ORDINANCE NO. 2023-06

AN ORDINANCE OF IVINS CITY APPROVING AND ADOPTING A PARKS AND TRAILS IMPACT FEE FACILITIES PLAN AND ANALYSIS, ALSO KNOWN AS A PARKS AND TRAILS MASTER PLAN, AND ESTABLISHING AND ADOPTING A PARKS AND TRAILS IMPACT FEE TO MEET THE DEMANDS OF NEW GROWTH

WHEREAS, the City Council of Ivins City ("City Council") finds and determines that growth and development activity in the City will create additional demand and need for parks and trails facilities to be built and enlarged to support said growth and development in the City; and

WHEREAS, the City Council has, pursuant to Utah Code Ann. § ll-36a-301, had a study and analysis performed to determine existing parks and trails conditions and needs and to determine projected needs as the City grows during the next 10 years, which study and analysis shall serve as an impact fee facilities plan, also known as a master plan, for the parks and trails facilities; and

WHEREAS, the City Council desires to give formal acceptance and approval of said parks and trails impact fee facilities plan and analysis; and

WHEREAS, the City Council desires to impose impact fees based upon said parks and trails impact fee facilities plan and analysis contained therein; and

WHEREAS, the City Council finds that parks and trails impact fees should be charged to all new development in the City, which may be used to pay for debt service associated with the excess capacity built into existing or new facilities or the cost of additional improvements that are required to support new growth and development as it occurs; and

WHEREAS, the City Council, after a public notice as required by law, held a public hearing on March 23, 2023, to consider the adoption of this Ordinance, a copy of which, as well as the copy of the parks and trails impact fee facilities plan and analysis, has been made available for public inspection at the Ivins City Office Building, for a period of at least 10 days prior to such public hearing.

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council as follows:

1. Ivins City hereby approves and adopts the parks and trails impact fee facilities plan and analysis: *Ivins City Parks and Trails Master Plan - Impact Fee Facilities Plan and Analysis*, dated March 2023, prepared by Sunrise Engineering, Inc.

2. The City hereby establishes one service area consisting of the entire geographical area of Ivins City, including future annexed area.

3. The City hereby establishes a parks and trails impact fee in the sum of Four Thousand Seven Hundred Fifty-Six Dollars ($4,756.00) per household or residential unit to be charged to all new residential development in the City.

4. The impact fee shall be calculated and charged to all new development as follows:

   (a) The 'per household' or 'per residential unit' impact fee should be charged to each residential dwelling unit. A "residential dwelling unit" is defined as a house, apartment unit, condominium unit, etc. The impact fees shall be paid to the City prior to final plat recordation, or paid prior to issuance of a building permit if for an existing platted lot where fees were not collected at the time of final plat recordation.

5. The City Council may adjust the impact fee at the time the same is charged to (a) respond to unusual circumstances in specific cases and (b) ensure that impact fees are imposed fairly.

6. All impact fees received by the City pursuant to the Ordinance shall be used for, and as appropriate, refunded in compliance with Utah Code Ann. § ll-36a-Part 6, as amended.

7. Subject to the time limitations as provided in Utah Code Ann. §ll-36a-702, any person or entity that has paid the impact fee pursuant to this Ordinance may challenge the impact fee as provided in Utah Code Ann. §ll-36a-701, et seq., as amended by filing:

   (a) A written administrative appeal to the City pursuant to Section 8 of this Ordinance; or
   (b) A request for arbitration as provided in Utah Code Ann. §ll-36a-705, as amended; or
   (c) An action in state district court.

8. A written administrative appeal challenging the impact fee or fees may be made to the City by any person or entity that has paid or made an impact fee required by this Ordinance by filing in writing with the City Recorder setting forth the name of the person or entity challenging the impact fee or fees, the specific impact fee or fees challenged, evidence that the impact fee or fees challenged have been paid by the person or entity, and alleged grounds for such challenge. A written administrative appeal (subject to the time limitations as provided in Utah Code Ann. §ll-36a-702) containing the information set forth herein and filed with the City comprise the necessary document for filing an administrative appeal as provided in Utah Code Ann. §ll-36a-703(2)(a), as amended. An administrative appeal shall be considered and decided by the "Appeal Authority", which is currently designated as an Ivins City Administrative Law Judge within thirty (30) days after the day on which the appeal is filed. The person or entity challenging or appealing the impact fee may appear at the hearing and present any written or oral evidence deemed relevant to the imposition of the impact fee. The decision of the Appeal Authority shall be in writing and shall be supported by written findings. No appeal shall be permitted unless and until the impact fees at issue have been paid.

9. This Ordinance supersedes and/or repeals the provision(s) of any ordinance(s) or resolution(s) that is/are inconsistent with the provisions of this Ordinance.

10. The Park and Recreation Impact Fee Facilities Plan and Analysis portion of this Ordinance shall take effect upon publication or posting, as required by law.

11. This Ordinance amends, supersedes and replaces the existing Ivins City Parks and Trails Impact Fee Facilities Plan and Impact Fee Analysis

12. The Park and Recreation Impact Fee portion of this Ordinance shall take effect ninety (90) days after approval (June 21, 2023) as required by law.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF MARCH, 2023 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Mike Scott	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Adel Murphy	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder