

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance to adopt a few amendments to the impact fee provisions of the City Code (Title 3, Chapter 7).

SUMMARY: Approval of this Ordinance will allow for a few updates and technical changes to the existing impact fees ordinance.

FISCAL AND/OR

ASSET IMPACT: There is no fiscal impact associated with the approval of this Ordinance, since this Ordinance does not adopt any changes in fees; but rather, only makes text changes in the City Code.

STAFF RECOMMENDATION:

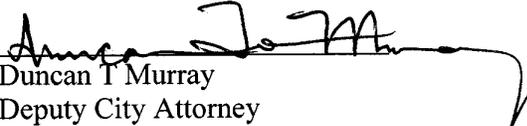
Staff recommends approval of the Ordinance, with or without changes.

MOTION RECOMMENDED:

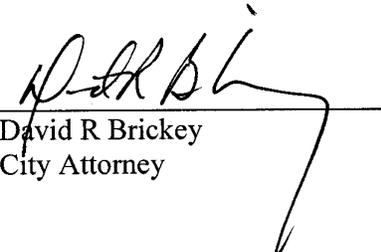
“I move to approve Ordinance 16-48 (Impact Fees).”

[Roll Call vote required]

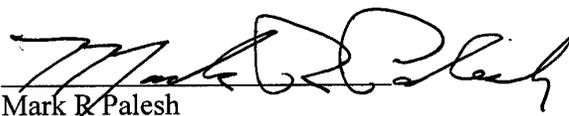
Prepared and Initial Legal Review by:


Duncan T Murray
Deputy City Attorney

Recommended and Final Legal Review by:


David R Brickey
City Attorney

Approved by:


Mark R Palesh
City Manager

BACKGROUND DISCUSSION:

City staff recommends approval of the Ordinance, to reflect proposed updates and technical changes to the existing impact fees ordinance, codified in Title 3, Chapter 7 of the City Code. These updates and technical changes include:

1. References to the new Impact Fees Facilities Plan and Impact Fee Study that was adopted on October 12, 2016; and
2. Clarification (and a more complete enumeration) as to the types of impact fees currently being collected for capital improvements; and
3. The addition of Section 3-7-19 to the City Code, to identify that state law will supersede any provision of our City Code that has not yet been updated to reflect that new state law, especially since the Utah Legislature occasionally amends the Impact Fees Act (Sections 11-36a-101 *et seq.*, Utah Code Ann.).

Legal Review-Initial/Date: FA / 11/07/16
Text/Format -Initial/Date: BAC / 11/06/16
Dept. Review-Initial/Date: _____ / _____
Adopted: - -2016 Effective: _____

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 16-~~40~~
[IMPACT FEES]

AN ORDINANCE AMENDING TITLE 3,
“REVENUE, FINANCE AND TAXATION.”

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 3, Chapter 7 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 3, Chapter 7, Sections 1, 7 and 19 of the 2009 City Code shall hereafter read as follows:

3-7-1: PURPOSE AND SCOPE:

This chapter is intended to meet the requirements of Utah Code Annotated section 11-36a-101 et seq., titled the impact fees act. The intent of collecting impact fees is to impose a portion of the cost of capital improvements upon those developments that create the need for, or increase the demands on, such capital improvements, as follows:

- A. Water rights and water supply, treatment, storage, and distribution facilities;
- B. Wastewater collection and treatment facilities;
- C. Stormwater, drainage, and flood control facilities;
- D. Roadway facilities;
- E. Parks, recreation facilities, open space, and trails;
- F. Public safety facilities, including law enforcement, fire and emergency medical facilities;
or

G. Environmental mitigation as provided in Utah code section 11-36a-205.

The impact fees imposed by this chapter are separate from and in addition to any applicable tax, special assessment, charge or fee otherwise provided by law or imposed as a condition of development. (2001 Code § 89-8-101; amd. Ord. 13-28, 7-31-2013; Ord. 16-~~48~~, 11-16-2016)

3-7-7: LEVEL OF SERVICE AND FEE COEFFICIENTS:

Included in the impact fee calculation are demand indicators, and proportionate share factors that establish the level of service standards:

A. For law enforcement facilities, fire and emergency medical facilities, roadway facilities, water, sanitary sewer, stormwater, parks, open space and trails, the level of service and impact fee coefficients are contained in “West Jordan Impact Fees Facilities Plan (IFFP) and Impact Fee Study”; September 26, 2016; TischlerBise, Inc., and are incorporated by reference into this code by ordinance 16-45, which was adopted on October 12, 2016. (2001 Code § 89-8-107; amd. Ord. 13-28, 7-31-2013; Ord. 16-~~48~~, 11-16-2016)

3-7-19: CONFLICTS WITH STATE LAW:

Any provision of this chapter which conflicts with any provision of state law, including the Impact Fees Act (Sections 11-36a-101 et seq., Utah Code Ann.), shall be severable and shall be deemed to be superseded by the applicable provisions of state law. (Ord. 16-~~48~~, 11-16-2016)

Section 2. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 3. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 16th day of November, 2016.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council	“AYE”	“NAY”
Council Member Dirk Burton	_____	_____
Council Member Jeff Haaga	_____	_____
Council Member Zach Jacob	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Chad Nichols	_____	_____
Council Member Sophie Rice	_____	_____
Mayor Kim V. Rolfe	_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

Ord 1648

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2016, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder
[SEAL]

Legislative

IMPACT FEES

- 3-7-1: PURPOSE AND SCOPE:
- 3-7-2: IMPACT FEE FACILITIES PLAN:
- 3-7-3: IMPACT FEE ANALYSIS:
- 3-7-4: NOTICE:
- 3-7-5: ESTABLISHMENT OF SERVICE AREAS:
- 3-7-6: UNIT OF MEASURE:
- 3-7-7: LEVEL OF SERVICE AND FEE COEFFICIENTS:
- 3-7-8: CALCULATIONS:
- 3-7-9: ACCOUNTING:
- 3-7-10: EXPENDITURES:
- 3-7-11: REFUND OF IMPACT FEES:
- 3-7-12: PETITION FOR REFUND OF IMPACT FEES:
- 3-7-13: CHALLENGE OF IMPACT FEE ASSESSMENT:
- 3-7-14: ADJUSTMENTS, CREDITS AND EXEMPTIONS:
- 3-7-15: BONDING OF EXCESS FACILITY PROJECTS:
- 3-7-16: NO EFFECT ON ZONING AND SUBDIVISION REGULATIONS:
- 3-7-17: IMPACT FEE ASSESSMENT IS AN ADDITIONAL AND SUPPLEMENTAL REQUIREMENT:
- 3-7-18: LIBERAL CONSTRUCTION:
- 3-7-19: CONFLICTS WITH STATE LAW:

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- F. Public safety facilities, including law enforcement, fire and emergency medical facilities; or
- G. Environmental mitigation as provided in Utah code section 11-36a-205, upon those developments that create the need for, or increase the demands on, such capital improvements.

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