

ORDINANCE No. 2006-25

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO CAPITAL IMPROVEMENTS FUNDING AND DEVELOPMENT FEES; AMENDING CHAPTER 19.03 OF THE PIMA COUNTY CODE TO INCREASE RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT IMPACT FEES; CHANGING THE ANNUAL FEE ESCALATOR TO THE ENR-CCI; SPECIFICALLY DEFINING CONTRIBUTIONS ELIGIBLE FOR CREDITS AGAINST ROADWAY DEVELOPMENT IMPACT FEES
(All Districts)

WHEREAS, on April 8, 2003, the Pima County Board of Supervisors adopted Ordinance No. 2003-40, which modified Pima County Code Chapter 19.03 relating to Roadway Development Impact Fees by establishing new non-residential fees, increasing existing residential fees and adding Roadway Development Impact Fees within newly designated benefit areas, and

WHEREAS, the Pima County Board of Supervisors received and discussed reports on the current status of the roadway development impact fee program and recommended changes and provided notice of the intent to increase fees at their November 15, 2005 public hearing and

WHEREAS, the Pima County Board of Supervisors received and discussed reports on the roadway development impact fee program and recommended changes and increases to fees at their March 21, 2006 public hearing, and

WHEREAS, the Pima County Board of Supervisors has determined that it is necessary to amend Pima County Code Chapter 19.03 to increase residential and non-residential fees based on updated roadway construction costs and new trip generation data, and

WHEREAS, the Pima County Board of Supervisors has determined that it is necessary to amend Pima County Code Chapter 19.03 to change the annual fee escalator from the Consumer Price Index to the Engineering News Record-Construction Cost Index, and

WHEREAS, the Pima County Board of Supervisors has determined that it is necessary to amend Pima County Code Chapter 19.03 to specifically define contributions which are eligible for off-setting credits to roadway development impact fees.

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

SECTION 1. Section 19.03.010 of the Pima County Code is hereby amended to read as follows:

19.03.010 EDU determination.

A. Residential EDU Determination. The number of residential EDUs generated by a new residential development is determined by multiplying the number of dwelling units to be constructed as part of the new development by the EDU multiplier corresponding to the new development's land use type in the following table. Fractional EDUs shall not be rounded.

**Table 1
Residential EDU**

Land Use Type	EDU Multiplier	
	Standard	Retirement Community
Low and Medium Density Residential	1.00	0.75
High Density Residential	0.75	0.56

B. Residential Use Base Fee. The residential use base fee as of July 11, 2006 is \$4,400. The base will be adjusted annually as set forth in 19.03.010 (E).

C. Non-Residential Use Fee Determination. The fee amount for a new non-residential development is determined multiplying the number of applicable units for the use, times the fee per unit multiplier as set forth in the following table.

**Table 2
Non-Residential Fee Amounts**

Land Use	Unit	Fee Per Unit		
		Effective as of July 11, 2006	Effective as of April 1, 2007	Effective as of January 1, 2008
General Commercial/Retail	1000 sf*	\$2,400	\$2,535	\$2,670
Shopping Center	1000 sf	\$1,506	\$1,678	\$1,850
Mega Shopping Center > 300,000 sq.ft.	1000 sf	\$4,225	\$4,475	\$4,725
Supermarket	1000 sf	\$2,970	\$3,581	\$4,194
Convenience Store/Gas Station	1000 sf	\$12,781	\$12,781	\$12,781
Restaurant	1000 sf	\$6,098	\$7,040	\$7,986
Fast Food with Drive-Through	1000 sf	\$8,987	\$12,543	\$16,109

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Fast Food without Drive-Through	1000 sf	\$7,233	\$10,039	\$12,854
Bank with Drive-Through	1000 sf	\$8,905	\$9,743	\$10,583
“Big Box” retail-freestanding >100,000 sq.ft.	1000 sf	\$1,825	\$2,186	\$2,549
Mega“Big Box” retail-freestanding >150,000 sq.ft.	1000 sf	\$4,633	\$4,907	\$5,181
Home Improvement Superstore	1000 sf	\$1,052	\$1,052	\$1,052
General Office	1000 sf	\$1,394	\$1,449	\$1,504
Medical – Dental Office	1000 sf	\$3,220	\$3,405	\$3,590
Light Industrial	1000 sf	\$1,769	\$1,840	\$1,912
Heavy Industrial	1000 sf	\$1,108	\$1,152	\$1,197
Hotel/Motel	Room	\$1,082	\$1,120	\$1,157
Motor Vehicle Sales**	1000 sf	\$1,400	\$1,439	\$1,479

* One Thousand Square Feet of Gross Floor Area.

** Includes New and Used Cars, Recreational Vehicles, Motorcycles

D. Determination of Unlisted Non-Residential Fee Per Unit. The per unit fee for non-residential uses not listed in the above tables is calculated using a methodology consistent with the methodology set forth in the department of transportation’s “Task 2 and Task 3” Final Report: Non-Residential Roadway Development Fee Structure for Pima County, Arizona,” dated February 12, 2003, and located in the Offices of the Pima County Department of Transportation.

E. Roadway Impact Fee Adjustments Based on Engineering News Record-Construction Cost Index. On July 1, 2007 and on each July 1 thereafter, the fee per EDU per residential dwelling unit shall be increased based on the annual increase in the Engineering News Record-Construction Cost Index (ENR-CCI) . On July 1, 2008 and on each July 1 thereafter, the fee per non-residential unit shall be increased based on the annual increase in the Engineering News Record-Construction Cost Index (ENR-CCI) .

The Adjustment shall be computed by

1. calculating the percent increase in the ENR-CCI between:
 - a. the most recently published ENR-CCI at the time of the Adjustment and
 - b. the ENR-CCI for the same month of the previous year; and
2. multiplying the Roadway Development Fees in effect in the year immediately prior to the Adjustment; and
3. adding the resulting amount to the Roadway Development Fees in effect in the year immediately prior to the Adjustment.

F. Administration Fee. An administrative fee of \$50 will be charged per permit and added to the calculated fee amount. This fee may be reduced to cover actual cost when 50 or more permits are obtained in a single Roadway Impact Fee Application.

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SECTION 2. Section 19.03.020 of the Pima County Code is hereby amended to read as follows:

19.03.020 Credits.

A. Parties subject to this title are entitled to all applicable credits against the development fees

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provided by A.R.S. Section 11-1102 et seq., including credit towards the payment of the fee for the required dedication of public sites and improvements provided by the developer for which that fee is assessed.

B. Improvements provided by a developer which conform to the adopted Capital Projects Plan are eligible for credits against the roadway development impact fee, up to the total amount of fees which are assessed.

C. For those projects contained in the Roadway Development Impact Fee Capital Projects Plan adopted by the Board of Supervisors, a credit shall be provided for construction of roadway capacity (additional through traffic lanes) to the extent that the additional traffic capacity exceeds the amount of demand generated by the subject development and is offsite to the development (not immediately adjacent to developing property). In the determination of this credit, the County will provide the developer with the calculations of such a credit and if the developer can demonstrate the amount is not sufficient, the developer may appeal the County decision of the credit amount directly to the Board of Supervisors provided such appeal is filed within 30 days of notice of the credit amount.

D. For those projects contained in the Roadway Development Impact Fee Capital Projects Plan adopted by the Board of Supervisors, a credit shall be provided for construction of offsite traffic signal(s) where warrant conditions are satisfied.

E. A credit or reimbursement shall be provided for eligible improvements defined in an approved Development Agreement or Roadway Contribution Agreement between the developer or property owner and Pima County.

F. The following contributions are not eligible for credits against impact fees:

1. Dedication of right-of-way
2. Project improvements interior to the development (on-site improvement).
3. Adjacent roadway improvements required as part of the County's development approval process, including but not limited to access roads, driveways, medians and median openings, right turn lanes into the development or its associated roadways.

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SECTION 3. Non-residential development projects for which a contract for building construction has been entered into prior to April 12, 2006 shall be assessed roadway development impact fees in effect at the time the contract was executed, provided building permits are applied for prior to December 31, 2006.

SECTION 4. This Ordinance shall become effective 90 days from the date of adoption.

SECTION 5. The various Pima County officers and employees are hereby authorized and directed to perform all acts necessary and desirable to give effect to this Ordinance.

PASSED AND ADOPTED this 11th day of April, 2006 by the Pima County Board of Supervisors.

PIMA COUNTY BOARD OF SUPERVISORS

Chairman of the Board of Supervisors

Date: _____

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board of Supervisors

Deputy County Attorney