

Town of Mantua
Parks and Recreation Impact Fee Ordinance

Ordinance No. 2018-08-02

Establishing and enacting an impact fee for parks and recreation.

WHEREAS, the Impact Fees Act of the State of Utah (the "Act") authorizes municipalities to impose impact fees as a condition for development approval for the following facilities: water rights and water supply, treatment, storage, and distribution facilities; wastewater collection and treatment facilities; storm water, drainage, and flood control facilities; power facilities, roadway facilities, parks, recreation facilities, open space, trails, and public safety facilities.

WHEREAS, the Town of Mantua, Utah (the "Town") does not currently charge an impact fee for storm water drainage and flood control, parks, recreation, open space, trails, or public safety facilities.

WHEREAS, the Town provides parks and recreation facilities and public events for residents; and

WHEREAS, the Town has completed a parks and recreation impact fee analysis in accordance with Part 3 of the Act; and,

WHEREAS, the completed analysis has determined a recommended impact fee for parks and recreation; and

WHEREAS, the Town has identified and analyzed through the impact fee analysis the statutory criteria as to whether a proportionate share of the cost of such existing and new facilities is reasonably related to new development activity as set forth in the Act; and

WHEREAS, the impact fees established by this ordinance are reasonably related to the cost of providing such public facilities ' necessitated by anticipated future growth within the Town or are reasonably related to public facility costs previously incurred by the Town and said fees do not exceed the highest fee justified by the written analysis; and

WHEREAS, the Town is exempt from impact fee facilities plan requirements in Section 301 of the Act as a political subdivision with a population of less than 5,000 that charges impact fees of less than \$250,000 annually; and

WHEREAS, the proposed parks and recreation impact fees are based upon a reasonable plan that otherwise complies with the common law and the Act.

WHEREAS, the Town has complied with all applicable notice and public hearing requirements as established under the Act and related statutes; and

WHEREAS, a public hearing was held before the Mantua Town Council on August 02 2018 to receive public input and comment on the proposed adoption of the impact fees enactment; and

WHEREAS, after a consideration of all the relevant factors, the Mantua Town Council finds and determines that it is in the best interests of the health, safety and general welfare of its current and future residents to adopt this ordinance in order to provide for ~~adequate public facilities to service anticipated future growth and~~ development, the need for which is reasonably related to and created by the anticipated future growth;

THEREFORE, the Mantua Town Council hereby adopts, passes, and publishes the following:

Section I:

Definitions

1. "System improvements" means:
 - a. Existing public facilities that are:
 - i. Identified in the impact fee analysis included in Exhibit C; and
 - ii. Designed to provide services to service areas within the community at large; and
 - b. Future public facilities that are intended to provide services to service areas within the community at large
2. "Public facilities" means only the following impact fee facilities that have a life expectancy of 10 or more years and are owned or operated on behalf of the Town:
 - a. water rights and water supply, treatment, storage, and distribution facilities;
 - b. wastewater collection and treatment facilities;
 - c. storm water, drainage, and flood control facilities;
 - d. municipal power facilities;
 - e. roadway facilities;
 - f. parks, recreation facilities, open space, and trails;
 - g. public safety facilities;
 - h. municipal natural gas facilities.

Section II:

Impact Fee Analysis, Service Area

1. The Mantua Town Council hereby adopts the Park and Recreation Impact Fee Analysis (IFA) prepared by Lewis Young Robertson & Burningham, Inc.
2. A copy of the IFA is included as Exhibit C.
3. The entire area of the Town of Mantua is hereby designated as one service area with respect to parks and recreation.

Section III:

Parks and Recreation Impact Fee

1. The following parks and recreation impact fee is hereby established and imposed as a condition of the issuance of a building permit by the Town for any development activity which creates additional demand and need for public facilities in accordance with the Act:

Table 1.1: Estimate of Impact Fee Value per Capita

	Land Value per Capita	Improvements Value per Capita	Total Value per Capita
All Parks	\$623	\$284	\$907
Analysis Fee			\$7
Per Capita Fee Estimate			\$914

Table 1.2: Parks and Recreation Impact Fee Schedule

Impact Fee Per Unit	Avg. Persons Per Household (HH)	Fee per Unit
Impact Fee Per HH	3.04	\$2,779

2. The Town will collect the parks and recreation impact fees at the time of building permit application. All impact fees must be paid in full before a building permit is issued.
3. The Town is authorized to adjust the standard impact fee described above at the time the fee is charged in order to:
 - a. respond to:
 - i. unusual circumstances in specific cases; or
 - ii. a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and
 - b. Ensure that the impact fees are imposed fairly.
4. The amount of the impact fee to be imposed on a particular development may be adjusted based upon studies and data submitted by the developer.
5. Developers, as approved by the Town Council, may receive credit against or proportionate reimbursement of an impact fee if the developer:
 - a. Dedicates land for a system improvement;
 - b. Builds and dedicates some or all of a system improvement; or
 - c. Dedicates a public facility that the Town and the developer agree will reduce the need for a system improvement.
6. Developers shall receive a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - a. Are system improvements; or
 - b. Are dedicated to the public and offset the need for an identified system improvement.

Section IV:

Accounting, Expenditure, Reimbursement

1. The Town shall account for, expend and refund impact fees collected pursuant to this Ordinance in accordance with the provisions of the Act. The Town may reimburse itself for public facility costs previously incurred by the Town to the extent that new growth and development will be served by the previously constructed public facilities.

Section V:

Administrative Challenges and Appeals Procedure

1. Any person or entity required to pay an impact fee imposed by the Town who believes the fee does not meet the requirements of law may file a written request for information with the Town as provided by law.
2. Within two weeks after the receipt of the request for information, the Town shall provide the person or entity with the written impact fee analysis required by the Act and with any other relevant information relating to the impact fee.
3. Within 30 days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall:
 - a. File a written appeal with the Mantua Town Recorder setting forth in detail all factual and legal grounds in support of the appeal and challenge to the impact fee, and which is relied upon by the appealing party with respect to the fees challenged. Upon receipt of the written appeal, the Town Recorder shall forward the appeal, together with any recommendations from the Town Engineer, to the Town Council and shall schedule a public hearing before the Town Council on the appeal for the purpose of receiving input from all interested persons. The Town Council shall thereafter render its decision on the appeal no later than 30 days after the date the appeal was filed with the Town Recorder. Any person or entity who has failed to comply with the

administrative remedies established by this section, may not file or join an action challenging the validity of any impact fee.

4. Any person or entity who was a party to an appeal under this section who is adversely affected by the decision of the Town Council may petition the District Court for a review of the decision within 90 days of a decision upholding an impact fee by the Town Council or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier. The petition for review of the decision shall be filed in the First District Court for Box Elder County.
5. In the event a petition is filed with the District Court the Town shall transmit to the reviewing Court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
6. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for the purposes of section 5 above.
7. The District Court's review is limited to the record provided by the Town; and
8. The District Court may not accept or consider any evidence outside the Town's record unless that evidence was offered to the Town and the Court determines that it was improperly excluded by the Town.
9. The judge may award reasonable attorney's fees and costs to the prevailing party in an action brought under this section.

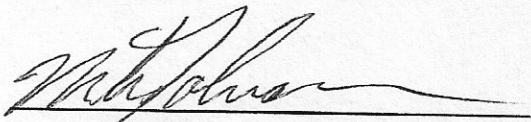
Section VI:

Amendments, Inconsistencies, Severability, Establishment

1. This ordinance and fee schedule may be amended by subsequent ordinances.
2. The Town may adopt policies consistent with this ordinance and any resolutions passed by the Town Council to assist in the implementation, administration and interpretation of this ordinance related to Municipal Impact Fees.
3. Any parts or portions of previous ordinances, resolutions, rules, and regulations which are inconsistent or in conflict with this ordinance are hereby repealed.
4. Prior policies, ordinances, rules, and regulations of the Town of Mantua regarding impact fees that are not in conflict with this ordinance remain in effect.
5. If any part of this Ordinance is declared invalid by a court of accepted jurisdiction, the remainder shall not be affected thereby.
6. As required by Section 401(2) of the Act, this ordinance shall become effective 90 days after passage by the Mantua Town Council and public notice as required by law.

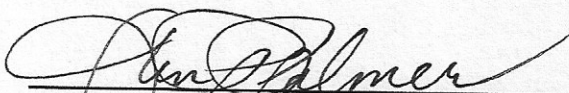
ADOPTED and PASSED by the Mantua town Council

ATTEST BY:



Mayor

08-02-2018



Town Recorder

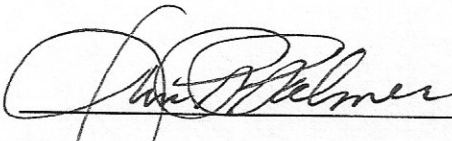
08-02-2018

POSTING DATE: July 20, 2018

Certificate of Public Notice

I, Jan Palmer, Town Recorder of Mantua, Box Elder County, Utah, hereby certify that on July 20, I posted Ordinance No. 2018-08-02 in at least 3 public places in the Town of Mantua and the Town Website, including:

1. Town Hall
2. Town Website
3. Fire Department/Maintenance Building
4. Town Bowery


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Mantua Town Recorder

08-07-2018
DATE