

ORDINANCE NO.2020- 6-O

AN ORDINANCE ADOPTING THE 2020 LINDON CITY PARKS, TRAILS AND RECREATION IMPACT FEE FACILITIES PLAN AND THE 2020 LINDON CITY IMPACT FEE ANALYSIS, AND AMENDING CHAPTER 11.05 OF THE LINDON CITY CODE SO AS TO MODIFY THE PARKS, RECREATION AND TRAILS FACILITIES IMPACT FEE AND PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, AND OTHER RELATED MATTERS.

WHEREAS, Lindon City (the "City") is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the City has legal authority, pursuant to Sections 11-36a-101 et seq., Utah State Code, as amended ("Utah Impact Fees Act"), to impose development impact fees as a condition of development approval; and

WHEREAS, the City has retained the firm of Zions Public Finance Inc. (Consultant), to prepare an impact fee facilities plan and an impact fee analysis for the parks, trails and recreation facilities within the City, so as to study the need and appropriateness of amending the related impact fees; and

WHEREAS, the Consultant has prepared, and the City has reviewed, the 2020 Lindon City Parks, Trails and Recreation Impact Fee Facility Plan and the 2020 Lindon City Parks, Trails and Recreation Impact Fee Analysis, which are attached hereto as Exhibits "A" and "B", respectively; and

WHEREAS, the Lindon City Council has met in regular session on August 17, 2020, to consider adopting the 2020 Lindon City Parks, Trails and Recreation Impact Fee Facility Plan and the 2020 Lindon City Parks, Trails and Recreation Impact Fee Analysis, and to consider amending Chapter 11.05 of the Lindon City Code, the Parks, Recreation and Trails Impact Fee, so as to provide for the updated calculation and collection of the related impact fees and other related matters; and

WHEREAS, the City has reviewed the current level of service for parks, trails and recreation facilities throughout Lindon City and has found that increased growth in all areas of the City will create additional need for such facilities throughout the City and that such needs throughout the City justifies the continuation of one, citywide, service area for parks, trails and recreation; and

WHEREAS, a copy of the 2020 Lindon City Parks, Trails and Recreation Impact Fee Facility Plan and the 2020 Lindon City Parks, Trails and Recreation Impact Fee Analysis, together with a summary of these analyses, which is designed to be understood by a lay person, and a draft copy of this proposed Ordinance have been made available to the public at Lindon City Offices and has been posted to the City's website as required by §11-36a-504, so as to be available to the public for inspection; and

WHEREAS, the City has complied with the requirements of § 11-36a-504 and § 10-9a-205 of the Utah Code by posting notice of the date, time, and place of the public hearing to consider the adoption of the Impact Fee Ordinance in at least three public locations within the municipality or on the municipality's official website and by publishing notice in a newspaper of general circulation in

Lindon City at least ten (10) calendar days before the public hearing, and by mailing notice to such entities as required, again at least ten (10) calendar days before the hearing; and

WHEREAS, after careful review of the above referenced studies, and after careful consideration of the comments provided at the public hearings, the Council has determined that it is in the best interest of the health, safety and welfare of the inhabitants of Lindon City to adopt the findings and recommendations of the studies to address the continued impacts of development upon Lindon City, to approve and adopt the proposed 2020 Lindon City Parks, Trails and Recreation Impact Fee Facilities Plan and the 2020 Lindon City Parks, Trails and Recreation Impact Fee Analysis, and to amend Chapter 11.05 of the Lindon City Code accordingly.

NOW THEREFORE, be it ordained the City Council of Lindon City, Utah, as follows:

PART 1. FINDINGS:

The Lindon City Council finds and determines as follows:

1.1. All required notices have been given and made and all public hearings have been conducted as required by the Utah Impact Fees Act with respect to the 2020 Lindon City Parks, Trails and Recreation Impact Fee Facilities Plan and the 2020 Lindon City Parks, Trails and Recreation, Impact Fee Analysis, and the amendment Chapter 11.05 of the Lindon City Code.

1.2. Growth and development activities in Lindon City will create additional demands on the City's parks, trails and recreation systems. The proportional share analysis and the allocation of responsibility for the costs of capital facilities, which is analyzed in the 2020 Lindon City Parks, Trails and Recreation Impact Fee Facility Plan and in the 2020 Lindon City Parks, Trails and Recreation Impact Fee Analysis, best serves the public interest in allocating costs between current users and future development. These studies and analyses apportion the costs between the current levels of service with the projected impacts of future development in a manner that is fair and equitable and which complies with the requirements of the Utah Impact Fees Act. Persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to meet the increase demands for service created by such growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to those to be borne in the future, in comparison with the benefits already received and those yet to be received. Furthermore, the analyses provided by the 2020 Lindon City Parks, Trails and Recreation Impact Fee Facility Plan and the 2020 Lindon City Parks, Trails and Recreation Impact Fee Analysis clearly demonstrate and support the conclusion that it is appropriate to adopt these studies as an updated statement of current conditions, capacities, and demands and the impact that projected growth will have on the capacities of the City's parks, trails and recreation systems, and that these studies provide a reasonable and appropriate basis upon which the City Council may modify an amend the existing Parks, Recreation and Trials Facilities Impact Fee found in Chapter 11.05 of the Lindon City Code.

Part 2. The 2020 LINDON CITY PARKS, TRAILS AND RECREATION IMPACT FEE FACILITY PLAN AND THE 2020 LINDON CITY PARKS, TRAILS AND RECREATION IMPACT FEE ANALYSIS ADOPTED:

The Lindon City Council hereby accepts and adopts the 2020 Lindon City Parks, Trails and Recreation Impact Fee Facility Plan and the 2020 Lindon City Parks, Trails and Recreation Impact Fee Analysis Attached as Exhibit A and Exhibit B, respectively, as the factual and legal basis for any amendment of Chapter 11.50 of the Lindon City Code.

Part 3. SECTION 11.05.070 OF THE LINDON CITY CODE AMENDED:

Section 11.05.070 of the Lindon City Parks, Recreation and Trail Impact Fee Ordinance, found in Chapter 5 of Title 11 of the Lindon City Code, is amended to read as follows:

Section 11.05.070 Impact Fee Schedule Formula

1. *Maximum Supportable Impact Fees.* The fee schedule included herein represents the maximum Impact Fees which the City may impose on development within the defined Lindon City-Wide Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right under the Impact Fees Act (Utah Code 11-36-402(2)(c) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

This adjustment may result in a higher Impact Fee if the City determines that a user would create a greater than normal impact on any of the systems. The City may also decrease the Impact Fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code 11-36-402(3)(a)).

RECOMMENDED MAXIMUM PARKS, RECREATION AND TRAILS IMPACT FEE:

PER DWELLING UNIT – SINGLE FAMILY–, \$ 4,500.⁰⁰ *¹

PER DWELLING UNIT – MULTI FAMILY –\$ 1,500.⁰⁰ *

All remaining Sections of Chapter 11.05 shall remain unaltered and remain in their current form.

¹* The City Council will determine an equitable amount not to exceed the amounts indicated in Table 7 on Page 5 of the 2020 Lindon City Park, Trails, and Recreation Impact Fee Analysis, which is attached as Exhibit B.

PART 3. EFFECTIVE DATE:

This Ordinance shall become effective 90 days after the adoption of this Ordinance.

PASSED AND APPROVED ON THIS 17th DAY OF AUGUST, 2020.



JEFF ACERSON
MAYOR

Attested By:



Kathy Moosman
City Recorder



EXHIBITS

Exhibit A: 2020 Lindon City Parks, Trails and Recreation Impact Fee Facility Plan.

Exhibit B: 2020 Lindon City Parks, Trails and Recreation Impact Fee Analysis.