

RESOLUTION NO. 19-08

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, ADOPTING THE DEVELOPMENT INFRASTRUCTURE IMPROVEMENTS PLAN, LAND USE ASSUMPTIONS AND DEVELOPMENT FEE REPORT.

WHEREAS, municipalities in Arizona have authority to impose development fees under Arizona Revised Statutes § 9-463.05; and

WHEREAS, the imposition of development fees is one of the preferred and most direct methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate new development; and

WHEREAS, the City originally adopted development fees for roads, police, parks, and library and municipal building facilities in December 1996, amended them in February 1998, August 2002, November 2005, March 2007 and May 2014; and

WHEREAS, the legislature and homebuilder industry lobbyists have over the years amended A.R.S. § 9-463.05 so that it is increasingly more and more difficult for cities and towns to adopt basic development fees; and

WHEREAS, A.R.S. § 9-463.05 requires a city to adopt, in conjunction with a development fee ordinance, an infrastructure improvements plan ("IIP"), the land use assumptions ("LUAs") that support the plan, and the development fee report; and

WHEREAS, pursuant to A.R.S. § 9-463.05, on October 6, 2018, the City timely released to the public and posted on its website a notice for bid proposals for the preparation of a development fee study, IIP and LUAs; and

WHEREAS, the mayor and city council held a work session on November 5, 2018, regarding the bid proposals and on November 6, 2018, approved a professional services agreement with TischlerBise to conduct a new development fee study, to include recommending an IIP and LUAs required under A.R.S. § 9-463.05; and

WHEREAS, on December 17, 2018, TischlerBise presented a draft of the proposed IIP and LUAs to the mayor and city council at a work session; and

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WHEREAS, on February 15, 2019, the City timely released to the public and posted on its website a written draft report of the IIP and LUAs; and

WHEREAS, the mandated 60 day public comment period on the IIP and LUAs for public was February 15 through April 15, 2019; and

WHEREAS, on April 13, 2019, the City timely released to the public and posted on its website a written report of the anticipated May 21, 2019 IIP and LUAs public hearing and adoption; and

WHEREAS, the second mandated 30 day public comment period for the IIP and LUAs was April 17, 2019 through May 16, 2019; and

WHEREAS, on May 21, 2019, the city council held the public hearing on the proposed IIP and LUAs; and

WHEREAS, on May 22, 2019, the City timely released to the public and posted on its website a notice of intention to assess development fees, proposed new development fees and notice of public hearing scheduled for July 2, 2019, and notice of the scheduled August 6, 2019 public hearing and adoption on the proposed Vol. II, Chapter 7: Development Fees, city code amendments; and

WHEREAS, on July 2, 2019, the city council held a public hearing on the proposed development fees code amendments and development fees report; and

WHEREAS, the mandated 30 day public comment period for the development fee amendments was July 3, 2019 through August 1, 2019; and

WHEREAS, if adopted by the council, there is a mandated delayed effective date of at least 75 days from date of adoption; and

WHEREAS, the amended fees, if adopted on August 6, 2019, will be effective on October 21, 2019 as per A.R.S. § 9-463.05(C).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

That the Infrastructure Improvements Plan and Land Use Assumptions supporting the development fees amendments, and the development fee report, all set forth in Attachment A, be approved and adopted.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS ____ DAY OF _____, 2019.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2019.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney

ATTACHMENT A