ORDINANCE 2016-05

AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR TOOELE COUNTY TRANSPORTATION; ENACTING IMPACT FEES FOR SAID FACILITIES; ESTABLISHING CERTAIN POLICIES RELATED TO IMPACT FEES; ESTABLISHING THE SERVICE AREA; AND OTHER RELATED MATTERS

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

WHEREAS, the County has legal authority, pursuant to Title 11, Chapter 36a Utah Code Annotated, as amended ("Impact Fees Act" or "Act"), to adopt and 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 County provided written notice of its intent to prepare an Impact Fee Facilities Plan ("Facilities Plan") and Impact Fee Analysis for transportation; and

WHEREAS, the County has directed Parametrix to prepare and certify a Facilities Plan under Utah Code Ann., § 11-36a-306(1), a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, the County provided notice and held a public hearing prior to adopting the Facilities Plan in satisfaction of Utah Code Ann. § 11-36a-502; and

WHEREAS, prior to preparing the Impact Fee Analysis, the County provided notice as set forth in Utah Code Ann. § 11-36a-503; and

WHEREAS, the County has directed Parametrix to prepare and certify an Impact Fee Analysis under Utah Code Ann. § 11-36a-306(2), a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference; and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(i) and § 17-27a-205, the County made this Impact Fee Enactment Ordinance (the "**Ordinance**") available to the public on or before April 23, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-303(2), a summary of the Impact Fee Analysis designed to be understood by a lay person is included as the "Executive Summary" on Page 2 of the Transportation Impact Fee Analysis, which was available to the public on or before April 23, 2016.

WHEREAS, in accordance with Utah Code Ann. § 17-27a-205, the County posted notice of the public hearing with respect to the proposed Ordinance in at least three public places within the County on or before April 23, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 17-27a-205, the County published notice of such public hearing in the Tooele Transcript Bulletin, a newspaper of general circulation in the County, on April 19, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 17-27a-205, the County published notice of such public hearing on the Utah Public Notice Website on or before April 23, 2016; and

WHEREAS, the Tooele County Commission (the "**Commission**"), acting as the governing body of the County, held a public hearing on May 3, 2016 regarding the Impact Fee Analysis and Ordinance; and

WHEREAS, after careful consideration and review of the comments at the public hearing, the Commission has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the County to enact new impact fees.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION 1 – FINDINGS.

The Commission finds and determines as follows:

1.1. All required notices have been given and public hearings conducted as required by the Impact Fee Act with respect to the Facilities Plan, Impact Fee Analysis, and this Ordinance.

1.2. Growth and development activities in the County will create additional demands on its transportation facilities. The capital facility improvement requirements which are analyzed in the Facilities Plan and the Impact Fee Analysis are the direct result of additional facility needs caused by future development activities. The persons or entities responsible for growth and development activities should pay a proportionate share of the costs of the recreational facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the County has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and transportation needs of the County, the capital financial needs of the County which are the result of the County's future facility needs, the distribution of the burden of costs to different properties within the County based on the use of transportation facilities of the County by such properties, the financial contribution of those

properties and other properties similarly situated in the County at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the County, and the impact on future transportation facilities that will be required by growth and new development activities in the County.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the County in establishing a program of impact fees in compliance with the Utah Impact Fees Act

1.6. This Ordinance, upon its effective date, shall replace all transportation impact fees previously enacted by the County as well as any rules, regulations, procedures, or policies relating to such previously-enacted impact fees.

SECTION 2 – DEFINITIONS.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2. "Commission" means the Tooele County Commission.

2.3. "County" means Tooele County.

2.4. "Facilities Plan" means the plan prepared for the County as required by Utah Code Ann. § 11-36a-301.

2.5. "Impact Fee Analysis" means the analysis prepared for the County as required by Utah Code Ann. § 11-36a-303.

2.6. "Ordinance" means this Impact Fee Enactment Ordinance.

2.7. "Project Improvements" does not mean system improvements.

2.8. "Request for Information" means a written request submitted to the County for information regarding the impact fee.

2.9. "Service Area" means all unincorporated areas within the County. A map of the County boundaries is attached hereto as **Exhibit C**.

2.10. "Summary" means the summary of the Impact Fee Analysis.

SECTION 3 – ADOPTION OF IMPACT FEES.

3.1. Impact Fee Facilities Plan. The Commission hereby approves and adopts the Impact Fee Facilities Plan attached as **Exhibit A**.

3.2. Impact Fee Analysis. The Commission hereby approves and adopts the Impact Fee Analysis attached as **Exhibit B**.

3.3. Impact Fees. Impact fees are hereby imposed in the Service Area as a condition of any development activity that impacts public facilities in order to mitigate the impact of such development on public facilities. Impact fees shall be paid in cash or by check to the County at the time of the building permit application, and it is the policy of the County that no building permit shall be issued unless and until the impact fees required by this Ordinance have been paid in full.

3.4. Impact Fee Schedule. The impact fees imposed are as set forth on Page 5 of the Impact Fee Analysis, attached hereto as **Exhibit B** and incorporated herein by reference. Unless the County is otherwise bound by a contractual requirement or the impact fees have been prepaid according to a prior agreement with the County, the impact fee shall be determined from the impact fee schedule in effect at the time of payment.

3.5. Adjustments. The County may adjust the impact fee imposed on a particular project or development at the time the impact fee is charged as necessary:

(a) to respond to unusual circumstances in specific cases;

(b) to respond to a request for a prompt and individualized impact fee review for the development activity of an agency of the State of Utah, a school district, or charter school;

(c) to respond to a request for a prompt and individualized impact fee review for an offset or credit for a public facility for which an impact fee has been or will be collected;

(d) to ensure that impact fees are imposed fairly; or

(e) based upon studies and data submitted by a developer.

3.6. Credits and Reimbursements.

(a) A developer may be allowed a credit against or proportionate reimbursement of impact fees if a developer:

(i) dedicates land for a system improvement;

(ii) builds and dedicates some or all of a system improvement; or

(iii) dedicates a public facility that the County and the developer agree will reduce the need for a system improvement.

(b) A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:

(i) are system improvements, or

(ii) are dedicated to the public and offset the need for an identified system improvement.

3.7. Waiver for Public Purpose. The County may, on a project-by-project basis, authorize exemptions or adjustments to the impact fee in effect for those projects the County determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such projects may include low income housing.

3.8. Additional Fees and Costs. The impact fees imposed hereby are separate from and in addition to user fees and other charges lawfully imposed by the County for new development, such as engineering and inspection fees, building permit fees, review fees, hookup fees, connection fees, fees for project improvements, and other fees and costs that may not be included as itemized component parts of any impact fee.

SECTION 4 – IMPACT FEE ACCOUNTING.

4.1. Impact Fee Accounts. The County shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected and deposit impact fee receipts in the appropriate ledger account. Interest earned on each such account shall be retained in that account.

4.2. Reporting. At the end of each fiscal year, the County shall prepare a report on each impact fee ledger account established as required herein generally showing the source and amount of all monies collected, earned, and received by the account and each expenditure from the account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure. The report shall be in a format

approved by the State Auditor, certified by the County's chief financial officer, and transmitted to the State Auditor annually.

4.3. Impact Fee Expenditures. The County may expend impact fees only for system improvements identified in the Facilities Plan and for the specific public facility type for which the fee was collected.

4.4. Time of Expenditure. Impact fees collected are to be expended, dedicated, or encumbered for a permissible use within six years of receipt by the County, unless the Board directs otherwise. For purposes of this calculation, first funds received shall be deemed to be the first funds expended.

4.5. Extension of Time. The County may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing, before the expiration of the six year period, (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.

4.6. Refunds. The County 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 has filed a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted.

SECTION 5 – APPEAL PROCEDURES.

5.1. Application. The appeal procedures set forth herein apply both to challenges to the legality of impact fees of the County and to the interpretation and/or application of those fees.

5.2. Request for Information Concerning the Fee. Any person or entity required to pay or who has paid an impact fee under this Ordinance may file a written request for information

concerning the fee (the "**Request for Information**") with the County. The County will provide the person or entity with the County's Impact Fee Analysis and other relevant information relating to the impact fee within fourteen (14) days after receipt of the written Request for Information.

5.3. Appeal to the County after Payment of the Impact Fee; Statute of Limitations for Failure to File.

(a) Any person or entity that has paid an impact fee under this Ordinance and wishes to challenge the impact fee shall file a notice of appeal with the County that contains

(i) the appellant's name, mailing address, and daytime phone number;

(ii) a copy of the written Request for Information and a brief summary of the grounds for appeal; and

(iii) the relief sought.

(b) The notice of appeal shall be filed as provided below:

(i) if the appellant is challenging compliance with the notice requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within thirty (30) days after payment of the impact fee;

(ii) if the appellant is challenging compliance with other, non-notice, procedural requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice

of appeal must be filed within one hundred and eighty (180) days after payment of the impact fee; and

(iii) if the appellant is challenging the impact fee, the notice of appeal must be filed within one year after payment of the impact fee.

5.4. Appeals to the County. Any developer, landowner, or affected party desiring to challenge the legality of any impact fee under this Ordinance shall appeal directly to the County by filing a notice of appeal with the County either prior to payment of the impact fee but within thirty (30) days of the decision or action to which the appeal relates or after payment of the impact fee and within the applicable time period set forth in Section 5.3 herein. If a notice of appeal is not filed with the County within the applicable time period set forth above, the person or entity is barred from proceeding with an administrative appeal to the County.

5.5. Hearing. An informal hearing will be held not sooner than five (5) days nor more than twenty-five (25) days after the written notice of appeal is filed. The Board shall sit as the hearing officer.

5.6. Decision. After the conclusion of the informal hearing, the hearing officer shall affirm, reverse, or take action with respect to the challenge or appeal as appropriate. The decision of the hearing officer will be issued within thirty (30) days after the date the written notice of appeal was filed. In light of the statutorily mandated time restriction, the County shall not be required to provide more than three (3) working days' prior notice of the time, date, and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of the County's final determination.

5.7. Denial Due to Passage of Time. Should the County, for any reason, fail to issue a final decision on a written challenge to an impact fee, its calculation or application, within thirty (30) days after the filing of the notice of appeal, the challenge shall be deemed to have been denied and any affected party to the proceedings may seek appropriate judicial relief from such denial.

5.8. Judicial Review. Any party to the administrative action who is adversely affected by the County's final decision may petition the district court for a review of the decision within thirty (30) days of the hearing officer's final decision. After having been served with a copy of the pleadings initiating the court review, the County shall submit to the court the record of the proceedings before the County, including minutes, and if available, a true and correct transcript of any proceedings.

SECTION 6 – SEVERABILITY.

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable. In the event any section, subsection, paragraph, clause, or phrase of this Ordinance conflicts with the Utah Impact Fees Act, the relevant provision of the Utah Impact Fees Act shall control.

SECTION 7 – EXHIBITS.

All exhibits to this Ordinance are hereby incorporated herein by reference and are made a part hereof as though fully set forth herein.

SECTION 8 – EFFECTIVE DATE.

This Ordinance shall take effect ninety (90) days after the day on which this Ordinance was approved.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this Ordinance this 3rd day of May 2016.

ATTEST:

MARILYN K. GILLETTE, Clerk/Auditor

TOOELE COUNTY COMMISSION:

WADE B. BITNER, Chairman

Commissioner Bateman voted aye
Commissioner Bitner voted aye
Commissioner Milne voted aye

APPROVED AS TO FORM:

SCOTT A. BROADHEAD
Tooele County Attorney

EXHIBIT A

TOOELE COUNTY TRANSPORTATION IMPACT FEE FACILITIES PLAN

Tooele County Transportation Impact Fee Facilities Plan 2016

TOOELE COUNTY

TOOELE COUNTY
TRANSPORTATION IMPACT FEE FACILITIES PLAN

Overview

Tooele County's current and proposed transportation level of service (LOS) is to provide adequate lane mile and intersection capacity to maintain LOS C according to the Utah Statewide Travel Model (USTM) version 1.3.[1] The Tooele County Transportation Plan 2015 outlines phased network improvements designed to meet the growth demands of Tooele Valley through 2040. Phase one of this plan includes projects to be completed in the next 10 years, a sub-set of which were found to maintain LOS and comprise the Tooele County Transportation Impact Fee Facilities Plan (IFFP). Approximately $125 million of road projects will maintain the current and proposed LOS as a result of new development and are planned to be built between 2016 and 2026. Of this total cost, $109 million are costs expected to be incurred by the County, and $6 million is attributable to development growth within the service area in the next ten years and is eligible for impact fees. Table 1 includes those capacity projects included in this Tooele County Transportation IFFP.

Table 1 – Tooele County Impact Fee Facilities Plan Project Costs

Project	From	To	Total Cost	Cost to County	IFFP Cost
Midvalley Highway	I-80	SR-138	$105,522,000*	$105,522,000	$4,447,475
Droubay Extension	Bates Canyon Road	Droubay Connector	$5,081,498	$961,120	$132,389
Droubay Extension	Droubay Connector	Lakeshore Drive	$5,925,548	$1,120,765	$222,859
Droubay Extension	Lakeshore Drive	Mountain View Road	$1,051,461	$198,875	$43,763
SR-36 Frontage Road	Bates Canyon Road	Center Street	$4,127,717	$389,794	$88,645
Village Boulevard	SR-138	Midvalley Highway	$3,500,101	$330,526	$276,838
Village Boulevard	.2 miles west of Parkview Drive	SR-138	$1,800,000**	$900,000**	$753,768
Total Cost			**$127,008,325**	**$109,423,080**	**$5,965,736**

Source: UDOT, Parametrix. See Appendix A for cost estimates.

*UDOT estimate. **Per Tooele County agreement.

[1] The travel model is the accepted model of the Utah Department of Transportation (UDOT), which represents an appropriate planning tool for estimating existing congestion levels and forecasting future congestion levels based on the impacts of growth.

Growth

According to anticipated trends, by 2040 unincorporated Tooele Valley will have a population of approximately 47,229 people living in 16,073 households accounting to socioeconomic data from USTM. New resident population is expected to occur primarily on currently vacant land north and east of Tooele City. This anticipated growth in households and resident population would be accompanied by an increase in commercial and industrial development with total employment projected to grow to 16,309 jobs.

For purposes of keeping consistent with regional and statewide transportation planning, an eight year (2024) growth horizon was used to ensure that the projects identified and the fee imposed will be encumbered within the statutorily required six year period. Table 2 provides socioeconomic data with current estimates and projections for the IFFP eight year window (2024), and 2040 from the USTM.

Table 2 – Socioeconomic Data

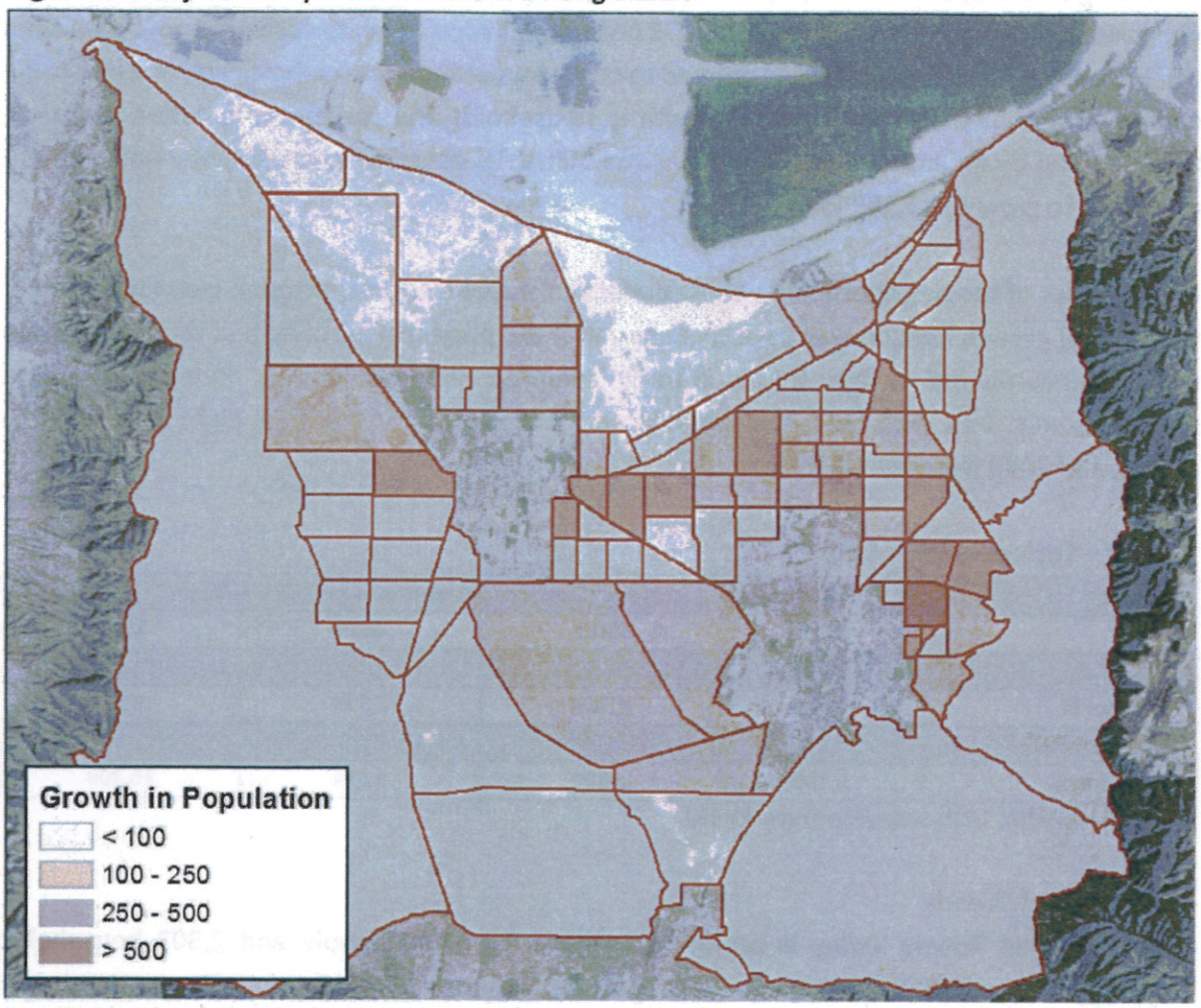
	Estimates	Utah Statewide Travel Model Data		
	2016	**2011**	**2024**	**2040**
Population	19,424	15,335	25,966	47,229
Households	5,822	4,384	8,124	16,073
Persons per Household	3.34	3.50	3.20	2.94
Employment	6,159	4,650	8,574	16,309

Source: Parametrix, Utah Statewide Travel Model.

Future Growth Trends

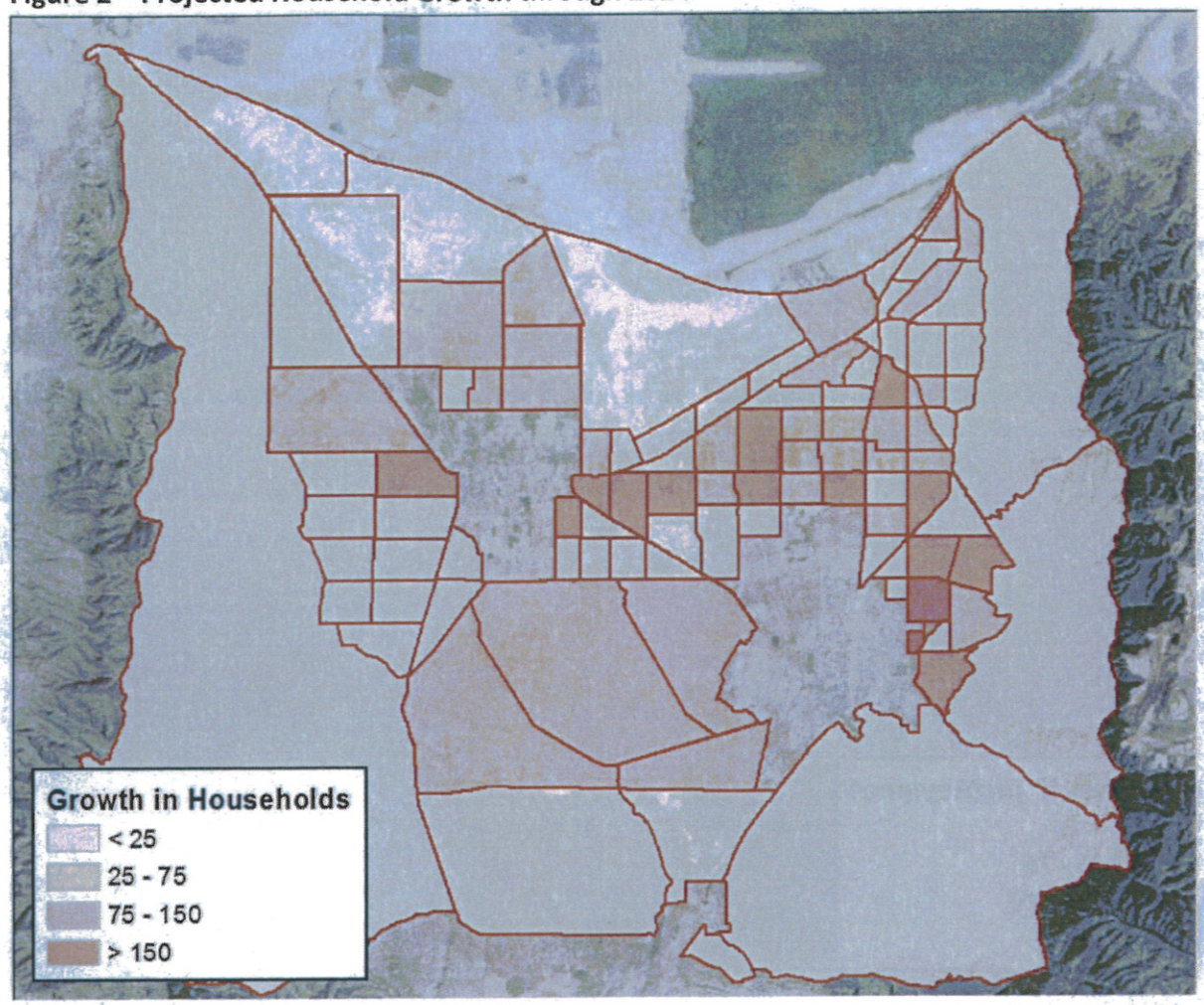
Unincorporated Tooele Valley is projected to grow by 6,542 people and 2,302 households between 2016 and 2024. This residential growth represents a 34 percent increase in population and a 40 percent increase in households. During that same time, employment is projected to grow by 39 percent. Figures 1, 2, and 3 shows the growth in population, households, and employment through 2024 by traffic analysis zone (TAZ).

Figure 1 – Projected Population Growth through 2024



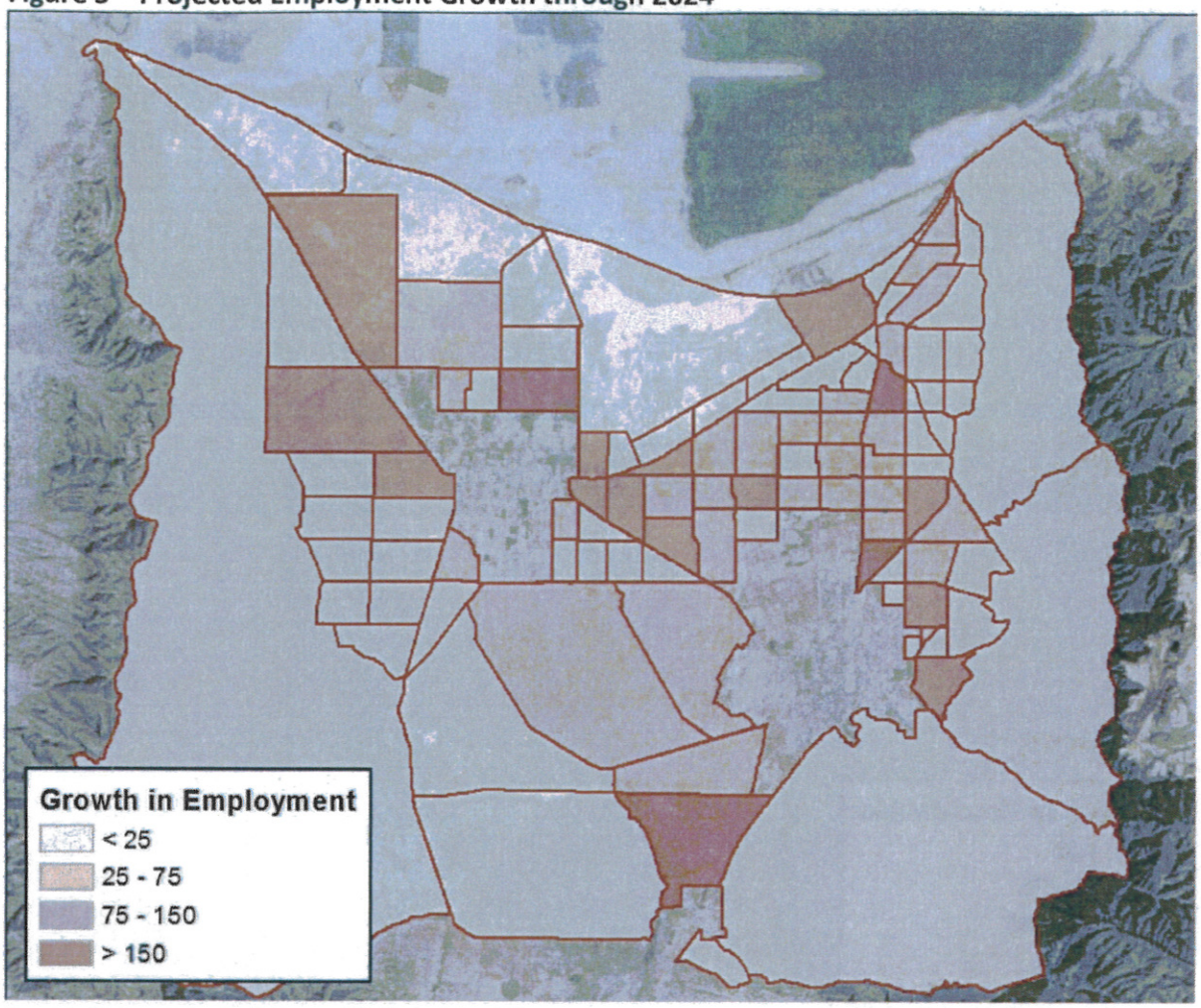
Source: Parametrix. Utah Statewide Travel Model.

Figure 2 – Projected Household Growth through 2024



Source: Parametrix. Utah Statewide Travel Model.

Figure 3 – Projected Employment Growth through 2024



Source: Parametrix. Utah Statewide Travel Model.

Level of Service (LOS)

Tooele County's current and proposed transportation LOS is to provide adequate lane mile and intersection capacity to maintain LOS C according to the USTM[2]. Any plans to increase LOS above LOS C will be funded through mechanisms other than impact fees. Level of service standards are defined in the American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 2011 (6th Edition) where LOS C is defined by traffic levels which represent "stable flow." This level can be measured by methods included in the Transportation Research Board (TRB), *Highway Capacity Manual HCM2010*, October 2010.

[2] The travel model is the accepted model of the Utah Department of Transportation (UDOT) which represents an appropriate planning tool for estimating existing congestion levels and forecasting future congestion levels based on the impacts of growth.

Level of service calculations can be complex and data intensive, but simplified planning methods are reasonably accurate. Level of service calculations according to the HCM2010 depend on the following factors:

1. Number of travel lanes.
2. Number of turn lanes.
3. Number of trucks in the travel flow.
4. The level of "platooning" of vehicles approaching each intersection.
5. The timing of traffic signals and the coordination of multiple traffic signals.
6. The number of turning vehicles.
7. The vertical grade of the roadway and other horizontal alignment factors.
8. The familiarity of drivers to local conditions.
9. The availability of shoulders and lateral clearances.
10. Various natural environmental conditions.

To simplify the analysis, travel models use a link based capacity (even though much of the actual delay is manifested at intersections). Algorithms exist in the travel model to estimate the delay associated with increased traffic volume with the primary input being the travel link number of lanes, functional classification of the road, and area type (urban, suburban, rural, etc.). These simplifications are necessary since detailed data may not be available for forecasting future conditions and the travel model is developed at a regional (metropolitan area) scale. The analysis in Tooele County estimated the capacity of existing and future roads based on the design standards of the County and available information related to transportation plans such as number of travel lanes and functional classification. Table 3 summarizes the daily traffic capacities used in the Tooele County analysis.

Table 3 – Daily Level of Service C Capacity in Tooele County

Maximum Daily Traffic Capacity Estimates			
Number of Lanes	**Freeway**	**Arterial**	**Collector**
2	Not applicable	11,000	10,000
3	Not applicable	17,200	16,000
4	57,000	35,500	29,000
5	Not applicable	38,000	34,900

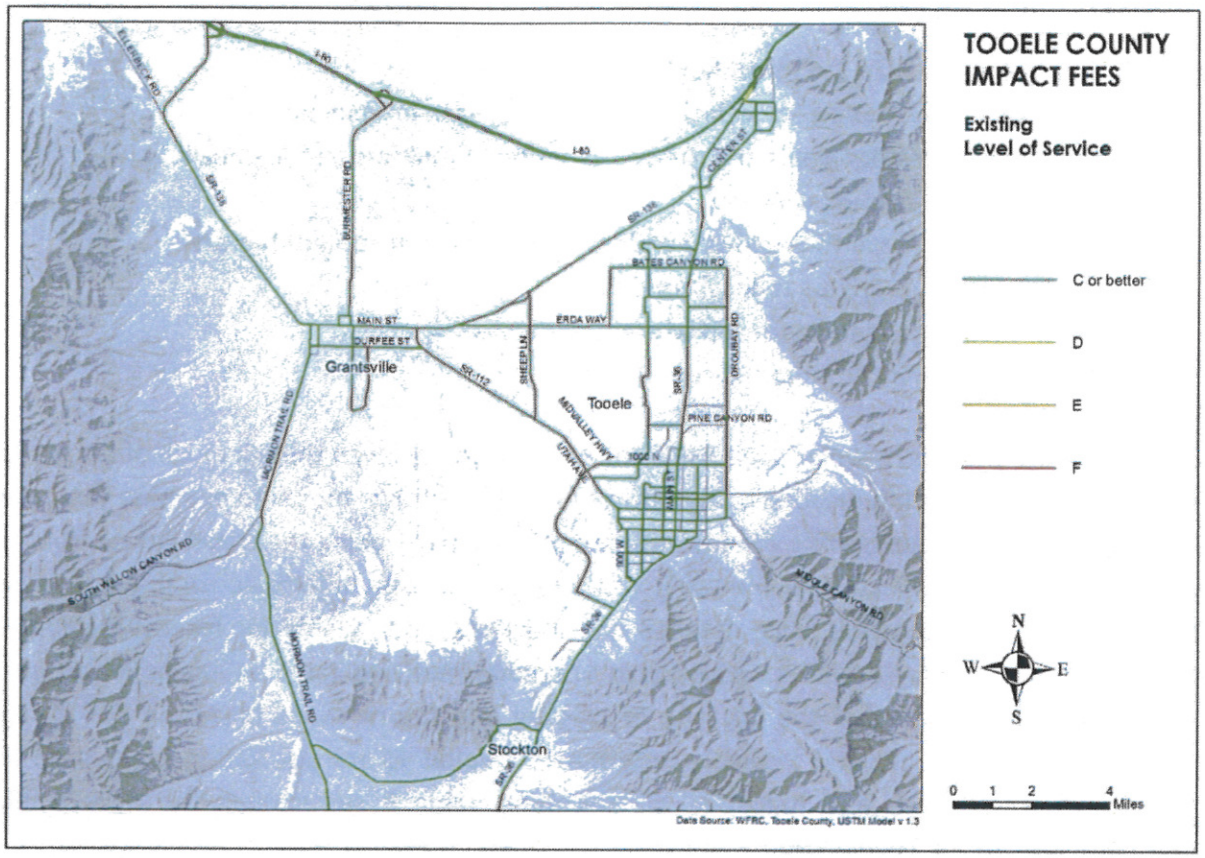
Source: Parametrix.

Existing Facilities

The calibrated travel model from the Tooele County Transportation Plan 2015 was used to generate current traffic volumes for each segment in Tooele County's current road network. For segments with capacity greater than volumes, there is existing excess capacity. For segments with capacity less than volumes, there is an existing deficiency. Road improvements occur as major investments in anticipation of increased traffic volumes, as such, at any point in time there

may be segments that are above capacity and segments that are below capacity. This is why the system is modeled as a whole with the Tooele Valley system treated as one service area. In addition, the travel model was used to form a consistent source of estimating existing traffic that can be used to forecast traffic growth in the future.

Figure 4 – Existing Level of Services



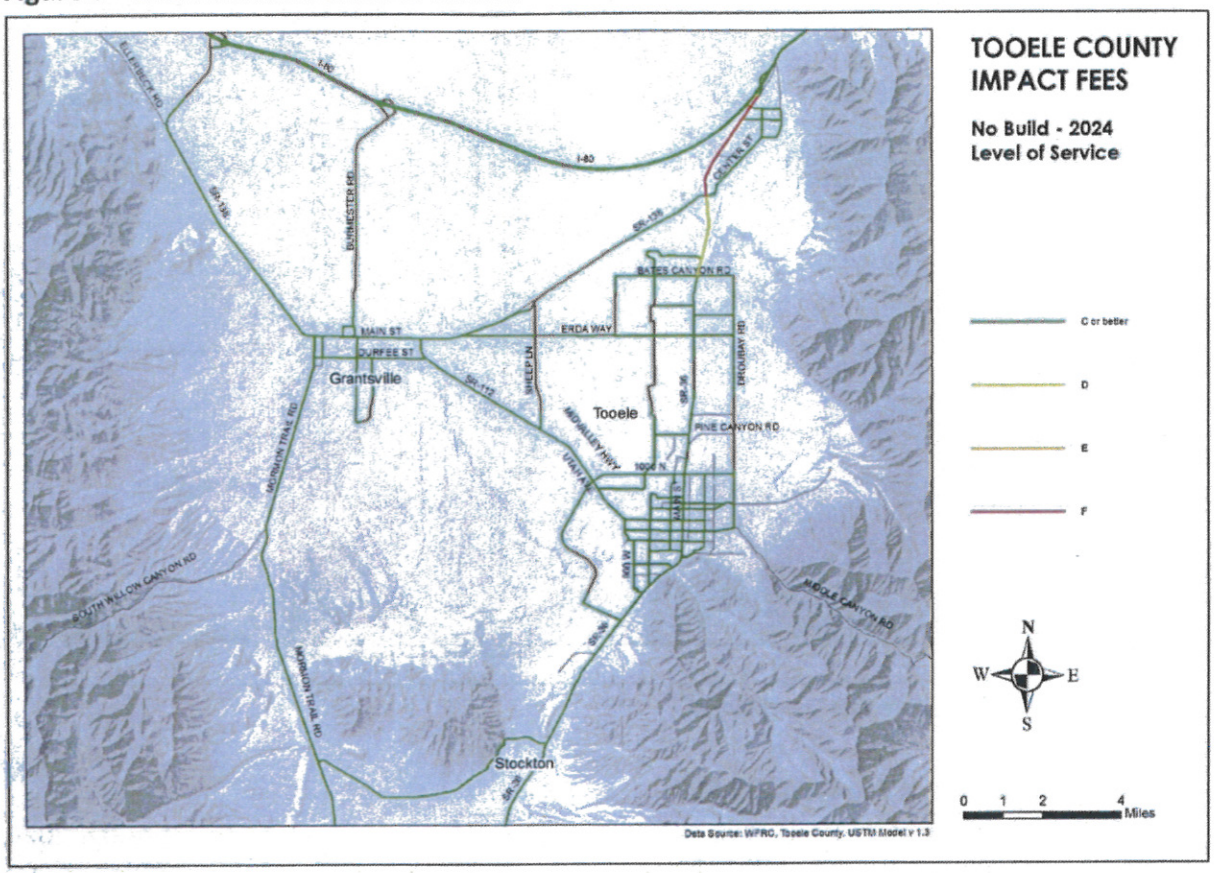
Source: Parametrix, Utah Statewide Travel Model.

Growth Impact

The travel model was also used to estimate the impact of the anticipated 6,542 new residents and 2,415 new jobs in 2024. Drawing from phase one projects of the Tooele County Transportation Plan 2015, a facilities plan was developed to include projects needed to support growth through 2024. Traffic volume estimates were developed by road segment. Traffic volumes were estimated based on the existing conditions and modeled conditions in the year 2024, based on planned improvements to be completed by 2024. Although improvements to the state highway system are not eligible for impact fees, improvements included in the regional and state long range transportation plans were assumed in the modeling, allowing the most accurate representation of future conditions possible with the available information.

Figure 5 depicts the forecasted LOS in a no build scenario for the year 2024, where no improvements are made on the road network. State Route 36 (SR-36) being the only link to I-80 on the eastern side of Tooele Valley experiences failure due to County growth in this scenario.

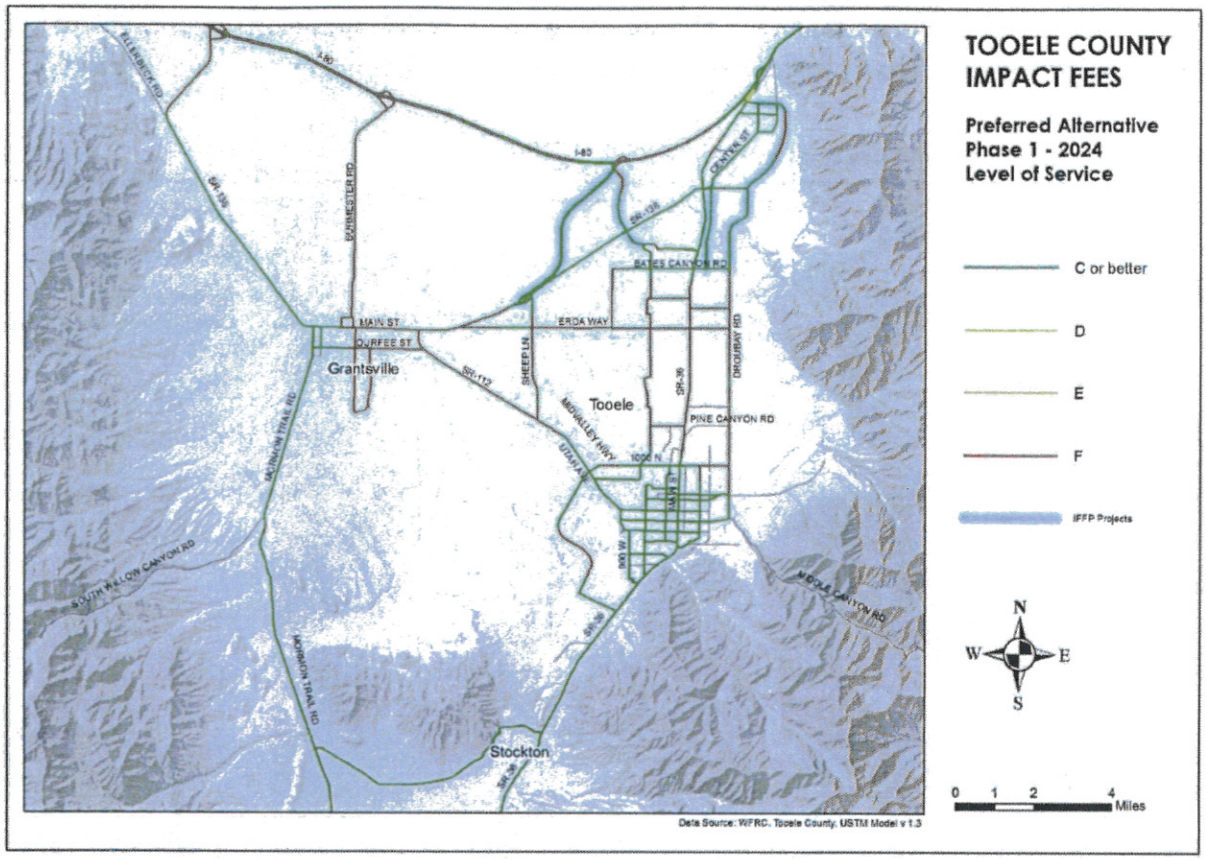
Figure 5 – 2024 No Build Level of Service



Source: Parametrix. Utah Statewide Travel Model.

Parametrix and County staff worked to develop capital improvement projects on the road segments that reflect the priorities of the County, which will directly benefit expected new development, and relieve capacity deficiencies in the year 2024. Figure 6 depicts the forecasted LOS for the year 2024 in a scenario which includes IFFP projects. The included network improvements, highlighted in blue, relieve development induced capacity deficiencies, and preserve existing LOS.

Figure 6 – 2024 Level of Service with Impact Fee Facilities Plan Projects

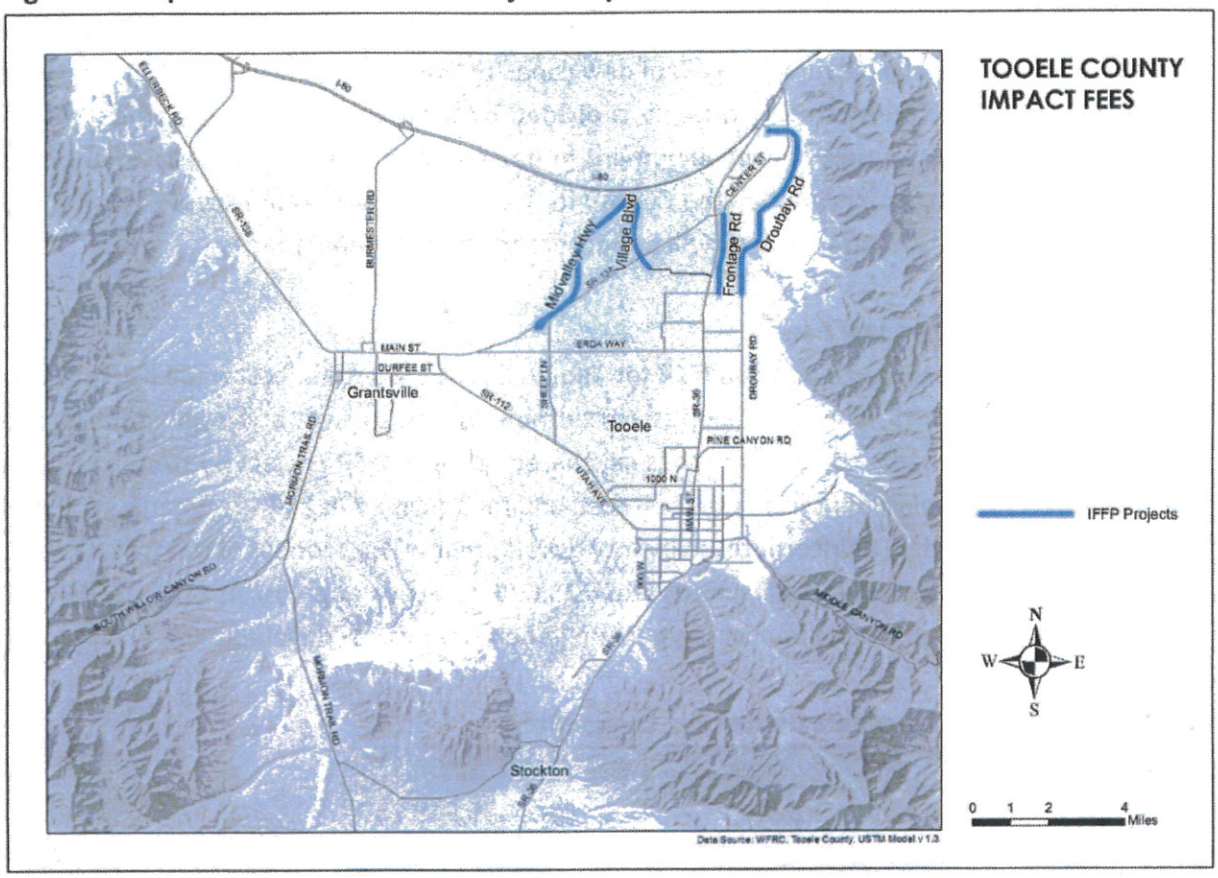


Source: Parametrix. Utah Statewide Travel Model.

Future Facilities/Impact Fee Facilities Plan

To serve the approximately 6,542 new residents and 2,415 new jobs projected through 2024, additional lane miles are required. Figure 7 illustrates, and Table 4 lists, the projects included in the IFFP. The total cost is the planning level cost estimate to construct the project, the cost to the county accounts for any developer requirements or any other costs that will not be incurred by the county, and the IFFP cost is the cost attributable to new growth, which can be recovered through impacts fees. All costs are in uninflated 2016 dollars. The IFFP cost takes into account the developer requirement to construct a local cross-section road when applicable, and only includes the relative share of capacity being utilized by unincorporated county trips within the service area. The cost of added capacity being utilized by non-County and incorporated County trips is not included in the IFFP cost.

Figure 7 – Impact Fee Facilities Plan Project Map



Source: Parametrix. Utah Statewide Travel Model.

Table 4 – Tooele County Impact Fee Facilities Plan Project Costs

Project	From	To	Total Cost	Cost to County	IFFP Cost
Midvalley Highway	I-80	SR-138	$105,522,000*	$105,522,000	$4,447,475
Droubay Extension	Bates Canyon Road	Droubay Connector	$5,081,498	$961,120	$132,389
Droubay Extension	Droubay Connector	Lakeshore Drive	$5,925,548	$1,120,765	$222,859
Droubay Extension	Lakeshore Drive	Mountain View Road	$1,051,461	$198,875	$43,763
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Village Boulevard	.2 miles west of Parkview Drive	SR-138	$1,800,000**	$900,000**	$753,768
Total Cost			**$127,008,325**	**$109,423,080**	**$5,965,736**

Source: UDOT, Parametrix. See Appendix A for cost estimates.

*UDOT estimate, **Per County agreement

Existing Excess Capacity

The concept of allocating the cost of existing capacity in excess of what existing traffic needs is similar to the process of allocating the cost of new capacity. For existing excess capacity, the total cost incurred by the County to add capacity is divided by the share of existing traffic, through traffic, and traffic from future new development in unincorporated Tooele County. There is no identified record of costs incurred by the County for existing facilities with excess capacity, and so no costs for existing excess capacity will be recovered through impact fees.

Maximum Allowable Impact Fee

Table 5 is the summary transportation IFFP for Tooele County. The total cost of all IFFP projects is $125 million, of which, only $5 million is attributable to new growth and eligible for impact fees. The cost attributable to new growth is calculated for each IFFP project by subtracting any costs required by development from the total cost, and multiplying this by the percentage of new capacity being utilized by unincorporated county development. The product of this calculation is then divided by the growth in total county trips, 25,625, to arrive at a cost per trip of $197.51. This is the maximum allowable impact fee per trip generated by new development.

Table 5 – Maximum Allowable Impact Fee Calculation

Total Cost of IFFP Projects	$127,008,328
Cost Attributable to County Growth	$5,965,736
Number of New Trips in 2024	25,625
Maximum Allowable Impact Fee per Trip	$232.81

Source: Parametrix. Utah Statewide Travel Model.

Manner of Financing (11-36a-302.2)

The Impact Fees Act requires each political subdivision shall generally consider all revenue sources to finance the impacts on system improvements. It is required to consider grants, bonds, inter-fund loans, impact fees and anticipated or accepted dedications of system improvements.

Grants: Tooele County has accessed grant funding historically and will continue to access grants where appropriate and available. Should the County receive grant funding for road projects, the County would need to reevaluate the transportation at that time to determine appropriate costs to be included in the fee calculation.

Bonds: At this time the County does not prefer bond funding projects.

Inter-fund Loans: Inter-fund loans are used to subsidize or supplement a fund from another fund with an intent to repay the loan. In Tooele County an inter-fund loan had been in place in the past and has been paid in full. It is currently not a desired practice in Tooele County.

Impact Fees: Impact fees are a fair and equitable means of funding infrastructure that is "impacted" by growth and new development. A proportionate share analysis is completed to divide the cost of infrastructure between existing and future development.

Anticipated or accepted dedications of system improvements: There are no anticipated dedications or exactions of system improvement at this time. If, in an unusual circumstance in the County, this situation were to arise, an update to this plan may need to occur to reflect this change.

Certification

I certify that the above Tooele County Impact Fee Facilities Plan:

1. Includes only the costs of public facilities that are:
    a. Allowed under the Impact Fees Act; and
    b. Actually incurred; or
    c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid.
2. Does not include:
    a. Costs of operation and maintenance of public facilities;
    b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
    c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted 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.

Kai Tohinaka, AICP, Parametrix Planner	May 3, 2016 Date
Vern Keeslar Vern Keeslar, AICP, Parametrix Senior Planner	May 3, 2016 Date

Appendix A

LOCAL ROAD

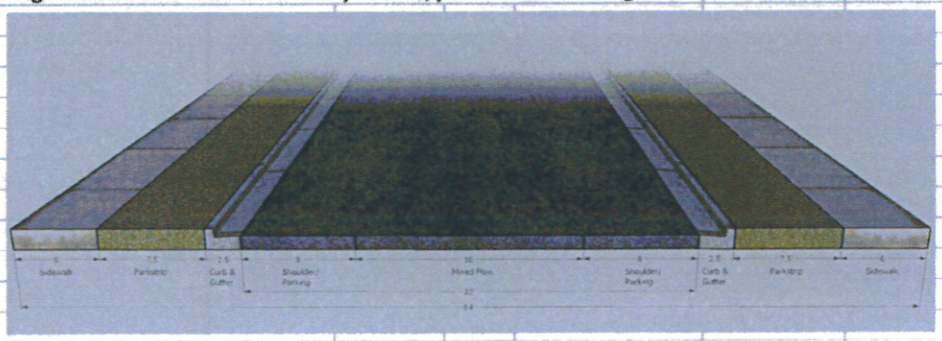
32' Pavement Reconstruction
1 Mile Length

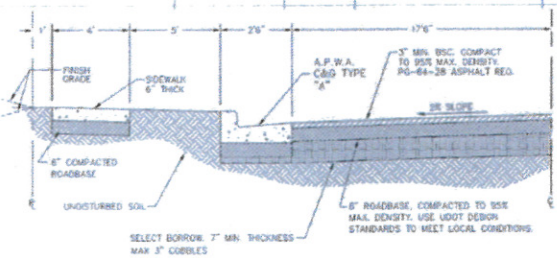
PARAMETRIX
January 20, 2016

ITEM	QUANTITY	UNITS	UNIT COST	TOTAL
Excavation and Removals, See Note 1	11,994	CY	$11.00	$131,935
Asphalt (3")	3,062	TON	$73.00	$223,555
Base (6"), See Note 2	4,791	CY	$31.00	$148,524
Select Borrow (7"), See Note 3.	3,976	CY	$25.00	$99,407
2.5' Curb & Gutter (Type B1)	10,560	LF	$19.00	$200,640
6' Sidewalk (6" Thick)	63,360	SF	$4.00	$253,440
7.5' Parkstrip (Landscaping)	79,200	SF	$2.50	$198,000
			SUB TOTAL	*$1,256,000*
SWPPP	5%	EST	LUMP SUM	$62,800
Traffic Control	5%	EST	LUMP SUM	$62,800
Miscellaneous	10%	EST	LUMP SUM	$125,600
Contingency	15%	EST	LUMP SUM	$188,400
Mobilization	10%	EST	LUMP SUM	$125,600
			ROADWAY TOTAL	**$1,821,200**
			USE	**$1,822,000** **Per Mile**

Notes:

1. Figure based on 16" x 32' plus 2.5' curb & gutter for roadway section, with 12" x 6' sidewalk section.
2. Figure based on 6" x 32' plus 2.5' curb & gutter for roadway section, with 6" x 6' sidewalk section.
3. Figure based on 7" x 32' for roadway section, plus 4" x 2.5' curb & gutter.





STREETS WITH CURB, GUTTER, & SIDEWALK

MINOR COLLECTOR

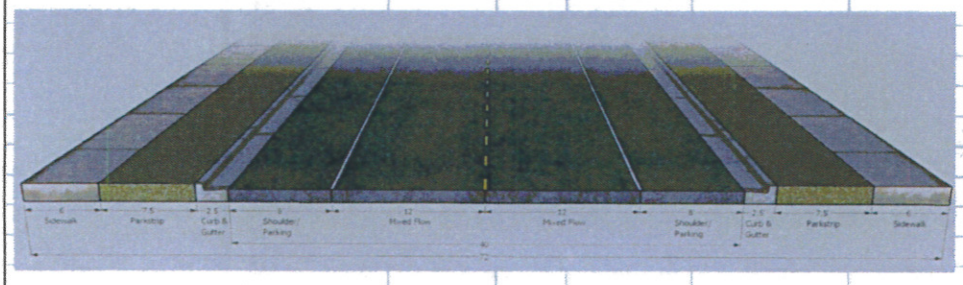
40' Pavement Reconstruction — **PARAMETRIX**
1 Mile Length — **January 20, 2016**

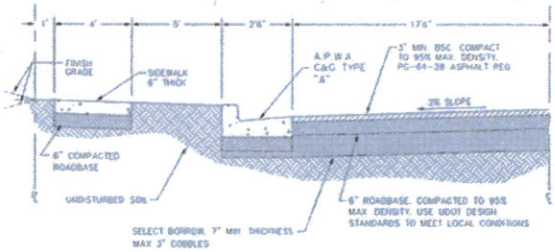
ITEM	QUANTITY	UNITS	UNIT COST	TOTAL
Excavation and Removals, See Note 1	14,080	CY	$11.00	$154,880
Asphalt (3")	3,828	TON	$73.00	$279,444
Base (6"), See Note 2	5,573	CY	$31.00	$172,773
Select Borrow (7"), See Note 3.	4,889	CY	$25.00	$122,222
2.5' Curb & Gutter (Type B1)	10,560	LF	$19.00	$200,640
6' Sidewalk (6" Thick)	63,360	SF	$4.00	$253,440
7.5' Parkstrip (Landscaping)	79,200	SF	$2.50	$198,000
4" Pavement Marking - Yellow	5,280	LF	$0.30	$1,584
4" Pavement Marking - White	10,560	LF	$0.30	$3,168
			SUB TOTAL	*$1,387,000*
SWPPP	5%	EST	LUMP SUM	$69,400
Traffic Control	5%	EST	LUMP SUM	$69,400
Miscellaneous	10%	EST	LUMP SUM	$138,700
Contingency	15%	EST	LUMP SUM	$208,100
Mobilization	10%	EST	LUMP SUM	$138,700
			ROADWAY TOTAL	**$2,011,300**

USE	**$2,012,000**	**Per Mile**

Notes:

1. Figure based on 16" x 40' plus 2.5' curb & gutter for roadway section, with 12" x 6' sidewalk section.
2. Figure based on 6" x 40' plus 2.5' curb & gutter for roadway section, with 6" x 6' sidewalk section.
3. Figure based on 7" x 40' for roadway section, plus 4" x 2.5' curb & gutter.





STREETS WITH CURB, GUTTER, & SIDEWALK

MAJOR COLLECTOR

50' Pavement Reconstruction
1 Mile Length

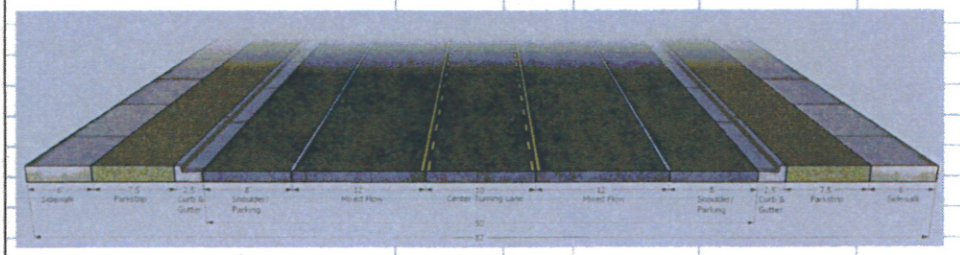
PARAMETRIX
January 20, 2016

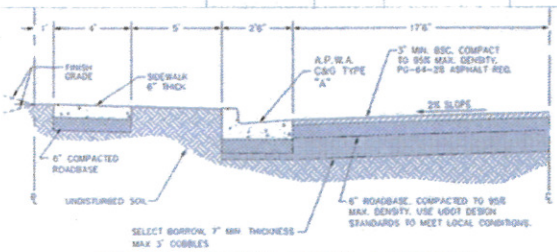
ITEM	QUANTITY	UNITS	UNIT COST	TOTAL
Excavation and Removals, See Note 1	16,687	CY	$11.00	$183,561
Asphalt (3")	4,785	TON	$73.00	$349,305
Base Course (6"), See Note 2	6,551	CY	$31.00	$203,084
Select Borrow (7"), See Note 3.	6,030	CY	$25.00	$150,741
2.5' Curb & Gutter (Type B1)	10,560	LF	$19.00	$200,640
6' Sidewalk (6" Thick)	63,360	SF	$4.00	$253,440
7.5' Parkstrip (Landscaping)	79,200	SF	$2.50	$198,000
4" Pavement Marking - Yellow	21,120	LF	$0.30	$6,336
4" Pavement Marking - White	10,560	LF	$0.30	$3,168
			SUB TOTAL	*$1,549,000*
SWPPP	5%	EST	LUMP SUM	$77,500
Traffic Control	5%	EST	LUMP SUM	$77,500
Miscellaneous	10%	EST	LUMP SUM	$154,900
Contingency	15%	EST	LUMP SUM	$232,400
Mobilization	10%	EST	LUMP SUM	$154,900
			ROADWAY TOTAL	**$2,246,200**

USE	**$2,247,000**	**Per Mile**

Notes:

1. Figure based on 16" x 50' plus 2.5' curb & gutter for roadway section, with 12" x 6' sidewalk section.
2. Figure based on 6" x 50' plus 2.5' curb & gutter for roadway section, with 6" x 6' sidewalk section.
3. Figure based on 7" x 50' for roadway section, plus 4" x 2.5' curb & gutter.





STREETS WITH CURB, GUTTER, & SIDEWALK

EXHIBIT B

TOOELE COUNTY TRANSPORTATION IMPACT FEE ANALYSIS

Tooele County Transportation Impact Fee Analysis 2016

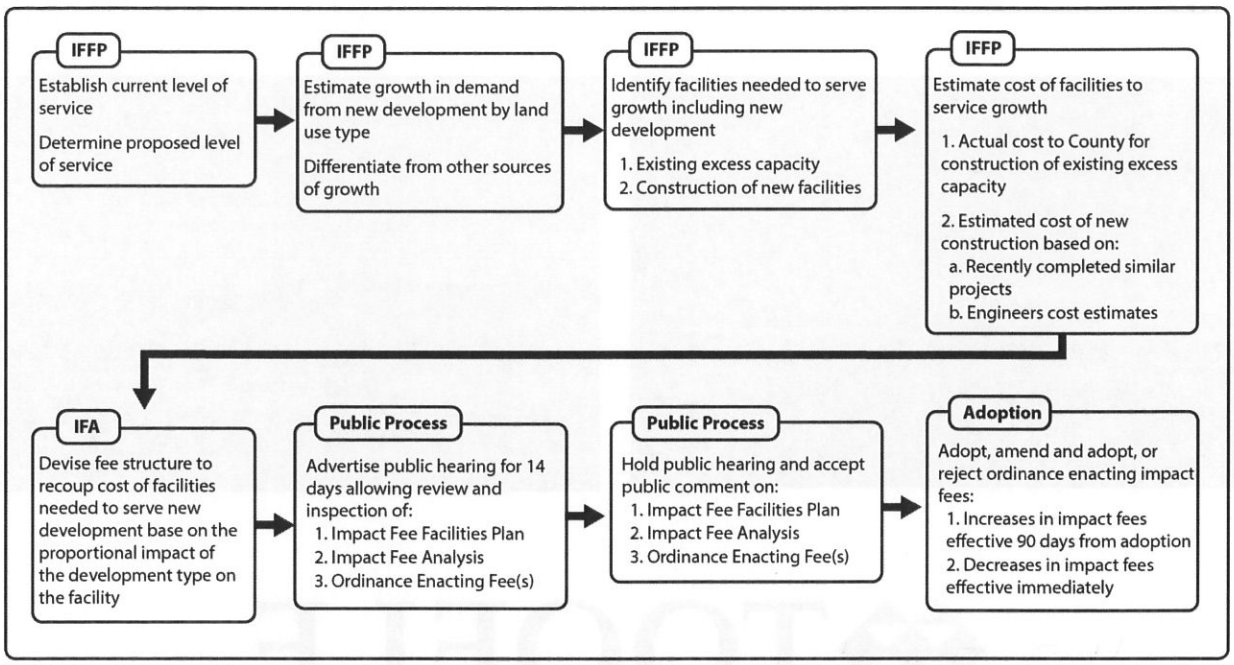
TOOELE COUNTY

TOOELE COUNTY
TRANSPORTATION IMPACT FEE ANALYSIS

Executive Summary

The impact fees calculated in this Impact Fee Analysis (IFA) have been developed in accordance with Section 11-36A-304 of the Impact Fees Act. The basic process for adoption of an impact fee is illustrated in Figure 1.

Figure 1 – Impact Fee Process



The analysis in this document is based on the cost of projects identified in the Impact Fee Facilities Plan (IFFP) and quantifies the cost of providing system infrastructure facilities to anticipated new development at a proposed level of service that is comparable to the current level of service enjoyed by Tooele County's current property owners.

Transportation infrastructure is addressed in this analysis and the accompanying IFFP. The data used in this analysis was obtained from Tooele County, and the Utah Statewide Travel Model (USTM) version 1.3. Cost estimates on which the 2016 cost of facilities is based were obtained from designers, planners, engineers, and the Utah Department of Transportation (UDOT).

An impact fee is a one-time fee, not a tax, charged to new development to pay for the cost of infrastructure to serve that development. The fee is charged at the time a building permit is issued. Impact fees are calculated based on strict guidelines laid out in the Utah Impact Fees Act.

Following the guidelines in the Act ensures that there is a well-established and understood relationship between the impacts of new development and the need for new infrastructure and that the cost of that infrastructure is fairly apportioned to the different types of anticipated development.

This analysis and the accompanying IFFP show the impact that anticipated new growth in unincorporated Tooele County (6,542 new residents and 2,415 new jobs requiring nonresidential development) in the study period 2016-2024 will require additional road capacity to serve areas where development is expected to occur. According to the Utah Statewide Travel Model (USTM), the existing road network has sufficient capacity to serve the anticipated 23,135 new trips in 2024 generated by new development; however, some areas of development do not have adequate existing infrastructure. The IFFP identifies the improvements necessary to serve anticipated new development and incorporate new development areas into the network. There is also available excess capacity on several existing roads in Tooele County.

Table 1 provides the maximum allowable impact fee. The maximum allowable fee is adjusted in the fee schedule to reflect the proportional impact of different land use types on facility infrastructure. Adjustments may also be made to account for new development's contributions to the cost of existing infrastructure.

Table 1 – Maximum Allowable Impact Fee

Total Cost of IFFP Projects	$127,008,325
Cost Attributable to County Growth	$5,965,736
Number of New Trips in 2024	25,625
Professional Services	$24,940
Maximum Allowable Impact Fee Per Trip	$233.78

Source: Parametrix. *Based on the Utah Statewide Travel Model.

The formula to calculate the impact fee is:

(ITE Daily Trips/2) x (Primary Trip Factor) x $233.78 = Impact Fee per Use

*Trips and primary trip generation factor are based on specified uses provided in the latest ITE manual.

Certification

I certify that the attached impact fee analysis:

1. Includes only the costs of public facilities that are:
    a. allowed under the Impact Fees Act; and
    b. actually incurred; or
    c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

2. Does not include:
    a. costs of operation and maintenance of public facilities;
    b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
    c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and

3. Offsets costs with grants or other alternative sources of payment; and

4. Complies in each and every relevant respect with the Impact Fees Act.

Kai Tohinaka, AICP, Parametrix Planner	May 3, 2016 Date
Vern Keeslar Vern Keeslar, AICP, Parametrix Senior Planner	May 3, 2016 Date

Statutory Summary

The Utah Impact Fees Act includes several requirements relating to the completion of an IFA. This section is a summary, by section of the Impact Fee Act, of the analysis included in this document.

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

(1) An impact fee analysis shall:

(a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;

The existing capacity of the transportation network was established through an evaluation of existing facilities and the Utah Statewide Travel Model. The travel model was run using the current road network. The capacity of the system and current level of service were established based on the current population and current facilities. The level of service was then calculated using anticipated future development levels to estimate anticipated impact of future development on the identified infrastructure. The network without any system improvements revealed the modeling traffic volumes were in excess of Tooele County's level of service (LOS) C standard.

(b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;

To counter the forecasted capacity deficiencies, an impact fee facilities plan was developed, drawing phase one projects from the Tooele County Transportation Plan 2015.

(c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;

The analysis included in the IFFP identified the proportion of existing facilities attributable to current land uses and development types. The IFFP also identified anticipated development, by land use type for the 2016 to 2024 planning horizon. Based on anticipated new population of 6,542 people in 2,302 new households and 2,415 new jobs, existing excess capacity will be used and new facilities required providing the proposed LOS. The County has used funding sources in the past to pay for existing infrastructure including general fund, Class C road funds, and developer exactions. The analysis evaluates the availability of all funding sources in determining the appropriateness of impact fees to fund future facilities. The existing roadway system was funded through general fund, Class C road funds, and developer exactions. The County does not have outstanding bonds for the roadway system.

(d) estimate the proportionate share of:

(i) the costs for existing capacity that will be recouped; and

Existing capacity is available for utilization by new development, however there are no appropriate records of the costs to the County for these facilities, and so no costs are able to be recovered by the county.

(ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and

There are new transportation facilities required to achieve the proposed LOS. The projects were identified from larger lists of projects needed to maintain current infrastructure or address existing deficiencies. The IFFP for each facility type includes only the projects needed to serve new development at the proposed LOS and only the proportional costs associated with county development. The cost for each of the system improvements were determined based on recently completed projects, studies, or current engineering or architectural estimates. An impact fee eligible cost was calculated for each project by subtracting out any developer requirements, and multiplying the remainder by the percent of capacity consumed in 2024 and the percentage of trips generated within the service area.

(e) based on the requirements of this chapter, identify how the impact fee was calculated.

Each section in this report identifies the steps take to calculate the impact fee in accordance with the requirements of the Impact Fees Act. The analysis in this report is based on the analysis and information contained in the IFFP report.

(2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:

(a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;

There are no costs associated with existing excess capacity included in this analysis.

(b) the cost of system improvements for each public facility;

Using actual cost of existing studies, where available or estimates based on engineering estimates, the cost of system improvements was identified.

(c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;

For each facility type the source of funding for existing improvements was identified and reviewed. The applicability of available funding sources was reviewed and alternative sources of funding were identified.

(d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;

A combination of general funds, Class C road funds, and developer exactions has funded the current transportation network. Tooele County will continue to fund transportation needs from a variety of sources including the share of road capacity costs associated with new development.

(e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;

Seven projects that provide capacity directly associated with new development were included on the IFFP. The remaining projects will be funded with general funds and Class C road funds. New development does not directly contribute to these funds (although drivers of vehicles do).

(f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;

This evaluation will occur as development proposals are reviewed by the County and at the request of the developer. The process and basis for establishing the impact fees in this analysis will be the basis for evaluating the extent to which new development activity should receive a credit.

(g) extraordinary costs, if any, in servicing the newly developed properties; and

No extraordinary costs are anticipated.

(h) the time-price differential inherent in fair comparisons of amounts paid at different times.

The time horizon for the improvements anticipated in this analysis is six years. The time price differential is anticipated to be minimal given current inflation and interest rates. The current inflation rate on construction materials and activities is approximately three percent. The current interest generated on impact fee funds held in the impact fee accounts is the Public Treasurers' Investment Fund (PTIF) rate. Interest generated on

impact fee accounts is held in the account and used to fund impact fee projects included on the IFFP.

Transportation Impact Fee

Service Area

The majority of development pressure and growth within Tooele County is expected to be contained within the Tooele Valley. The transportation network in the Tooele Valley of Tooele County is interconnected. System level improvements are focused on capacity on arterials and collectors. For this reason, a single, valley-wide service area is used to calculate the Tooele County Transportation Impact Fee.

Impact Fee Facilities Plan

The Transportation IFFP identified a total of approximately $5.1 million in new impact fee funded projects to achieve the proposed level of service for new development. Table 1 is the Transportation IFFP for increased road capacity to accommodate projected new development in Tooele County. The IFFP cost is calculated by subtracting any developer requirements from the total cost, and multiplying the remainder by the percentage of additional capacity consumed by 2024 and the percentage of trips generated within the service area.

Table 2 – Tooele County Impact Fee Facility Plan Projects

Project	From	To	2024 Volume to Capacity	Percent of County Trips	Developer Requirement	Total Project Costs	IFFP Cost
Midvalley Highway	I-80	SR-138	42%	10%	$0	$105,522,000*	$4,447,475
Droubay Extension	Bates Canyon Road	Droubay Connector	20%	70%	$4,120,378	$5,081,498	$132,389
Droubay Extension	Droubay Connector	Lakeshore Drive	25%	80%	$4,804,783	$5,925,548	$222,859
Droubay Extension	Lakeshore Drive	Mountain View Road	24%	90%	$852,587	$1,051,461	$43,763
SR-36 Frontage Road	Bates Canyon Road	Center Street	25%	90%	$3,737,922	$4,127,717	$88,645
Village Boulevard	SR-138	Midvalley Highway	88%	95%	$3,169,575	$3,500,101	$276,838
Village Boulevard	.2 miles west of Parkview Drive	SR-138	88%	95%	$900,000	$1,800,000	$753,768
				Total Cost	**$17,585,245**	**$127,008,325**	**$5,965,736**

Source: UDOT, Parametrix. See Appendix A for cost estimates. *UDOT estimate. **Tooele County agreement.

Proportionality

System Improvements Related to New Development/Impact Fee Calculation

The County intends to achieve the proposed LOS calculated for transportation facilities. The impact of new development is driven by trip generation of various land use types. Table 2, identifies the impacts of various development types relative to a single family home. For example, single family residential is 1.0 per unit and multi-family is 0.6 per unit, indicating that each multi-family unit generates only 60 percent as many trips as a single family unit according to the Institute of Transportation Engineers (ITE) guidelines. Table 2 is offered as a guide based on nationally accepted trip rate averages. This table aids in administrative efficiency for Tooele County and predictability for new development. However, there may be cases where national averages are insufficient to address the relative share of trips of a proposed development. The County should exercise discretion in the use of Table 2.

The formula to calculate the impact fee is:

(ITE Daily Trips/2) x (Primary Trip Factor) x $233.78 = Impact Fee per Use

*Trips and primary trip generation factor are based on specified uses provided in the latest ITE manual.

This formula should be used when the ITE schedule land use type for the proposed use is not included on Table 3. The use of ITE trip rates allows for consistency of analysis across different areas and market segments, but has also been the source of confusion due to the definition of a "trip." Impact fees in Tooele County are based on a trip defined by a count on a road during a pre-defined period (the peak hour). ITE trips are defined by extensive national studies of driveway counts. Therefore, a typical trip from a home to a job is counted as a single trip in the Tooele County impact fee calculation. However, ITE trip rates count a "trip" crossing the residential driveway and a second "trip" crossing the workplace driveway. To correct for this semantic inconsistency, ITE trip rates have been divided by two in all cases, and have been reduced further in various non-residential cases by a primary trip factor, which accounts for opportunistic driveway counts of people already on the road. ITE trip rates in Table 3 are based on the ITE Trip Generation Manual, 9th Edition, 2012. Daily residential equivalent units (REU) is provided to compare other land use categories to single family.

Table 3 – Estimated Impact Fee by Land Use

Land Use	ITE Code	Unit*	½ Daily Trips**	Primary Trips**	Daily REU	Cost/Unit+
Residential						
Single Family	210	Dwelling Unit	4.76	100%	1	$1,112.81
Attached Single Family	224	Dwelling Unit	2.91	100%	0.61	$680.31
Multi-Family	230	Dwelling Unit	3.33	100%	0.7	$778.50
Mobile Home	240	Dwelling Unit	2.5	100%	0.52	$584.46
Retail / Commercial						
Small Shopping Center (<90,00 sq ft)	820	1000 sq ft	55.57	43%	5.02	$5,586.27
Large Shopping Center (>90,000 sq ft)	820	1000 sq ft	23.35	43%	2.11	$2,347.30
Discount Superstore	813	1000 sq ft	25.38	48%	2.56	$2,848.04
Home Improvement Superstore	862	1000 sq ft	15.37	52%	1.68	$1,868.49
Convenience Store	851	1000 sq ft	369	24%	18.6	$20,703.82
Convenience Store w/ Gas Pumps	853	1000 sq ft	422.8	16%	14.21	$15,814.95
Discount Club	857	1000 sq ft	20.9	75%	3.29	$3,664.55
Drive-In Bank	912	1000 sq ft	74.08	27%	4.2	$4,676.03
Fast Food Restaurant w/ Drive-Thru	934	1000 sq ft	248.06	30%	15.63	$17,397.67
Sit-Down Restaurant	932	1000 sq ft	63.58	37%	4.94	$5,499.65
Multiplex Movie Theater	445	1000 sq ft	31.55	75%	4.97	$5,531.89
New Car Sales	841	1000 sq ft	16.15	75%	2.54	$2,831.70
Hotel / Motel	603	Rooms	4.09	100%	0.86	$956.17
Office / Institutional						
General Office	710	1000 sq ft	5.52	100%	1.16	$1,290.48
Business Park	770	1000 sq ft	6.22	100%	1.61	$1,454.13
Medical Office	720	1000 sq ft	18.07	100%	3.8	$4,224.46
Hospital	610	1000 sq ft	6.61	100%	1.39	$1,545.31
Nursing Home / Assisted Living	620	1000 sq ft	3.8	100%	0.8	$888.38
Church / Synagogue	560	1000 sq ft	4.56	100%	0.96	$1,066.05
Day Care Center	565	1000 sq ft	37.03	10%	0.78	$865.70
Elementary School	520	1000 sq ft	7.72	50%	0.81	$902.40
Junior High school	522	1000 sq ft	6.89	50%	0.72	$805.38
High School	530	1000 sq ft	6.45	50%	0.68	$753.95
Industrial						
General Light Industrial	110	1000 sq ft	3.49	100%	0.73	$815.90
Warehouse	150	1000 sq ft	1.78	100%	0.37	$416.13
Mini-Warehouse	151	1000 sq ft	1.25	100%	0.26	$292.23

Source: Parametrix

**1,000 sq ft of Gross Floor Area*

**Obtained from ITE Trip Generation Manual, 9th Edition, 2012

+Based on Formula provided above.

Manner of Financing

Impact fees will be used to achieve the proposed impact fee eligible transportation LOS. To the extent that County residents wish to improve the current LOS, system-wide improvements beyond those funded through impact fees, will be paid for through other funding mechanisms such as general funds, bonds, grants and donations.

Tooele County has not, nor does it intend to bond for the construction of the transportation system.

Credits against Impact Fees

The Impact Fees Act requires credits to be paid back to development for future fees that may be paid to fund improvements found in the IFFP so that new development is not required to pay twice for the same improvement. The County does not intend to fund IFFP projects with other fees from new development, therefore a credit is not applicable.

Credits may also be paid to developers constructing, directly funding or donating IFFP improvements in lieu of impact fees, including the dedication of land for improvements. This situation does not apply to development exactions intended to offset density or as a condition for development. Any item that a developer funds must be included in the IFFP if a credit is to be issued and the County must agree prior to construction of the improvements.

The standard impact can also be reduced in response to specific project conditions and unusual circumstances. A developer may submit studies and data that show a need for fee adjustment based on the impact of new development on service levels.

At the discretion of the County impact fees may be adjusted for low-income housing, subject to the identification of alternative sources of funding.

Extraordinary Costs and Time/Price Differential

Extraordinary costs to service new transportation facilities are not anticipated. Current costs are used to calculate the cost of new system infrastructure required to serve new development.

Adoption, Accounting, Expenditure, and Refunds

Adoption

The Utah Impact Fees Act requires the preparation of an IFFP, IFA and impact fee enactment prior to adoption of an ordinance adopting or amending impact fees.

The IFFP for transportation facilities was prepared to identify existing excess capacity, existing deficiencies, current and proposed level of service and the facilities required to serve new development in Tooele County through 2024.

The written IFA, using the analysis from the IFFP, identifies the impacts placed on facilities by development activity and how the impacts are related to new development. The analysis also calculates the roughly proportional share of costs of each facility identified in the IFFP attributable to new development and establishes the relative benefit each group will receive from the improvement. The analysis also includes an executive summary of the IFA providing a brief overview of the impact fee structure, methodology and cost basis used.

The impact fee enactment must be adopted by the County Commission to enact the proposed fees. The ordinance may not impose a fee higher than the maximum legal fee defined in the written analysis, but may adopt a fee that is lower than the maximum fee. The ordinance must establish one or more service areas, include a schedule of the impact fees or the formula by which the fee is derived and provisions allowing the County to adjust or modify the fee to take into account any changes or unusual circumstances to ensure that the fee is administered fairly. Adjustments and modifications are based on the land use definitions in the ITE manual and trip generation. The ordinance must also include provisions to adjust the fee if independent studies or research determine that it should be different. A provision allowing charter and public schools to request the inclusion of facilities on the IFFP and in the calculation of the impact fee must also be included.

The ordinance may be adopted following a fourteen (14) day noticing period and public hearing. Copies of the proposed ordinance, written IFFP and IFA must be made available to the public during the 14-day noticing period for public review and inspection in designated public places including the County offices and any public libraries within the jurisdiction. A public hearing shall be held at the end of the 14-day noticing period, at which point the County Commission may adopt, amend and adopt, and reject the Impact Fee Ordinance and proposed fee schedule.

Accounting

The Impact Fees Act requires that any entity imposing impact fees establish an interest bearing ledger account for each type of public facility for which an impact fee is collected. All impact fee receipts must be deposited into the appropriate account. Any interest earned in each account must remain in the corresponding account. At the end of each fiscal year, the County must prepare a report on each fund or account showing the source and amount of all monies collected, earned and received by each account and each expenditure made from each account.

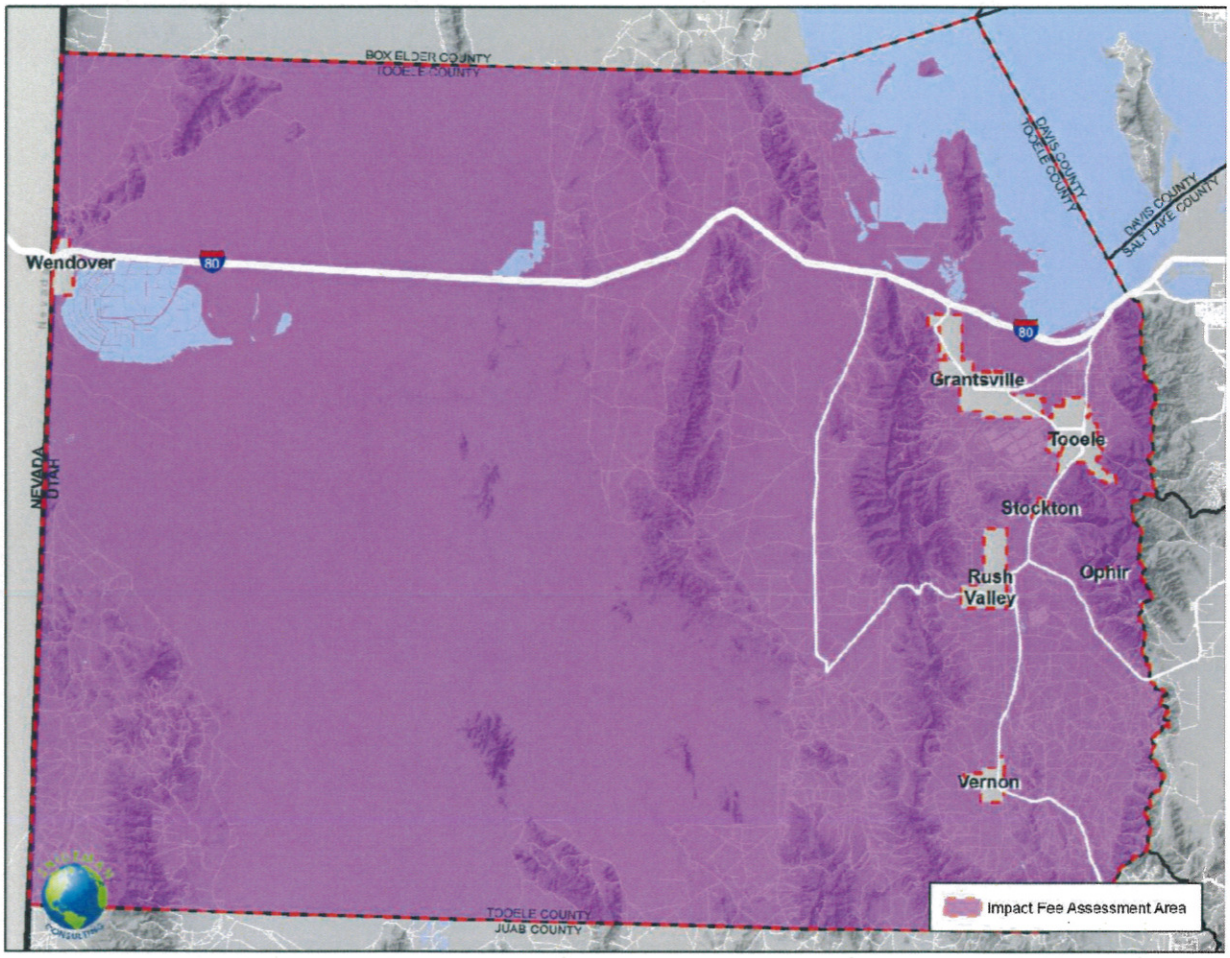
Expenditure

The County may only expend impact fees for system improvements identified in the IFFP. All funds collected must be spent or encumbered within six years of collection or the County must provide an extraordinary or compelling reason why the fees must be held longer and provide an ultimate date by which the impact fees collected will be expended. Any fees retained beyond the six years without an extraordinary or compelling reason must be refunded. For the purposes of this analysis, it is assumed that the ultimate date by which impact fees will be spent is 2024. The improvement financed by impact fees must be owned and operated by the County or another local public entity with which the County has contracted or will contract for services and improvements that will be operated on the County's behalf.

Refunds

The County is required to refund any impact fees collected, plus interest earned since collection if:

1. A developer who has paid impact fees does not proceed with the development and has filed a written request for a refund,
2. The fees have not been spent or encumbered within six years, or
3. The new development which has paid impact fees has not created an impact upon the system.

EXHIBIT C

TOOELE COUNTY TRANSPORTATION SERVICE AREA