

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: TR
Amend No. _____

Date Prepared: August 8, 2008 Council Meeting Date: December 26, 2008

TO: Carl Swenson, City Manager
FROM: Jeff Tyne, Budget Director *JT*
PREPARED BY: Katie Gregory, Development Agreement Coordinator
SUBJECT: Adoption of the proposed adjusted General Government, Wastewater, and Solid Waste Utility Impact Fees and Infrastructure Improvement Plan for the Tierra Del Rio Development Area.

RECOMMENDATION:

That the Mayor and Council

1. Adopt ordinance number 08-*28* adjusting the Tierra Del Rio Impact Fees and establish November 10, 2008 as the effective date for the new fees, and;
2. Adopt the Tierra del Rio Infrastructure Improvement Plan which estimates future necessary public services and costs used to calculate the fee.

SUMMARY:

The Tierra Del Rio Development is subject to a certain Annexation and Development Agreement entered into between the City of Peoria and Tierra Partners, Inc and TDR, L.L.C. on February 11, 2005 (LCON 00705). Terms of the Agreement required that the City set up a separate impact fee zone in order to administer the development impact fees and credits applicable to the TDR development. Development Impact Fees are applied by the City of Peoria to offset the one-time capital costs resulting from new development. These fees are assessed at the time of building permit, and are then collected to support construction of important capital projects with the City. The following fee categories apply to the Tierra Del Rio Development.

- Libraries
- Parks, Recreation, Open Space and Trails

CITY CLERK USE ONLY:

Consent Agenda
 Carry Over to Date: _____
 Approved
 Unfinished Business (Date heard previous: _____)
 New Business

ORD. # 08-28 RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

Council Communication
Adoption of New Impact Fees
December 18, 2007

Page 2

- Transportation
- Police
- Fire
- General Government
- Wastewater
- Residential Sanitation

On March 28, 2007, the City published the notice of intent and filed the proposed Development Impact Fees and Infrastructure Improvement Plan in the City Clerk's Office. A Public Hearing was held on June 3, 2008 in which the proposed fees were provided for public comment. There were no comments from the public at that time.

Staff is recommending that the Mayor and Council adopt the attached ordinance adjusting the proposed impact fees for the Tierra del Rio development. According to state statute, the adjusted fees cannot go into effect until 75 days after the formal adoption of the fees. Should the Council adopt the new fees on August 26, 2008, staff is recommending the new Tierra Del Rio Development Fees become effective November 10, 2008.

ATTACHMENTS:

Attachment A – TDR Infrastructure Improvement Plan and Fee Schedule
Ordinance No. 08 - 28

TDR Impact Fee Calculations

	Units	PPH	Total Population	% of Total
Residential	1574	272	4,232	89%
Multi-Family	271	187	507	11%
			4,739	100%

Current City Impact Fees (Central Zone)

	Residential	Multi-Family	Commercial
Library	\$ 277	\$ 190	\$0
Neighborhood Parks	\$ 1,295	\$ 890	\$0
Community Parks	\$ 995	\$ 684	\$0
Trails	\$ 574	\$ 395	\$0
Open Space	\$ 308	\$ 212	\$0
Law	\$ 452	\$ 311	\$0
Fire	\$ 683	\$ 470	\$0
General Government	\$ 567	\$ 390	\$0
Transportation	\$ 898	\$ 622	\$0
Water	\$ -	\$ -	\$0
Water Resource	\$ -	\$ -	\$0
Wastewater	\$ 1,923	\$ -	\$ -
Wastewater- 2" Meter	\$ -	\$ 9,315	\$ -
Wastewater- 1.5" Meter	\$ -	\$ 5,901	\$ -
Solid Waste	\$ 300	\$ 206	\$ -

Libraries	
Total IIP Cost	\$482,127
Books per Capita	1.39
Total Books for Tierra del Rio	6,567
Cost per Book	\$73.19
Residential Unit Impact Fee	\$277
Multi Family Unit Impact Fee	\$190
Residential Credit (89%)	\$267,094
Credit per unit (residential)	\$172
Multi-family Credit (11%)	\$31,981
Credit per unit (multi-family)	\$118
Total Credit per Agreement	\$299,075

General Government	
Total IIP	\$987,942.60
Added Capacity Units	4,739
Unit Cost	\$208.47
Residential Unit Impact Fee	\$567
Multi Family Unit Impact Fee	\$390
Residential Credit (89%)	\$390,145
Credit per unit (residential)	\$251
Multi-family Credit (11%)	\$46,715
Credit per unit (multi-family)	\$172
Total Credit per Agreement	\$436,860

Neighborhood Parks	
Total IIP	\$2,256,210
Acres per 1,000	1.57
Total Population Added	4,739
Total Acres Added	7.44
Total Cost per Acre	\$317,502
Residential Unit Impact Fee	\$1,295
Multi Family Unit Impact Fee	\$890
Total Credit per Agreement	\$0

Community Parks	
Total IIP	\$1,733,584
Acres per 1,000	1.46
Total Population Added	4,739
Total Acres Added	6.92
Total Cost per Acre	\$250,574
Residential Unit Impact Fee	\$995
Multi Family Unit Impact Fee	\$684
Total Credit per Agreement	\$0

Trails	
Total IIP	\$1,000,000
Added Capacity Units	4,739
Unit Cost	\$211.01
Residential Unit Impact Fee	\$574
Multi Family Unit Impact Fee	\$395
Residential Credit (89%)	\$893,066
Credit per unit (residential)	\$574
Multi-family Credit (11%)	\$108,934
Credit per unit (multi-family)	\$395
Total Credit per Agreement	\$1,000,000

Open Space	
Total IIP	\$536,708
Added Capacity Units	4,739
Unit Cost	\$113.28
Residential Unit Impact Fee	\$308
Multi Family Unit Impact Fee	\$212
Residential Credit (89%)	\$479,316
Credit per unit (residential)	\$308
Multi-family Credit (11%)	\$57,392
Credit per unit (multi-family)	\$212
Total Credit per Agreement	\$536,708

Fire	
Total IIP	\$1,190,118
Added Capacity Units	4,739
Unit Cost	\$251.13
Residential Unit Impact Fee	\$683
Multi Family Unit Impact Fee	\$470
Total Credit per Agreement	\$0

Law	
Total IIP	\$787,593
Added Capacity Units	4,739
Unit Cost	\$166.19
Residential Unit Impact Fee	\$452
Multi Family Unit Impact Fee	\$311
Total Credit per Agreement	\$0

Sanitation	
Total IIP	\$522,626
Added Capacity Units	4,739
Unit Cost	\$110.28
Residential Unit Impact Fee	\$300
Multi Family Unit Impact Fee	\$206
Residential Credit (89%)	\$275,780
Credit per unit (residential)	\$177
Multi-family Credit (11%)	\$33,021
Credit per unit (multi-family)	\$122
Total Credit per Agreement	\$308,801

Wastewater	
Total IIP	\$4,792,065
Added Capacity Units	4,739
Unit Cost	\$1,011.18
Residential Unit Impact Fee	\$1,923
Multi Family Unit Impact Fee- 2" Meter	\$9,315
Multi Family Unit Impact Fee- 1.5" Meter	\$5,901
Total Credit per Agreement	\$4,792,065

Transportation- Streets	
Total IIP	\$1,484,048
Added Capacity Units	4,739
Unit Cost	\$313.15
Residential Unit Impact Fee	\$851
Multi Family Unit Impact Fee	\$590
Total Residential Credit*	\$1,390,238**

Transportation- Intersections	
Total IIP	\$81,804
Added Capacity Units	4,739
Unit Cost	\$17.26
Residential Unit Impact Fee	\$47
Multi Family Unit Impact Fee	\$32
Total Residential Credit*	\$76,716

*Adjusted from Exhibit D in agreement. Fewer units than originally planned.
 **112 MF units on Parcel B also receive full credit. Buildings 1,2,3,4,11,12,13,14

Tierra Del Rio

Residential Impact Fees

	SINGLE FAMILY RESIDENTIAL			MULTI-FAMILY		
	Fees	Agreement Credit	TOTAL	Fee	Agreement Credit	TOTAL
Library	\$277	\$172	\$105	\$190	\$118	\$72
Neighborhood Parks	\$1,295	\$0	\$1,295	\$890	\$0	\$890
Community Parks	\$995	\$0	\$995	\$684	\$0	\$684
Trails	\$574	\$574	\$0	\$395	\$395	\$0
Open Space	\$308	\$308	\$0	\$212	\$212	\$0
Law	\$452	\$0	\$452	\$311	\$0	\$311
Fire	\$683	\$0	\$683	\$470	\$0	\$470
General Government	\$567	\$251	\$316	\$390	\$172	\$218
Transportation	\$898	\$898	\$0	\$622	\$0	\$622
Solid Waste	\$300	\$177	\$123	\$206	\$122	\$84
Wastewater	\$1,923	\$1,923	\$0	See below	See below	See below
TOTALS	\$8,272	\$4,303	\$3,969	\$4,370	\$1,019	\$3,351
Wastewater- 2" Meter				\$121,095	\$121,095	\$0
Wastewater- 1.5" Meter				\$5,901	\$5,901	\$0

ORDINANCE NO. 08-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 20 OF THE PEORIA CITY CODE (1992) BY AMENDING TABLE SECTION 20-53 PERTAINING TO DEVELOPMENT FEES; AND AMENDING SECTION 22-22 BY AMENDING TABLE 22-22 PERTAINING TO DEVELOPMENT FEES AND BY AMENDING SECTION 25-95 BY AMENDING TABLE 25-95.1 PERTAINING TO DEVELOPMENT FEES AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THE MAYOR AND COUNCIL FIND AND DETERMINE AS FOLLOWS:

1. That on the 11th day of February, 2005, the City Council adopted an Annexation and Development Agreement which composes the Infrastructure Improvements Plan providing for capital facilities to be constructed in the Tierra Del Rio Areas. Subsequently the City on December 11, 2007 adopted a city wide Infrastructure Improvement Plan, including capital facilities pertaining to Fire and Emergency Services, Law Enforcement, Libraries, Recreational Facilities, General Government, and Transportation.
2. That a number of facilities in the adopted Infrastructure Improvements Plan are the result of new development and provide a beneficial use to such new development.
3. That on file and of record is an adopted Parks and Recreation Master Plan, which includes proposed recreation facilities providing a beneficial use to new development.
4. That on file and or record is an adopted Desert Spaces Conservation Plan that includes proposed open space preservation for recreational use that a beneficial use to new development.
5. That on file and of record are adopted Fire Master Plans and Library Master Plans all of which include proposed facilities providing a beneficial use to new development.
6. That on the 28th day of March, 2007, written reports were prepared in the manner required by A.R.S. §9-463.05.C and were filed with the Department of the City

Clerk of the City. The reports prepared specifically itemize those portions of upcoming Infrastructure improvements that are the result of new development and receive a beneficial use. The reports are incorporated by reference herein.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 20 of the Peoria City Code (1992) is amended by amending Table 20-53 pertaining to Development Fees as set forth on the attached Tables 20-53(c). All existing parts of Table 20-53 shall remain in place.

SECTION 2. Chapter 22 of the Peoria City Code (1992) is amended by amending Table 22-22(a) pertaining to Development Fees as set forth on the attached Table 22-22(a)(2). All existing parts of Table 22-22(a) shall remain in place.

SECTION 3. Chapter 25 of the Peoria City Code (1992) is amended by amending Table 25-95.1 pertaining to Development Fees as set forth on the attached Table 25-95.1 (b). All existing parts of Table 25-95.1 shall remain in place.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason 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 of this Ordinance.

SECTION 5. This Ordinance shall become effective pursuant to A.R.S. §9-463.05.C in the manner provided by law. All fees shall become effective on the dates set forth on November 10, 2008.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 26th day of August 2008.

Dated: _____

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Stephen M. Kemp, City Attorney

Published in Peoria Times

Publication Dates: _____

Effective Date: _____

TABLE 20-53 (c)

Tierra Del Rio						
<i>Residential Impact Fees</i>						
	SINGLE FAMILY RESIDENTIAL			MULTI-FAMILY		
	Fees	Agreement Credit	TOTAL	Fee	Agreement Credit	TOTAL
Library	\$277	\$172	\$105	\$190	\$118	\$72
Neighborhood Parks	\$1,295	\$0	\$1,295	\$890	\$0	\$890
Community Parks	\$995	\$0	\$995	\$684	\$0	\$684
Trails	\$574	\$574	\$0	\$395	\$395	\$0
Open Space	\$308	\$308	\$0	\$212	\$212	\$0
Law	\$452	\$0	\$452	\$311	\$0	\$311
Fire	\$683	\$0	\$683	\$470	\$0	\$470
General Government	\$567	\$251	\$316	\$390	\$172	\$218
Transportation	\$898	\$898	\$0	\$622	\$0	\$622
TOTALS	\$6,049.00	\$2203.00	\$3,846.00	\$4164.00	\$4164.00	\$8328.00

TABLE 22-22(a)(2)

Tierra Del Rio						
<i>Residential Impact Fees</i>						
	SINGLE FAMILY RESIDENTIAL			MULTI-FAMILY		
	Fees	Agreement Credit	TOTAL	Fee	Agreement Credit	TOTAL
Solid Waste	\$300	\$177	\$123	\$206	\$122	\$84
TOTALS	\$300.00	\$177.00	\$123.00	\$206.00	\$122.00	\$84.00

TABLE 23-95.1 (b)

Tierra Del Rio						
<i>Residential Impact Fees</i>						
	SINGLE FAMILY RESIDENTIAL			MULTI-FAMILY		
	Fees	Agreement Credit	TOTAL	Fee	Agreement Credit	TOTAL
Wastewater- 2" Meter				\$121,095	\$121,095	\$0
Wastewater- 1.5" Meter				\$5,901	\$5,901	\$0