

RESOLUTION NO. 1775

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING RESOLUTION NO. 1461 (WHICH ASSESSED CERTAIN DEVELOPMENT IMPACT FEES PURSUANT TO ARS §9-463.05) BY RESCINDING ASSESSMENT OF THE CIVIC DEVELOPMENT IMPACT FEE AND DISCONTINUING APPLICATION OF ANY DEVELOPMENT IMPACT FEES ON SCHOOLS (AS OF JANUARY 1, 2012), RECONFIRMING ASSESSMENT OF THE LIBRARY DEVELOPMENT IMPACT FEE UNTIL SUCH TIME AS THE TOWN'S CERTIFICATES OF PARTICIPATION, SERIES 2007, HAVE BEEN PAID IN FULL, AND EXTENDING THE SUSPENSION OF ASSESSMENT OF THE CIRCULATION SYSTEM AND PUBLIC SAFETY DEVELOPMENT IMPACT FEES AGAINST NON-RESIDENTIAL DEVELOPMENT UNTIL AUGUST 1, 2014 (OR ADOPTION OF NEW FEES IN ACCORDANCE WITH SB 1525, WHICHEVER IS SOONER); AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW

WHEREAS, ARS §9-463.05 provides for imposition of development impact fees by Arizona cities and towns to offset costs associated with providing "necessary public services" to new development; and

WHEREAS, on March 22, 1995, the Town Council adopted Ordinance No. 357 establishing a procedure for adoption of development impact fees in accordance with ARS §9-463.05; and

WHEREAS, beginning with Resolution No. 624 (April 27, 1995), the Council has implemented certain development impact fees from time to time in order to provide necessary public services related to new development; and

WHEREAS, by Resolution No. 1461 (September 14, 2006), the Council most recently adopted development impact fees, including a Circulation System Fee, a Public Safety Fee, a Recreation, Parks & Open Space Fee, a Civic Fee, and a Library Fee, but continued the prior suspension of the application of the Circulation System, Public Safety and Civic Fees against non-residential development (which suspension was subsequently extended until August 6, 2012 by Resolutions No. 1590 and No. 1712); and

WHEREAS, the Arizona Legislature has also, from time to time, amended ARS §9-463.05 at the behest of home builders; and

WHEREAS, most recently the Legislature has adopted SB 1525 which substantially revises ARS §9-463.05 and provides for other limitations on future application of development impact fees; and

WHEREAS, in particular, SB 1525 no longer includes as an eligible category for development impact fees a “civic” category, thereby requiring rescission of the current Civic Fee as of January 1, 2012 (but expressly approving the Town’s ability to expend the moneys previously collected based on said fee for permitted purposes); and

WHEREAS, SB 1525 no longer permits collection of development impact fees for large library facilities similar to the Town’s recently-constructed “joint facility”, but expressly provides for continuation of assessing such fees if they have previously been used to pay financing costs for such facilities for so long as such financing obligations may continue; and

WHEREAS, SB 1525 no longer permits the decision by municipalities not to apply certain development impact fees to all categories of development (unless the costs thereof are reimbursed from the general fund), and decisions must be made about replacing current fees (and thereby applying them to all categories of development) by July 31, 2014; and

WHEREAS, the Council desires now to take certain actions required by SB 1525 with regard to its current development impact fees;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION 1. That Sections 1 through 11 of Resolution No. 1461 (Sept 14, 2006) be hereby amended to read as follows:

1. That a Circulation System Fee is hereby assessed on all development within the corporate limits of the Town of Prescott Valley. Said fee shall be –

Residential

Single-Family	\$2,986.00 per unit
Multi-Family	\$1,596.00 per unit

Non-Residential

Retail	\$ 1.41 per square foot
Commercial/Office	\$ 0.66 per square foot
Industrial	\$ 0.44 per square foot
School	\$ 0.79 per square foot

and shall be applicable on and after the effective date established hereinafter, subject to the suspension applied by the Town Council as set forth herein.

2. That a Public Safety Fee is hereby assessed on all development within the corporate limits of the Town of Prescott Valley. Said fee shall be –

Residential

Single-Family \$ 443.00 per unit
Multi-Family \$ 279.00 per unit

Non-Residential

Retail \$ 0.03 per square foot
Commercial/Office \$ 0.03 per square foot
Industrial \$ 0.03 per square foot
~~School \$ 0.03 per square foot~~

and shall be applicable on and after the effective date established hereinafter, subject to the suspension applied by the Town Council as set forth herein.

3. That a Recreation, Parks and Open Space Fee is hereby assessed on all residential development within the corporate limits of the Town of Prescott Valley. Said fee shall be—

Residential

Single-Family \$ 1,716.00 per unit
Multi-Family \$ 1,078.00 per unit

Non-Residential

Retail NA
Commercial/Office NA
Industrial NA
~~School NA~~

and shall be applicable on and after the effective date established hereinafter.

~~4. That a Civic Fee is hereby assessed on all development within the corporate limits of the Town of Prescott Valley. Said fee shall be—~~

Residential

~~Single Family \$ 123.00 per unit
Multi Family \$ 78.00 per unit~~

Non-Residential

~~Retail \$ 0.01 per square foot
Commercial/Office \$ 0.01 per square foot
Industrial \$ 0.01 per square foot
School \$ 0.01 per square foot~~

~~and shall be applicable on and after the effective date established hereinafter, subject to the suspension applied by the Town Council as set forth herein.~~

54. That a Library Fee is hereby assessed on all residential development within the corporate limits of the Town of Prescott Valley. Said fee shall be –

Residential

Single-Family	\$ 1,589.00 per unit
Multi-Family	\$ 998.00 per unit

Non-Residential

Retail	NA
Commercial/Office	NA
Industrial	NA
School	NA

and shall be applicable on and after the effective date established hereinafter. However, said fee shall no longer be assessed hereby upon the payment in full of those certain Town Certificates of Participation, Series 2007, heretofore issued for financing of the Town's Joint Facilities Building.

65. That assessment of the Circulation System Fee, and the Public Safety Fee, ~~and the Civic Fee~~ to non-residential development shall be suspended from and after the effective date established hereinafter, until August 6 1, 2012 2014 or until such date as the Council may ~~designate by vote of a majority of those members present~~ adopt new fees in accordance with SB 1525 (whichever is sooner).

76. That the definitions in Town Code Article 7-11 "DEVELOPMENT FEES" and Town Code Chapter 13 "ZONING" (as amended) shall apply to the administration of these development impact fees, except as follows:

(a) Convalescent and Nursing Homes, Hotels, Motels, and Recreational Vehicle Parks shall be classified as Non-Residential, Commercial development for purposes of administration of these development impact fees; and

(b) Condominiums and Mobile/Manufactured Home Parks shall be classified as Residential, Multi-Family development for purposes of administration of these development impact fees.

87. That, with respect to administration of these development impact fees, an individualized determination shall be made as to what credits or offsets (if any) shall be applied to the allocated fees in accordance with Town Code Article 7-11 (as amended).

98. That payment of the development impact fees adopted herein shall be required at the time of issuance of the first building/zoning permit required of

development by §301 of the Uniform Administrative Code (as adopted and amended in Chapter 7 of the Town Code) and § 13-27-020 of the Town Code (as amended), expressly excluding grading and drainage permit~ or any other preliminary permits not related to actual construction of buildings or structures.

~~109.~~ That the development impact fees adopted herein shall be effective on and after December 13, 2006, and shall therefore apply to required building/zoning permits for which a complete application is submitted on or after that date.

~~110.~~ That this Resolution shall be effective after its passage and approval according to law.

SECTION 2. That all other provisions in Resolution No. 1461, not herein amended, shall remain in full force and effect.

SECTION 3. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona this 8th day of December, 2011.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney