

RESOLUTION NO. R2011-42

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, ADOPTING LAND USE ASSUMPTIONS AND AN
INFRASTRUCTURE IMPROVEMENTS PLAN RELATED TO THE
ESTABLISHMENT OF CITYWIDE DEVELOPMENT FEES**

WHEREAS, Arizona Senate Bill 1525 amended Arizona Revised Statutes (A.R.S.) § 9-463.05, effective January 1, 2012, requiring that a municipality prepare and adopt land use assumptions and an infrastructure improvements plan for designated service areas before adoption or amendment of a development fee; and,

WHEREAS, on September 2, 2011 notice of a public hearing on the Land Use Assumptions and Infrastructure Improvements Plan was published in the Yuma Sun for the November 2, 2011 regular City Council meeting; and,

WHEREAS, the City Council continued the November 2, 2011 public hearing on the Land Use Assumptions and Infrastructure Improvements Plan to the November 16, 2011 regular City Council meeting; and,

WHEREAS, on November 16, 2011, the City Council held the public hearing required by A.R.S. § 9-463.05 concerning the Land Use Assumptions and Infrastructure Improvements Plan; and,

WHEREAS, in adopting Land Use Assumptions and an Infrastructure Improvements Plan, the City Council seeks to designate a service area for each necessary public service or facility expansion in which a substantial nexus exists between the necessary public services or facility expansions and the development being served as prescribed in the Infrastructure Improvements Plan; and,

WHEREAS, the City Council recognizes that in order to include parks in excess of thirty acres such as the West Wetlands Park in the Level of Service calculations and the Yuma East Athletic Park in the Infrastructure Improvements Plan as necessary public services, such facilities must provide a direct benefit to the development; and,

WHEREAS, based on information presented at the public hearing, City Council work sessions, City Council meetings, and in the documents titled "Land Use Assumptions" and "Infrastructure Improvements Plan" which are on file with the City Clerk's Office, and have been posted on the City's website since September 2, 2011,

NOW, THEREFORE, be it resolved by the City Council of the City of Yuma as follows:

Section 1: In accordance with the Land Use Assumptions, the City Council of the City of Yuma has determined that the City of Yuma shall be split into two designated service areas, the area

north of 56th Street (County 14th Street)(the “North Service Area”) and an area south of 56th Street (the “South Service Area”) which is rural in character and sparsely populated.

Section 2: Based on the areas anticipated to receive a benefit from planned improvements, the City will collect development fees within the North Service Area only, and will not collect development fees within the South Service Area until the Land Use Assumptions and Infrastructure Improvements Plan have been revised to include necessary public services for the South Service Area. The City may also collect development fees in any area, including outside the City limits, pursuant to an approved development agreement.

Section 3: Based on existing and planned improvements to necessary public services including fire and police facilities and apparatus, street facilities, general government facilities, and parks and recreational facilities, the City Council finds that:

a. The City of Yuma plans, finances, advertises, and operates City recreational facilities as a network system of parks and recreation facilities to provide City residents of all ages with an available, uniform level-of-service that is dependent on structuring Parks and Recreation activities, events, and programs at all of the Parks and Recreation facilities at various times and locations throughout the North Service Area.

b. The City of Yuma plans, finances and operates its Fire Department as an integrated network of fire stations and apparatus to provide all City residents in the North Service Area with a uniform level-of-service. All of the operating fire stations and apparatus as well as the fire stations and apparatus that are included in the Infrastructure Improvements Plan are physically located in the North Service Area. Depending on the type of response required and the timing of calls for assistance, apparatus is dispatched and moved across the North Service Area from any of the stations as needed.

c. The City of Yuma plans, finances and operates its Police Department from one Police station in the North Service Area as an integrated network in which vehicles and equipment are dispatched throughout the North Service Area as required. The Police Substation, included in the Infrastructure Improvements Plan, will also be located in the North Service Area.

d. City Hall is a single, unique facility, which serves residents and non-residential entities throughout the North Service Area.

e. The City of Yuma plans, finances and operates its streets as a transportation network to provide reasonable and efficient access throughout the North Service Area. All of the arterial streets included in the Infrastructure Improvements Plan are located in the North Service Area.

f. The levels of service for parks and recreation facilities, fire facilities, police facilities and general government facilities in the Infrastructure Improvements Plan are based on the population of the entire City. According to the 2010 census, all but 31 City residents live in the North Service Area.

g. The level of service for streets as a transportation network is based upon the methodology of the Highway Capacity Manual as published by the Transportation Research Board and is based upon utilization of that network by the population of the entire City, practically all of which is located in the North Service Area.

h. Dividing the North Service Area into smaller areas would impair the City's ability to construct capital improvements for necessary public services and facilities, resulting in a decrease in the benefit to new development; whereas cost and delivery efficiencies resulting from a North and South Service Area will increase the benefit new development will receive from the City's construction of the necessary public services shown in the Infrastructure Improvements Plan.

i. Use of a single, Citywide Service Area (*i.e.*, merging the North and South Service Areas) or dividing the City into more than the two designated Service Areas would have the effect of reducing the level of service to residential and non-residential categories of new development by slowing delivery of necessary public services.

j. Designating these two Service Areas is consistent with existing development and investment-backed expectations and ensures that one developer or property owner within the same Service Area will not have an artificial, competitive advantage over another developer or property owner.

Section 4: The City Council finds that a substantial nexus exists between new development in the North Service Area and the necessary public services and facility expansions for all of the fire and police services and facilities and apparatus, street facilities, general government services and facilities, and parks and recreational services and facilities included in the Infrastructure Improvements Plan.

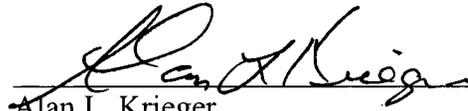
Section 5: The City Council finds that new development in the North Service Area will receive a beneficial use from all of the necessary public services and facilities included in the Infrastructure Improvements Plan.

Section 6: The City Council finds that new development in the North Service Area will receive a direct benefit from the West Wetlands Park and the Yuma East Athletic Park, as each of these facilities offer unique recreational opportunities as a part of the City's network of parks and recreational facilities. For example, in addition to open space, trails, a disc golf course, a one-of-a-kind, community-designed and built playground facility and a stocked fishing pond, the West Wetlands Park has improved access to the Colorado River. The Yuma East Athletic Park will feature a tournament-sized softball field complex, a regulation soccer field, and a gymnasium complex that, when combined with ramadas, playground equipment, restrooms and open space, will facilitate events and activities that either socially, economically, athletically, or for leisure purposes will directly benefit new development and residents of all ages throughout the North Service Area.

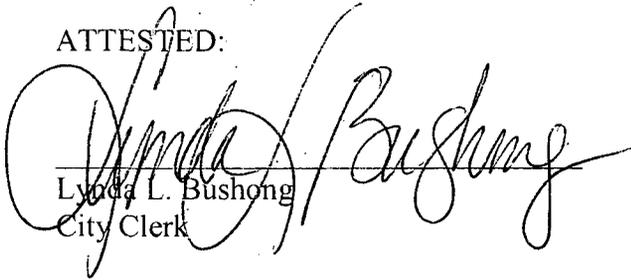
Section 7: That the Land Use Assumptions dated December 30, 2011, and the Infrastructure Improvements Plan dated December 30, 2011, on file with the City Clerk are hereby approved and adopted.

Adopted this 5TH day of January, 2012.

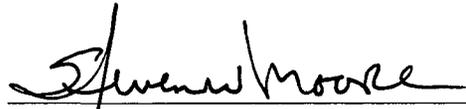
APPROVED:


Alan L. Krieger
Mayor

ATTESTED:


Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:


Steven W. Moore
City Attorney