENDED TABLE 6.1: ALLOCATED COST PER TRIP

	TOTAL QUALIFIED COST	% OF TOTAL QUALIFIED COST	COST TO SERVICE AREA	NEW TRIP ENDS	COST PER TRIP END	PROFESSIONAL EXPENSE	TOTAL
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The cost per trip is then applied to the trip statistics for each type of land use, as shown below in order to derive the impact fee for various types of land uses.

AMENDED TABLE 6.2: RECOMMENDED IMPACT FEE BASED ON LAND-USE TYPE

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