

BLACKLINE OF ORDINANCE AMENDMENTS

CHAPTER 30 – STREETS AND SIDEWALKS

ARTICLE VIII – TRANSPORTATION IMPACT FEES

DIVISION 2. – ASSESSMENT AND COLLECTION OF IMPACT FEES

Sec. 30-173. – Collection of impact fees.

(a) Transportation impact fees shall be collected at the time the city issues a building permit for a new development, unless a different time is provided for in an agreement for capital improvements pursuant to subsection (b).

(b) The impact fees to be paid and collected per service unit for a new development, less any applicable discounts in accordance with Section 30-173(d), shall be based on the amount listed in Schedule 2 and Section 30-173(d) in effect at the time of final plat approval for a period of two (2) years after such approval and thereafter the impact fees to be paid and collected per service unit shall be the amount listed in Schedule 2, less any applicable discounts, then in effect. The city may enter into an agreement with a developer for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.

(c) The director of transportation and public works or his or her delegate shall compute the transportation impact fee for a new development in the following manner:

(1) The director shall first determine whether the new development ~~is eligible for credits calculated in accordance with Division III~~ qualifies for any discount computed in accordance with section 30-173(d) that reduce impact fees otherwise due in whole or in part;

(2) To the extent that impact fees are owed for the new development after application of available ~~credits–discounts~~, the director shall next determine whether the new development ~~qualifies for any discount computed in accordance with section 30-173(d) and shall apply such discounted rate(s)~~ is eligible for credits calculated in accordance with Division III to reduce impact fees due.

(3) The total amount of the impact fees for the new development shall be calculated and attached to the development application as a condition of approval.

(4) An applicant may submit an alternative service unit computation based upon a trip generation study for the proposed development by petitioning for amendment of the land use equivalency table or including the study in an appeal taken pursuant to section 30-192

(d) The following discounts shall apply to reduce Schedule 2 transportation impact fees otherwise due:

(1) *Adequate public facilities discount.* The Schedule 2 transportation impact fees shall be

reduced by fifteen (15) percent for any development where (a) one (1) or more points of access serve at least seventy-five (75) percent of the PM peak-hour site-generated traffic volumes; and (b) such point(s) connect the development to the city's thoroughfare system, as depicted in the city's master thoroughfare plan (MTP); and (c) the transportation facility so connected has been improved to its ultimate capacity as classified under the current master thoroughfare plan, or will be improved to its ultimate capacity within twenty-four (24) months of the date of final plat approval for the development pursuant to a funded capital improvement plan of the city. Eligibility for this discount must be determined no later than issuance of the first building permit for land subject to the final plat.

(2) *Land use/transportation connection discount.* The amount of transportation impact fees due under Schedule 2 shall be reduced up to fifteen (15) percent for any development where an accepted traffic impact study demonstrates that the development will reduce the vehicle trips from those contained in the adopted land use equivalency table, to one (1) of the following:

5 to 9% Trip Capture:	5% Impact Fee Reduction
10 to 14% Trip Capture:	10% Impact Fee Reduction
15% or > Trip Capture:	15% Impact Fee Reduction

(3) *Extraordinary investment discount.* The amount of transportation impact fees due under Schedule 2 shall be reduced fifteen (15) percent for any development that results in the following qualifications, as jointly determined by the departments of transportation and public works, and the department of economic and community development: (1) \$15 million dollars in capital investment; (2) creation of one hundred (100) new jobs; and (3) the projected salary of the new jobs is at least twice the current minimum wage, plus benefits. For each additional \$15 million dollars in capital investment or additional one hundred (100) qualified new jobs, the impact fee amount due under Schedule 2 will be further reduced by an additional five(5) percent, up to a maximum reduction of fifty (50) percent. A development may receive this discount and have a period of up to three (3) years from the issuance of a building permit to qualify under the terms of this discount. Impact fees otherwise paid shall be refunded to the original payee at the time of issuance of the building permit. A development shall refund a pro rata share of this discount should the development not continue to maintain the number of new jobs for a period of at least ten (10) years from the date of building permit (or the date of qualification for this discount), equal to ten (10) percent per annum for each year that the number of jobs is not maintained. The terms related to this discount shall be incorporated within an agreement for credits pursuant to section 30-182

(4) *Discounts cumulative.* Discounts identified in subparagraphs (1) to (3) are cumulative, so that a development that qualifies for the maximum discount under each provision may reduce impact fees otherwise due up to eighty (80) percent.

(5) *Burden of proof.* The applicant for a discount provided for in this section has the burden of proof to show that the development qualifies for the discount.

- (6) An application for discounts shall be submitted with the first building permit application submitted by the applicant. The application for discounts shall be forwarded to the appropriate reviewing department(s).
- (e) The amount of each impact fee for a new development shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to section 30-172 by the number of service units generated by the development.
- (f) If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees shall be computed using Schedule 2 then in effect, with credits for previous payment of fees being applied against the new fees due.
- (g) Whenever the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using Schedule 2 then in effect, and such additional fee shall be collected at the times prescribed by this section.
- (h) Notwithstanding any other provision of this article, no transportation impact fee may be collected for a new development which is subject to a final plat approved prior to the effective date of these regulations, for which a building permit was issued either (i) within two (2) years of the date of final plat approval or (ii) within one (1) year of the effective date of this article, whichever is longer; provided that if a building permit expires or is withdrawn for such new development and a new building permit is not issued within the time herein provided, the development for which the permit was issued shall thereafter be subject to collection of transportation impact fees in accordance with this section.