



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: February 7, 2017

Title: Waiver of the Roadway Development Impact Fee - Ruozi

Introduction/Background:

Under Pima County Code Section 19.03.070, the Board of Supervisors (BOS) may waive the Roadway Development Impact Fee for certain developments. The Code section reads:

19.03.070 Waiver of fee.

- A. The board of supervisors may waive development fees for all development that constitutes affordable housing to moderate, low or very low income households as defined by the United States Department of Housing and Urban Development, provided that the waiver does not result in an increase in the development fee for other properties in the benefit area plan.
- B. The board of supervisors may waive from development fee programs particular types and locations of development that are determined to serve an overriding public interest, provided that the waiver does not result in an increase in the development fee for other properties in the benefit area plan.

Pursuant to Pima County Code Section 19.03.070, David and Diane Ruozi (property owners) request that the BOS waive the Roadway Development Impact Fee for the placement of a recreational vehicle on their property located at 17525 W. Quemado Lane. The applicant does not qualify for an Affordable Housing Waiver because annual household income exceeds 80% of the median income within Pima County.

Discussion:

Mr. and Mrs. Ruozi currently live in Pearce Arizona. Mr. Ruozi is on medical disability and receives social security and VA disability. Due to his deteriorating medical condition, his doctors recommend moving to a lower elevation. He purchased land at 17525 W. Quemado Lane with the intent of parking his RV on the property and living there permanently.

The property is lot 34 of Blanco Estates, and is on a paved county maintained road. Because the property is vacant, impact fees will be assessed toward any development on the property. Impact fees are assessed at the time building permits are issued. Mr. and Mrs. Ruozi have applied for building permits, and the permits have been approved subject to the collection of all applicable fees. The Ruozis have applied for an affordable housing waiver. The waiver was denied due to over income.

The Department of Transportation coordinates with the Department of Community Development to determine eligibility for affordable income waivers. The Department of Community Development uses the United States Department of Housing and Urban Development's definition of income to determine eligibility for the waiver. Disability income is included in determining eligibility. Although 92% of the Ruozi's income is from disability payments, they are ineligible for the waiver. The Ruozi's state in their request letter that due to the extensive medical bills and the urgency that they move quickly, they are unable to afford the \$5,968 impact fee.

Conclusion:

Should the BOS waive the impact fee, Mr. and Mrs. Ruozi will not be charged the \$5,968 impact fee. If the Board does not approve the waiver, the fees will be collected at the time building permits are paid. The site is located in the Silverbell-Tortolita Benefit Area.

Recommendation:

Staff has no objection to the waiver request. The waiver does not result in increased fees on other property owners. The applicant has exhausted all other options prior to appealing to the Board of Supervisors.

Fiscal Impact:

n/a

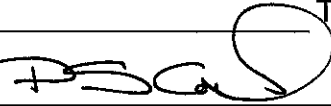
Board of Supervisor District:

- 1 2 3 4 5 All

Department: Transportation

Telephone: 520.724.6699

Department Director Signature/Date:



1/27/17

Deputy County Administrator Signature/Date:



1/30/17

County Administrator Signature/Date:



1/31/17

Jeanette DeRenne

From: David and Diane Ruozi
Sent: Thursday, January 26, 2017 11:18 AM
To: Jeanette DeRenne
Subject: Fw: Medical necessity

Good morning Jeanette,

Thank you for your call this morning. I have forwarded what was emailed to Imelda Robles yesterday, regarding David's health issues. I emailed this to her in hopes that it would have some input on the housing departments decision on waiving the impact fee.

With regard to our income, with the exception of the small Teamster pension that my husband receives, all of his other income is disability income. He is a 100% service connected, permanently disabled, Vietnam veteran. I have no income, as he is my full time job. He has heart and lung disease that is deteriorating due to the climate where we are in Pearce. Between the high elevation and the dust from the Willcox Playa he is having a harder and harder time breathing where we currently live. After becoming very sick last November, it became apparent that we needed to move to the lower elevation, as soon as possible, and be closer to David's medical providers in Tucson. That's when I found this lot and we started the process.

I personally am particularly frustrated with this situation and the fee, because while doing our due diligence on our real estate contract, David spoke to at least two different planning and development employees, specifically regarding the process and the fees involved to accomplish what we need to accomplish. It seems to me one of them should have been able to advise of this fee so that we didn't have sticker shock when applying for our permits. It certainly would have made some difference with our real estate transaction, because we actually took out a loan on our truck to be able close on this lot.

That being said, we are extremely pleased otherwise with everyone we have encountered in this process. Everyone has been very welcoming and understanding and indeed very helpful.

While we work through the process of appealing this decision we would like to know if you can go ahead and approve the electrical permit so that we can continue preparing the property to move our RV onto it, as soon as possible?

I appreciate your time and attention to this situation. If there is anything else you need from me, please let me know.

Thank You,
Diane Ruozi

From: David and Diane Ruozi
Sent: Wednesday, January 25, 2017 9:34 AM
To: imelda.robles@pima.gov
Subject: Re: Medical necessity

Hi again Imelda,
We want you to know that we will be living in our RV on the property, the county has already approved that. It will be some time before we put in a manufactured home.
Thank you again,
Diane Ruozi

From: David and Diane Ruozi
Sent: Wednesday, January 25, 2017 9:18 AM
To: imelda.robles@pima.gov
Subject: Medical necessity

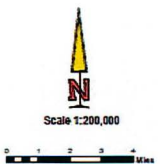
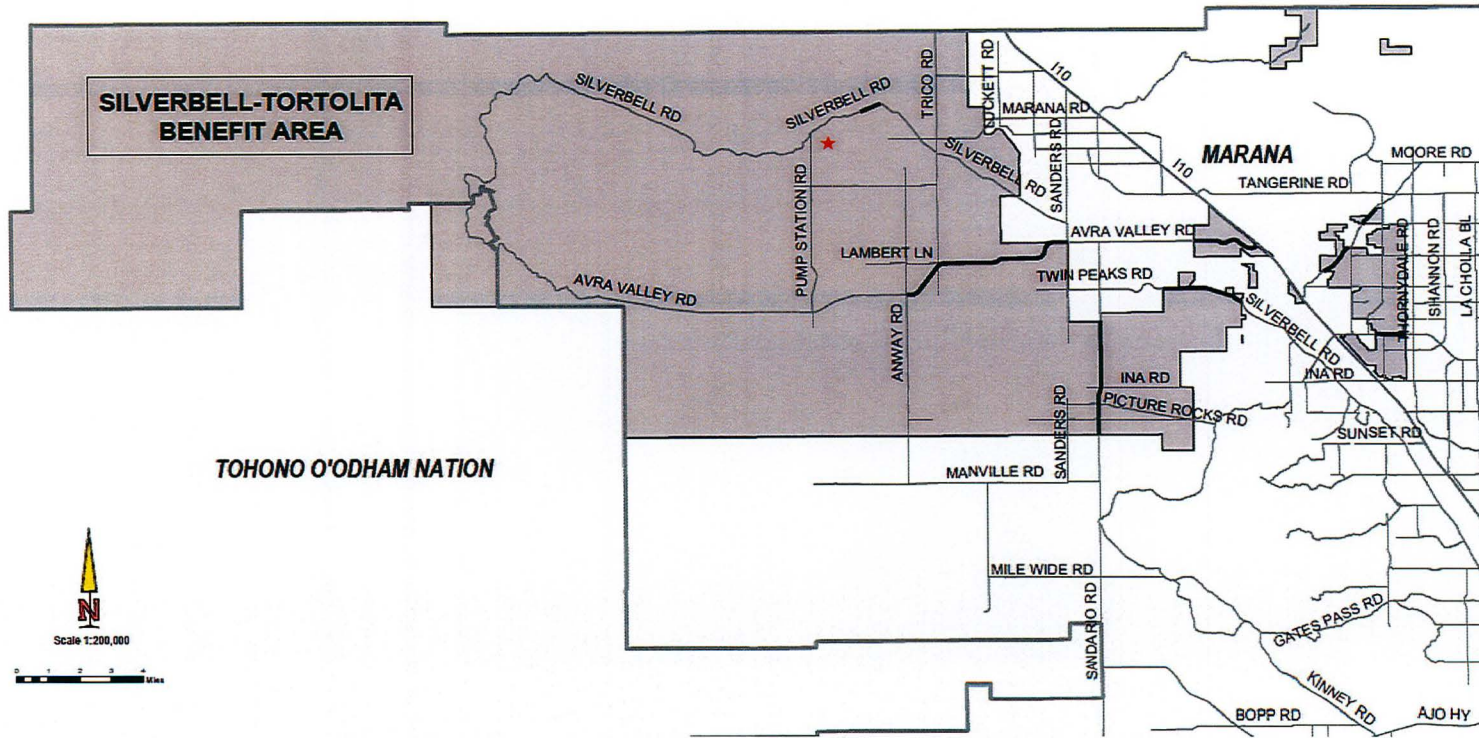
Hi Imelda,
I know you are working on our application for the waiver of the impact fee. If it is possible, I would like whoever is considering the application to know that we are moving to Marana from Pearce, in large part due to my husbands health.

We are over 4200 feet in elevation where we are now and must move to the the lower elevation, where the lot is. David has heart and lung disease due to his Navy service and our current location is causing his health to deteriorate. He is also seeing many doctors in the Tucson area at the University and at the VA so we need to be closer to his healthcare providers.




I'm hopeful that the waiver will be approved, but I would also ask this be given consideration in the decision as well.

Thank You,
Diane Ruozi

PINAL COUNTY



SILVERBELLTORTOLITA ROADWAY DEVELOPMENT IMPACT FEE BENEFIT AREA

-  Projects
-  Benefit Area
-  Approximate location of Applicant's Property




Pima County Geographical Information Services
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 http://www.pima.gov

JAN 4, 2010

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