

ORDINANCE NO. 49

AN ORDINANCE TO ESTABLISH AN EQUITABLE IMPACT FEE FOR THE PURPOSE OF PLANNING AND FINANCING PARK AND RECREATIONAL INFRASTRUCTURE TO SERVE NEW DEVELOPMENTS IN THE CITY OF VALPARAISO, INDIANA PURSUANT TO INDIANA CODE CHAPTER 36-7-4-1300 ET. AL.

WHEREAS, the Common Council of the City of Valparaiso, Indiana (ACity Council@) determined that it is reasonable and necessary to promote and accommodate orderly growth and development and to promote the general public health, safety and general welfare of the citizens of the City of Valparaiso, Indiana (ACity@) by providing for an equitable program to fund the capital costs of new park and recreational infrastructure necessary to serve newly developing areas of the City; and

WHEREAS, the City Council has further determined that it is reasonable and necessary to promote the orderly development of the City by establishing standards by which the City may require new developments to pay an impact fee representing the development=s proportionate share of the capital costs of new park and recreational infrastructure necessary to serve the new development; and

WHEREAS, the City Council has further determined that new development should not be required to pay a fee for the capital costs of such new part and recreational infrastructure greater than the development=s proportionate share of the capital costs of such infrastructure which is needed to serve such development; and

WHEREAS, the City of Valparaiso has engaged Lehman & Lehman, Inc. To prepare an Infrastructure Improvement Plan for Parks and Recreation Facilities (Athe Plan@), a supplement to the 2001 Parks and Recreation Master Plan, which Plan is attached hereto as AExhibit A@ to this Ordinance and made a part hereof; and

WHEREAS, the cost of implementing the park and recreational recommendations of the Plan in their entirety exceeds:

1. the income capacity of the City through its ad valorem property tax receipts of other tax distributions allocated to park and recreational improvements relative to the chronological needs of the City for said improvements; and
2. the general obligation bond capacity of the City based upon net assessed valuation; and
3. the revenue bond potential of the City based upon any existing means of acquiring revenue related to such improvements; and

WHEREAS, because of the size of the City, considering both its population and geographic area, as well as the distribution of public and private institutions, services and other facilities throughout the City, any park and recreational improvement benefits all citizens of the City equally; and

WHEREAS, it is the City=s objective for the Plan to result in the determination of an impact fee which meets the rational nexus test as that test is understood by current applicable statutory law and case law; and

WHEREAS, the City of Valparaiso Advisory Plan Commission, having conducted a public hearing upon, and given due deliberation to, the Zone Improvement Plan encompassed by the Plan has forwarded a favorable recommendation of the Plan=s adoption to the City Council by a vote of 9 in favor and 0 opposed; and

WHEREAS, the City Council previously has appointed the City of Valparaiso Impact Fee Advisory Committee to advise the City Council pursuant to Indiana Code ' 36-7-4-1312; and

WHEREAS, the purpose of this Ordinance is not to deter growth, remedy existing infrastructure deficiencies or pay for maintenance or other Anon-capital costs@.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Common Council of the City of Valparaiso, Indiana; that:

1. Limitation on Imposition of Impact Fee. This Ordinance shall expire and become void five (5) years after its effective date as required by Indiana Code ' 36-7-4-1340, unless action is undertaken to extend this Ordinance consistent with Indiana law.

2. Establishment of Impact Zone. There is hereby established one Infrastructure Impact Zone, the boundaries of which are co-terminus with the existing corporate boundaries of the City, as such boundaries may be extended from time to time through annexation, and over which boundaries the City exercises planning and zoning jurisdiction. In this regard, the City Council specifically finds that there is a functional relationship between the components of the Plan and that the Park and Recreational Plan provides a reasonable uniform benefit to all citizens throughout the Impact Zone as of the adoption of this Ordinance. The City Council further finds that all areas within the Impact Zone are contiguous as required by Indiana Code ' 36-7-4-1316. Except as provided herein, this Ordinance shall apply uniformly to all residential developments within the Building Permit and which creates a need for new and additional park and recreational infrastructure. This Ordinance shall not apply to:

- a. development meeting the requirements set forth in Indiana Code ' 36-7-4-1322(g);
- b. improvements which do not require a Building Permit;

- c. improvements which do not create a need for new and additional infrastructure, including the erection of a sign, construction of accessory buildings, structures or fences or the alteration, renovation or expansion of an improvement where the use, or intensity thereof, has not changed;
- d. the replacement of a destroyed or partially destroyed improvement provided that the replacement improvement does not create a need for new and additional infrastructure over and above the infrastructure needed by the original improvement prior to the destruction or partial destruction thereof ; and
- e. non-residential development.

3. Zone Improvement Plan. As a precondition of the adoption of this Ordinance, the City Council engaged Lehman & Lehman to prepare a comprehensive and detailed park and recreational impact analysis. The City Council now finds that the resulting study and database are sufficient and constitute a Zone Improvement Plan as contemplated by Indiana Code '36-7-4-1318. The City Council does hereby adopt the Plan prepared by Lehman & Lehman, Inc., dated October, 2005, as its Zone Improvement Plan and specifically finds that said Zone Improvement Plan contains the following elements:

- a. reasonable estimates relating to the nature and location of development that is expected within the Impact Zone a period of ten (10) years from the Effective Date of this Ordinance;
- b. a reasonable determination of the community level of service for the Impact Zone;
- c. a reasonable determination of the current level of service provided within the Impact Zone;
- d. a reasonable estimate of the nature, location, sequencing, and timing of the park and recreational requirements and costs necessary to provide the community level of service for the developments contemplated in sub-paragraph (a) hereof;
- e. a reasonable estimate of the share of the park and recreational costs identified in sub-paragraph (d) hereof that will be used to:
 - (1) raise the current level of service for existing development or provide service to existing development; or
 - (2) provide service to new development.
- f. a reasonable estimate of revenues that:
 - (1) are from sources other than impact fees; and
 - (2) will be used to finance the cost identified in sub-paragraph (e)(1) above;

- g. a description of the nature and location of existing infrastructure in the Impact Zone.
- h. A general description of the sources and amounts of money used to pay for infrastructure during the previously five (5) years.

Additionally the City Council hereby adopts specifically the Zone Improvement Plan as part of the Comprehensive Plan for the City of Valparaiso, Indiana, pursuant to Indiana Code ' 36-7-4-500 et seq.

4. Establishment of Park and Recreation Impact Fee. Based on the Plan, the City Council determines that the cost per equivalent single-family dwelling unit is Nine Hundred Thirty-One Dollars (\$931.00). Effective January 1, 2008 the City Council determines that the cost per equivalent single family dwelling unit shall be established at the sum of One Thousand One Hundred Thirty-One Dollars (\$1,131.00). Effective January 1, 2009 the City Council determines that the cost per equivalent single family dwelling unit shall be established at the sum of One Thousand Three Hundred Thirty-One Dollars (\$1,331.00). The City Council hereby makes as a part of the record of these proceeding, all of the data collected, the calculations made, and the conclusions reached by Lehman & Lehman, Inc. in the process of developing and drafting the Zone Improvement Plan, and specifically instructs the employees of the City to make such data and other information available to the public for review during regular business hours.

In the event that any parcel of real estate subject to the Zone Improvement Plan undergoes a change in use, redevelopment, or a modification, which change requires a Building Permit, and creates a need for new infrastructure, an impact fee will only be assessed for the increase in the burden on infrastructure.

5. Credit in Lieu of Payment: Exemptions. Any person obligated to pay a fee pursuant to the terms of this Ordinance may have the option of financing, constructing, and dedicating park and recreational infrastructure owned and operated by a neighborhood association for the public benefit, all as described and defined in the Plan, instead of making all or part of any impact fee payment to the City, and in accordance with the park and recreational specifications for such park and recreational infrastructure to be improved in force within the City=s jurisdiction at the time. The fee payer, or other person or entity providing the infrastructure or improvement, shall be given credit for the actual costs of planning, financing, and constructing such park and recreational infrastructure for the City. A request for credit shall be present prior to the issuance of the Building Permit. In the event the actual cost of such planning, financing, and construction do not equal the amount of the impact fee pursuant to the calculation provided for in the schedule set forth in Section 4 hereof, the remaining balance shall be due in accordance with the provisions stated hereafter.

Credits against impact fees otherwise due shall be allowed pursuant to this Section for all infrastructure improvements constructed or furnished in accordance with Indiana Code ' 367-4-1313 and Indiana Code ' 36-7-4-1335. In addition, a fee payer or other person or entity responsible for installing infrastructure or improvements may designate in writing a method of allocating its credits

to future fee payers who may be successors in interest to the credits earned by the fee payer or others, as part of the certification provided for above.

Any person or entity otherwise obligated to pay the fee established by this Ordinance whose property was totally or partially destroyed by fire, storm or other casualty beyond his/her/its control, shall be exempt from said fee if he/she/it repairs or replaces the destroyed structure without creating a burden on infrastructure greater than the burden imposed by the destroyed infrastructure. In the event of such additional burden, the fee shall be calculated based only on the increased burden created by the structure.

6. Impact Fee Due Upon Issuance of a Building Permit. The impact fee imposed pursuant to the terms of this Ordinance shall be due and payable upon the issuance of a Building Permit by the City. It is understood that the building permit is synonymous with the term Astructural building permit: as that term is used in Indiana Code '36-7-4-1323, in that the issuance of an Building Permit authorizes the applicant to commence construction activities, structural or otherwise. The entire fee which is calculated pursuant to the terms of this Ordinance shall be due at said time unless the amount of the fee upon calculation is greater than Five Thousand Dollars (\$5,000.00), in which case an installment plan may be requested by the applicant in accordance with the terms set forth in Indiana Code '36-7-4-1324(a) through (d). The Valparaiso Impact Fee Review Board shall establish specific rules consistent with said code provisions for installment payments. The interest rate on any installment plan or deferred payment shall be established by Indiana Code, as from time to time amended.

If a fee payer requests, the amount of the impact fee shall be assessed upon the voluntary submission of a development plan or upon the issuance of the Building Permit, whichever is earlier. For purposes of this section, Aassessment@ means the act of calculating the amount of the impact fee which shall be due. The City shall make such assessment within thirty (30) days of the date of such voluntary request or at the issuance of the Building Permit with or without the request.

7. Lien Rights Established. Pursuant to Indiana Code '36-7-4-1325, the City acquires a lien against the real estate which is the subject of the impact fee. Upon adoption, this Ordinance shall be recorded, and thereafter, it shall continue constructive notice of the lien rights of the City with respect to a parcel of real state which is the subject of an installment payment of an impact fee. The City may, in its discretion, file a specific instrument setting forth its lien rights with respect to a parcel of real estate which is the subject of an installment payment of an impact fee, and such instrument shall constitute actual notice in addition to the constructive notice provided for by the recording of this Ordinance.

8. Form of Receipt. The Valparaiso Clerk/Treasurer shall issue a receipt for any and all impact fees collected and the form of such receipt shall be as follows:

Received of _____ fee payer _____, this _____ day of _____,
the sum of \$ _____ in (full) (partial) satisfaction of Park and Recreation

Impact Fees due pursuant to Valparaiso City Council Ordinance No. _____ relating to improvements to be constructed on the real estate described on Exhibit A, attached hereto, made part hereof, and subject to lien rights in favor of the City of Valparaiso in the event of partial payment with payments remaining due. The remaining balance due (if any) is in the following amount: \$ _____. This impact fee is dedicated to the creation of the following infrastructure element in accordance with the Zone Improvement Plan: _____.

_____, Clerk-Treasurer
City of Valparaiso, Indiana

9. Appeals. Any fee payer who believes itself to be aggrieved by the calculation of the impact fee may appeal from such calculation to the Valparaiso Impact Fee Review Board and the Valparaiso Impact Fee Review Board shall conduct a hearing with regard thereto. At such hearing, the fee payer shall bear the burden of going forward with the evidence and shall present evidence addressing either of the following propositions:

- a. A fact assumption used in determining the amount of the impact fee is incorrect; or
- b. The amount of the impact fee is greater than the amount allowed under Indiana Code '36-7-4-1320 and 1322.

Upon conclusion of the hearing at which the matter is first presented, or at the conclusion of the hearing if the matter is continued, the Valparaiso Impact Review Board shall make a determination based upon the facts presented and may reverse, affirm, modify, or make such adjustments in the impact fee, as it believes are appropriate under the circumstances, if any, including establishing the amount of an impact fee, a credit, a refund, or any combination of fees, credits, or refunds.

The Valparaiso Impact Review Board shall provide a copy of its decision to the City and the fee payer involved in the appeal within five (5) days after making its decision, and shall make written findings of fact to support its decision.

An appeal under this Section must be filed not later than thirty (30) days after the issuance of the Building Permit. The appeal shall be initiated with the filing of a Petition for Review with the Valparaiso Clerk-Treasurer's Office together with a filing fee in the amount of One Hundred Dollars (\$100.00). The filing fee shall be refunded in full if (1) the Petition for Review is granted and the impact fee is eliminated, reduced or adjusted by the Valparaiso Impact Fee Review Board, by independent action the City, or by a court having jurisdiction; and (2) the reviewing body determines that the amount of the fees, reductions, or credits were arbitrary or capricious.

The Petition for Review shall be in a form calculated to inform the Valparaiso Impact Fee Review Board of the nature of complaint, the parties to the action, and relief requested. In addition, the petition shall describe the new development on which the impact fee has been assessed, all facts

related to the assessment of the impact fee, and the reasons the petitioner believes that the amount of the impact fee assessed is erroneous or is greater than the amount allowed by the fee limitation set forth in the enabling statute.

The City shall not deny the issuance of a Building Permit on the basis that the impact fee has not been paid, or condition issuance of the permit on the payment of the impact fee. If the impact fee totals One Thousand Dollars (\$1,000.00) or less, the City may require the fee payer to pay the impact fee or initiate an appeal under this section before the Building Permit is issued.

10. Establishment of Valparaiso Impact Fee Review Board. The City Council hereby establishes an Impact Fee Review Board (ABoard@), which shall consist of three (3) citizen members appointed by the Mayor and who shall qualify as follows:

- One (1) member shall be a real estate broker licensed in Indiana;
- One (1) member shall be an engineer licensed in Indiana;
- One (1) member shall be a certified public accountant.

A Board member shall not be a member of the Valparaiso Advisory Plan Commission.

- a. The term of office of the members of the Board shall commence from the date of their appointment and expire five (5) years from the date of appointment.
- b. At the expiration of the respective terms of each of the Board members originally appointed, their respective successors shall be appointed in the same manner as the original appointee, and each such succeeding member shall serve for a term of five (5) years. Each member shall continue to serve until his/her successor is appointed and qualified.
- c. In the event any person appointed as a Board member shall fail to qualify as provided within ten (10) days after the mailing to him/her of notice of his/her appointment, or if any member after qualifying shall die, resign, vacate office, or in the event a member is unable to hear a petition due to a conflict of interest, the City Council President shall fill such vacancy with a new or temporary (in the event of a conflict of interest) member meeting the qualifications of the member being replaced. A new member shall serve out the remainder of the vacated term, while a temporary member shall serve for the period necessary to dispose of the petition giving rise to the conflict.
- d. The Board shall be governed by Indiana Code '36-7-4-1338(c) and all other applicable provisions of the Impact Fee Statute.

11. Establishment of Park and Recreation Impact Fee Fund. There is hereby established the Park and Recreation Impact Fee Fund (AFund@) of the City. This Fund shall be a non-reverting

fund and shall receive any and all sums collected pursuant to this Ordinance to be utilized in connection with the purposes set forth herein. Said Fund shall consist initially of one account based upon the current existence of one Impact Zone. In the event, and only in the event, that an additional Impact Zone is created hereafter, a separate account shall be maintained for each separate Impact Zone established within the City. Interest earned on the Fund or on any account with the Fund, shall be deposited and maintained within the Fund or the separate account. The Valparaiso Clerk-Treasurer shall maintain records of the status of the Fund or any account which may be established therein, and shall make an annual report of said Fund and accounts which shall be available to the public in general and fee payers, upon request, in particular.

Pursuant to Indiana Code '36-7-4-1332(e), the Clerk-Treasurer is designated as the City official responsible for acting on refund requests. In order to facilitate refunds when they may be due, the Clerk-Treasurer is directed to identify the purpose of any impact fee paid in order that a refund, if any, may be paid from the Fund or account into which the fee was originally deposited.

12. Use of Impact Fees Collected Pursuant to this Ordinance. Any and all fees collected pursuant to the provisions of this Ordinance may be utilized for the following purposes only by the City, acting by and through its Board of Parks and Recreation, which for the purposes of this Ordinance is identified as the Infrastructure agency contemplated by Indiana Code '36-7-4-1317:

- a. Providing funds to be utilized by the City for the purpose of paying the capital costs of new park and recreational infrastructure that is needed to serve the new development within the corporate limits of the City as well as the expanded area of authority granted pursuant to Indiana Code '36-10-4-10 and that is identified in the Plan;
- b. An amount not to exceed Five Percent (5%) of the annual collections of the fee to be utilized for expenses incurred by the City for the consulting services used to establish this Ordinance.
- c. To pay any refund due pursuant to the terms of this Ordinance;
- d. To pay the debt service cost of an obligation issued to provide new park and recreational infrastructure described in sub-paragraph (a) above.

13. House Enrolled Act 1467. The Valparaiso City Council specifically acknowledges the existence of a law adopted by the General Assembly of the State of Indiana which regulated the imposition of impact fee ordinances by municipal corporations within the State of Indiana. It is the intent of the City to comply with such legislation, and this Ordinance shall be construed in all respects to be consistent with the Act. The substantive and procedural requirements of Indiana Code '36-7-4-1300 et. seq. shall control in the event of conflicts, which are unintended by the City Council.

14. Amendment and Review. The impact fee provided for herein is based upon data which, in large part, is subject to inflation and other economic and market forces over which the City has no control. The City Council, may not less than once each year, cause a review to be made by City staff or consultants as may be required, to determine the continuing validity of the impact fee, the Impact Fee Zone, and the Zone Improvement Plan. The City Council shall consider and adopt such amendments as are necessary to cause a substantive compliance with all constitutional and statutory requirements. To the extent required by the facts and circumstances, this process shall include the steps necessary to update the Zone Improvement Plan and the Comprehensive Plan.

15. Effective Date. This Ordinance shall be in full force and effect six (6) months after its adoption by the City Council in accordance with Indiana Code '36-7-4-1340.

16. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

17. Repeal of Conflicting Ordinances. The provisions of all other City ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

18. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Introduce and filed on the 14th day of Nov, 2005. A motion to consider on First Reading was sustained by a vote of 7 in favor and 0 opposed, pursuant to Indiana Code '36-5-2-9.8.

DULY PASSED AND ADOPTED this 28th day of Nov, 2005, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.

COMMON COUNCIL OF THE
CITY OF VALPARAISO, INDIANA

Law M. Dick
Robert A. McLaughlin
[Signature]

S. Gary Larr
Al [unclear]
J. [unclear]
[unclear]

ATTEST:

Sharon Swihart
Valparaiso Clerk/Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 28th day of Nov,
2005 at 8:25 p.m.

Sharon Swihart
Sharon Swihart, Clerk/Treasurer

This Ordinance approved and signed by me this 28th day of Nov, 2005, at 8:25
p.m.

[Signature]
Jon Costas, Mayor

EXHIBIT A

INFRASTRUCTURE IMPROVEMENT PLAN FOR PARKS AND RECREATION FACILITIES

By: Lehman & Lehman, Inc.

**An Infrastructure Improvement Plan for Parks & Recreation Facilities
Valparaiso Parks & Recreation Department**

The proposed:

**City of Valparaiso Recreation
Infrastructure Improvement Plan
2006-2015**

For:

City Parks & Recreation Facilities

Prepared for:

**City of Valparaiso Parks and Recreation Board
City of Valparaiso Plan Commission
City of Valparaiso City Council
Valparaiso, Indiana**

Prepared by:

Lehman & Lehman, Inc.
Landscape Architects and Planners
Mishawaka, Indiana

Study Review by:

David Pilz, PE
City Engineer, City of Valparaiso

October 2005


LEHMAN & LEHMAN
Transforming Horizons



An Infrastructure Improvement Plan for Parks & Recreation Facilities Valparaiso Parks & Recreation Department

The proposed:

City of Valparaiso Recreation Infrastructure Improvement Plan 2006-2015

For:

**City Parks & Recreation Facilities
Valparaiso, Indiana**

This report document was prepared under contract for the Valparaiso Department of Parks and Recreation by:

**Charles F. Lehman, ASLA, FRSA
President, Lehman & Lehman, Inc.
Landscape Architects and Planners
510 Lincolnway East, Suite C
Mishawaka, Indiana 46544**



**With Review by:
David Pilz, PE, City Engineer
City of Valparaiso, Indiana**

Completed October 2005

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Valparaiso Recreation Impact Fee Study

September 27, 2005



In 1991, the Indiana General Assembly passed an impact fee bill that created an alternative funding mechanism for infrastructure improvements in fast growing areas. The essence of the legislation was to allow local governments the option of passing onto new residents the cost of building the new infrastructure demanded by those same new residents.

This Infrastructure Improvement Plan for Parks and Recreation Facilities (Recreation Impact Fee Study) for the City of Valparaiso started about a year ago, following the process as outlined by the 1991 Indiana Code. A Recreation Impact Fee Advisory Committee was established and worked with the Consultant in updating the current recreation component inventory along with the related standards. Population projections were arrived at, related residential building permits were forecasted, both current and future recreation component deficiencies were calculated, and costs for these infrastructure deficiency improvements were established for both current (2006) and future (2015) needs. The impact fee is then determined by dividing the estimated costs of the 10-year deficiencies by the number of projected residential building permits during that same period.

The Recreation Impact Fee is collected prior to the issuance of each residential building permit, and the first fee will occur six (6) months after the final approval by the City Council of the Impact Fee ordinance. The fees are then placed in an interest bearing account, and related expenses for improvements are then paid from that account. Since impact fees cannot be used to fund current deficiencies, those improvements will need to come from other resources of the City. Recreation Impact Fees can only be used for the costs of the projected 10-year deficiencies determined by future populations.

An impact fee may not be collected for more than five years without a review and update of the Infrastructure Plan and adoption of the fee by City Council. Attached is a new Infrastructure Improvement Plan. The Parks and Recreation Staff prepared the plan with assistance from *Lehman & Lehman, Inc.* After preparation, the plan was submitted to Mr. David Pilz, P.E. (City Engineer, Valparaiso, Indiana), for final review and approval. The plan establishes new park and recreation standards for Valparaiso and recommends a Recreation Impact Fee that would be necessary in order to achieve the City of Valparaiso's Park and Recreation standards.

After careful analysis, the Valparaiso Park Infrastructure Advisory Committee and the Park Administrative Staff feels that the recommended Recreation Impact Fee of **\$931.00** is a responsible fee for the recommended standards. The Valparaiso Park Infrastructure Advisory Committee recommends acceptance of the fee by the Valparaiso Parks and Recreation Board and Plan Commission before being placed before the Valparaiso City Council for final adoption.

Adoption of these parks and recreation standards will assure the continued delivery of quality parks and Recreation services for all of the Citizens of Valparaiso.

Sincerely,

Steve Doniger, Director
Valparaiso Parks and Recreation

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Executive Summary

Background

The residential growth of the City of Valparaiso and its surrounding area is forecast to continue to grow over the next decade. As a result, the public infrastructure support systems (roads, water and sewer systems and parks) are, or will become, strained to keep pace with the demand placed on them by increased population.

In response to these demands, the City of Valparaiso is in the process of the implementation of a Recreation Impact Fee Ordinance. The City has recently updated its Comprehensive Plan and the City's Park and Recreation Board is in the process of updating its five-year Parks and Recreation Master Plan. The City also recently completed a Pathways and Trails Master Plan for the alternative transportation system for the City and its growth areas. These planning efforts provide the vision for the future of the community and its park system. The updated plans also provide a logical and legal foundation for implementing programs and projects.

Both the Comprehensive Plan and Parks and Recreation Master Plan Update have clearly indicated that the demand for recreational facilities will intensify because of the demographics and value of the growing population base. The planning efforts have also led to the recognition that a quality system of parks, green spaces and people trails adds to the economic value and quality of life of the entire community.

The demands placed on the park system by rapid growth have, and will, outpace the City's financial ability to provide the new and expanded facilities identified in the Parks and Recreation Master Plan Update and Pathways and Trails Master Plan. The current revenues are devoted almost entirely to maintaining and operating existing park facilities and programs. New sources of capital improvement revenue are needed. The Recreation Impact Fee Ordinance will benefit the city and community in the future by keeping pace with the population growth while maintaining the level of recreation standards adopted.

History of Recreation Impact Fees

In 1991, the Indiana General Assembly passed an impact fee bill that created an alternative funding mechanism for infrastructure improvements in fast growing areas.

The essence of the legislation was to allow local governments the option of passing onto new residents the costs of building the new infrastructure expected by those same residents.

Impact Fees Facts

Need for and Application of Impact Fees

- Best applied to Fast Growing Communities
- "Entrance Fee" to build and live in the Community (applies to residential)
- Fee is used to fund the infrastructure improvements caused by the growth

Different Types of Impact Fees

- Recreation, Roads, Utilities and Drainage

Valparaiso Recreation Impact Fee Study

Impact Fee Studies

- Studies a 10 year projection (2006-2015)
- Impact Fees need to be updated every five years
- Used as a “development standards guide”

Benefits of Recreation Impact Fees

- Future populations will pay the costs to maintain the same level of recreational services – at no costs to the current taxpayers!
- Will provide additional funding resource to grow and expand the City’s recreational facilities.
- Will maintain Valparaiso’s quality of life in recreation services and facilities.

Development Impact Fees

Development impact fees, as described by this Infrastructure Improvement Plan (herein this Plan), will shift part of the cost of new and expanded park facilities from the community at large to the new developments that are generating the need for those new and expanded facilities. **Impact fees, however, cannot be used to finance improvements needed to overcome existing deficiencies in park facilities.**

Impact fee logic has long been debated, discussed and endorsed by those who are involved in public finance. In 1991, the Indiana General Assembly enacted legislation [Indiana Code (IC) 36-7-4-1300] (this code can be found in Appendix A of this document) that enables localities to impose development impact fees for certain types of infrastructure improvements, including park and recreational facilities. Among other things to be done by a locality, the legislation stipulates that:

- An Impact Fee Advisory Committee be appointed
- An Impact Fee Zone be established
- An Infrastructure Improvement Plan be prepared
- An Impact Fee Review Board be appointed and
- An Impact Fee be determined

Park Infrastructure (Impact Fee) Advisory Committee

The Mayor of Valparaiso appointed a Park Impact Fee Advisory Committee in the spring of 2005. The Committee consisted of members of various City Agencies and Boards in addition to others appointed to fulfill statutory requirements. The Committee, whose names are listed on the acknowledgment page in the front of this document, met on several occasions to research and review data, to establish standards for park facilities, and to formulate the plan as described herein.

Although the Park and Recreation Board has jurisdiction only within the Valparaiso city limits, the Committee concluded early in its deliberations that the Study Area of this Plan should include all of Valparaiso Planning Jurisdiction area for the following reasons:

- The City has had planning and zoning jurisdiction over this area for years
- The City is continuing to grow into the planning jurisdiction area through annexation, and
- The entire planning jurisdiction area is within the service area of the City

Valparaiso Recreation Impact Fee Study

Impact Fee Zone

Within the Study Area, the Committee established a single Infrastructure Improvement Zone to coincide with the corporate boundary of the City as it continues to expand in the future through annexations. Thus, the Impact Fee Zone will continue to expand through annexation until it encompasses the entire Study Area (Valparaiso planning jurisdiction area).

Figure 1 is a map that shows the Study Area, which consists of Valparaiso planning jurisdiction area. Also shown are the current city limits, which constitute the boundary of the Impact Fee Zone. (Note: this plan reflects the recent Proposed Pathways and Trails System Master Plan).

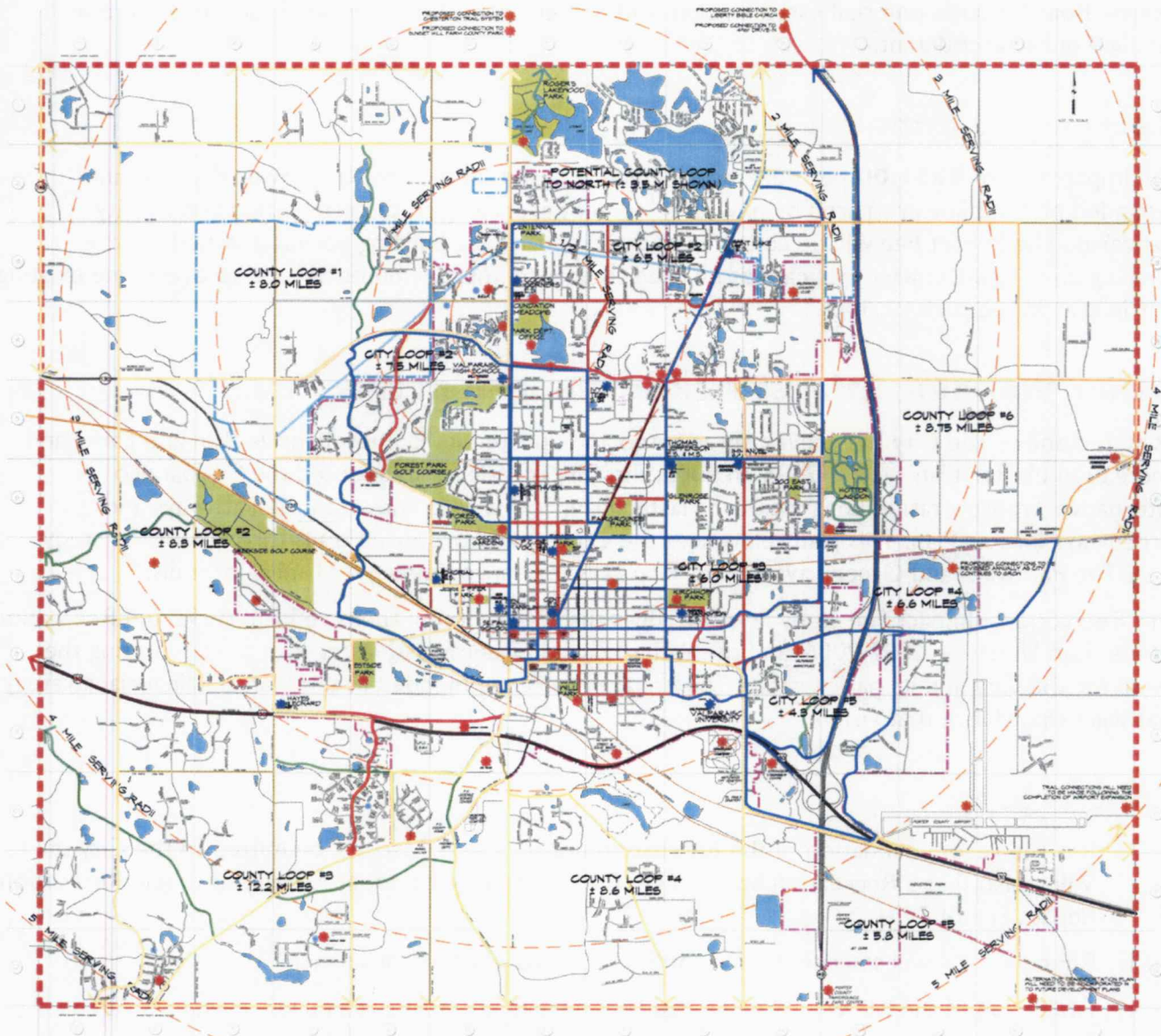


FIGURE 1 – Recreation Impact Fee Zone
(Proposed Pathways and Trails System and alternative transportation enhancement plan map)

Valparaiso Recreation Impact Fee Study

Infrastructure Improvement Plan

The Infrastructure Improvement Plan is described by this document and examines the existing park facilities, and determines the cost to 1) overcome existing deficiencies and 2) to meet future needs according to community standards.

Impact Fee Review Board

As required by [(IC) 336-7-4-1300], and before the Impact Fee is implemented, the City will establish an Impact Fee Review Board, consisting of Valparaiso citizens. The law requires that the Impact Fee Review Board include one real estate broker and one engineer, both licensed in Indiana, and one certified public accountant.

Recreation Impact Fee

The Impact Fee of **\$931.00** per new dwelling unit is based on the cost to provide the new and expanded park facilities required by new development according to the established community standards. The Impact Fee will be collected at the time that the building permit is issued for the dwelling unit. Again, impact fees cannot be used to finance improvements needed to overcome existing deficiencies in the park facilities.

Other Planning Efforts Acknowledged in this Plan

As stated above, the City has previously adopted and updated its Comprehensive Plan and Parks and Recreation Master Plan – 2002-2006. In 2005, the City of Valparaiso adopted the “Valparaiso Alternative Transportation Enhancement Master Plan,” otherwise known as the Pathways and Greenways Master Plan. This plan references the existing and proposed trails throughout the study area. The Pathways and Greenways Master Plan calls for approximately 131 miles of trails.

This Recreational Impact Fee study acknowledges the City’s Comprehensive Plan, Parks and Recreation Master Plan Update – 2002-2006, and the Pathways and Greenways Master Plan as constituting the vision for the City and its park system. The Impact Fee recommended in this Plan is a financial strategy that will help achieve that vision.

Conclusions

- I. It is the recommendation of the Recreation Impact Fee Advisory Committee to the City of Valparaiso that a Recreation Impact Fee (RIF) Ordinance be adopted carrying a new Recreation Impact Fee of \$931.
- I. RIF collection will start six months after the approval of the ordinance.
- I. Collection of the RIF will be when residential building permits are pulled. Payments can be established using an installment plan as per IC 36-7-4, Section 1324.
- I. Annual reporting of RIF transactions will be done annually. Annual adjustments to the RIF can be considered with annual inflationary factors. A new RIF update study will be considered annually but will be done no longer than five years from the date of this study.

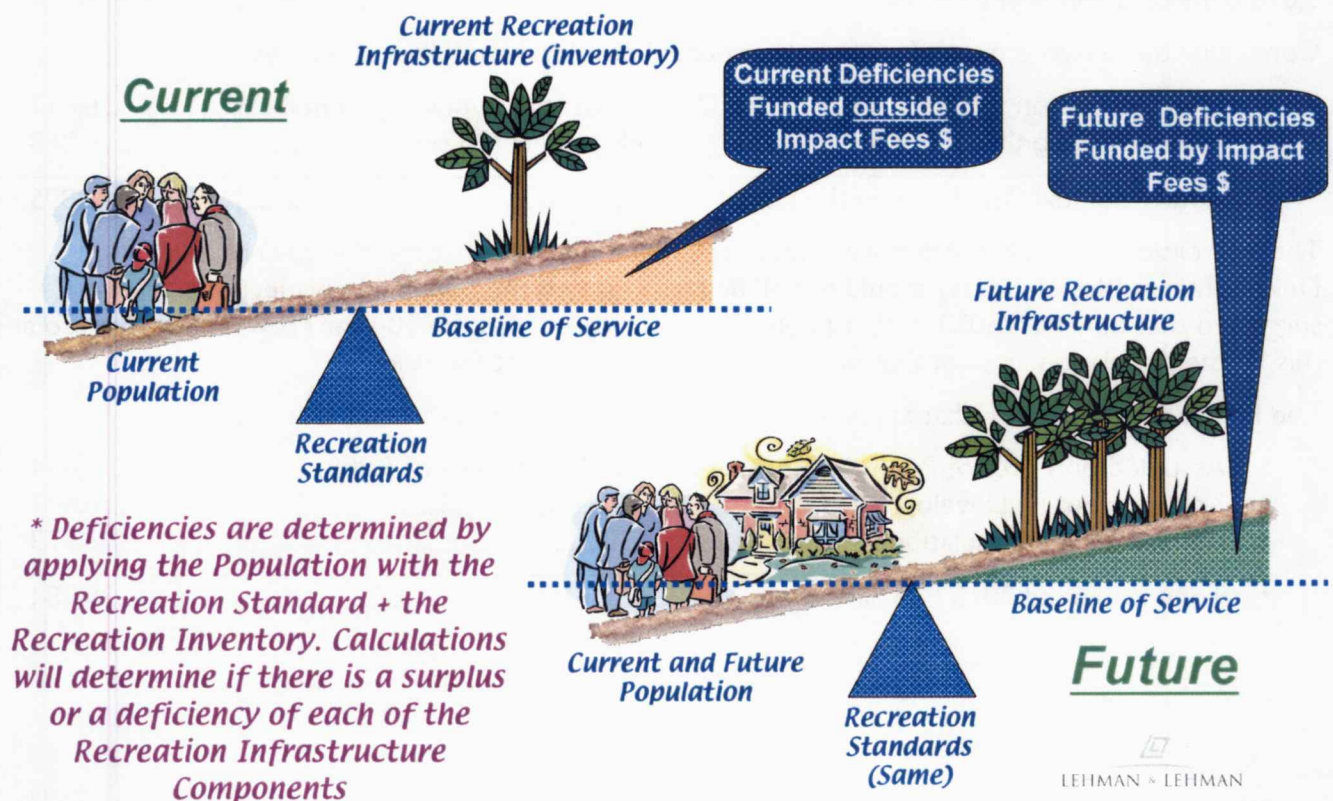
Recreation Impact Fee Study Process

The process of defining a recreation impact fee for a community involves a process of steps. Those steps include the following:

1. Defining the Recreation Impact Fee Study area (impact fee zone)
1. Define current recreation standards for land and facilities (recreation standards)
1. Define current inventory of recreation for land and facilities (infrastructure inventory)
1. Study current census population and provide population projections for at least 10 years out (population forecasts)
1. Analyze the current residential building permits and related trends (projected building permits)
1. Apply the current and 10-year deficiencies based on inventory and standards against the projected population (surpluses and deficiencies)
1. Establish Development Costs for meeting current and future deficiencies (deficiency costs)
1. Calculate the Recreation Impact Fee = Future Development Costs / Projected 10-year Residential Building Permits (Recreation Impact Fee)

Illustration of How Recreation Deficiencies are Determined

Current & Future Deficiencies*



Population and Residential Development Trends

The City of Valparaiso and the surrounding planning jurisdiction area have been forecast to have a significant population growth in the coming decades. The 1980 census had the population for Valparaiso at 22,247. In 1990 the Census had its population at 24,414. It is estimated by the City Planning Department that the population at the end of 2005 will be 28,973.

During the course of this study the Consultant worked closely with the City Planner to review upcoming residential developments. These were developments that are in various planning stages. There were over 30 such developments identified for future residential development. These developments are located primarily outside the City Limits. Within the next 10-year period these developments are anticipated to be implemented and will probably be part of the City's annexation plan. Of these 30+ developments over 3,000 housing units are projected to be developed on approximately 1,715 acres. This calculates out to be 1.75 residential units per acre. The Valparaiso 2000 Census calculated there to be 2.27 persons per household. Using this same household number and applying the number of projected residential dwellings there would be approximately 6,817 new persons from these 30+ developments.

In addition to the identified 30+ housing developments the Consultant and the City Planner examined other land tracts within the study area. Certain land tracts that were adjacent to existing and/or proposed residential developments that seemed to carry a high potential for development were also tallied. There were 25 land tracts that equaled 1,758 acres that met the above criteria. Applying the average residential units per acre to these 25 land tracts the potential new housing units would equal 3,078 units or 6,988 new persons.

Combining these two groups of potential residential development tallies as follows:

- | | |
|---|--------|
| • New Population from Known Housing Developments (31 developments)..... | 6,817 |
| • New Population from Potential Housing Developments (25 tracts)..... | 6,988 |
| <hr/> | |
| • Total Potential Population in the next 10-year period | 13,805 |

The Recreation Impact Fee Advisory Committee recommended that the Potential Housing Developments (the 25 tracts) should not all be factored into the population projections. It was suggested that only half (50%) of that population be factored into the 10-year growth of Valparaiso and this be the population amount that would be used in this impact fee study.

The Population Projection that applied to this study was calculated to be as follows:

- | | |
|--|--------|
| • Assumed only 50% of Potential Housing Developments (50% of 6,988)..... | 3,494 |
| • Known Housing Developments..... | 6,817 |
| • Assumed 2005 Population | 28,973 |
| <hr/> | |
| • Total Projected 2015 Population | 39,284 |

Valparaiso Recreation Impact Fee Study

Table I below illustrates the known new housing developments.

KNOWN HOUSING DEVELOPMENTS & PROJECTONS

PROJECT NAME/SUBDIVISION	Proposed No. of Units	Acreage	Project Type(s)
Pepper Creek	39	149.9	SFR
Windsor Park	29	15	SFR
Siewin Northwest	158	80	SFR
Siewin North	76	35	SFR
Beauty Creek Estates North	118	56	SFR
Beauty Creek Estates South	109	72	SFR/DUPLEX
Brigata Hills	76	80	SFR
Brigata Hills West	80	80	SFR
Spencer Subdivision Ph. I and II	25	10	SFR
Brigadoon	305	112	SFR
Prairie Ridge	76	30	SFR
Hawthorne Estates	111	40	SFR
Patheja Subdivision	35	25	SFR
Patko LLC Subdivision	388	262.1	SFR
Mallard Crossing/Vandertoll South	130	60	SFR
Vandertoll North	200	144.4	SFR
North Hampstead	111	20	SFR/DUPLEX/FOUR-PLEX
Essex Park Phase III	30	15	SFR
Vale Park Townhomes	8	5	FOUR-PLEX
Masters Apartments Phase II	48	5	MULTI-FAMILY
Chester Townhomes	24	12.5	DULPEX
Audubon Estates Phase II	15	20.00	SFR
Bridgewater Estates	57	20.00	DUPLEX
Hawthorne Estates Section 2	100	60.00	SFR
Bardeson Property	50	15.00	MULTIPLE FAMILY CONDO
Dean Property	160	30.00	FOUR PLEX
Pepper Creek Condos	120	28.00	MULTIPLE FAMILY CONDO
Meridian Woods	75	39.00	MULTIPLE FAMILY CONDO
Hatch Lake	70	60.00	SFR
Kazlauski Property	100	80.00	SFR/DUPLEX
Harrison West - West	80	54.00	SFR/DUPLEX
TOTALS	3,003.00	1,714.90	
		1.75	Average Units / Acre
	Average persons / household =	2.27	
	Known Housing Development New Population =	6,817	New Population

TABLE I – Known New Housing Developments

Note that during the course of this study several properties were acknowledged with plans for residential development. Some of the names noted above may have changed since the time of this document's printing but their development potential for housing remains.

Valparaiso Recreation Impact Fee Study

Figure 2 below illustrates the locations of the known housing developments in a map form.

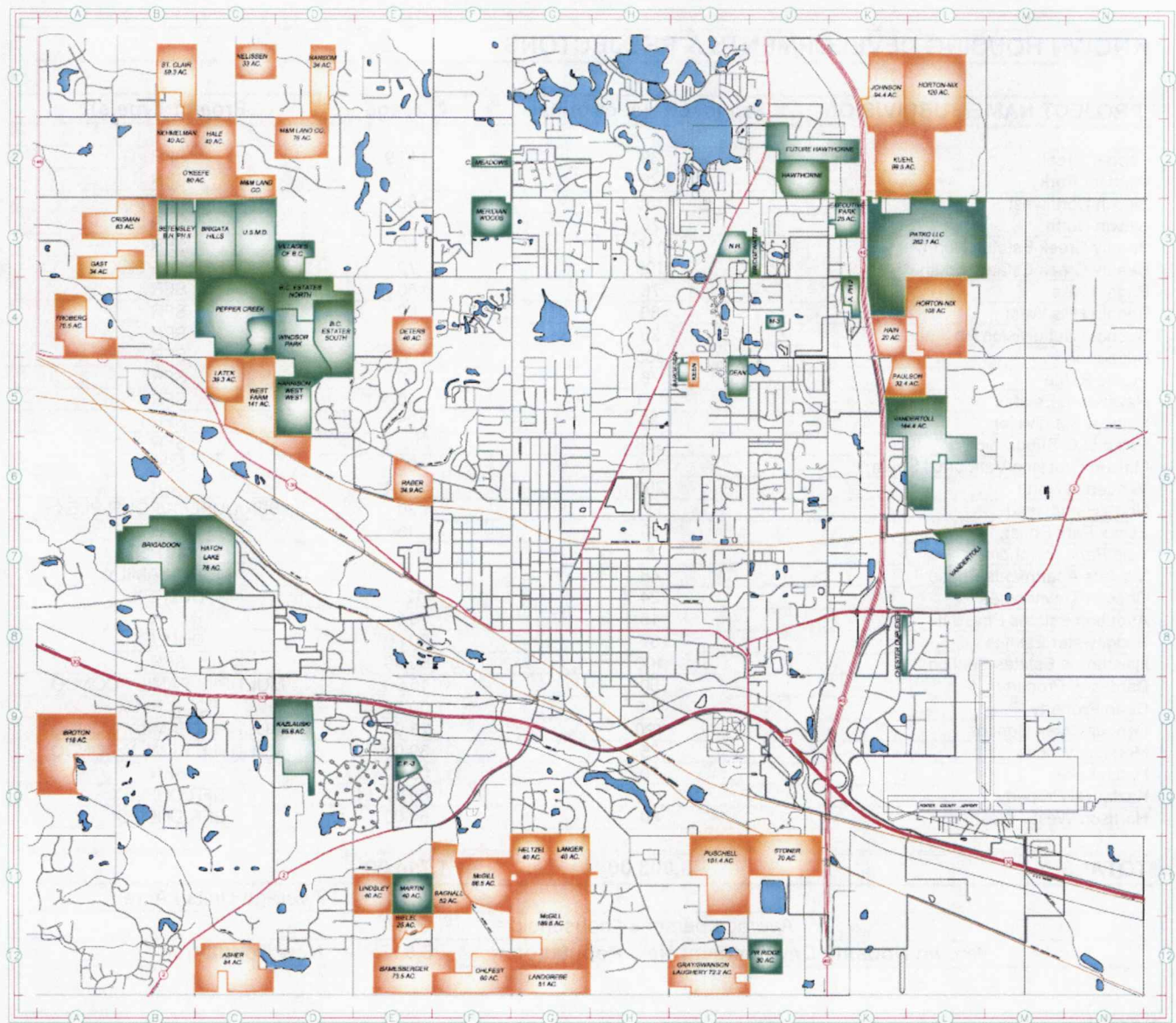


Figure 2 – Known New Housing Developments Map

Valparaiso Recreation Impact Fee Study

The Summary of the Population Projections based on the known and anticipated housing developments is as follows:

POTENTIAL HOUSING DEVELOPMENTS & PROJECTONS

It was noted that there exists 25 Parcels of land that carry a high projection for development over the next 10 years.

The 25 parcels of land equals =	1757.92	
Apply the average units / acre =	1.75	Average from known developments
Potential total number of units =	3,078	
Total Potential Population from 25 parcels of development =	6,988	applied 2.27 persons / household

10-YEAR POPULATION SCENARIOS APPLIED TO ANALYSIS

Assumed 2005 (Current) Population =	28,973	Assumed year end population
Known Housing Development New Population =	6,817	
Potential Housing Development New Population =	6,988	
Potential Total New Population =	13,805	Ten year growth
Potential Total New Population by year 2015 =	42,778	Assuming all projections are correct

Summary of Applied Population Projections:

Assumed only 50% of Potential Development Population =	3,494	50% of 6,988 population
Known Housing Development New Population =	6,817	From the known development list
Adjusted Total New Population Total =	10,311	
Assumed 2005 (Current) Population =	28,973	Assumed year end population
Total Projected 2015 Population =	39,284	Forecast to be used in this Study

Population / Building Permit Projections

Applying the population forecasts over the next 10-year period the following table (**Table 2**) summarizes this growth.

	1980	1990	2000	2005*	2006	2007	2008
Total City of Valparaiso	22,247	24,414	27,428	28,973	29,654	30,425	31,292
Annual Growth Rate (Est.)			1.10%	1.07%	2.35%	2.60%	2.85%
Households (at 2.27 / house)			12,083	12,763	13,063	13,403	13,785
Total New Households				136	300	340	382
Growth Per Year (Persons)				1,545	681	771	867

	2009	2010	2011	2012	2013	2014	2015
Total City of Valparaiso	32,231	33,246	34,343	35,511	36,718	37,985	39,295
Annual Growth Rate (Est.)	3.00%	3.15%	3.30%	3.40%	3.40%	3.45%	3.45%
Households (at 2.27 / house)	14,199	14,646	15,129	15,644	16,175	16,733	17,311
Total New Households	414	447	483	514	532	558	577
Growth Per Year (Persons)	939	1,015	1,097	1,168	1,207	1,267	1,310

Year	New Building Permits	New Pop.
2006	300	681
2007	340	771
2008	382	867
2009	414	939
2010	447	1,015
2011	483	1,097
2012	514	1,168
2013	532	1,207
2014	558	1,267
2015	577	1,310
Total:	4,547	10,322
Average:	455	1,032

* 2005 Population is estimated based on trends towards year end.

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Average
Projected Annual Growth % =	2.35%	2.60%	2.85%	3.00%	3.15%	3.30%	3.40%	3.40%	3.45%	3.45%	3.10%

TABLE 2 – Population and Building Permit Projections

Valparaiso Recreation Impact Fee Study

The preceding table indicates that there will be an average annual growth of 3.10% per year. The projected growth starts out slower at the beginning of the 10-year period (2.35% in 2006) and grows at a faster rate at the end of the 10-year period (3.45% in 2015). This assumes that other development infrastructure components (public utilities, drainage, etc.) will need to be implemented in front of the developments.

Also noted in the table are the projected new building permits. The new residential building permits are calculated using the new population amount and dividing it by the 2.27 person per household. Over the 10-year period (2006-2015) it is forecast to be approximately 10,322 new populations. This new population figure is divided by the average number of persons per household of 2.27 to arrive at a total of 4,547 new residential building permits over that same ten-year period. This is an average of 455 new residential building permits per year.

Figure 3 below illustrates the growth in population and number of projected new households (building permits).

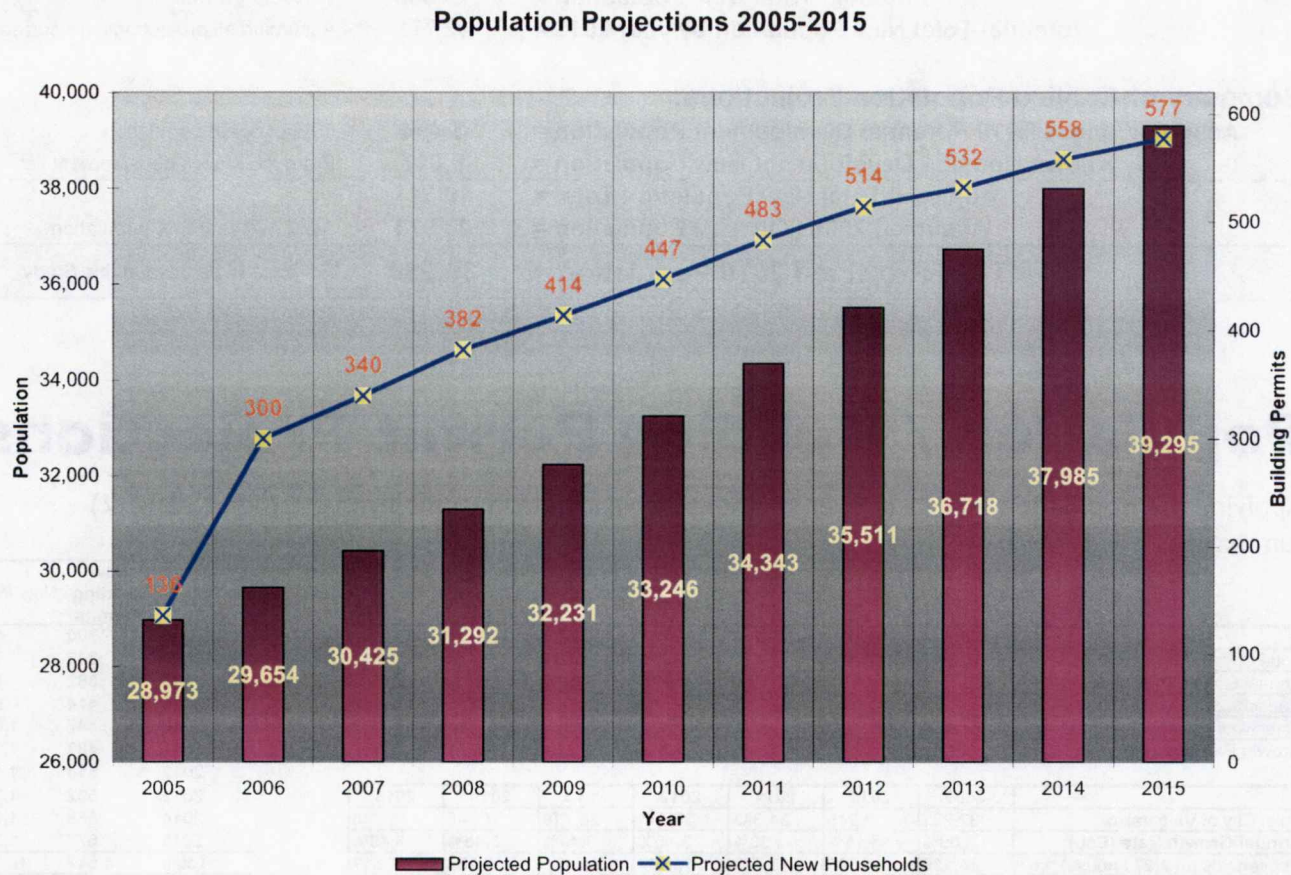


FIGURE 3 – Chart Illustrating Population and Building Permit Projections

Inventory of Existing Park Land Facilities

Park Sites and Acreage Needed

Valparaiso's Five Year Park Master Plan Update categorized parks as block, neighborhood, community or special parks, depending on the size of the park and the population that the park is intended to serve. The following definitions are consistent with those found in the Park and Recreation Master Plan Update – 2002-2006.

Definitions:

- **Block Park** – A small park located within residential areas that serves concentrated or limited population.
- **Neighborhood Park** – An area that provides recreation opportunities within walking distance of residents.
- **Community Park** – An area that provides recreation opportunities for two or more neighborhoods.
- **Special Park** – An area that provides recreation resources and opportunities to all local communities as well as those within the local region.

There are standards that exist for the amount of acres of various park/open space land for each of the above park types. A combined standard that was used in the Master Plan Update was an acreage standard of 11.0 acres per 1,000 persons.

The total existing park acreage (including 75 acres of open space on school properties and including the two golf courses) equals 745.20 acres. When applying the current population against the acreage inventory it calculates out to a current standard of 23.13 acres per 1,000.

For the purposes of this study the Valparaiso Standard for Park and Open Space land is 24.00 acres per 1,000 persons. It is noted that the current land inventory does include two municipal golf courses (Forest Park and Creekside). While the land taken up by their function may not be considered a "pure" park activity they do represent that of the Valparaiso Parks System. To discount the acres of these golf courses would not be reflective of the land inventory Valparaiso takes pride in having.

The following Table (**Table 3**) illustrates the surpluses and deficiencies of land for park and open space purposes. The bottom portion of the table indicates the Valparaiso Land Standards of 24 acres /1000. Based on the current inventory and the land standard in 2006 there will be a surplus of 33.51 acres of park / open space land. In the year 2015 in order to meet the standard with the projected population there will be the need for 197.61 acres (a deficiency of land).

Valparaiso Recreation Impact Fee Study

City Wide Analysis		Estimated 2006 and Projected Populations =					
		29,654			39,284		
Park Type	Typical Park Size (Acres)	Total Existing Acreage	Acres Standards / 1,000	Current Acreage Stds./1,000	Current Acreage Needs	2006 Surplus or Deficiency	2015 Needed if current deficiency IS met
Block Park	1 to 5	7.50	0.50	0.26	14.83	(7.33)	(12.14)
Neighborhood Park	4 to 15	103.70	3.00	3.58	88.96	14.74	(14.15)
Community Park	10 to 70	254.50	7.00	8.78	207.58	46.92	(20.49)
Special Park	0.5+	304.50	0.50	10.51	14.83	289.67	284.86
School Sites	N/A	75.00	0.00	0.00			
Total Surplus or Deficiency		745.20	11.00	23.13	326.19	344.01	238.08

Data updated from the Park and Recreation Master Plan.

Using the Current Land Inventory as the Standard for Park Land and Open Space and including the School Sites properties the Acres Standard per 1,000 persons would be =	25.72
---	-------

Valpo. Acres Standard					2015 Pop.
Estimated 2006 Population =					39,284
Park Type	Total Existing Acreage	Acres Standards / 1,000	Current Acreage Needs	2006 Surplus or Deficiency	2015 Needed if current deficiency IS met
Total Surplus or Deficiency	745.20	24.00	711.69	33.51	(197.61)

^-- Suggestion to use a standard of 24 acres / 1,000 persons

TABLE 3 – Land Needs and Deficiencies

Using the school sites to help meet future park needs will help to reduce both the total cost of the park system and the amount of the impact fee needed to help pay for the system. This strategy is also consistent with the fact that the City and the School District have worked cooperatively with each other, developing land jointly and sharing facilities whenever possible for the mutual benefit of the City and the School District. Such intergovernmental cooperation has led to the development of schools and parks adjacent to one another. In this way, for example, the same ball field might be used during school hours for physical education classes and during non-school hours for city-sponsored league play.

It is also important to note that in order to satisfy requirements in the State impact fee legislation, the City would not be able to use money collected from the proposed impact fee to help pay for acreage needed to overcome a current deficiency if there were one. With respect to land acquisition, money generated by the impact fee can be used only toward acquiring the various acreage needed to meet the deficiencies resulting from projected population growth.

Park Land

Previous discussion and tabulated information on park and recreational facility standards has established a framework for determining recreational needs. Imposing these standards upon existing facilities establishes the current deficiencies within the park system. Similarly, by imposing the standards upon future population growth, it is possible to establish the needs of the future. **Table 3** indicates both existing as well as future needs and deficiencies by park classification.

Inventory of Existing Recreation Facilities

Standards for Determining Facility Adequacy

In order to know whether existing park and recreation facilities are adequate to meet the needs of the current population, the City established standards for the amount of various types of facilities needed to adequately serve a given amount of population. The desirable local standards for the various types of facilities are stated in the column titled "Valparaiso Standards" in **Table 4** (following).

For example, the City has established a standard for softball fields that calls for one (1) softball field for every 3,000 persons. Refinements were given on the standards for each recreation facility component from that of the Master Plan Update. Recreation components were added to this listing that were not part of the Five Year Master Plan Update: community & neighborhood playgrounds, skate/bike parks, spraygrounds/splashpads, and maintenance facilities.

The application of the local standard to the current population enables the current need to be established and surpluses or deficiencies calculated. The first five columns in the top part of **Table 4** show:

1. The recreation facility component being considered
2. The standard for the number of persons that each facility should serve
3. Total existing number of each types of recreational facility (baseball fields, softball fields, basketball courts, tennis courts, etc.)
4. The needed number of each facility type based on application of the standard to the present population; and
5. The surplus or deficiency, in the amount of each facility relative to current population, based on the applicable standard

For example, referring to softball diamonds in **Table 4** indicates that 1.88 or 2 (rounded up) more softball diamonds are needed to serve the existing population at the desired standard. Since there are eight existing softball diamonds, and the city needs to have 9.9 there is a current deficiency of 1.88 (2 rounded) of softball diamonds needed to meet current population. In applying the same standard to the 2015 projected population, it calls for a need of 13.1 softball diamonds to serve that projected population. If the current needs for this component are met, there will be a need for 3 additional softball diamonds for the 2015 future population.

The following **Table 4** represents the Facility Inventory and Needs projections for the current and future populations. This table indicates the Valparaiso Recreation Standards, the current number of facility components, the needed component number based on both current and future populations and the surplus or deficiency of the recreation component.

Valparaiso Recreation Impact Fee Study

City Wide Analysis (All Facilities)			29,654			39,284	= Projected 2015 Pop.	
Facility	Valparaiso Standards	Facilities Current*	2006 Needs (per pop.)	2006 Surplus or Deficiency	Current Actual Needed	Projected 2015 Needed (per pop.)	2015 Needed if current deficiency IS met	2015 Actual Needed
Baseball Diamonds	1/6,000	5	4.9	0.06	0.00	6.5	(1.55)	2.00
Softball Diamonds	1/3,000	8	9.9	(1.88)	2.00	13.1	(3.09)	3.00
Soccer Fields	1/2,000	17	14.8	2.17	0.00	19.6	(2.64)	3.00
Tennis Courts	1/2,000	16	14.8	1.17	0.00	19.6	(3.64)	4.00
Running / Walking Track	1/20,000	5	1.5	3.52	0.00	2.0	3.04	0.00
Basketball Courts	1/1,500	23	19.8	3.23	0.00	26.2	(3.19)	3.00
Volleyball Courts	1/3,000	0	9.9	(9.88)	10.00	13.1	(3.09)	3.00
Skate/Bike Park (Neighborhood)	1/20,000	1	1.5	(0.48)	0.00	2.0	(0.96)	1.00
Climbing / Challenge Elements	1/20,000	0	1.5	(1.48)	1.00	2.0	(0.96)	1.00
Park Shelters/Gazebos	1/1,500	23	19.8	3.23	0.00	26.2	(3.19)	3.00
Park Restrooms	1/2,000	16	14.8	1.17	0.00	19.6	(3.64)	4.00
Interpretive Center	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Environmental Center	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Outdoor Entertainment Venue	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Recreation Centers (Neighborhood)	1/20,000	1	1.5	(0.48)	0.48	2.0	(0.48)	0.48
Playgrounds (Comm./Destination)	1/30,000	1	1.0	0.01	0.00	1.3	(0.31)	0.31
Playgrounds (Neighborhood)	1/3,000	12	9.9	2.12	0.00	13.1	(1.09)	1.00
Skating Rinks (hockey)	1/100,000	1	0.3	0.70	0.00	0.4	0.61	0.00
Swim. Pool / Aquatics Facilities	1/25,000	0	1.2	(1.19)	1.00	1.6	(0.57)	0.57
Sprayground / SplashPad	1/20,000	0	1.5	(1.48)	1.00	2.0	(0.96)	1.00
Golf Course 18-hole	1/25,000	1.5	1.2	0.31	0.00	1.6	(0.07)	0.00
Driving Range	1/50,000	1	0.6	0.41	0.00	0.8	0.21	0.00
Maintenance Facilities (Hub)	1/75,000	1	0.4	0.60	0.00	0.5	0.48	0.00
Maintenance Facilities (Satellite)	1/25,000	3	1.2	1.81	0.00	1.6	1.43	0.00
Multi-use / Nature Pathways (miles)	1 mile / 2,000	7.50	14.83	(7.33)	7.33	19.64	(4.81)	4.81
Park / Open Space Acres	see standards	745.20	711.69	33.51	0.00	942.81	(197.61)	197.61

* Current Facilities Data updated from the Park and Recreation Master Plan and new Field Inventory.

Basic Park Amenities – Core Components to be applied to Recreation Impact Fees

TABLE 4 – Facilities Inventory and Needs

Table 4 indicates that the City currently has a deficit number of softball diamonds, volleyball courts, climbing / challenge elements, interpretive center, environmental center, outdoor entertainment venues, recreation centers, aquatics facilities, spraygrounds, and multi-use / nature pathways.

Basic Park Amenities

The Advisory Committee and the Consultant identified from the recreation component listing which of the components could be considered basic park amenities that would be found in most municipal park systems. Those listings have been highlighted in the green shaded lines in **Table 4**. They would include:

- baseball and softball
- soccer and multi use fields
- tennis courts
- basketball and volleyball
- park shelters and gazebos
- park restrooms
- playgrounds
- spraygrounds and splashpads
- trails and pathways

Valparaiso Recreation Impact Fee Study

The remaining elements found in the recreation component list of **Table 4** represent the non-basic park amenities that may be unique in most municipal park systems. This list included:

- running / walking track
- skate / bike park
- climbing / challenge elements
- interpretive center
- environmental center
- skating rinks (hockey)
- swimming and aquatics
- golf course
- maintenance facilities
- park and opens space land (above the basic services)

For the purposes of this study the analysis of the current and future needs and their related costs were gauged using the basic and non-basic recreation components. The results of this study in determining the recommended impact fee included the basic park amenities along with some and portions of the non-basic park amenities list.

Summary of Park Facilities

The number and types of recreational facilities currently needed and needed in the future were also determined using the standards established earlier in the plan. To overcome current deficiencies (including both the basic and non-basic park amenities), the City needs to add the following recreation components over the next ten-year period (note the basic park amenities have been shaded in green):

- 2.00 – softball diamonds
- 10.00 – volleyball courts
- 1.00 – climbing / challenge elements
- 0.59 – interpretive center
- 0.59 – environmental center
- 0.59 – outdoor entertainment venue
- 0.48 – neighborhood recreation center
- 1.00 – swimming pool / aquatic facilities
- 1.00 – sprayground / splashpad
- 7.33 – miles of multi-use / nature pathways

To meet the projected 2015 new growth, and after taking the existing inventory into account and factoring in that the current deficiencies will be done the City will need to add to its park system the following recreation components over the next ten-year period (note the basic park amenities have been shaded in green):

- 2.00 – baseball diamonds
- 3.00 – softball diamonds
- 3.00 – soccer fields
- 4.00 – tennis courts
- 3.00 – basketball courts
- 3.00 – volleyball courts
- 1.00 – neighborhood skate/bike park

Valparaiso Recreation Impact Fee Study

- 1.00 – climbing / challenge elements
- 3.00 – park shelters / gazebos
- 4.00 – park restrooms
- 0.19 – interpretive center
- 0.19 – environmental center
- 0.19 – outdoor entertainment venue
- 0.48 – neighborhood recreation center
- 0.31 – community destination playground
- 1.00 – neighborhood playground
- 0.57 – swimming pool / aquatic facilities
- 1.00 – sprayground / splashpad
- 4.81 – miles of multi-use / nature pathways
- 197.61 – acres of park and open space land

Recreation impact fee proceeds can be used for these future deficiencies noted above to meet the projected population growth.

Acreage Needed for New Facilities

The new recreation components that will fill both the current and future deficiencies will take up some land area for their developments. Keep in mind that the new components can be sited within existing park land as well as in new park land. The following table (**Table 5**) indicates the approximate acreage required for each of the recreation components that make up the deficiencies.

Facility	Approximate Acres Required for Facility	Acres with a 15% Contingency Added	2006 Facility Needs	2006 Acres Needed	2015 Facility Needs	2015 Acres Needs of Future Populations
Baseball Diamonds	3.23	3.71	0.00	0.00	2.00	6.46
Softball Diamonds	2.25	2.59	2.00	5.18	3.00	6.75
Soccer Fields	2.07	2.38	0.00	0.00	3.00	6.21
Tennis Courts	0.17	0.20	0.00	0.00	4.00	0.68
Running / Walking Track	2.07	2.38	0.00	0.00	0.00	0.00
Basketball Courts	0.20	0.23	0.00	0.00	3.00	0.60
Volleyball Courts	0.10	0.12	10.00	1.15	3.00	0.30
Skate/Bike Park (Neighborhood)	0.35	0.40	0.00	0.00	1.00	0.35
Climbing / Challenge Elements	0.10	0.12	1.00	0.12	1.00	0.10
Park Shelters/Gazebos	0.10	0.12	0.00	0.00	3.00	0.30
Park Restrooms	0.10	0.12	0.00	0.00	4.00	0.40
Interpretive Center	0.75	0.86	0.59	0.51	0.19	0.14
Environmental Center	1.50	1.73	0.59	1.02	0.19	0.29
Outdoor Entertainment Venue	3.00	3.45	0.59	2.05	0.19	0.58
Recreation Centers (Neighborhood)	1.50	1.73	0.48	0.83	0.48	0.72
Playgrounds (Comm./Destination)	0.50	0.58	0.00	0.00	0.31	0.15
Playgrounds (Neighborhood)	0.30	0.35	0.00	0.00	1.00	0.30
Skating Rinks (hockey)	2.00	2.30	0.00	0.00	0.00	0.00
Swim. Pool/ Aquatics Facilities	3.00	3.45	1.00	3.45	0.57	1.71
Spraygrounds / SplashPads	0.50	0.58	1.00	0.58	1.00	0.50
Golf Course 18-hole	135.00	155.25	0.00	0.00	0.00	0.00
Driving Range	30.00	34.50	0.00	0.00	0.00	0.00
Maintenance Facilities (Hub)	2.00	2.30	0.00	0.00	0.00	0.00
Maintenance Facilities (Satellite)	1.00	1.15	0.00	0.00	0.00	0.00
Multi-use Trails (assume 30' wide easement)	4.01	4.61	7.33	33.77	4.81	19.30
Park / Open Space Acres	NA	NA	NA	NA	NA	NA
Total Acres Needed to Accommodate the Recreation Components				48.65		45.85

TABLE 5 – Facilities Acreage Needs

Valparaiso Recreation Impact Fee Study

Facility Needs and Cost Estimates

The cost estimates of the recreational amenities to overcome both the current and future deficiencies were estimated by establishing facility costs of each of the recreation components. The information in **Table 6** illustrates the estimated costs required for both the current and future deficiencies. Again, remember that current deficiencies cannot use Recreation Impact Fee sources where future deficiencies can use Impact Fees sources.

City Wide Analysis (All Facilities)			29,654	39,284	Projected 2015	
Facility	Facilities Current	Facility Costs (assuming on existing land)	Needed Components to Remove Current Deficiency	Costs Needed to Remove Current Deficiency	Needed Components to Remove 2015 Deficiency	Costs Needed to Remove 2015 Deficiency
Baseball Diamonds	5	\$25,000	0.00	\$0	2.00	\$50,000
Softball Diamonds	8	\$22,000	2.00	\$44,000	3.00	\$66,000
Soccer Fields	17	\$30,000	0.00	\$0	3.00	\$90,000
Tennis Courts	16	\$28,000	0.00	\$0	4.00	\$112,000
Running / Walking Track	5	\$100,000	0.00	\$0	0.00	\$0
Basketball Courts	23	\$8,000	0.00	\$0	3.00	\$24,000
Volleyball Courts	0	\$5,000	10.00	\$50,000	3.00	\$15,000
Skate/Bike Park (Neighborhood)	1	\$100,000	0.00	\$0	1.00	\$100,000
Climbing / Challenge Elements	0	\$30,000	1.00	\$30,000	1.00	\$30,000
Park Shelters/Gazebos	23	\$30,000	0.00	\$0	3.00	\$90,000
Park Restrooms	16	\$40,000	0.00	\$0	4.00	\$160,000
Interpretive Center	0	\$400,000	0.59	\$237,231	0.19	\$77,039
Environmental Center	0	\$750,000	0.59	\$444,808	0.19	\$144,448
Outdoor Entertainment Venue	0	\$750,000	0.59	\$444,808	0.19	\$144,448
Recreation Centers (Neighborhood)	1	\$750,000	0.48	\$362,020	0.48	\$361,119
Playgrounds (Comm./Destination)	1	\$85,000	0.00	\$0	0.31	\$26,304
Playgrounds (Neighborhood)	12	\$45,000	0.00	\$0	1.00	\$45,000
Skating Rinks (hockey)	1	\$2,500,000	0.00	\$0	0.00	\$0
Swim. Pool / Aquatics Facilities	0	\$3,500,000	1.00	\$3,500,000	0.57	\$1,999,721
Sprayground / SplashPad	0	\$90,000	1.00	\$90,000	1.00	\$90,000
Golf Course 18-hole	1.5	\$4,000,000	0.00	\$0	0.00	\$0
Driving Range	1	\$1,000,000	0.00	\$0	0.00	\$0
Maintenance Facilities (Hub)	1	\$750,000	0.00	\$0	0.00	\$0
Maintenance Facilities (Satellite)	3	\$150,000	0.00	\$0	0.00	\$0
Multi-use / Nature Pathways (miles)	7.5	\$200,000	7.33	\$1,465,387	4.81	\$962,985
Park / Open Space Acres (acres)	745.2	\$30,000	0.00	\$0	197.61	\$5,928,277
TOTALS				\$6,668,253		\$10,516,341
Basic Park Amenities – Core Components to be applied to Recreation Impact Fees		Cost of Facilities Needed to Remove Current Deficiency (2006):				\$6,668,253
		Cost of Facilities Needed to Accommodate Future Development (2015):				\$10,516,341
Total Facility Costs:						\$17,184,594

TABLE 6 – Facilities Costs to overcome Deficiencies

The facility cost estimates were arrived at based on current construction estimates and actual projects. The projected current deficiencies applying all recreation facilities total \$6,668,253. The implementation of development to satisfy the current deficiencies would need to be completed in ten years (2015).

In the same way the facility cost estimates for the future deficiencies including all of the recreation components total \$10,516,341. The funding source for these costs would come from Recreation Impact Fee funds. The total costs for recreation facility deficiencies total \$17,184,594.

These projected costs seemed to be on the high side when compared to the number of new population growth in the next ten years. Applying the projected number of residential building permits of the next ten years (4,547) and dividing the total new residential building permits into the cost of the future deficiencies (\$17,184,594) the recreation impact fee would be \$3,779.33 per each new residential unit.

Based on this early analysis the Advisory Committee and the Consultant looked at several scenarios of including some but not all of the identified recreation amenities into the calculations of the recreation impact fees. Several scenarios were developed looking at just the identified basic park amenities to the

Valparaiso Recreation Impact Fee Study

other option of including both the basic and non-basic park amenities.

The chart in **Figure 4** below illustrates the each of these scenarios addressing the costs for the current and future deficiencies.

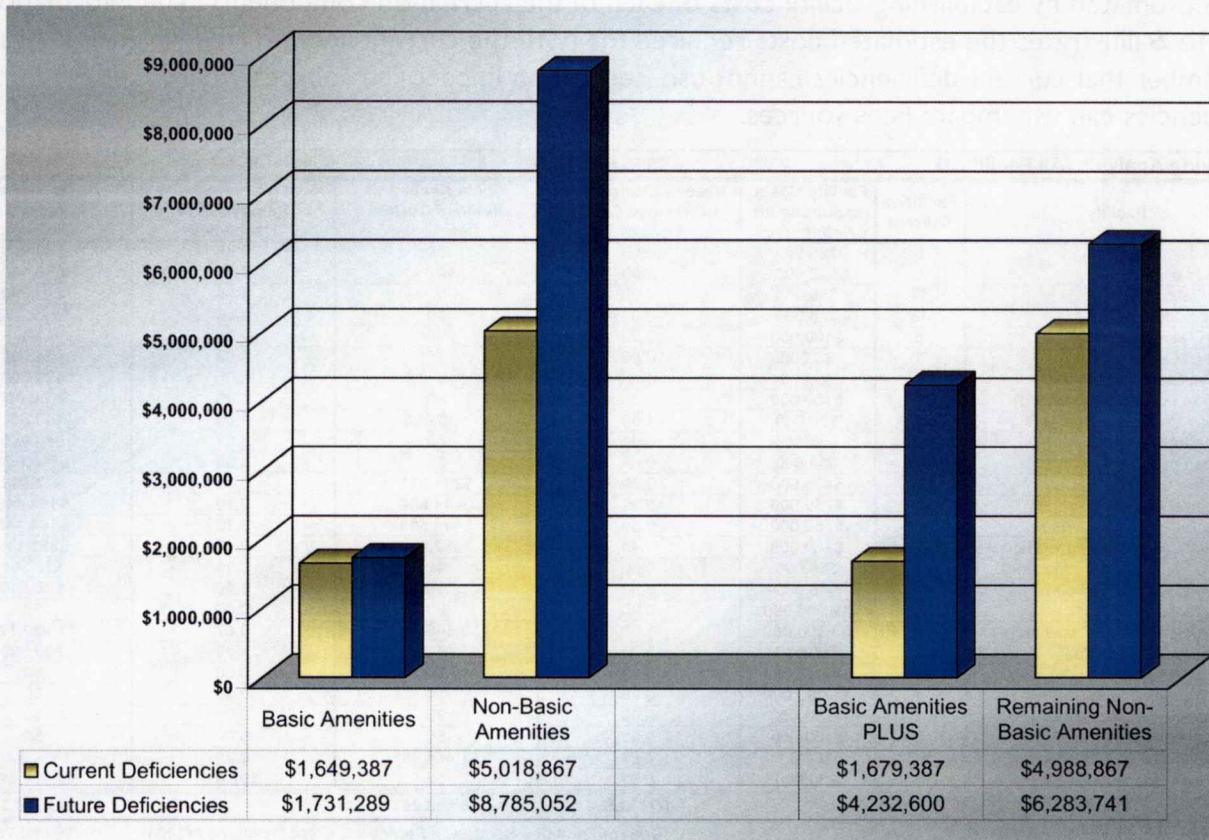


FIGURE 4 – Infrastructure Costs Scenarios

It was determined by the Advisory Committee and the Consultant that the scenario to be considered was to include all of the basic park amenities plus the following:

- Skate / Bike Park
- Climbing / Challenge Elements
- Recognize 40% of the projected land costs

Applied Summary:	Current	2015 Pop.
Breakdown if Applying RIF to only the Basic Park Amenities PLUS 40% of Land Costs, Skate/Bike Park, and Challenge Elements	Costs Needed to Remove Current Deficiency	Costs Needed to Remove 2015 Deficiency
Total Facility Costs for Basic Park Amenities Plus those noted:	\$1,679,387	\$4,232,600
* Total Facility Costs for NON-Basic Park Amenities:	\$4,988,867	\$6,283,741
TOTALS:	\$6,668,253	\$10,516,341

TABLE 7 – Applied Facilities Costs to overcome Deficiencies

In **Table 7** the applied facility costs with the chosen scenario tallied a current deficiency cost of \$1,679,387 and a future deficiency cost of \$4,232,600.

Note that even though not all of the recreation components have been included in the recreation impact fee calculations, through annual reviews of the recreation impact fees consideration should be given to include them in future recreation impact fee calculations.

Valparaiso Recreation Impact Fee Study

Facility Needs and Cost Estimates

The cost estimates of the recreational amenities to overcome both the current and future deficiencies were estimated by establishing facility costs of each of the recreation components. The information in **Table 6** illustrates the estimated costs required for both the current and future deficiencies. Again, remember that current deficiencies cannot use Recreation Impact Fee sources where future deficiencies can use Impact Fees sources.

City Wide Analysis (All Facilities)			29,654	39,284	Projected 2015	
Facility	Facilities Current	Facility Costs (assuming on existing land)	Needed Components to Remove Current Deficiency	Costs Needed to Remove Current Deficiency	Needed Components to Remove 2015 Deficiency	Costs Needed to Remove 2015 Deficiency
Baseball Diamonds	5	\$25,000	0.00	\$0	2.00	\$50,000
Softball Diamonds	8	\$22,000	2.00	\$44,000	3.00	\$66,000
Soccer Fields	17	\$30,000	0.00	\$0	3.00	\$90,000
Tennis Courts	16	\$28,000	0.00	\$0	4.00	\$112,000
Running / Walking Track	5	\$100,000	0.00	\$0	0.00	\$0
Basketball Courts	23	\$8,000	0.00	\$0	3.00	\$24,000
Volleyball Courts	0	\$5,000	10.00	\$50,000	3.00	\$15,000
Skate/Bike Park (Neighborhood)	1	\$100,000	0.00	\$0	1.00	\$100,000
Climbing / Challenge Elements	0	\$30,000	1.00	\$30,000	1.00	\$30,000
Park Shelters/Gazebos	23	\$30,000	0.00	\$0	3.00	\$90,000
Park Restrooms	16	\$40,000	0.00	\$0	4.00	\$160,000
Interpretive Center	0	\$400,000	0.59	\$237,231	0.19	\$77,039
Environmental Center	0	\$750,000	0.59	\$444,808	0.19	\$144,448
Outdoor Entertainment Venue	0	\$750,000	0.59	\$444,808	0.19	\$144,448
Recreation Centers (Neighborhood)	1	\$750,000	0.48	\$362,020	0.48	\$361,119
Playgrounds (Comm./Destination)	1	\$85,000	0.00	\$0	0.31	\$26,304
Playgrounds (Neighborhood)	12	\$45,000	0.00	\$0	1.00	\$45,000
Skating Rinks (hockey)	1	\$2,500,000	0.00	\$0	0.00	\$0
Swim. Pool / Aquatics Facilities	0	\$3,500,000	1.00	\$3,500,000	0.57	\$1,999,721
Sprayground / SplashPad	0	\$90,000	1.00	\$90,000	1.00	\$90,000
Golf Course 18-hole	1.5	\$4,000,000	0.00	\$0	0.00	\$0
Driving Range	1	\$1,000,000	0.00	\$0	0.00	\$0
Maintenance Facilities (Hub)	1	\$750,000	0.00	\$0	0.00	\$0
Maintenance Facilities (Satellite)	3	\$150,000	0.00	\$0	0.00	\$0
Multi-use / Nature Pathways (miles)	7.5	\$200,000	7.33	\$1,465,387	4.81	\$962,985
Park / Open Space Acres (acres)	745.2	\$30,000	0.00	\$0	197.61	\$5,928,277
			TOTALS	\$6,668,253		\$10,516,341
Basic Park Amenities – Core Components to be applied to Recreation Impact Fees	Cost of Facilities Needed to Remove Current Deficiency (2006):					\$6,668,253
	Cost of Facilities Needed to Accommodate Future Development (2015):					\$10,516,341
	Total Facility Costs:					\$17,184,594

TABLE 6 – Facilities Costs to overcome Deficiencies

The facility cost estimates were arrived at based on current construction estimates and actual projects. The projected current deficiencies applying all recreation facilities total \$6,668,253. The implementation of development to satisfy the current deficiencies would need to be completed in ten years (2015).

In the same way the facility cost estimates for the future deficiencies including all of the recreation components total \$10,516,341. The funding source for these costs would come from Recreation Impact Fee funds. The total costs for recreation facility deficiencies total \$17,184,594.

These projected costs seemed to be on the high side when compared to the number of new population growth in the next ten years. Applying the projected number of residential building permits of the next ten years (4,547) and dividing the total new residential building permits into the cost of the future deficiencies (\$17,184,594) the recreation impact fee would be \$3,779.33 per each new residential unit.

Based on this early analysis the Advisory Committee and the Consultant looked at several scenarios of including some but not all of the identified recreation amenities into the calculations of the recreation impact fees. Several scenarios were developed looking at just the identified basic park amenities to the

Valparaiso Recreation Impact Fee Study

Recommended Recreation Impact Fee

With the information gained from the inventory and analysis of the Recreation Impact Fee study, it is a simple process to calculate the proposed fee.

As shown in **Table 8**, the total estimated cost of improvements (including facilities, trails, and land) needed to accommodate projected future growth is \$4,232,600. The new Impact Fee is calculated by dividing the total cost to serve the new residents of \$4,232,600 by the projected number of dwelling units anticipated (4,547). This produces the recommended Impact Fee of \$931.

Assuming that there will be a growth in housing permits at an average of 455 per year over the next ten years (2006-2015) using the zone one option, the future recreation facility needs will be funded using the suggested Recreation Impact Fee of \$931.

Please note, to remove the current (2006) deficiency at a value of \$1,679,387, funding will need to be budgeted and funded, without using Recreation Impact Fee dollars, over the next 10 years at an average of \$167,939 per year.

Recommended Recreation Impact Fee – City of Valparaiso

Apply Only Basic Park Amenities PLUS:

• 40% of the land costs • Skate/Bike Park • Challenge Elements

Costs Needed to Remove Current Deficiency =		\$1,679,387
Projected Costs / Year (2006 to 2015) =		\$167,939
Projected 2015 Populations =		39,284
Number of Expected Residential Building Permits in the next 10 years =		4,547
Costs Needed to Meet Future (2015) Needs =		\$4,232,600
Projected Recreation Impact Fee =		\$931

TABLE 8 – Recommended Recreation Impact Fee

The projected revenue from recreation impact fees over the next ten-year period (2006-2015) is illustrated in the chart below:

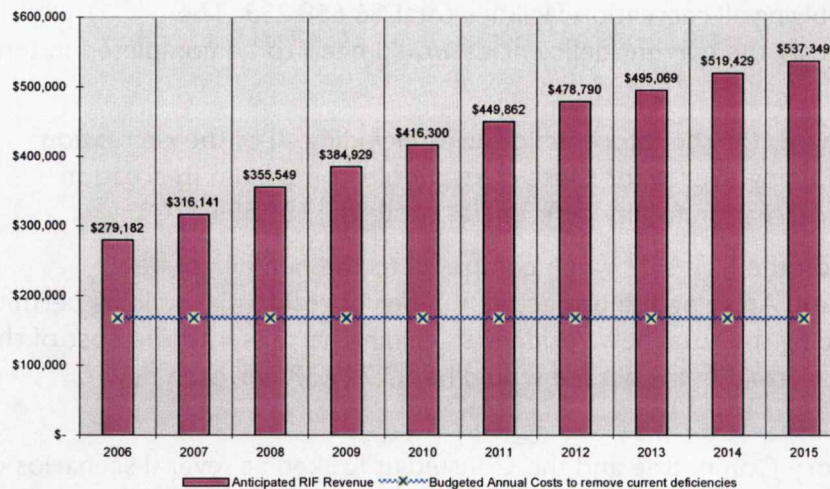


FIGURE 5 – Projected Revenue from Recreation Impact Fees 2006-2015

Valparaiso Recreation Impact Fee Study

Trails and Pathways of Valparaiso – Trail Cost Estimates

Cost estimates for the proposed Trail and Pathways system were derived following the Trails and Pathways of Valparaiso Alternative Transportation Master Plan standards. The cost estimate for a 10-foot wide trail/walk is approximately \$37.90 per linear foot or \$200,000 per mile. In **Table 6**, the development cost for the current deficiency of trails/walkways is estimated to be \$1,465,387 or 7.33 miles at \$200,000. The “priority loop” identified in the Pathways Master Plan was approximately 6.5 miles in length. For projected 2012 deficiencies, the development cost is estimated to be \$962,985 or 4.81 miles at \$200,000.

Park/Open Space Acres

Cost estimates for the Park and Open Spaces recognizes only 40% of the estimated costs. The future deficiency calls for the need of 197.61 acres. When applying the full amount the costs projections would be \$5,928,277 (\$30,000 per acre * 197.61 acres). For the purposes of the recreation impact fee calculations only 40% of the total was factored into the future deficiency costs, or \$2,371,311.

Donations or In Lieu Of Impact Fee Components

As is being experienced in other communities which have recreation impact fee ordinances housing developers sometimes prefer to have options available to them where they can develop noted recreation components themselves and receive credit against impact fee charges. It was felt that both the trail and pathway component and the land/open space acres are both components where credit against recreation impact fees could be considered. The City will need to develop a policy on such credit considerations.

Valparaiso Recreation Impact Fee Study

Summary of Impact Fee Study

The following previously illustrated tables summarize the inventory, need analysis, and cost projections for this study.

LAND INVENTORY AND NEEDS

City Wide Analysis		Estimated 2006 and Projected Populations = 29,654 39,284					
Park Type	Typical Park Size (Acres)	Total Existing Acreage	Acres Standards / 1,000	Current Acreage Stds./1,000	Current Acreage Needs	2006 Surplus or Deficiency	2015 Needed if current deficiency IS met
Block Park	1 to 5	7.50	0.50	0.26	14.83	(7.33)	(12.14)
Neighborhood Park	4 to 15	103.70	3.00	3.58	88.96	14.74	(14.15)
Community Park	10 to 70	254.50	7.00	8.78	207.58	46.92	(20.49)
Special Park	0.5+	304.50	0.50	10.51	14.83	289.67	284.86
School Sites	N/A	75.00	0.00	0.00			
Total Surplus or Deficiency		745.20	11.00	23.13	326.19	344.01	238.08

Data updated from the Park and Recreation Master Plan.

Using the Current Land Inventory as the Standard for Park Land and Open Space and including the School Sites properties the Acres Standard per 1,000 persons would be =	25.72
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Valpo. Acres Standard		Estimated 2006 Population = 29,654				2015 Pop.
Park Type	Total Existing Acreage	Acres Standards / 1,000	Current Acreage Needs	2006 Surplus or Deficiency	2015 Needed if current deficiency IS met	39,284
Total Surplus or Deficiency	745.20	24.00	711.69	33.51	(197.61)	

^-- Suggestion to use a standard of 24 acres / 1,000 persons

FACILITY INVENTORY AND NEEDS

City Wide Analysis (All Facilities)			29,654			39,284 = Projected 2015 Pop.		
Facility	Valparaiso Standards	Facilities Current*	2006 Needs (per pop.)	2006 Surplus or Deficiency	Current Actual Needed	Projected 2015 Needed (per pop.)	2015 Needed if current deficiency IS met	2015 Actual Needed
Baseball Diamonds	1/6,000	5	4.9	0.06	0.00	6.5	(1.55)	2.00
Softball Diamonds	1/3,000	8	9.9	(1.88)	2.00	13.1	(3.09)	3.00
Soccer Fields	1/2,000	17	14.8	2.17	0.00	19.6	(2.64)	3.00
Tennis Courts	1/2,000	16	14.8	1.17	0.00	19.6	(3.64)	4.00
Running / Walking Track	1/20,000	5	1.5	3.52	0.00	2.0	3.04	0.00
Basketball Courts	1/1,500	23	19.8	3.23	0.00	26.2	(3.19)	3.00
Volleyball Courts	1/3,000	0	9.9	(9.88)	10.00	13.1	(3.09)	3.00
Skate/Bike Park (Neighborhood)	1/20,000	1	1.5	(0.48)	0.00	2.0	(0.96)	1.00
Climbing / Challenge Elements	1/20,000	0	1.5	(1.48)	1.00	2.0	(0.96)	1.00
Park Shelters/Gazebos	1/1,500	23	19.8	3.23	0.00	26.2	(3.19)	3.00
Park Restrooms	1/2,000	16	14.8	1.17	0.00	19.6	(3.64)	4.00
Interpretive Center	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Environmental Center	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Outdoor Entertainment Venue	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Recreation Centers (Neighborhood)	1/20,000	1	1.5	(0.48)	0.48	2.0	(0.48)	0.48
Playgrounds (Comm./Destination)	1/30,000	1	1.0	0.01	0.00	1.3	(0.31)	0.31
Playgrounds (Neighborhood)	1/3,000	12	9.9	2.12	0.00	13.1	(1.09)	1.00
Skating Rinks (hockey)	1/100,000	1	0.3	0.70	0.00	0.4	0.61	0.00
Swim. Pool / Aquatics Facilities	1/25,000	0	1.2	(1.19)	1.00	1.6	(0.57)	0.57
Sprayground / SplashPad	1/20,000	0	1.5	(1.48)	1.00	2.0	(0.96)	1.00
Golf Course 18-hole	1/25,000	1.5	1.2	0.31	0.00	1.6	(0.07)	0.00
Driving Range	1/50,000	1	0.6	0.41	0.00	0.8	0.21	0.00
Maintenance Facilities (Hub)	1/75,000	1	0.4	0.60	0.00	0.5	0.48	0.00
Maintenance Facilities (Satellite)	1/25,000	3	1.2	1.81	0.00	1.6	1.43	0.00
Multi-use / Nature Pathways (miles)	1 mile / 2,000	7.50	14.83	(7.33)	7.33	19.64	(4.81)	4.81
Park / Open Space Acres	see standards	745.20	711.69	33.51	0.00	942.81	(197.61)	197.61

* Current Facilities Data updated from the Park and Recreation Master Plan and new Field Inventory.

Basic Park Amenities – Core Components to be applied to Recreation Impact Fees

Valparaiso Recreation Impact Fee Study

Funding for Current Deficiencies

Again, recreation impact fees cannot be used to cover the costs of identified current deficiencies. The noted recreation components have been listed in Table 9 below along with each project's funding sources and projected cost budget.

Project Description	Funding Source(s)	Project Amount
Two Softball Diamonds	Grants, Capital Improve. Budget, Private Dollars	\$ 44,000
Ten Volleyball Courts	Grants, Capital Improve. Budget, Private Dollars	\$ 50,000
Climbing / Challenge Elements	Grants, Capital Improve. Budget, Private Dollars	\$ 30,000
Sprayground / SplashPad	Grants, Capital Improve. Budget, Private Dollars	\$ 90,000
Multi-use / Nature Pathways	Grants, Private Dollars, General Obligation Bond	\$ 1,465,387
	TOTAL	\$ 1,679,387

TABLE 9 – Funding Sources for Current Deficiencies



Valparaiso Recreation Impact Fee Study

Summary of Impact Fee Study

The following previously illustrated tables summarize the inventory, need analysis, and cost projections for this study.

LAND INVENTORY AND NEEDS

City Wide Analysis							Estimated 2006 and Projected Populations =	29,654	39,284
Park Type	Typical Park Size (Acres)	Total Existing Acreage	Acres Standards / 1,000	Current Acreage Stds./1,000	Current Acreage Needs	2006 Surplus or Deficiency	2015 Needed if current deficiency IS met		
Block Park	1 to 5	7.50	0.50	0.26	14.83	(7.33)	(12.14)		
Neighborhood Park	4 to 15	103.70	3.00	3.58	88.96	14.74	(14.15)		
Community Park	10 to 70	254.50	7.00	8.78	207.58	46.92	(20.49)		
Special Park	0.5+	304.50	0.50	10.51	14.83	289.67	284.86		
School Sites	N/A	75.00	0.00	0.00					
Total Surplus or Deficiency		745.20	11.00	23.13	326.19	344.01	238.08		

Data updated from the Park and Recreation Master Plan.

Using the Current Land Inventory as the Standard for Park Land and Open Space and including the School Sites properties the Acres Standard per 1,000 persons would be =	25.72
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Valpo. Acres Standard					2015 Pop.
Estimated 2006 Population =					39,284
Park Type	Total Existing Acreage	Acres Standards / 1,000	Current Acreage Needs	2006 Surplus or Deficiency	2015 Needed if current deficiency IS met
Total Surplus or Deficiency	745.20	24.00	711.69	33.51	(197.61)

^-- Suggestion to use a standard of 24 acres / 1,000 persons

FACILITY INVENTORY AND NEEDS

City Wide Analysis (All Facilities)								
			29,654	39,284	= Projected 2015 Pop.			
Facility	Valparaiso Standards	Facilities Current*	2006 Needs (per pop.)	2006 Surplus or Deficiency	Current Actual Needed	Projected 2015 Needed (per pop.)	2015 Needed if current deficiency IS met	2015 Actual Needed
Baseball Diamonds	1/6,000	5	4.9	0.06	0.00	6.5	(1.55)	2.00
Softball Diamonds	1/3,000	8	9.9	(1.88)	2.00	13.1	(3.09)	3.00
Soccer Fields	1/2,000	17	14.8	2.17	0.00	19.6	(2.64)	3.00
Tennis Courts	1/2,000	16	14.8	1.17	0.00	19.6	(3.64)	4.00
Running / Walking Track	1/20,000	5	1.5	3.52	0.00	2.0	3.04	0.00
Basketball Courts	1/1,500	23	19.8	3.23	0.00	26.2	(3.19)	3.00
Volleyball Courts	1/3,000	0	9.9	(9.88)	10.00	13.1	(3.09)	3.00
Skate/Bike Park (Neighborhood)	1/20,000	1	1.5	(0.48)	0.00	2.0	(0.96)	1.00
Climbing / Challenge Elements	1/20,000	0	1.5	(1.48)	1.00	2.0	(0.96)	1.00
Park Shelters/Gazebos	1/1,500	23	19.8	3.23	0.00	26.2	(3.19)	3.00
Park Restrooms	1/2,000	16	14.8	1.17	0.00	19.6	(3.64)	4.00
Interpretive Center	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Environmental Center	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Outdoor Entertainment Venue	1/50,000	0	0.6	(0.59)	0.59	0.8	(0.19)	0.19
Recreation Centers (Neighborhood)	1/20,000	1	1.5	(0.48)	0.48	2.0	(0.48)	0.48
Playgrounds (Comm./Destination)	1/30,000	1	1.0	0.01	0.00	1.3	(0.31)	0.31
Playgrounds (Neighborhood)	1/3,000	12	9.9	2.12	0.00	13.1	(1.09)	1.00
Skating Rinks (hockey)	1/100,000	1	0.3	0.70	0.00	0.4	0.61	0.00
Swim. Pool / Aquatics Facilities	1/25,000	0	1.2	(1.19)	1.00	1.6	(0.57)	0.57
Sprayground / SplashPad	1/20,000	0	1.5	(1.48)	1.00	2.0	(0.96)	1.00
Golf Course 18-hole	1/25,000	1.5	1.2	0.31	0.00	1.6	(0.07)	0.00
Driving Range	1/50,000	1	0.6	0.41	0.00	0.8	0.21	0.00
Maintenance Facilities (Hub)	1/75,000	1	0.4	0.60	0.00	0.5	0.48	0.00
Maintenance Facilities (Satellite)	1/25,000	3	1.2	1.81	0.00	1.6	1.43	0.00
Multi-use / Nature Pathways (miles)	1 mile / 2,000	7.50	14.83	(7.33)	7.33	19.64	(4.81)	4.81
Park / Open Space Acres	see standards	745.20	711.69	33.51	0.00	942.81	(197.61)	197.61

* Current Facilities Data updated from the Park and Recreation Master Plan and new Field Inventory.

Basic Park Amenities – Core Components to be applied to Recreation Impact Fees

Valparaiso Recreation Impact Fee Study

FACILITY NEEDS – COSTS

Basic Park Amenities – Core Components to be applied to Recreation Impact Fees

City Wide Analysis (All Facilities)			29,654		39,284		Projected 2015	
Facility	Facilities Current	Facility Costs (assuming on existing land)	Needed Components to Remove Current Deficiency	Costs Needed to Remove Current Deficiency	Needed Components to Remove 2015 Deficiency	Costs Needed to Remove 2015 Deficiency		
Baseball Diamonds	5	\$25,000	0.00	\$0	2.00	\$50,000		
Softball Diamonds	8	\$22,000	2.00	\$44,000	3.00	\$66,000		
Soccer Fields	17	\$30,000	0.00	\$0	3.00	\$90,000		
Tennis Courts	16	\$28,000	0.00	\$0	4.00	\$112,000		
Running / Walking Track	5	\$100,000	0.00	\$0	0.00	\$0		
Basketball Courts	23	\$8,000	0.00	\$0	3.00	\$24,000		
Volleyball Courts	0	\$5,000	10.00	\$50,000	3.00	\$15,000		
Skate/Bike Park (Neighborhood)	1	\$100,000	0.00	\$0	1.00	\$100,000		
Climbing / Challenge Elements	0	\$30,000	1.00	\$30,000	1.00	\$30,000		
Park Shelters/Gazebos	23	\$30,000	0.00	\$0	3.00	\$90,000		
Park Restrooms	16	\$40,000	0.00	\$0	4.00	\$160,000		
Interpretive Center	0	\$400,000	0.59	\$237,231	0.19	\$77,039		
Environmental Center	0	\$750,000	0.59	\$444,808	0.19	\$144,448		
Outdoor Entertainment Venue	0	\$750,000	0.59	\$444,808	0.19	\$144,448		
Recreation Centers (Neighborhood)	1	\$750,000	0.48	\$362,020	0.48	\$361,119		
Playgrounds (Comm./Destination)	1	\$85,000	0.00	\$0	0.31	\$26,304		
Playgrounds (Neighborhood)	12	\$45,000	0.00	\$0	1.00	\$45,000		
Skating Rinks (hockey)	1	\$2,500,000	0.00	\$0	0.00	\$0		
Swim. Pool / Aquatics Facilities	0	\$3,500,000	1.00	\$3,500,000	0.57	\$1,999,721		
Sprayground / SplashPad	0	\$90,000	1.00	\$90,000	1.00	\$90,000		
Golf Course 18-hole	1.5	\$4,000,000	0.00	\$0	0.00	\$0		
Driving Range	1	\$1,000,000	0.00	\$0	0.00	\$0		
Maintenance Facilities (Hub)	1	\$750,000	0.00	\$0	0.00	\$0		
Maintenance Facilities (Satellite)	3	\$150,000	0.00	\$0	0.00	\$0		
Multi-use / Nature Pathways (miles)	7.5	\$200,000	7.33	\$1,465,387	4.81	\$962,985		
Park / Open Space Acres (acres)	745.2	\$30,000	0.00	\$0	197.61	\$5,928,277		
			TOTALS	\$6,668,253		\$10,516,341		
Basic Park Amenities – Core Components to be applied to Recreation Impact Fees		Cost of Facilities Needed to Remove Current Deficiency (2006):					\$6,668,253	
		Cost of Facilities Needed to Accommodate Future Development (2015):					\$10,516,341	
Total Facility Costs:							\$17,184,594	

Applied Summary:	Current	2015 Pop.
Breakdown if Applying RIF to only the Basic Park Amenities PLUS 40% of Land Costs, Skate/Bike Park, and Challenge Elements	Costs Needed to Remove Current Deficiency	Costs Needed to Remove 2015 Deficiency
Total Facility Costs for Basic Park Amenities Plus those noted:	\$1,679,387	\$4,232,600
* Total Facility Costs for NON-Basic Park Amenities:	\$4,988,867	\$6,283,741
TOTALS:	\$6,668,253	\$10,516,341

* Note that the remaining Non-Basic recreation components have not been included in this Recreation Impact Fee determination. Annual reviews of the Recreation Impact Fee may determine that such elements need to be added into future calculations.

Recommended Recreation Impact Fee – City of Valparaiso

Apply Only Basic Park Amenities PLUS:

• 40% of the land costs • Skate/Bike Park • Challenge Elements

Costs Needed to Remove Current Deficiency =	\$1,679,387
Projected Costs / Year (2006 to 2015) =	\$167,939

		2015 Population
Projected 2015 Populations =		39,284
Number of Expected Residential Building Permits in the next 10 years =		4,547
Costs Needed to Meet Future (2015) Needs =		\$4,232,600
Projected Recreation Impact Fee =		\$931

Appendix

- *Appendix A: Indiana Code (IC) 36-7-4-1300*
- *Appendix B: Impact Fee One Zone Recommendation Logic*
- *Appendix C: Examples of New Applied Park Amenities*

APPENDIX A: INDIANA CODE (IC) 36-7-4-1300

INDIANA SERIES IMPACT FEES

INDIANA CODE (IC) 36-7-4-1300

Assembled by:



LEHMAN & LEHMAN

Transforming Horizons
Landscape Architects and Planners
Mishawaka, IN 46544

INDIANA SERIES IMPACT FEES

INDIANA CODE (IC) 36-7-4-1300

IC 36-7-4-1300

Sec. 1300.

This series (sections 1300 through 1399 of this chapter) may be cited as follows: 1300 SERIES IMPACT FEES. As added by P.L.221-1991, Sec.1.

IC 36-7-4-1301

Sec. 1301.

As used in this series, "community level of service" means a quantitative measure of the service provided by the infrastructure that is determined by a unit to be appropriate.

As added by P.L.221-1991, Sec.2.

IC 36-7-4-1302

Sec. 1302.

As used in this series, "current level of service" means a quantitative measure of service provided by existing infrastructure to support existing development.

As added by P.L.221-1991, Sec.3.

IC 36-7-4-1303

Sec. 1303.

As used in this series, "development" means an improvement of any kind on land.

As added by P.L.221-1991, Sec.4.

IC 36-7-4-1304

Sec. 1304.

- (a) As used in this series, "fee payer" means the following:
- (1) A person who has paid an impact fee.
 - (2) A person to whom a person who paid an impact fee has made a written assignment of rights concerning the impact fee.
 - (3) A person who has assumed by operation of law the rights concerning an impact fee.
- (b) As used in this series, "person" means an individual, a sole proprietorship, a partnership, an association, a corporation, a fiduciary, or any other entity. As added by P.L.221-1991, Sec.5.

IC 36-7-4-1305

Sec. 1305.

- (a) As used in this series, "impact fee" means a monetary charge imposed on new development by a unit to defray or mitigate the capital costs of infrastructure that is required by, necessitated by, or needed to serve the new development.
- (b) As used in this Section, "capital costs" means the costs incurred to provide additional infrastructure to serve new development, including the following:
- (1) Directly related costs of construction or expansion of infrastructure that is necessary to serve the new development, including reasonable design, survey, engineering, environmental, and other professional fees that are directly related to the construction or expansion.
 - (2) Directly related land acquisition costs, including costs incurred for the following:
 - (A) Purchases of interests in land.
 - (B) Court awards or settlements.
 - (C) Reasonable appraisal, relocation service, negotiation service, title insurance, expert witness, attorney, and other professional fees that are directly related to the land acquisition.
 - (3) Directly related debt service, subject to Section 1330 of this chapter.
 - (4) Directly related expenses incurred in preparing or updating the comprehensive plan or zone improvement plan, including all administrative, consulting attorney, and other professional fees, as limited by Section 1330 of this chapter. As added by P.L.221-1991, Sec.6.

IC 36-7-4-1306

Sec. 1306.

As used in this series, "impact fee ordinance" means an ordinance adopted under Section 1311 of this chapter. As added by P.L.221-1991, Sec.7.

IC 36-7-4-1307

Sec. 1307.

As used in this series, "impact zone" means a geographic area designated under Section 1315 of this chapter. As added by P.L.221-1991, Sec.8.

IC 36-7-4-1308

Sec. 1308.

As used in this series, "infrastructure" means the capital improvements that:

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- (1) comprise:
 - (A) a sanitary sewer system or wastewater treatment facility;
 - (B) a park or recreational facility;
 - (C) a road or bridge;
 - (D) a drainage or flood control facility;
 - (E) a water treatment, water storage, or water distribution facility;
- (2) are:
 - (A) owned solely for a public purpose by:
 - (i) a unit; or
 - (ii) a corporation created by a unit; or
 - (B) leased by a unit solely for a public purpose; and
- (3) are included in the zone improvement plan of the impact zone in which the capital improvements are located. The term includes site improvements or interests in real property needed for a facility listed in subdivision (1). *As added by P.L.221-1991, Sec.9.*

IC 36-7-4-1309

Sec. 1309.

As used in this series, "infrastructure type" means any of the following types of infrastructure covered by an impact fee ordinance:

- (1) Sewer, which includes sanitary sewerage and wastewater treatment facilities.
- (2) Recreation, which includes parks and other recreational facilities.
- (3) Road, which includes public ways and bridges.
- (4) Drainage, which includes drains and flood control facilities.
- (5) Water, which includes water treatment, water storage, and water distribution facilities.

As added by P.L.221-1991, Sec.10.

IC 36-7-4-1310

Sec. 1310.

As used in this series, "infrastructure agency" means a political subdivision or an agency of a political subdivision responsible for acquiring, constructing, or providing a particular infrastructure type. *As added by P.L.221-1991, Sec.11.*

IC 36-7-4-1311

Sec. 1311.

- (a) The legislative body of a unit may adopt an ordinance imposing an impact fee on new

development in the geographic area over which the unit exercises planning and zoning jurisdiction. The ordinance must aggregate the portions of the impact fee attributable to the infrastructure types covered by the ordinance so that a single and unified impact fee is imposed on each new development.

- (b) If the legislative body of a unit has planning and zoning jurisdiction over the entire geographic area covered by the impact fee ordinance, an ordinance adopted under this Section shall be adopted in the same manner that zoning ordinances are adopted under the 600 SERIES of this chapter.
- (c) If the legislative body of a unit does not have planning and zoning jurisdiction over the entire geographic area covered by the impact fee ordinance but does have jurisdiction over one (1) or more infrastructure types in the area, the legislative body shall establish the portion of the impact fee schedule or formula for the infrastructure types over which the legislative body has jurisdiction. The legislative body of the unit having planning and zoning jurisdiction shall adopt an impact fee ordinance containing that portion of the impact fee schedule or formula if:

- (1) a public hearing has been held before the legislative body having planning and zoning jurisdiction; and
- (2) each plan commission that has planning jurisdiction over any part of the geographic area in which the impact fee is to be imposed has approved the proposed impact fee ordinance by resolution.
- (d) An ordinance adopted under this Section is the exclusive means for a unit to impose an impact fee. An impact fee imposed on new development to pay for infrastructure may not be collected after January 1, 1992, unless the impact fee is imposed under an impact fee ordinance adopted under this chapter.
- (e) Notwithstanding any other provision of this chapter, the following charges are not impact fees and may continue to be imposed by units:
 - (1) Fees, charges, or assessments imposed for infrastructure services under statutes in existence on January 1, 1991, if:
 - (A) the fee, charge, or assessment is imposed upon all users whether they are new users or users requiring additional capacity or services;
 - (B) the fee, charge, or assessment is not used to fund construction of new infrastructure unless the new infrastructure is of the same type for which the fee, charge, or assessment is imposed and will serve the

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payer; and

- (C) the fee, charge, or assessment constitutes a reasonable charge for the services provided in accordance with IC 36-1-3-8(6) or other governing statutes requiring that any fees, charges, or assessments bear a reasonable relationship to the infrastructure provided.

- (2) Fees, charges, and assessments agreed upon under a contractual agreement entered into before April 1, 1991, or fees, charges, and assessments agreed upon under a contractual agreement, if the fees, charges, and assessments are treated as impact deductions under Section 1321(d) of this chapter if an impact fee ordinance is in effect. *As added by P.L.221-1991, Sec.12.*

IC 36-7-4-1312

Sec. 1312.

- (a) A unit may not adopt an impact fee ordinance under Section 1311 of this series unless the unit has adopted a comprehensive plan under the 500 SERIES of this chapter for the geographic area over which the unit exercises planning and zoning jurisdiction.
- (b) Before the adoption of an impact fee ordinance under Section 1311 of this chapter, a unit shall establish an impact fee advisory committee. The advisory committee shall:
 - (1) be appointed by the executive of the unit;
 - (2) be composed of not less than five (5) and not more than ten (10) members with at least forty percent (40%) of the membership representing the development, building, or real estate industries; and
 - (3) serve in an advisory capacity to assist and advise the unit with regard to the adoption of an impact fee ordinance under Section 1311 of this chapter.
- (c) A planning commission or other committee in existence before the adoption of an impact fee ordinance that meets the membership requirements of subsection (b) may serve as the advisory committee that subsection (b) requires.
- (d) Action of an advisory committee established under subsection (b) is not required as a prerequisite for the unit in adopting an impact fee ordinance under Section 1311 of this chapter.

As added by P.L.221-1991, Sec.13.

IC 36-7-4-1313

Sec. 1313.

This series does not prohibit a unit from doing any of the following:

- (1) Imposing a charge to pay the administrative, plan review, or inspection costs associated with a permit for development.
- (2) Imposing, pursuant to a written commitment or agreement and as a condition or requirement attached to a development approval or authorization (including permitting or zoning decisions), an obligation to dedicate, construct, or contribute goods, services, land or interests in land, or infrastructure to a unit or to an infrastructure agency. However, if the unit adopts or has already adopted an impact fee ordinance under Section 1311 of this chapter the following apply:
 - (A) The person dedicating, contributing, or providing an improvement under this subsection is entitled to a credit for the improvement under Section 1335 of this chapter.
 - (B) The cost of complying with the condition or requirement imposed by the unit under this subdivision may not exceed the impact fee that could have been imposed by the unit under Section 1321 of this chapter for the same infrastructure.
- (3) Imposing new permit fees, charges, or assessments or amending existing permit fees, charges, or assessments. However, the permit fees, charges, or assessments must meet the requirements of Section 1311 (e) (1) (A), 1311 (e) (1) (B), and 1311 (e) (1) (C) of this chapter. *As added by P.L.221-1991, Sec.14.*

IC 36-7-4-1314

Sec. 1314.

- (a) Except as provided in subsection (b), an impact fee ordinance must apply to any development:
 - (1) that is in an impact zone; and
 - (2) for which a unit may require a structural building permit.
- (b) An impact fee ordinance may not apply to an improvement that does not create a need for additional infrastructure, including the erection of a sign, the construction of a fence, or the interior renovation of a building not resulting in a change in use. *As added by P.L.221-1991, Sec.15.*

IC 36-7-4-1315

Sec. 1315.

- (a) An impact fee ordinance must establish an impact

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zone, or a set of impact zones, for each infrastructure type covered by the ordinance. An impact zone established for a particular infrastructure type is not required to be congruent with an impact zone established for a different infrastructure type.

- (b) An impact zone may not extend beyond the jurisdictional boundary of an infrastructure agency responsible for the infrastructure type for which the impact zone was established, unless an agreement under IC 36-1-7 is entered into by the infrastructure agencies.
- (c) If an impact zone, or a set of impact zones, includes a geographic area containing territory from more than one (1) planning and zoning jurisdiction, the applicable legislative bodies and infrastructure agencies shall enter into an agreement under IC 36-1-7 concerning the collection, division, and distribution of the fees collected under the impact fee ordinance. *As added by P.L.221-1991, Sec.16.*

IC 36-7-4-1316

Sec. 1316.

A unit must include in an impact zone designated under Section 1315 of this chapter the geographical area necessary to ensure that:

- (1) there is a functional relationship between the components of the infrastructure type in the impact zone;
- (2) the infrastructure type provides a reasonably uniform benefit throughout the impact zone; and
- (3) all areas included in the impact zone are contiguous. *As added by P.L.221-1991, Sec.17.*

IC 36-7-4-1317

Sec. 1317.

A unit must identify in the unit's impact fee ordinance the infrastructure agency that is responsible for acquiring, constructing, or providing each infrastructure type included in the impact fee ordinance. *As added by P.L.221-1991, Sec.18.*

IC 36-7-4-1318

Sec. 1318.

- (a) A unit may not adopt an impact fee ordinance under Section 1311 of this chapter unless the unit has prepared or substantially updated a zone improvement plan for each impact zone during the immediately preceding one (1) year period. A single zone improvement plan may be used for two (2) or more infrastructure types if the impact zones for the infrastructure types are congruent.

- (b) Each zone improvement plan must contain the following information:

- (1) A description of the nature and location of existing infrastructure in the impact zone.
 - (2) A determination of the current level of service.
 - (3) Establishment of a community level of service. A unit may provide that the unit's current level of service is the unit's community level of service in the zone improvement plan.
 - (4) An estimate of the nature and location of development that is expected to occur in the impact zone during the following ten (10) year period.
 - (5) An estimate of the nature, location, and cost of infrastructure that is necessary to provide the community level of service for the development described in subdivision. The plan must indicate the proposed timing and sequencing of infrastructure installation.
 - (6) A general description of the sources and amounts of money used to pay for infrastructure during the previous five (5) years.
- (c) If a zone improvement plan provides for raising the current level of service to a higher community level of service, the plan must:
 - (1) provide for completion of the infrastructure that is necessary to raise the current level of service to the community level of service within the following ten (10) year period;
 - (2) indicate the nature, location, and cost of infrastructure that is necessary to raise the current level of service to the community level of service; and
 - (3) identify the revenue sources and estimate the amount of the revenue sources that the unit intends to use to raise the current level of service to the community level of service for existing development. Revenue sources include, without limitation, any increase in revenues available from one (1) or more of the following:
 - (A) Adopting or increasing the following:
 - (i) The county adjusted gross income tax.
 - (ii) The county option income tax.
 - (iii) The county economic development income tax.
 - (iv) The annual license excise surtax.
 - (v) The wheel tax.
 - (B) Imposing the property tax rate per one hundred dollars (\$100) of assessed valuation that the unit may impose to create

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(c) As used in this Section, "non-local revenue" means a reasonable estimate, made at the time the impact fee is assessed, of revenue that:

- (1) will be received from any source (including but not limited to state or federal grants) other than a local government source; and
- (2) is to be used within the impact zone to defray the capital costs of providing infrastructure of the applicable type.

(d) As used in this Section, "impact deductions" means a reasonable estimate, made at the time the impact fee is assessed, of the amounts from the following sources that will be paid during the ten (10) year period after assessment of the impact fee to defray the capital costs of providing infrastructure of the applicable types to serve a development:

- (1) Taxes levied by the unit or on behalf of the unit by an applicable infrastructure agency that the fee payer and future owners of the development will pay for use within the geographic area of the unit.
- (2) Charges and fees, other than fees paid by the fee payer under this chapter, that are imposed by any of the following for use within the geographic area of the unit:
 - (A) An applicable infrastructure agency.
 - (B) A governmental entity.
 - (C) A not-for-profit corporation created for governmental purposes. Charges and fees covered by this subdivision include tap and availability charges paid for extension of services or the provision of infrastructure to the development.

(e) An impact fee on a development may not exceed:

- (1) impact costs; minus
- (2) the sum of non-local revenues and impact deductions. *As added by P.L.221-1991, Sec.22.*

IC 36-7-4-1322

Sec. 1322.

(a) Except as provided in subsection (b), an impact fee ordinance must require that, if the fee payer requests, an impact fee on a development must be assessed not later than thirty (30) days after the earlier of:

- (1) the date the fee payer obtains an improvement location permit for the development; or
- (2) the date that the fee payer voluntarily submits to the unit a development plan for the development and evidence that the property is properly zoned for the proposed development.

The plan shall be in the form prescribed by the unit's zoning ordinance and shall contain reasonably sufficient detail for the unit to calculate the impact fee.

(b) An impact fee ordinance may provide that if a proposed development is of a magnitude that will require revision of the zone improvement plan in order to appropriately serve the new development, the unit shall revise the unit's zone improvement plan and shall assess an impact fee on a development not later than one hundred eighty (180) days after the earlier of the following:

- (1) The date on which the fee payer obtains an improvement location permit for the development.
- (2) The date on which the fee payer submits to the unit a development plan for a development and evidence that the property is properly zoned for the proposed development. The development plan must be in the form prescribed by the unit's zoning ordinance and must contain reasonably sufficient detail for the unit to calculate the impact fee.

(c) An impact fee assessed under subsections (a) or (b) may be increased only if the structural building permit has not been issued for the development and the requirements of subsection (d) are satisfied. In the case of a phased development, only a portion of an impact fee assessed under subsection (a) or (b) that is attributable to the portion of the development for which a permit has not been issued may be increased if the requirements of subsection (d) are satisfied.

(d) Unless the improvement location permit or development plan originally submitted for the development is changed so that the amount of impact on infrastructure the development creates in the impact zone is significantly increased, an impact fee assessed under: (1) subsection (a) (1) or (b) (1) may not be increased for the period of the improvement location permit's validity; and

(e) An impact fee assessed under subsection (a) or (b) shall be decreased if the improvement location permit or development plan originally submitted for the development is changed so that the amount of impact on infrastructure that the development creates in the impact zone is significantly decreased. If a change occurs in the permit or plan that results in a decrease in the amount of the impact fee after the fee has been paid, the unit that collected the fee shall immediately refund the amount of the overpayment to the fee payer.

(f) If the unit fails to assess an impact fee within the

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period required by subsection (a) or (b), the unit may not assess an impact fee on the development unless the development plan originally submitted for the development is materially and substantially changed.

- (g) Notwithstanding other provisions in this chapter, a unit may not assess an impact fee against a development if:
- (1) an improvement location permit has been issued for all or a part of a development before adoption of an impact fee ordinance that is in compliance with this chapter; and
 - (2) the development satisfies all of the following criteria:
 - (A) The development is zoned for commercial or industrial use before January 1, 1991.
 - (B) The development will consist primarily of new buildings or structures. As used in this clause, the term "new buildings or structures" does not include additions or expansions of existing buildings or structures.
 - (C) The parts of the development for which a structural building permit has not been issued are owned or controlled by the person that owned or controlled the development on January 1, 1991.
 - (D) A structural building permit is issued for the development not more than four (4) years after the effective date of the impact fee ordinance.
 - (E) The development is part of a common scheme of development that:
 - (i) involves land that is contiguous;
 - (ii) involves a plan for development that includes a survey of the land, engineering drawings, and a site plan showing the anticipated size, location, and use of buildings and the anticipated location of streets, sewers, and drainage;
 - (iii) if plan approval is required, resulted in an application being filed with an appropriate office, commission, or official of the unit before January 1, 1991, that resulted or may result in approval of any phase of the development plan referred to in item (ii);
 - (iv) has been diligently pursued since January 1, 1991;

- (v) resulted before January 1, 1991, in a substantial investment in creating, publicizing, or implementing the common scheme of development; and
- (vi) involved the expenditure of significant funds before January 1, 1991, for the provision of improvements, such as roads, sewers, water treatment facilities, water storage facilities, water distribution facilities, drainage systems, or parks, that are on public lands or are available for other development in the area.

- (h) Notwithstanding any other provision of this chapter, this chapter does not impair the validity of any contract between a unit and a fee payer that was:
- (1) entered into before January 1, 1991; and
 - (2) executed in consideration of zoning amendments or annexations requested by the fee payer.

As added by P.L.221-1991, Sec.23.

IC 36-7-4-1323

Sec. 1323.

- (a) Except as provided in Section 1324 of this chapter, an impact fee assessed in compliance with Section 1322 of this chapter is due and payable on the date of issuance of the structural building permit for the new development on which the impact fee is imposed.
- (b) For a phased development, an impact fee shall be prorated for purposes of payment according to the impact of the parcel for which a structural building permit is issued in relation to the total impact of the development. In accordance with Section 1324 of this chapter, only the prorated portion of the assessed impact fee is due and payable on the issuance of the permit.
- (c) If an impact fee ordinance is repealed, lapses, or becomes ineffective after the assessment of an impact fee on a development but before the issuance of the structural building permit for part or all of the development:
 - (1) any part of the impact fee attributable to the part of the development for which a structural building permit has not been issued is void and is not due and payable, in the case of a phased development; and
 - (2) the entire impact fee is void and is not due and payable, in the case of a development other than a phased development. *As added by P.L.221-1991, Sec. 24.*

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IC 36-7-4-1324

Sec. 1324.

- (a) An impact fee ordinance must include an installment payment plan. The installment payment plan must at least offer a fee payer the option of paying part of an impact fee in equal installment payments if the impact fee is greater than five thousand dollars (\$5,000). In an installment plan under this Section:
- (1) a maximum of five thousand dollars (\$5,000) or five percent (5%) of the impact fee, whichever is greater, may become payable on the date the structural building permit is issued for the development on which the fee is imposed;
 - (2) the first installment may not become due and payable less than one (1) year after the date the structural building permit is issued for the development on which the fee is imposed; and
 - (3) the last installment may not be due and payable less than two (2) years after the date the structural building permit is issued for the development on which the fee is imposed.
- (b) An impact fee ordinance may require an impact fee of five thousand dollars (\$5,000) or less to be paid in full on the date the structural building permit is issued for the development on which the impact fee is imposed.
- (c) An impact fee ordinance may provide that a reasonable rate of interest, not to exceed the prejudgment rate of interest in effect at the time the interest accrues, may be charged if the fee payer elects to pay in installments. If interest is charged, the ordinance must provide that interest accrues only on the portion of the impact fee that is outstanding and does not begin to accrue until the date the structural building permit is issued for the development or the part of the development on which the impact fee is imposed.
- (d) An impact fee ordinance may provide that if all or part of an installment is not paid when due and payable, the amount of the installment shall be increased on the first day after the installment is due and payable by a penalty amount equal to ten percent (10%) of the installment amount that is overdue. If interest is charged under subsection (c), the interest shall be charged on the penalty amount. *As added by P.L.221-1991, Sec. 25.*

IC 36-7-4-1325

Sec. 1325.

- (a) A unit may use any legal remedy to collect an impact fee imposed by the unit. A unit must bring an action to collect an impact fee and all penalties, costs, and

collection expenses associated with a fee not later than ten (10) years after the fee or the prorated portion of the impact fee first becomes due and payable.

- (b) On the date a structural building permit is issued for the development of property on which the impact fee is assessed, the unit acquires a lien on the real property for which the permit is issued. For a phased development, the amount of the lien may not exceed the prorated portion of the impact fee due and payable in one (1) or more installments at the time the structural building permit is issued.
- (c) A lien acquired by a unit under this Section is not affected by a sale or transfer of the real property subject to the lien, including the sale, exchange, or lease of the real property under IC 36-1-11.
- (d) A lien acquired by a unit under this Section continues for ten (10) years after the impact fee or the prorated portion of the impact fee becomes due and payable. However, if an action to enforce the lien is filed within the ten (10) year period, the lien continues until the termination of the proceeding.
- (e) A holder of a lien of record on any real property on which an impact fee is delinquent may pay the delinquent impact fee and any penalties and costs. The amount paid by the lien holder is an additional lien on the real property in favor of the lien holder and is collectible in the same manner as the original lien.
- (f) If a person pays an impact fee assessed against any real property, the person is entitled to a receipt for the payment that is:
- (1) on a form prescribed by the impact fee ordinance; and
 - (2) issued by a person designated in the impact fee ordinance. *As added by P.L.221-1991, Sec.26.*

IC 36-7-4-1326

Sec. 1326.

- (a) An impact fee ordinance may provide for a reduction in an impact fee for housing development that provides sale or rental housing, or both, at a price that is affordable to an individual or a family earning less than eighty percent (80%) of the median income for the county in which the housing development is located. If the housing development comprises more than one (1) residential unit, the impact fee reduction shall apply only to the residential units that are affordable to an individual or a family earning less than eighty percent (80%) of the median income of the county.
- (b) If the impact fee ordinance provides for a reduction in an impact fee under subsection (a), the ordinance

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must:

- (1) contain a schedule or formula that sets forth the amount of the fee reduction for various types of housing development specified in subsection (a);
 - (2) require that, as a condition of receiving the fee reduction, the owner execute an agreement that:
 - (A) is binding for a period of at least five (5) years on the owner and subsequent owners; and
 - (B) limits the tenancy of residential units receiving the fee reduction to individuals or families who at the time the tenancy is initiated are earning less than eighty percent (80%) of the median income of the county;
 - (3) contain standards to be used in determining if a particular housing development specified in subsection (a) will receive a fee reduction; and
 - (4) designate a board or an official of the unit to conduct the hearing required by subsection (c).
- (c) A fee reduction authorized by this Section must be approved by a board or official of the unit at a public hearing. *As added by P.L.221-1991, Sec.27.*

IC 36-7-4-1327

Sec. 1327. An impact fee ordinance must provide a procedure through which the fee reduction decision made under Section 1326 of this chapter may be appealed by the following persons:

- (1) The person requesting the fee reduction.
 - (2) An infrastructure agency responsible for infrastructure of the applicable type for the impact zone in which the impact fee reduction is granted.
- As added by P.L.221-1991, Sec.28.*

IC 36-7-4-1328

Sec. 1328.

A unit that provides a fee reduction under Section 1326 of this chapter shall pay into the account or accounts established for the impact zone in which the fee was reduced an amount equal to the amount of the fee reduction. *As added by P.L.221-1991, Sec.29.*

IC 36-7-4-1329

Sec. 1329.

- (a) A unit imposing an impact fee shall establish a fund to receive amounts collected under this series.
- (b) Money in a fund established under subsection (a) at the end of the unit's fiscal year remains in the fund. Interest earned by the fund shall be deposited in the fund.

- (c) The fiscal officer of the unit shall manage the fund according to the provisions of this series. The fiscal officer shall annually report to the unit's plan commission and to each infrastructure agency responsible for infrastructure in an impact zone. The report must include the following:
 - (1) The amount of money in accounts established for the impact zone.
 - (2) The total receipts and disbursements of the accounts established for the impact zone.
- (d) A separate account shall be established in the fund for each impact zone established by the unit and for each infrastructure type within each zone. Interest earned by an account shall be deposited in that account. *As added by P.L.221-1991, Sec.30.*

IC 36-7-4-1330

Sec. 1330.

An impact fee collected under this series shall be used for the following purposes:

- (1) Providing funds to an infrastructure agency for the provision of new infrastructure that:
 - (A) is necessary to serve the new development in the impact zone from which the fee was collected; and
 - (B) is identified in the zone improvement plan.
- (2) In an amount not to exceed five percent (5%) of the annual collections of an impact fee, for expenses incurred by the unit that paid for the consulting services that were used to establish the impact fee ordinance.
- (3) Payment of a refund under Section 1332 of this chapter.
- (4) Payment of debt service on an obligation issued to provide infrastructure described in subdivision (1). *As added by P.L.221-1991, Sec.31.*

IC 36-7-4-1331

Sec. 1331.

- (a) An infrastructure agency shall, within the time described in the zone improvement plan, construct infrastructure for which:
 - (1) a zone improvement plan has been adopted;
 - (2) an impact zone has been established; and
 - (3) an impact fee has been collected.
- (b) A unit may amend the unit's zone improvement plan, including the time provided in the plan for construction of infrastructure, only if the amount of expenditures provided for the construction of infrastructure in the original plan does not decrease in any year and the benefit to the overall impact

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zone does not decrease because of the amendment.
As added by P.L.221-1991, Sec.32.

IC 36-7-4-1332

Sec. 1332.

- (a) A fee payer is entitled to a refund of an impact fee if an infrastructure agency:
 - (1) has failed to complete a part of the infrastructure for which the impact fee was imposed not later than:
 - (A) twenty-four (24) months after the time described in Section 1331 of this chapter; or
 - (B) a longer time as is reasonably necessary to complete the infrastructure if unforeseeable and extraordinary circumstances that are not in whole or in part caused by the unit have delayed the construction;
 - (2) has unreasonably denied the fee payer the use and benefit of the infrastructure during the useful life of the infrastructure; or
 - (3) has failed within the earlier of:
 - (A) six (6) years after issuance of the structural building permit; or
 - (B) the anticipated infrastructure completion date as specified in the zone improvement plan existing on the date the impact fee was collected; to make reasonable progress toward completion of the specific infrastructure for which the impact fee was imposed or thereafter fails to make reasonable progress toward completion.
- (b) An application for a refund under subsection (a) must be filed with the unit that imposed the impact fee not later than two (2) years after the right to a refund accrues. A unit shall issue a refund in part or in full or shall reject the application for refund not later than thirty (30) days after receiving an application for a refund.
- (c) If a unit approves a refund in whole or in part, the unit shall pay the amount approved, plus interest from the date on which the impact fee was paid to the date the refund is issued. The interest rate shall be the same rate as the rate that the unit's impact fee ordinance provides for impact fee payments paid in installments.
- (d) If a unit rejects an application for refund or approves only a partial refund, the fee payer may appeal not later than sixty (60) days after the rejection or partial approval to the unit's impact fee review board established under Section 1338 of this chapter by filing with the board an appeal on a form prescribed

by the board. The board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to a lay person.

- (e) An impact fee ordinance shall designate the employee or official of the unit who is responsible for accepting, rejecting, and paying a refund and interest.
- (f) A unit's impact fee review board shall hold a hearing on all appeals for a refund under this Section. The hearing shall be held not later than forty-five (45) days after the application for appeal is filed with the board. A unit's impact fee review board shall provide notice of the application for refund to the infrastructure agency responsible for the infrastructure for which the impact fee was imposed.
- (g) An impact fee review board holding a hearing under subsection (f) shall determine the amount of a refund that shall be made to the fee payer from the account established for the infrastructure for which the fee was imposed. A refund ordered by the board must include interest from the date the impact fee was paid to the date the refund is issued at the same rate the ordinance provides for impact fee payments paid in installments.
- (h) A party aggrieved by a final decision of an impact fee review board in a hearing under subsection (f) may appeal to the circuit or superior court of the county in which the unit is located and is entitled to a trial de novo. *As added by P.L.221-1991, Sec.33.*

IC 36-7-4-1333

Sec. 1333.

- (a) A person against whom an impact fee has been assessed may appeal the amount of the impact fee. A unit may not deny issuance of a structural building permit on the basis that an impact fee has not been paid or condition issuance of the permit on the payment of an impact fee. However, in the case of an impact fee of one thousand dollars (\$1,000) or less a unit may require a fee payer to:
 - (1) pay the impact fee; or
 - (2) bring an appeal under this Section; before the unit issues a structural building permit for the development for which the impact fee was assessed.
- (b) A person must file a petition for a review of the amount of an impact fee with the unit's impact fee review board not later than thirty (30) days after issuance of the structural building permit for the development for which the impact fee was assessed. An impact fee ordinance may require a petition to be accompanied by payment of a reasonable fee not

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to exceed one hundred dollars (\$100). A fee payer shall receive a full refund of the filing fee if:

- (1) the fee payer prevails;
 - (2) the amount of the impact fee or the reductions or credits against the fee is adjusted by the unit, the board, or a court; and
 - (3) the body ordering the adjustment finds that the amount of the fee, reductions, or credits were arbitrary or capricious.
- (c) A unit's impact fee review board shall prescribe the form of the petition for review of an impact fee under subsection (b). The board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to a lay person. The form must require the petitioner to specify:
- (1) a description of the new development on which the impact fee has been assessed;
 - (2) all facts related to the assessment of the impact fee; and
 - (3) the reasons the petitioner believes that the amount of the impact fee assessed is erroneous or is greater than the amount allowed by the fee limitations set forth in this series.
- (d) A unit's impact fee review board shall prescribe a form for a response by a unit to a petition for review under this Section. The board shall issue instructions for completion of the form. The form must require the unit to indicate:
- (1) agreement or disagreement with each item indicated on the petition for review under subsection (c); and
 - (2) the reasons the unit believes that the amount of the fee assessed is correct.
- (e) Immediately upon the receipt of a timely filed petition on the form prescribed under subsection (c), a unit's impact fee review board shall provide a copy of the petition to the unit assessing the impact fee. The unit shall not later than thirty (30) days after the receipt of the petition provide to the board a completed response to the petition on the form prescribed under subsection (d). The board shall immediately forward a copy of the response form to the petitioner.
- (f) An impact fee review board shall:
- (1) review the petition and the response submitted under this Section; and
 - (2) determine the appropriate amount of the impact fee not later than thirty (30) days after submission of both petitions.
- (g) A fee payer aggrieved by a final determination of an

impact fee review board may appeal to the circuit or superior court of the county in which the unit is located and is entitled to a trial de novo. If the assessment of a fee is vacated by judgment of the court, the assessment of the impact fee shall be remanded to the board for correction of the impact fee assessment and further proceedings in accordance with law.

- (h) If a petition for a review or an appeal of an impact fee assessment is pending, the impact fee is not due and payable until after the petition or appeal is finally adjudicated and the amount of the fee is determined. *As added by P.L.221-1991, Sec.34.*

IC 36-7-4-1334

Sec. 1334.

An impact fee ordinance must set forth the reasons for which an appeal of the amount of an impact fee may be made. The impact fee ordinance must provide that an appeal of the amount of an impact fee may be made for the following reasons:

- (1) A fact assumption used in determining the amount of an impact fee is incorrect.
- (2) The amount of the impact fee is greater than the amount allowed under Sections 1320, 1321, and 1322 of this chapter. *As added by P.L.221-1991, Sec.35.*

IC 36-7-4-1335

Sec. 1335.

- (a) As used in this Section, "improvement" means an improvement under Section 1313(2) of this chapter or a site improvement, land, or real property interest as follows:
- (1) That is to be used for at least one(1) of the infrastructure purposes specified in Section 1309 of this chapter.
 - (2) That is included in or intended to be used relative to an infrastructure type for which the unit has imposed an impact fee in the impact zone.
 - (3) That is not a type of improvement that is uniformly required by law or rule for the type of development on which the impact fee has been imposed.
 - (4) That is or will be:
 - (A) public property; or
 - (B) furnished or constructed under requirements of the unit and is or will be available for use by other development in the area.
 - (5) That is beneficial to existing development and

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future development in the impact zone and is not beneficial to only one (1) development.

(6) That either:

- (A) allows the removal of a component of infrastructure planned for the impact zone;
- (B) is a useful addition to the zone improvement plan; or
- (C) is reasonably likely to be included in a future zone improvement plan for the impact zone.

(7) That is:

- (A) constructed, furnished, or guaranteed by a bond or letter of credit under a request by an authorized official of the:
 - (i) applicable infrastructure agency; or
 - (ii) unit that imposed the impact fee; or
- (B) required to be constructed or furnished under a written commitment that:
 - (i) is requested by an authorized official of the applicable infrastructure agency or the unit that imposed the impact fee;
 - (ii) concerns the use or developing of the development against which the impact fee is imposed; and
 - (iii) is made under Section 613, 614, or 921 of this chapter.

(b) A fee payer is entitled to a credit against an impact fee if the owner or developer of the development constructs or provides:

- (1) infrastructure that is an infrastructure type for which the unit imposed an impact fee in the impact zone; or
- (2) an improvement.

(c) A fee payer is entitled to a credit under this Section for infrastructure or an improvement that:

- (1) is constructed or furnished relative to a development after January 1, 1989; and
- (2) meets the requirements of this Section.

(d) The amount of a credit allowed under this Section shall be determined at the date the impact fee is assessed. However, if an assessment is not requested, the amount of the credit shall be determined at the time the structural building permit is issued. The amount of the credit shall be:

(1) determined by the:

- (A) person constructing or providing the infrastructure or improvement; and
- (B) applicable infrastructure agency; and

(2) equal to the sum of the following:

- (A) The cost of constructing or providing the infrastructure or improvement.
- (B) The fair market value of land, real property interests, and site improvements provided.

(e) The amount of a credit may be increased or decreased after the date the impact fee is assessed if, between the date the impact fee is assessed and the date the structural building permit is issued, there is a substantial and material change in the cost or value of the infrastructure or improvement that is constructed or furnished from the cost or value determined under subsection (d). However, at the time the amount of a credit is determined under subsection (d), the person providing the infrastructure or improvement and the applicable infrastructure agency may agree that the amount of the credit may not be changed. The person providing the infrastructure or improvement may waive the person's right to a credit under this Section. As added by P.L.221-1991, Sec.36.

IC 36-7-4-1336

Sec. 1336.

(a) If the parties cannot agree on the cost or fair market value under Section 1335(d) of this chapter, the fee payer or the person constructing or providing the infrastructure or improvement may file a petition for determination of the amount of the credit with the unit's impact fee review board not later than thirty (30) days after the structural building permit is issued for the development on which the impact fee is imposed. A petition under this subsection may be made as part of an appeal proceeding under Section 1334 of this chapter or may be made under this Section.

(b) An impact fee review board shall prescribe the form of the petition for determination of the amount of a credit under this Section. The board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to a lay person.

(c) An impact fee review board shall prescribe a form for a response by the applicable infrastructure agency to a petition under this Section for determination of a credit amount. The board shall issue instructions for completion of the form.

(d) Immediately after receiving a timely filed petition under this Section for determination of a credit amount, an impact fee review board shall provide a copy of the petition to the applicable infrastructure agency. Not later than thirty (30) days after receiving a copy of the petition, the infrastructure agency shall

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provide to the board a response on the form prescribed under subsection (c). The board shall immediately provide the petitioner with a copy of the infrastructure agency's response.

- (e) The impact fee review board shall:
 - (1) review a petition and response filed under this Section; and
 - (2) determine the amount of the credit not later than thirty (30) days after the response is filed.
- (f) A fee payer aggrieved by a final determination of an impact fee review board under this Section:
 - (1) may appeal to the circuit or superior court of the county in which the unit is located; and
 - (2) is entitled to a trial de novo. *As added by P.L.221-1991, Sec.37.*

IC 36-7-4-1337

Sec. 1337.

An impact fee ordinance shall do the following:

- (1) Establish a method for reasonably allocating credits to fee payers in situations in which the person providing infrastructure or an improvement is not the fee payer.
- (2) Allow the person providing infrastructure or an improvement to designate in writing a reasonable and administratively feasible method of allocating credits to future fee payers. *As added by P.L.221-1991, Sec.38.*

IC 36-7-4-1338

Sec. 1338.

- (a) Each unit that adopts an impact fee ordinance shall establish an impact fee review board consisting of three (3) citizen members appointed by the executive of the unit. A member of the board may not be a member of the plan commission. An impact fee ordinance must do the following:
 - (1) Set the terms the members shall serve on the board.
 - (2) Establish a procedure through which the unit's executive shall appoint a temporary replacement member meeting the qualifications of the member being replaced in the case of conflict of interest.
- (b) An impact fee review board must consist of the following members:
 - (1) One (1) member who is a real estate broker licensed in Indiana.
 - (2) One (1) member who is an engineer licensed in Indiana.

- (3) One (1) member who is a certified public accountant.

- (c) An impact fee review board shall review the amount of an impact fee assessed, the amount of a refund, and the amount of a credit using the following procedures:
 - (1) The board shall fix a reasonable time for the hearing of appeals.
 - (2) At a hearing, each party may appear and present evidence in person, by agent, or by attorney.
 - (3) A person may not communicate with a member of the board before the hearing with intent to influence the member's action on a matter pending before the board.
 - (4) The board may reverse, affirm, modify, or otherwise establish the amount of an impact fee, a credit, a refund, or any combination of fees, credits, or refunds. For purposes of this subdivision, the board has all the powers of the official of the unit from which the appeal is taken.
 - (5) The board shall decide a matter that the board is required to hear:
 - (A) at the hearing at which the matter is first presented; or
 - (B) at the conclusion of the hearing on the matter, if the matter is continued.
 - (6) Within five (5) days after making a decision, the board shall provide a copy of the decision to the unit and the fee payer involved in the appeal.
 - (7) The board shall make written findings of fact to support the board's decision. *As added by P.L.221-1991, Sec.39.*

IC 36-7-4-1339

Sec. 1339.

- (a) This Section applies to a person having an interest in real property that may be subject to an impact fee ordinance if the development occurs on the property.
- (b) A person may seek to:
 - (1) have a court determine under IC 34-26-1 any question of construction or validity arising under the impact fee ordinance; and
 - (2) obtain a declaration of rights, status, or other legal relations under the ordinance.
- (c) The validity of an impact fee ordinance adopted by a unit or the validity of the application of the ordinance in a specific impact zone may be challenged under this Section on any of the following grounds:

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- (1) The unit has not provided for a zone improvement plan in the unit's comprehensive plan.
- (2) The unit did not prepare or substantially update the unit's zone improvement plan in the year preceding the adoption of the impact fee ordinance.
- (3) The unit has not identified the revenue sources the unit intends to use to implement the zone improvement plan, if identification of the revenue sources is required under Section 1318 (c) of this chapter.
- (4) The unit has not complied with the requirements of Section 1318(f) of this chapter.
- (5) The unit has not made adequate revenue available to complete infrastructure improvements identified in the unit's zone improvement plan.
- (6) The impact fee ordinance imposes fees on new development that will not create a need for additional infrastructure.
- (7) The impact fee ordinance imposes on new development fees that are excessive in relation to the infrastructure needs created by the new development.
- (8) The impact fee ordinance does not allow for reasonable credits to fee payers.
- (9) The unit imposed a prohibition or delay on new development to enable the unit to complete the adoption of an impact fee ordinance.
- (10) The unit otherwise fails to comply with this series in the adoption of an impact fee ordinance. *As added by P.L.221-1991, Sec.40. Amended by P.L.1-1998, Sec.206.*

IC 36-7-4-1340

Sec. 1340.

- (a) An impact fee ordinance may take effect not earlier than six (6) months after the date on which the impact fee ordinance is adopted by a legislative body.
- (b) An impact fee may not be collected under an impact fee ordinance more than five (5) years after the effective date of the ordinance. However, a unit may adopt a replacement impact fee ordinance if the replacement impact fee ordinance complies with the provisions of this series. *As added by P.L.221-1991, Sec.41.*

IC 36-7-4-1341

Sec. 1341.

A unit may not prohibit or delay new development to wait for the completion of all or a part of the process

necessary for the development, adoption, or updating of an impact fee. *As added by P.L.221-1991, Sec.42.*

IC 36-7-4-1342

Sec. 1342.

The general assembly finds that the powers of a local governmental unit to permit and provide for infrastructure are not limited by the provisions of this chapter except as expressly provided in this chapter. *As added by P.L.221-1991, Sec.43.*

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Appendix B: Impact Fee One Zone Recommendation Logic

Impact Fee Zone Recommendation

- In studying a multi-zone option it proved to be best to establish a one **Impact Fee Zone**. Refer to the below example of a one-zone vs. multi-zone option:
 - Say one zone has 10 basketball courts existing within it. The recreation standards when applied to the future population of that zone only requires 5 courts.
 - Say in the next zone (which has no existing courts) when applying the recreation standards to its future population it calculates the need for 3 new courts.
 - If you would have multiple zones (using the above example) you would need to develop an additional 3 basketball courts providing a total inventory of 13 (existing plus new) or a total surplus of 5.
 - Yet if these two zones would be part of the same the existing inventory of 10 courts would be more than enough with future needs of only 8 courts (5 existing plus 3 new).

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Appendix C: Examples of New Applied Park Amenities

New Applied Park Amenities

- Basic Park Amenities
 - **Spraygrounds / Splashpads**
 - **Climbing / Challenge Elements**



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