

ORDINANCE NO. 2020-1461

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 9-8 – DEVELOPMENT FEES OF CHAPTER 9 OF THE GOODYEAR CITY CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE REPEAL OF CONFLICTING CODES AND ORDINANCES; PROVIDING FOR PRESERVATION OF EXISTING RIGHTS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS.

WHEREAS, Article 9-8 of the Goodyear City Code establishes uniform procedures for the imposition, calculation, collection, expenditure, and administration of development fees imposed on new development; and

WHEREAS, Arizona Revised Statutes §9-463.05 provides standards and procedures for creating and assessing development fees; and

WHEREAS, pursuant to Arizona Revised Statutes §9-463.05, the City is required to update Development Fees and its Land Use Assumptions and Infrastructure Improvements Plan every five years; and

WHEREAS, Arizona Revised Statutes §9-463.05, imposes mandatory requirements for the adoption of new development fees; and

WHEREAS, the Mayor and Council of the City of Goodyear, Arizona retained the professional services of Raftelis Financial Consultants to develop the City's Land Use Assumptions, Infrastructure Improvements Plan (IIP), and proposed development fees using generally accepted engineering and planning practices pursuant to Arizona Revised Statute § 9-463.05; and

WHEREAS, Raftelis provided a written report that proposes development fees for various categories of services in various areas of the City and describes the methodology used in calculating the proposed development fees in compliance with Arizona Revised Statute § 9-463.05; and

WHEREAS, the Mayor and Council have reviewed the proposed development fees and methodology used in calculating the fees in public meetings; and

WHEREAS, a Notice of Intention to assess development fees was released on October 29, 2019, and

WHEREAS, in compliance with the requirements of Arizona Revised Statutes § 9-463.05, the written report reflecting the proposed development fees and methodology have been posted on the City's website since October 29, 2019; which is more than the thirty days prior to the December 16, 2019 public hearing; and

WHEREAS, a public hearing was held on December 16, 2019 to receive public input on the proposed development fees; and

WHEREAS, to comply with the requirements of Arizona Revised Statutes §9-463.05, Article 9-8 of the Goodyear City Code has to be amended; and

WHEREAS, the Mayor and Council of the City of Goodyear find the adoption of this ordinance to be in best interests of public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDMENT TO ARTICLE 9

Article 9-8 of Chapter 9 of the Goodyear City Code is hereby amended as follows:

Section 9-8-3 is amended to add the following definition:

NORTHWEST RAINBOW VALLEY (NWRV) – Includes the land within the boundaries of the City as of October 28, 2019, that is located between the Pecos Road alignment and Queen Creek alignment and extends about one mile west of Rainbow Valley Road and one-half mile east of Rainbow Valley Road as shown on the service area maps for fire, police and street development impact fee services areas set forth in the 2019 Development Impact Fee Study – Land Use Assumptions and Infrastructure Improvement Plan," dated October 28, 2019 adopted by the Mayor and Council by Resolution 2020-2024.

Section 9-8-3 is amended to revise the definition of South Goodyear as follows:

SOUTH GOODYEAR: Includes the land within the boundaries of the City that is located between the Gila River and Pecos Road **AND NWRV**.

Section 9-8-6(B)(4) Parks and Recreation is hereby amended to read:

(4) Parks and Recreation: There are two Service Areas for Necessary Public Services or Facilities Expansions for parks and recreation services. One includes all of the land in North Goodyear. The other includes all of the land in South Goodyear, EXCEPT FOR NWRV.

Section 9-8-6(D) is hereby amended to read:

(D) Except as otherwise provided in this subsection, the Owner of property located south of Pecos Road, which is outside ~~all of~~ the City's adopted Service Areas for ~~all~~ City services, shall be responsible for constructing, acquiring, or paying for the costs of constructing or acquiring resource and infrastructure

improvements the City deems necessary for the City to provide applicable utility services, streets, police, fire, and parks and recreation services to this area, and shall, if required as a condition of rezoning or development agreement, provide for the costs or a portion of the operational costs of such services until such time as there is sufficient development to cover the costs of providing such services. The resources and infrastructure improvements required shall be consistent with applicable master utility plans and with the City's needs for operational consistency and efficiencies. Should the resource and infrastructure improvements required hereunder exceed the needs of a specific development, the City may, pursuant to an approved development agreement, endeavor to provide for the recovery of a portion of the costs of the resources and infrastructure improvements to the extent the capacity exceeds the needs of the development; or develop a mechanism that provides a temporary service solution and allows the Owner to make an in lieu contribution towards the costs of the future construction or acquisition of the needed resources and infrastructure improvements.

Section 9-8-7(D) Parks and Recreation Development Fees is hereby amended as follows:

The title for the Service Area South Goodyear in the table in Section 9-8-7(D) is hereby amended to read:

Service Area
South Goodyear (**EXCLUDES NWRV**)

Section 9-8-7(E) Water Development Fees is hereby amended as follows:

The title for the Service Area South Goodyear in the table in Section 9-8-7(E) is hereby amended to read:

Service Area
South Goodyear **AS MODIFIED
ABOVE IN SECTION 9-8-6(B)(5)**

Section 9-8-7(F) Wastewater Development Fees is hereby amended as follows:

The title for the Service Area South Goodyear in the table in Section 9-8-7(F) is hereby amended to read:

Service Area
South Goodyear as modified above
IN SECTION 9-8-6(B)(6)

SECTION 2. EFFECTIVE DATE

This ordinance shall become effective on April 13, 2020.

SECTION 3. REPEAL

Article 9-8 of Chapter 9 of the Goodyear City Code and all ordinances and parts of ordinance in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed effective as of April 13, 2020.

SECTION 4. EXISTING RIGHTS AND PENALTIES

The repeal of Article 9-8 of Chapter 9 of the Goodyear City Code effective as of April 13, 2020 does not affect the rights and duties that matured or penalties that were incurred and/or proceedings that were begun before the effective date of the repeal.

SECTION 5. SEVERABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 6. CORRECTIONS

The City Attorney, City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, numbering, section/subsection numbers any and references thereto.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2020-1461 is a true, correct and accurate copy of Ordinance No. 2020-1461, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk