

ORDINANCE # 22-14

AN ORDINANCE AMENDING AND UPDATING SANDY CITY'S IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR PARKS AND RECREATION, FIRE, POLICE, WATER, AND STORM WATER FACILITIES AND IMPROVEMENTS; ALSO PROVIDING A SAVING CLAUSE FOR THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, Sandy 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 Title 11, Chapter 36a Utah Code Annotated, as amended ("Impact Fees Act" or "Act"), to impose impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs for system improvements attributable to growth activity; and

WHEREAS, the City has traditionally provided a high level of service in its parks and recreation, police and fire protection, water quality and delivery and storm water management, which has been a factor in the City's growth, and high property values due to the services and facilities which City residents enjoy; and

WHEREAS, the City properly noticed its intent to prepare the Impact Fee Facilities Plan (IFFP) and the Impact Fee Analysis (IFA) on September 9, 2021; and

WHEREAS, the City has completed both an IFFP and an IFA which meet the requirements of the Act; and

WHEREAS, Chapter 10 of Title 6 of Sandy City Code, "Development Impact Fees," imposes impact fees, establishes service areas, provides for adjustment of impact fees, and is supplemented by this ordinance; and

WHEREAS, the City Council held a public hearing on December 6, 2022, which hearing was preceded by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, and the Salt Lake County Library-Sandy, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website <http://pmn.utah.gov> on November 23, 2022 and made a copy of the IFFP and its Summary, the IFA and its Summary available to the public in the Salt Lake County Library Sandy and on the City website <http://www.sandy.utah.gov>, at least ten (10) days before the date of the hearing on November 23, 2022, all in conformity with the requirements of Utah Code Annotated 11-36a-502(1).

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

Section 1. Enactment. The June 2022 Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) for Parks & Recreation, Police, Fire, Culinary Water, Storm Water, prepared by Lewis Young Robertson & Burningham, Inc. are hereby adopted as set forth in **Exhibit A** which is attached hereto and by this reference made a part hereof.

Section 2. Sandy City Code. Chapter 10 of Title 6 of Sandy City Code, “Development Impact Fees,” is supplemented by this ordinance.

Section 3. Compliance with the Act. Specific content required by the Act is incorporated and made part of this ordinance as follows:

a. *Service Area*. The service area is as established by Sandy City Code Sec. 6-10-2 and supplemented by **Exhibit A**.

b. *Schedule of Fees*. The amount of an impact fee shall not exceed the highest fee justified by the Impact Fee Analysis. By separate resolution, the Sandy City Council will amend its Consolidated Fee Schedule to include the schedule of impact fees, or the formula used to calculate each impact fee, for each type of development activity, specifying the amount of the impact fee to be imposed for each type of system improvement.

c. *Authorization to Adjust Impact Fee*. Impact fee adjustments are authorized by Sandy City Code Sec. 6-10-3.

Section 4. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 5. Effective. This ordinance shall become effective 90 days after the day on which it is approved. The City Recorder is hereby directed to publish a summary of this ordinance as soon as practically possible.

PASSED AND APPROVED this _____ day of _____, 2022.

Zach Robinson, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this ____ day of _____, 2022.

APPROVED this ____ day of _____, 2022.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2022.