

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, RELATING TO THE APPLICATION AND USE OF DEVELOPMENT FEES; AND PROVIDING FOR THE CALCULATION AND APPLICATION OF CREDITS TOWARD THE APPLICABLE DEVELOPMENT FEES.

WHEREAS, pursuant to Arizona Revised Statutes § 11-1102(A), the Pinal County Board of Supervisors reviewed and adopted the 2009 Capital Improvement Plan New Development and Development Fee Study for Public Safety, Streets, and Parks dated June 24, 2009 ("CIP"); and

WHEREAS, pursuant to Arizona Revised Statutes § 11-1102(C), the Pinal County Board of Supervisors received, discussed and released to the public, the Capital Improvements Plan for New Growth and Development Fee Study, dated June 12, 2009, and provided Notice of Intention to establish New Development fees based on the CIP on June 24, 2009; and

WHEREAS, pursuant to Arizona Revised Statutes § 11-1102(C), more than one hundred twenty days have passed from the Pinal County Board of Supervisors' publication of its Notice of Intention to assess new or increased development fees; and

WHEREAS, the Pinal County Board of Supervisors has conducted a public hearing on the proposed New Development fees, on _____, 2009, which was at least fourteen days before the scheduled date of the adoption of the new fees; and

WHEREAS, the Pinal County Board of Supervisors has determined that it is appropriate and necessary to adopt development fees and to determine the methodology for allocating credits toward the payment of the development fees, and to rescind the existing Pinal County Development Fee Ordinance, Ordinance No. 101806-DF.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, THAT:

Section 1. **Ordinance.** Pinal County Ordinance No. 101806-DF is hereby rescinded in its entirety and replaced as follows:

Section 2. **Title.** This Ordinance shall be entitled "The Pinal County Development Fee Ordinance".

Section 3. **Legislative intent and purpose.** This Ordinance is adopted for the purpose of promoting the health, safety and general welfare of the residents of Pinal County by:

- A. Implementing the Pinal County Capital Improvement Plans.
- B. Requiring New Development to pay its proportionate share of the capital costs to Pinal County associated with providing public safety, streets, and parks facilities necessary to serve New Development by paying development fees related to those facilities.

C. Setting forth standards and procedures for assessing development fees and administering the development fee program.

Section 4. Definitions.

The terms used in this Article shall have the following definitions:

1. "Benefit Areas" means the Impact Fee Areas identified as sub-regions designated in the Capital Improvements Plan for New Development and Development Fee Studies for parks, public safety and streets, dated June 12, 2009.

2. "CIP" means, collectively, the adopted Pinal County Capital Improvement Plans, including the Parks Capital Improvements Plan for New Development, Public Safety Capital Improvements Plan for New Development, and Streets Capital Improvements Plan for New Development, which itemize the nature, extent, cost, anticipated funding, and phasing of capital improvements for Pinal County.

3. "Construction Permit" means the permit required for construction, modification or installation of structures, including the installation of mobile homes, as determined pursuant to the Pinal County Building Code, and the Pinal County Zoning Code. For purposes of this Ordinance, the term "construction permit" includes any building or structure installation permit required by the County but shall not include a permit required for reconstruction of a structure if the reconstruction does not cause a change in the number of dwelling units or increase the square footage for nonresidential uses associated with the development, and does not include any temporary structures allowed by a valid Temporary Use Permit, or pursuant to a Special Density Permit for handicapped or disabled care dwelling units.

4. "County" means Pinal County.

5. "County Manager" means the Manager for Pinal County or his/her designee.

6. "Development Credit Agreement" means the agreement between the property owner and the County setting the Terms and Conditions for the granting of development fee credit for dedication and acceptance of land or construction and installation of Public Facilities listed in the CIP.

7. "Development Agreement" means any development or road agreement entered into prior to January 18, 2007 between Pinal County and any one or more of the following:

a. A community facilities district pursuant to Arizona Revised Statutes § 48-709(A).

b. A landowner.

c. Any other person having an interest in real property as described in Arizona Revised Statutes § 11-1101.

8. “Development Fee Management Committee” means the body of the County authorized pursuant to this Ordinance to review requests and make determinations and recommendations to the Board of Supervisors. Members of the Committee shall include the Assistant County Manager for Development Services, Public Works Director, Chief Building Official, and Planning & Development Director.

9. “Development Fee Study” means the written study on development fees prepared pursuant to Arizona Revised Statutes § 11-1102.

10. “Independent Development Fee Analysis” means a study based on data, information, or assumptions contained in the Development Fee Study or an independent source, as described in Section 11.D.4 of this Ordinance, utilizing trip generation and vehicle miles travelled calculations to prove impact of a specific project or use prepared or submitted by a property owner intended to support an alternate development fee calculation.

11. "New Development" means any construction, modification, or installation pursuant to a construction permit issued after the effective date of this Ordinance, but does not include replacement of an existing structure or unit already constructed or installed onsite when the replacement does not increase the number of residential dwelling units or increase the square footage of the nonresidential uses on the property.

12. “Public Facility” means any property, structure, or infrastructure owned by or dedicated to and accepted by the County for public use or benefit as defined in the current CIP for parks, public safety, or streets; including, but not limited to road way construction, traffic lights, and vehicles.

13. “Replacement Unit” means any residential dwelling unit or non-residential structure replacing one in existence prior to January 18, 2007, legally permitted and/or recognized by the Pinal County Tax Assessor.

Section 5. Applicability. This Ordinance applies to all New Development within Pinal County.

Section 6. Development Fee Study. Pursuant to Arizona Revised Statutes § 11-1102, the County will produce a written report which will include the Development Fee Study or Studies, and incorporates the County adopted CIP. All proposed expenditures for projects funded or to be funded, in whole or in part, with development fees shall be identified in the Development Fee Study and the CIP. The projects identified in the Benefit Areas to be funded with development fees shall be included in the CIP. The Development Fee Study and CIP shall be updated and adopted as determined necessary by the Board of Supervisors.

Section 7. Infrastructure Needs Assessment. Nothing in this Ordinance shall be construed to require the County to remedy existing infrastructure deficiencies before adopting or imposing a development fee. As part of the identification of Benefit Areas pursuant to Section 6, the Development Fee Study shall:

- A. Identify the level of service standards upon which the development fee is to be based.
- B. Determine and distinguish between existing deficiencies and projected New Development needs, applying the level of service standards upon which the development fee is to be based.
- C. Describe how County plans to remedy the existing deficiencies.
- D. Inventory existing infrastructures which are to be included in the Benefit Areas.
- E. Identify the level of service standard applicable to each inventoried infrastructure.

Section 8. Benefit Areas. Before assessment of New Development fees, the County shall identify Benefit Areas for the geographic area in which development fees will be applied. Each benefit area shall comply with the following requirements:

- A. For each benefit area, the Development Fee Study shall determine the extent of improvements needed or existing to serve the anticipated future development of the Benefit Area, considering the Pinal County Comprehensive Plan and the CIP.
- B. For each Benefit Area, the CIP and Development Fee Study shall determine the actual Public Facilities capital costs or reasonable estimates of capital costs incurred or to be incurred on projects, any portion of which are to be funded with development fees.
- C. The Development Fee Study shall determine the extent of which the costs determined in Sections 5 through 7 will be funded from sources other than development fees.
- D. Each benefit area shall include an estimate of the timing of improvement construction to be constructed with development fees within the benefit area. The estimate shall be related to the rate of New Development projected to occur within the benefit area.
- E. The Development Fee Study shall identify the Public Facilities that the County finds will bear a reasonable relationship to the needs created by development within the identified Benefit Areas.

Section 9. Adoption and Assessment Procedure.

- A. Prior to the adoption of a development fee, the Board of Supervisors shall have prepared a Development Fee Study, pursuant to Sections 6 and 7 of this Ordinance, including all appropriate documentation that supports the assessment of the new or increased development fee. The development fee study shall demonstrate that the amount of the development fee bears a reasonable relationship to the burden of capital costs imposed on the County to provide the improvements set forth in the CIP that may serve New Development. In determining the extent of the burden imposed by New Development, the County shall consider, among other things, the contribution made or to be made in the future by taxes, fees or assessments by the property owner toward the capital costs of the necessary public service covered by the development fee.

B. Development fees shall be assessed by the County in a nondiscriminatory manner.

C. In determining and assessing development fees applying to land in a community facilities district established pursuant to Arizona Revised Statutes § 48-701 et seq., the County shall take into account all public infrastructure provided by the district and capital costs paid by the district for necessary public services and shall not assess the applicable portion of the development fee based on the infrastructure or costs on that land or infrastructure included in the current CIP for which development fees are assessed.

D. Prior to assessing or increasing development fees, the Board of Supervisors shall:

1. Give at least one hundred twenty days advance notice of intention to assess new or increased development fees.

2. Release to the public a written report including all documentation that supports the assessment of new or increased development fees.

3. Conduct a public hearing on the proposed new or increased development fee at any time after the expiration of the one hundred twenty day notice of intention to assess a new or increased development fee and at least fourteen days before the scheduled date of adoption of the new or increased development fee.

Section 10. Schedule of Development Fees by Benefit Areas.

A. A Schedule of Development Fees is adopted, and made a part of this Ordinance as is fully set forth herein, as provided in Attachment A of this Ordinance. All New Development shall be assessed a fee set forth in and based upon the Schedule of Development Fees in Attachment A.

B. For those nonresidential uses not specified in Attachment A, the most applicable and analogous use will be determined and calculated based on the Development Fee Study, County Zoning Ordinance, and currently applicable Institute of Transportation Engineers Trip Generation Manual.

Section 11. Procedures for Imposition, Calculation, Credits, and Collection of Development Fees; Exclusions.

A. *In general.* Prior to the issuance of a construction permit, the County will notify an applicant of applicable development fee requirements. The County calculates development fees prior to the issuance of a construction permit, shall provide applicant with a calculation of those fees, and the applicant must pay the fees due prior to the issuance of a construction permit.

B. *Determinations.*

1. Upon receipt of an application for a construction permit, the County will determine:

a. Whether the proposed use is a residential or non-residential use;

b. The specific category of residential or non-residential development, if applicable;

c. If a residential use is proposed, the number of new dwelling units (meaning non-replacement), if any;

d. If a non-residential use is proposed, the number of new or additional square feet of gross floor area; based upon the intensity or increase in intensity of the proposed use; and

e. The Benefit Area in which the New Development is located.

2. Upon receipt of an application for a construction permit, the County determines whether the development proposed involves a change in use. In such cases, the development fee due is based on only the incremental increase in the residential units, or square footage added to the existing use, measured from the date of the last valid construction permit issued by the County on the property. For those non-residential uses the fee shall be based on the rate per square foot of applicable use as identified in the Development Fee Study and Schedule, or most applicable and analogous use identified in the Development Fee Study, County Zoning Ordinance and currently applicable Institute of Transportation Engineers Trip Generation Manual. The Development Services staff shall review and calculate the applicable fee and when staff is either unable to determine or when staff determines it necessary, the Development Fee Management Committee shall review and make the final determination based upon the resources identified herein on the applicable development fee. That determination may be appealed as set forth in this Ordinance.

C. *Calculations.*

1. At the time of the issuance of a construction permit, after making the necessary determinations, the County, based on its Development Fee Study and the Development Fee Schedule set forth in Attachment A, calculates the applicable development fee by multiplying the units or square footage of demand proposed by the amount of the applicable development fee per unit or square footage of development set forth in the Development Fee Schedule, less any applicable credit.

2. The calculation of development fees due from a multiple-use New Development is based upon the aggregate combination of the applicable residential units and square feet of non-residential uses with the appropriate fee being determined based upon the application of principles and analysis provided in the Development Fee Study and the Development Fee Schedule.

3. Phase Development Calculation. The calculation of development fees due from a phased New Development is based upon the aggregate combination of the applicable residential units and square feet of non-residential uses with the appropriate fee being determined based upon the application of principles and analysis provided in the Development Fee Study and the Development Fee Schedule.

4. For applications for a construction permit for a building shell where the actual use of the building is unknown, the development fee shall be calculated based on the lowest intensity land use allowed for the property under its applicable zoning district. At the time the building permit for tenant improvements is issued and the permanent use is established, the actual development fee shall be calculated and the applicant may be required to pay additional development fees if the actual use results in a higher fee, prior to issuance of the building permit for that use.

D. *Alternate Development Fee Calculation and Appeals.*

1. In the event an applicant believes that the impact to Public Facilities necessitated by New Development is less than the development fee imposed in Section 10, the applicant may, prior to issuance of a construction permit, request for review an alternate development fee calculation to appeal the final amount of the development fee owed.

2. With the request for appeal of the development fee amount, applicant shall submit, at applicant's sole expense, a complete Independent Development Fee Analysis. No construction permit shall be issued until a complete Independent Development Fee Analysis is submitted, including any administrative review fee established for such appeals and a determination made as to the appropriate fee by the Board, after a recommendation from the Development Fee Management Committee, and a final determination made by the County Board of Supervisors. The County makes the final determination if a submittal is complete, and shall notify the applicant if complete or inform the applicant what is required to be submitted for the application to be considered complete. The applicant may receive a construction permit during the processing of any complete appeal submittal, if the applicant provides financial guarantees in a form acceptable to the County equivalent to the development fee assessment.

3. The Independent Development Fee Analysis must be consistent with the requirements of this Ordinance and State law governing development fee studies.

4. The Independent Development Fee Analysis must be calculated for that land use type analyzed in the applicable Benefit Area and based on data, information, or assumptions contained in the Development Fee Study documentation, or an independent source utilizing trip generation and Vehicle Miles Traveled calculations to prove impact of a specific project or use, provided that:

a. The independent source is a generally-accepted standard source of demographic and planning data; or

b. The independent source is a local study conducted within a year prior to the applicant's appeal, and supported by a data base, its adequacy as determined by the County, adequate for the conclusion contained in the Independent Development Fee Analysis and performed pursuant to a generally-accepted methodology.

5. If a previous applicant has submitted a study consistent with the criteria for an Independent Development Fee Analysis, and if such study is determined by the Development Fee Management Committee to be in compliance with this Ordinance, the impact

upon the Public Facilities as described in such study shall be presumed to exist for a similar land use proposed by a subsequent applicant for that property.

6. After review and recommendation by the Development Fee Management Committee, if the Board of Supervisors determines that the Independent Development Fee Analysis complies with the requirements of this section and the alternative development fee is less than the fees set forth in Section 10, then the alternative fee shall be paid by the applicant. If the determination is made that the alternative development fee is greater than the fees determined pursuant to Section 10 and 11(A), (B) and (C), then the original County calculated fee shall be due. After a hearing on an appeal, the Board of Supervisors shall make a final decision on an appeal of any development fee calculation within 120 days of the complete appeal submittal being filed with the County. It is the applicant's responsibility to present all required information supporting its appeal.

E. ***Non-Binding Estimate.*** An applicant may request a non-binding estimate of development fees due for a particular New Development at any time by filing a request on a form provided for such purpose by the County; provided, however, that such estimate may be subject to change when a formal application for a construction permit for New Development is made. Such non-binding estimate is solely for the benefit of the prospective applicant and in no way binds the County nor precludes it from making amendments or revisions to any provisions of this Ordinance.

F. ***Credits.***

1. Public Facilities provided by a developer or property owner related to a project being assessed a development fee which are included in and conform to the adopted CIP are eligible for credits against the applicable development fee. Credits may not exceed the total amount of fees which are imposed.

2. Credits against the amount of development fees may be given, pursuant to the terms outlined below, either:

a. By the Board of Supervisors for a New Development for dedications of land or provision of Public Facilities for which a development fee is assessed as prescribed in the current CIP pursuant to a development credit agreement and /or to comply with zoning stipulations.

b. As recommended by the Development Fee Management Committee, subject to Board of Supervisors approval, against the amount of development fees due on New Development pursuant to the terms outlined below, either:

(1) where a property owner or developer provides evidence of some transfer of entitlement to development fee credits for the project, and demonstrates that Public Facilities were previously provided by the property owner of the property prior to the current property owner developing the property, and where the credit for those Public Facilities has not already been granted or fully utilized.

(2) where transportation fees have been paid into one of the County's transportation funds, including Superstition Valley Transportation Fund, Maricopa Subregional Transportation Fund or the Southern Pinal County Regional Transportation Fund, by owners or developers of property subject to a development fee prior to issuance of a construction permit, related to infrastructure identified in the CIP and for which a development fee is imposed under this Ordinance.

c. Determined by resolution of the Board of Supervisors for inclusion during the immediately subsequent update to the CIP.

3. ***Credits for dedication of land.*** Application for a credit for the dedication of land must be made on a form provided by the County for such purposes. A development credit agreement is also required as part of any credit granted under this Section.

a. ***Requirements.*** In order to be eligible for development fee credits, the dedication must be:

(1) Land that is a part of or necessary for infrastructure included in the County's current CIP; or

(2) Determined by resolution of the Board of Supervisors for inclusion during the immediately subsequent update to the CIP; or

(3) Subject to an executed development credit agreement, as provided herein, prior to the issuance of a construction permit for land for which a development fee is assessed at the time a credit is sought.

b. ***Procedure.***

(1) Upon receipt of a complete application and proposed development credit agreement, the County Manager, County Attorney, Development Fee Management Committee and Development Services staff must review the application and proposed agreement, as well as such other information and evidence as may be deemed relevant, and the County Manager shall forward to the Board of Supervisors a report as to whether a credit complies with the provisions of this Ordinance.

(2) Based on the report of the County Manager, any recommendation from the Development Fee Management Committee, the provisions of this Ordinance, the CIP, the Comprehensive Plan, adopted County budget, and the Development Fee Study, the Board of Supervisors shall make a final decision to accept, reject, or accept with conditions the proposed dedication and development credit agreement in exchange for a credit against the applicable development fees owed.

c. ***Calculation of the value of dedication.***

(1) The amount of the credit to be given as a result of the dedication of land that is a part of or necessary for infrastructure for which a development fee is imposed under this Ordinance is to be calculated as the lower of the following:

(a) The amount of the applicable development fee category due pursuant to the assessed fee calculated under this Ordinance;

(b) The value of the land (or its costs to acquire) assumed in the County's CIP; or

(c) The actual verified value of the land to be dedicated.

(2) If the actual verified value is to be used, the credit shall be calculated as follows:

The credit is to be based on the fair market value of the land as determined by a certified property appraiser hired and paid for by the applicant. If the County rejects the applicant's appraisal, the County may hire and pay for a second appraiser to appraise the property. If either party rejects the second appraisal, a third appraisal may be performed by an appraiser chosen by the first and second appraisers, the costs of which are to be shared equally by the County and the applicant. The third appraisal is binding on both parties. All appraisals must be consistent with generally-accepted appraisal techniques and the date of valuation must be the date of dedication to the County.

d. ***Development credit agreement requirements.*** No dedication of land under this Section may be accepted in exchange for a credit except pursuant to an executed development credit agreement between the County and the owner of the dedicated property, which will include the following when applicable:

(1) The amount of the development fees, by category type, against which a credit is being applied;

(2) The eligibility for and method of the application of any available credit associated with land dedication by the property owner to the County, that may be applied to a subsequent applicant or property owner on the project;

(3) The amount of such credits;

(4) A provision that all dedication will be in accordance with County specifications and requirements; and

(5) Such other terms and conditions as deemed necessary by the County.

e. ***Transferability.*** Credits granted pursuant to subsection F may be transferred from the applicant to other property owners or applicants within the original development or project. However, in order to transfer available credits from the original

property owner or applicant to another property owner or applicant, an application must be made pursuant to subsection (5) below.

4. ***Credits for provision of infrastructure.*** Application for a credit for provision of infrastructure must be made on a form provided by the County for such purposes. A development credit agreement is also required as part of any credit granted under this Section.

a. ***Requirements.*** In order to be eligible for development fee credits, the provision of infrastructure must be:

(1) Infrastructure that is identified as a part of or necessary for improvements included in the County's current CIP; or

(2) Determined by resolution of the Board of Supervisors for inclusion during the immediately subsequent update to the CIP; or

(3) Subject to an executed development credit agreement, as provided herein, prior to the issuance of a construction permit for which a credit is sought.

b. ***Procedure.***

(1) Upon receipt of a complete application and proposed development credit agreement, the County Manager, County Attorney, Development Fee Management Committee, and Development Services staff must review the application and proposed agreement, as well as such other information and evidence as may be deemed relevant, and the County Manager shall forward to the Board of Supervisors a report as to whether a credit is properly based on the provisions of this Ordinance.

(2) Based on the report of the County Manager, any recommendation from the Development Fee Management Committee, the provisions of this Ordinance, the CIP, the Comprehensive Plan, adopted County budget, and the Development Fee Study, the Board of Supervisors shall make a final decision to accept, reject, or accept with conditions the proposed infrastructure dedication in exchange for a credit against development fees owed.

c. ***Calculation of the value of infrastructure.***

(1) The amount of the credit to be given as a result of the infrastructure provided to the County that are part of or necessary for improvements for which a development fee is imposed under this Ordinance is to be calculated as the lower of the following:

(a) The amount of the applicable development fee category due pursuant to the assessed fee calculated under this Ordinance;

(b) The value of the infrastructure (or its costs to acquire) assumed in the County's CIP; or

(c) The actual verified costs associated with the installation of the infrastructure included in the CIP to be dedicated.

(2) If the actual verified costs are to be used, the credit shall be calculated as follows:

The credit is to be based on the actual costs to the applicant from the installation of the infrastructure, as evidenced by any and all contract documents, invoices, and any additional documentation the County deems necessary to determine the infrastructure costs.

d. ***Development credit agreement requirements.*** No infrastructure under this Section may be accepted in exchange for a credit except pursuant to an executed development credit agreement between the County and the provider of the infrastructure, which will include the following when applicable:

(1) A schedule or separate agreement providing for the initiation and completion of the construction and installation of the infrastructure;

(2) The amount of the development fees, by category to be credited by the County;

(3) The eligibility for and the method of the application of any available credit associated with infrastructure dedication by the property owner to the County, that may be applied to a subsequent applicant or property owner on the project;

(4) The amount of such credits;

(5) A provision that all construction and installation will be in accordance with County specifications and all regulations set forth in the Pinal County Zoning Ordinance, Subdivision Ordinance and Building Codes; and

(6) Such other terms and conditions as deemed necessary by the County.

e. ***Transferability.*** Credits granted pursuant to subsection F may be transferred from the applicant to other property owners or applicants within the original development or project. However, in order to transfer available credits from the original property owner or applicant to another property owner or applicant, an application must be made pursuant to subsection (5) below.

5. ***Credits to subsequent applicants.***

a. ***Requirements.*** In order for a credit to be transferred pursuant to this subsection, the applicant must demonstrate that:

(1) The credit is associated with the same property or project upon which the initial development fees were assessed, and for which the Public Facilities were provided;

(2) The Public Facility provided had a value, as determined under this Ordinance, in excess of the original amount of the phase's or project's development fee;

(3) The Public Facility provided reduced the overall need for public facilities otherwise created by the proposed New Development;

(4) The proposed New Development complies with all County conditions of acceptance of the Public Facility;

(5) The Public Facility provided was for the same category of development fee as is being proposed for a credit.

b. Procedure.

(1) Applications for a credit, based on subsection 5.a. above, must be made on a form provided by the County for such purposes. The application must be accompanied by evidence of a proposed transfer of credit as set forth in this subsection 5.

(2) Upon receipt of a complete application, the County shall review the application, as well as such other information and evidence as may be deemed relevant, and determine whether a transfer of credit is appropriate based on the provisions of this Ordinance, the CIP, the Comprehensive Plan, the Development Fee Study, and/or other relevant evidence.

(3) If the Development Fee Management Committee determines that a transfer of credit is appropriate, the Development Fee Management Committee shall so indicate on the appropriate form, and make a recommendation to the Board of Supervisors. Upon approval of the Board of Supervisors, the transfer of credit shall be given upon the calculation and collection of the required development fee at the time of issuance of a construction permit to the transferee.

G. Collection. All applicable development fees shall be paid prior to the issuance of a construction permit and a receipt shall be issued to the applicant for such payment unless:

1. The applicant is or may be entitled to a full or partial credit as determined by the County pursuant to this Ordinance. In the event the applicant may be entitled to a credit due to land or infrastructure it is dedicating to the County due to a development agreement or pursuant to a stipulation or condition of approval, the applicant may provide a bond or other financial guarantee acceptable to the County in the amount of the development fee, as calculated by the County, to receive its construction permit.

2. The applicant is not otherwise subject to the payment of a development fee.

H. [Reserved]

Section 12. Administration of Development Fees.

A. The development fee program shall be administered by the County Manager through Development Services.

B. Pinal County Development Services is responsible for collecting and accounting for development fees adopted pursuant to this Ordinance. In accordance with Arizona Revised Statutes § 11-1102(B), the fees shall be accounted for in a separate fund by Benefit Area and development fee category (parks, public safety and streets) that clearly identifies the purpose for which the fee was imposed. Interest earned on monies in each separate fund shall be credited to each separate fund.

C. The County shall retain copies of all documents and any other data sources on which the development fee is based, and shall make such information available to the public on request.

D. The County shall submit an annual report accounting for the collection and use of the fees. The annual report shall include the following:

1. The amount assessed by the County for each type of development fee.
2. The balance of each fund maintained for each type of development fee assessed as of the beginning and end of the fiscal year.
3. The amount of interest or other earnings on the monies in each fund as of the end of the fiscal year.
4. The amount of development fee monies used to repay:
 - a. Bonds issued by the County to pay the cost of a capital improvement project that is the subject of a development fee assessment.
 - b. Monies advanced by the County from funds other than the funds established for development fees in order to pay the cost of a capital improvement project that is the subject of a development fee assessment.
5. The amount of development fee monies spent on each capital improvement project that is the subject of a development fee assessment and the physical location of each capital improvement project.
6. The amount of development fee monies spent for each purpose other than a capital improvement project that is the subject of a development fee assessment.

E. Within ninety days following the end of each fiscal year, the County shall submit a copy of the annual report to the Clerk of the Pinal County Board of Supervisors. Copies shall

be made available to the public on request. The annual report may contain financial information that has not been audited.

F. The Board of Supervisors may adopt an administrative fee schedule to establish any administrative fee authorized in this Ordinance, to cover County expenses associated with the process of applications and appeals pursuant to this Ordinance.

Section 13. Development Fee Study Update. Every 2 years, starting from the effective date of the current development fees, the County may update the development fees in effect in the County. If the Board of Supervisors chooses to update the current development fees, the County will follow the procedures in the Ordinance and state statutes to adopt the updated fees.

Section 14. Annual Adjustments. [Reserved]

Section 15. Infrastructure not included in CIP. The County Board of Supervisors retains its legislative authority such that this Ordinance shall not affect any legal authority the County may have to disapprove a New Development or to approve New Development conditioned upon the developer providing dedication of land, infrastructure, and improvements necessary to serve the New Development.

Section 16. Development Fee Transition Rule. Any new or increased development fees shall be assessed upon the effective date of the Ordinance adopting the new or increased development fees, except that the lesser of the development fees, whether the current or newly adopted, shall apply to any construction permits applied for prior to the effective date of the new or increased development fees.

Section 17. Ordinance Effective Date. This Ordinance shall become effective 91 days from the date of adoption.

Section 18. Authorization. The various County officers and employees are hereby authorized and directed to perform all acts necessary and desirable to give effect to this Ordinance.

Section 19. Validity. Should any provision of this Ordinance be deemed or held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED this _____, by the Pinal County Board of Supervisors.

PINAL COUNTY BOARD OF SUPERVISORS

Chairman of the Board of Supervisors

Date: _____

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board of Supervisors

County Attorney

**ATTACHMENT A
TO
ORDINANCE ____**

	IFA 1				IFA 2			
	<i>Public</i>				<i>Public</i>			
	<i>Parks</i>	<i>Safety</i>	<i>Streets</i>	<i>TOTAL</i>	<i>Parks</i>	<i>Safety</i>	<i>Streets</i>	<i>TOTAL</i>
Residential (per unit)								
Single Family Detached	\$276	\$1,252	\$7,197	\$8,724	\$276	\$1,252	\$8,331	\$9,858
All Other Types of Housing	\$128	\$582	\$3,752	\$4,462	\$128	\$582	\$4,344	\$5,054
Nonresidential (per square foot except where noted)								
Commercial / Shopping Center 25,000 SF or less	N/A	\$0.52	\$12.78	\$13.30	N/A	\$0.52	\$14.65	\$15.16
Commercial / Shopping Center 25,001-50,000 SF	N/A	\$0.48	\$11.97	\$12.45	N/A	\$0.48	\$13.72	\$14.20
Commercial / Shopping Center 50,001-100,000 SF	N/A	\$0.43	\$10.66	\$11.09	N/A	\$0.43	\$12.21	\$12.65
Commercial / Shopping Center 100,001-200,000 SF	N/A	\$0.38	\$9.36	\$9.74	N/A	\$0.38	\$10.72	\$11.10
Commercial / Shopping Center over 200,001 SF	N/A	\$0.33	\$8.28	\$8.61	N/A	\$0.33	\$9.49	\$9.82
Business Park	N/A	\$0.19	\$5.18	\$5.37	N/A	\$0.19	\$5.95	\$6.14
Medical-Dental Office	N/A	\$0.55	\$14.66	\$15.21	N/A	\$0.55	\$16.84	\$17.38
Office / Institutional 10,000 SF or less	N/A	\$0.34	\$9.20	\$9.54	N/A	\$0.34	\$10.56	\$10.90
Office / Institutional 10,001-25,000 SF	N/A	\$0.28	\$7.45	\$7.72	N/A	\$0.28	\$8.55	\$8.83
Office / Institutional 25,001-50,000 SF	N/A	\$0.24	\$6.35	\$6.59	N/A	\$0.24	\$7.29	\$7.53
Office / Institutional 50,001-100,000 SF	N/A	\$0.20	\$5.41	\$5.62	N/A	\$0.20	\$6.22	\$6.42
Office / Institutional over 100,001 SF	N/A	\$0.17	\$4.61	\$4.79	N/A	\$0.17	\$5.30	\$5.47
Hospital	N/A	\$0.25	\$6.70	\$6.95	N/A	\$0.25	\$7.69	\$7.94
Church	N/A	\$0.14	\$3.70	\$3.83	N/A	\$0.14	\$4.25	\$4.38
Mini-warehouse (self storage)	N/A	\$0.04	\$1.01	\$1.05	N/A	\$0.04	\$1.17	\$1.20
Warehousing	N/A	\$0.07	\$2.01	\$2.09	N/A	\$0.07	\$2.31	\$2.39
Manufacturing	N/A	\$0.06	\$1.55	\$1.61	N/A	\$0.06	\$1.78	\$1.84
Light Industrial	N/A	\$0.11	\$2.83	\$2.93	N/A	\$0.11	\$3.25	\$3.35
High School (per student)	N/A	\$26	\$694	\$720	N/A	\$26	\$797	\$823
Middle School/Junior High School (per student)	N/A	\$24	\$657	\$682	N/A	\$24	\$755	\$779
Elementary School (per student)	N/A	\$20	\$524	\$543	N/A	\$20	\$601	\$621
Hotel (per room)	N/A	\$85	\$2,285	\$2,370	N/A	\$85	\$2,624	\$2,709
Assisted Living (per bed)	N/A	\$41	\$1,112	\$1,153	N/A	\$41	\$1,277	\$1,318

	IFA 3				IFA 4			
	Public				Public			
	Parks	Safety	Streets	TOTAL	Parks	Safety	Streets	TOTAL
Residential (per unit)								
Single Family Detached	\$276	\$1,252	\$5,569	\$7,096	\$276	\$1,252	\$6,435	\$7,962
All Other Types of Housing	\$128	\$582	\$2,903	\$3,613	\$128	\$582	\$3,355	\$4,065
Nonresidential (per square foot except where noted)								
Commercial / Shopping Center 25,000 SF or less	N/A	\$0.52	\$10.10	\$10.61	N/A	\$0.52	\$11.52	\$12.04
Commercial / Shopping Center 25,001-50,000 SF	N/A	\$0.48	\$9.46	\$9.94	N/A	\$0.48	\$10.79	\$11.28
Commercial / Shopping Center 50,001-100,000 SF	N/A	\$0.43	\$8.42	\$8.85	N/A	\$0.43	\$9.61	\$10.04
Commercial / Shopping Center 100,001-200,000 SF	N/A	\$0.38	\$7.39	\$7.77	N/A	\$0.38	\$8.44	\$8.82
Commercial / Shopping Center over 200,001 SF	N/A	\$0.33	\$6.54	\$6.88	N/A	\$0.33	\$7.47	\$7.80
Business Park	N/A	\$0.19	\$4.07	\$4.27	N/A	\$0.19	\$4.66	\$4.86
Medical-Dental Office	N/A	\$0.55	\$11.54	\$12.08	N/A	\$0.55	\$13.20	\$13.75
Office / Institutional 10,000 SF or less	N/A	\$0.34	\$7.24	\$7.58	N/A	\$0.34	\$8.28	\$8.62
Office / Institutional 10,001-25,000 SF	N/A	\$0.28	\$5.86	\$6.14	N/A	\$0.28	\$6.70	\$6.98
Office / Institutional 25,001-50,000 SF	N/A	\$0.24	\$5.00	\$5.23	N/A	\$0.24	\$5.72	\$5.95
Office / Institutional 50,001-100,000 SF	N/A	\$0.20	\$4.26	\$4.46	N/A	\$0.20	\$4.87	\$5.08
Office / Institutional over 100,001 SF	N/A	\$0.17	\$3.63	\$3.80	N/A	\$0.17	\$4.15	\$4.33
Hospital	N/A	\$0.25	\$5.27	\$5.52	N/A	\$0.25	\$6.03	\$6.28
Church	N/A	\$0.14	\$2.91	\$3.05	N/A	\$0.14	\$3.33	\$3.47
Mini-warehouse (self storage)	N/A	\$0.04	\$0.80	\$0.84	N/A	\$0.04	\$0.91	\$0.95
Warehousing	N/A	\$0.07	\$1.58	\$1.66	N/A	\$0.07	\$1.81	\$1.89
Manufacturing	N/A	\$0.06	\$1.22	\$1.28	N/A	\$0.06	\$1.40	\$1.45
Light Industrial	N/A	\$0.11	\$2.23	\$2.33	N/A	\$0.11	\$2.55	\$2.65
High School (per student)	N/A	\$26	\$546	\$572	N/A	\$26	\$625	\$651
Middle School/Junior High School (per student)	N/A	\$24	\$517	\$542	N/A	\$24	\$592	\$616
Elementary School (per student)	N/A	\$20	\$412	\$431	N/A	\$20	\$471	\$491
Hotel (per room)	N/A	\$85	\$1,798	\$1,883	N/A	\$85	\$2,057	\$2,142
Assisted Living (per bed)	N/A	\$41	\$875	\$916	N/A	\$41	\$1,001	\$1,043

	IFA 5				IFA 6 & 7			
	Parks	Public		TOTAL	Parks	Public		TOTAL
		Safety	Streets			Safety	Streets	
Residential (per unit)								
Single Family Detached	\$276	\$1,252	\$3,712	\$5,239	\$276	\$1,252	\$5,001	\$6,528
All Other Types of Housing	\$128	\$582	\$1,936	\$2,646	\$128	\$582	\$2,607	\$3,317
Nonresidential (per square foot except where noted)								
Commercial / Shopping Center 25,000 SF or less	N/A	\$0.52	\$7.04	\$7.56	N/A	\$0.52	\$9.16	\$9.68
Commercial / Shopping Center 25,001-50,000 SF	N/A	\$0.48	\$6.59	\$7.08	N/A	\$0.48	\$8.58	\$9.06
Commercial / Shopping Center 50,001-100,000 SF	N/A	\$0.43	\$5.87	\$6.30	N/A	\$0.43	\$7.64	\$8.07
Commercial / Shopping Center 100,001-200,000 SF	N/A	\$0.38	\$5.16	\$5.53	N/A	\$0.38	\$6.71	\$7.09
Commercial / Shopping Center over 200,001 SF	N/A	\$0.33	\$4.56	\$4.90	N/A	\$0.33	\$5.94	\$6.27
Business Park	N/A	\$0.19	\$2.82	\$3.01	N/A	\$0.19	\$3.69	\$3.88
Medical-Dental Office	N/A	\$0.55	\$7.98	\$8.52	N/A	\$0.55	\$10.45	\$10.99
Office / Institutional 10,000 SF or less	N/A	\$0.34	\$5.00	\$5.35	N/A	\$0.34	\$6.55	\$6.90
Office / Institutional 10,001-25,000 SF	N/A	\$0.28	\$4.05	\$4.33	N/A	\$0.28	\$5.31	\$5.58
Office / Institutional 25,001-50,000 SF	N/A	\$0.24	\$3.46	\$3.69	N/A	\$0.24	\$4.53	\$4.76
Office / Institutional 50,001-100,000 SF	N/A	\$0.20	\$2.95	\$3.15	N/A	\$0.20	\$3.86	\$4.06
Office / Institutional over 100,001 SF	N/A	\$0.17	\$2.51	\$2.68	N/A	\$0.17	\$3.29	\$3.46
Hospital	N/A	\$0.25	\$3.64	\$3.89	N/A	\$0.25	\$4.77	\$5.02
Church	N/A	\$0.14	\$2.01	\$2.15	N/A	\$0.14	\$2.63	\$2.77
Mini-warehouse (self storage)	N/A	\$0.04	\$0.55	\$0.59	N/A	\$0.04	\$0.72	\$0.76
Warehousing	N/A	\$0.07	\$1.10	\$1.17	N/A	\$0.07	\$1.43	\$1.51
Manufacturing	N/A	\$0.06	\$0.84	\$0.90	N/A	\$0.06	\$1.10	\$1.16
Light Industrial	N/A	\$0.11	\$1.54	\$1.64	N/A	\$0.11	\$2.02	\$2.12
High School (per student)	N/A	\$26	\$378	\$403	N/A	\$26	\$495	\$520
Middle School/Junior High School (per student)	N/A	\$24	\$358	\$382	N/A	\$24	\$468	\$493
Elementary School (per student)	N/A	\$20	\$285	\$304	N/A	\$20	\$373	\$393
Hotel (per room)	N/A	\$85	\$1,243	\$1,328	N/A	\$85	\$1,628	\$1,713
Assisted Living (per bed)	N/A	\$41	\$605	\$646	N/A	\$41	\$792	\$834