ORDINANCE NO. 95-14

ENDANGERED SPECIES IMPACT FEES

In accordance with the recently established Utah Code Ann. 11-36-202(5) and in recognition of the ordinance previously passed by the Town of Ivins, establishing endangered species impact fees and authorizing the approval of an interlocal agreement to fund a habitat conservation plan in Washington County, the Town of Ivins hereby passes the following Ordinance.

WHEREAS, the presence of the Desert Tortoise, a species listed as threatened under the Endangered species Act of 2973, 16 U.S.C. Sec 1531, et seq., in Washington County poses a serious threat to numerous private and public developments necessary to the health and well-being of the people and the economy of Washington County; and

WHEREAS, the location of land designated as critical habitat for the Desert Tortoise within the County pose similar threats; and

WHEREAS, each municipality in Washington County is affected by the loss of well-being to the people and the economy of Washington County arising from the presence of Desert Tortoise or critical habitat and from other environmental conflicts arising from the implementation of the Endangered Species Act and other state and federal environmental laws and regulations, and most municipalities are directly affected by the presence of Desert Tortoise or critical habitat; and

WHEREAS, a necessary mechanism by which Washington County and the municipalities may limit such threats arising from the implementation of the Endangered Species Act and other environmental laws and regulations is to fund and carry out a Habitat Conservation Plan; and

WHEREAS, Washington County and The Town of Ivins have formally agreed to fund a HCP for the Desert Tortoise, as well as to resolve other conflicts with the Endangered Species Act and other state and federal governmental laws and regulations; and

WHEREAS, it is necessary to the health and well-being of the people and the economy of the Town of Ivins that such HCP be implemented in accordance with its terms; and

WHEREAS, it is necessary to impose impact fees to achieve the purposes and goals of the HCP and to allow the benefits of the HCP to accrue to the people and the economy of the Town of Ivins; and

WHEREAS, in accordance with the terms of the Endangered Species Act as enforced by the United States Fish and Wildlife Service, the term of the HCP is 20 years.

NOW, THEREFORE, it is hereby ordained as follows:

1. An impact fee is required to finance the HCP.

2. The fees imposed below bear a reasonable relationship to the environmental mitigation required by the HCP.

3. An impact fee for environmental mitigation as set forth in more detail in the HCP dated November 10, 1994, is hereby imposed and assessed as follows:

   a. For each final subdivision plat (including all forms of subdivision, condominium and planned unit development) issued within the Town of Ivins: $250.00 per acre, or $250.00 per lot, whichever is greater, payable with the issuance of final plat approval; and
   b. With the issuance of each building permit of new residential, commercial or industrial structure: .002 of the estimated construction cost of the work to be performed under the permit.

4. In accordance with the terms of the HCP and in order to ensure that the benefits of the HCP are received by the people and the economy of the Town of Ivins, the impact fee requirement set forth above shall expire 20 years after the date of this ordinance, unless

   a. it is determined by the legislative body of the Town of Ivins, after review, that the impact fee is still required to finance the HCP and must remain in effect, and
   b. the legislative body of the Town of Ivins affirmatively reauthorizes the impact fee.

MAYOR

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

RECORDER

COUNCIL MEMBER

DATE June 8, 1995

TOWN of IVINS Corporate Seal WASHINGTON COUNTY