



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: May 16, 2017

Title: Waiver of the Roadway Development Impact Fee - Smith

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 BOS 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 BOS 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, Stephan and Alyssa Smith (property owners) request that the BOS waive the Roadway Development Impact Fee for the placement of a recreational vehicle on their property located at 3730 E. Rincon View Dr, Vail 85641. 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. Smith purchased the property with the intent of living in a recreational vehicle while they saved money to build a site built home on the property. They paid cash for the land, and have saved for the well and associated development costs. While attempting to obtain building permits, they discovered the property would be subject to the impact fee and that they did not qualify for an affordable housing waiver. 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.

The applicants stated that they did their due diligence when they purchased the property. They did not use a realtor. They were unaware of the impact fee. As they worked on getting the permits necessary to locate the recreational vehicle on their lot, they became aware of the fee. They are unprepared to pay for the fee due to several personal reasons outlined in their request letters. The timing of moving to this property is of concern to the applicants.

The roadway development impact fee is a rooftop fee, only assessed when a new residential unit is located on the property. It is not a special assessment. Because this property never had a residential use established, they are subject to the fee upon payment of building permits. The fee is \$5,968 and is scheduled to increase on July 1st.

Conclusion:

Should the BOS waive the impact fee, the Smith's will not be charged the \$5,968 impact fee. If the BOS does not approved the waiver, the fees will be collected at the time building permits are paid for. The site is located in the Southeast 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: *Arant. Olwan* 5/2/17

Deputy County Administrator Signature/Date: *[Signature]* 5/3/17

County Administrator Signature/Date: *C. Redubay* 5/5/17

Jeanette DeRenne

From: Alyssa Smith <alyssa.smith.dnxb@statefarm.com>
Sent: Tuesday, April 25, 2017 3:00 PM
To: Jeanette DeRenne
Subject: Waiver - road impact fee

Hi Jeanette,

I spoke with you last week regarding the waiver for the \$6k impact fee. I have decided I want go to the hearing. I found paperwork from the previous owner on the disclosures and one of the questions specifically asks is there any assessments – association, road maintenance, etc and she marked no. She may not have known, but my point being that I honestly was completely blindsided by this fee and I have documentation to help support this. So I think you wanted facts to make the case so this is what you can put:

We did not use a real estate agent. We searched for land listings online and went and looked by ourselves. When we found our (now) property, called up the seller's real estate agent off the sign he had posted in the yard – made our offer and closed at the title company who did not mention anything pertaining to a \$6k fee and she even asked what we planned to do with the land. So the seller's real estate agent did not saying anything, the seller did not disclose anything, the title company did not say anything and I don't think our builder knew about it either until he called on our behalf to find out what I was talking about (I was hoping there was some sort of misunderstanding and was asking him so he called about it). That being said, even though we do not qualify for low income, it is still a large sum of money that we desperately need in order to get this house done before the baby that also was not at all expected.

I really appreciate your help Jeanette on this matter. Please let me know if you need anything else in order to do your report.

Thank you,
Alyssa Smith

Jeanette DeRenne

From: Alyssa Smith <alyssa.smith.dnxb@statefarm.com>
Sent: Wednesday, April 19, 2017 3:55 PM
To: Jeanette DeRenne
Subject: impact fee

Hi Jeanette,

I just left you a voicemail. I am really hoping you can help me out with a waiver for the \$6k county roads impact fee. I know you were cc'd in the email earlier, but I did modify what I wrote to explain it a little better.

My husband and I scrimped and saved in order to be able to build just a modest 2,000sq ft home. We paid for the land cash and were going to use the rest of our money to pay for the well and then get it appraised in order to use the equity we had toward closing on our loan. We were surprised by a \$6000 impact fee when trying to get permits from the county so we could live on our lot to save more money instead of renting. I had to cancel my well appointment the day of the appointment - I had scheduled that appointment 3 months in advance and now I do not have the money for both the well and the impact fee. This also means I have to find a new loan because the loan I was going to use required there to be a source of water existing on the land in order to close. On top of that, I learned yesterday that I am pregnant so now I am on an unexpected timeline to be in a house. Yet without the well, I need to find a new loan and close on that loan asap. I am in quite the dilemma because of this unexpected fee (equity in the land may not be enough to close and the \$6k eats into the money that if not being used on the well could be used toward closing, but instead may have to go toward this fee). I don't understand why my taxes do not cover the "road impact fee". This is a big chunk of change for us which wouldn't be a big deal to wait and save up more money (which was the plan) until I learned I am on a 8-9 month time crunch. I'm sure you can understand me not wanting to have my first baby and bring it home to a toy hauler and going back to renting isn't an option because that was the whole point of the drastic move into a 24ft camper living off a generator – just to save money before and during construction.

I know it is a long shot!! I totally get it is county regulations, but I am desperate and hoping for some help because of the unexpected fee and unexpected timeline. I really appreciate you just considering my case. Like I said I understand it is a long shot, but appreciate any help or advice.

Thank you,

Alyssa Smith

alyssa.smith.dnxb@statefarm.com

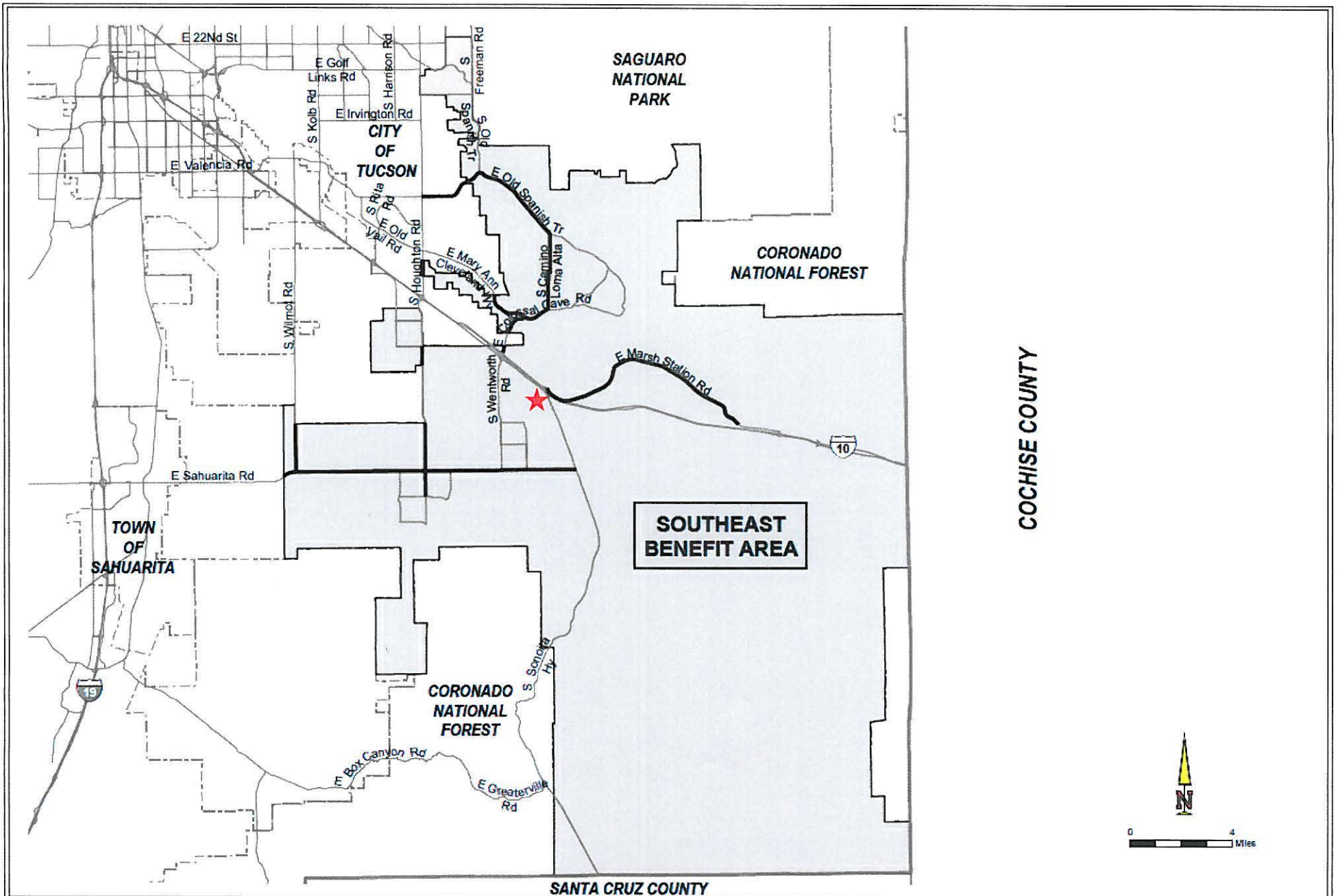
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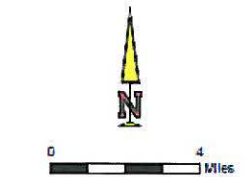
SOUTHEAST ROADWAY DEVELOPMENT IMPACT FEE BENEFIT AREA

-  Projects
-  Benefit Area

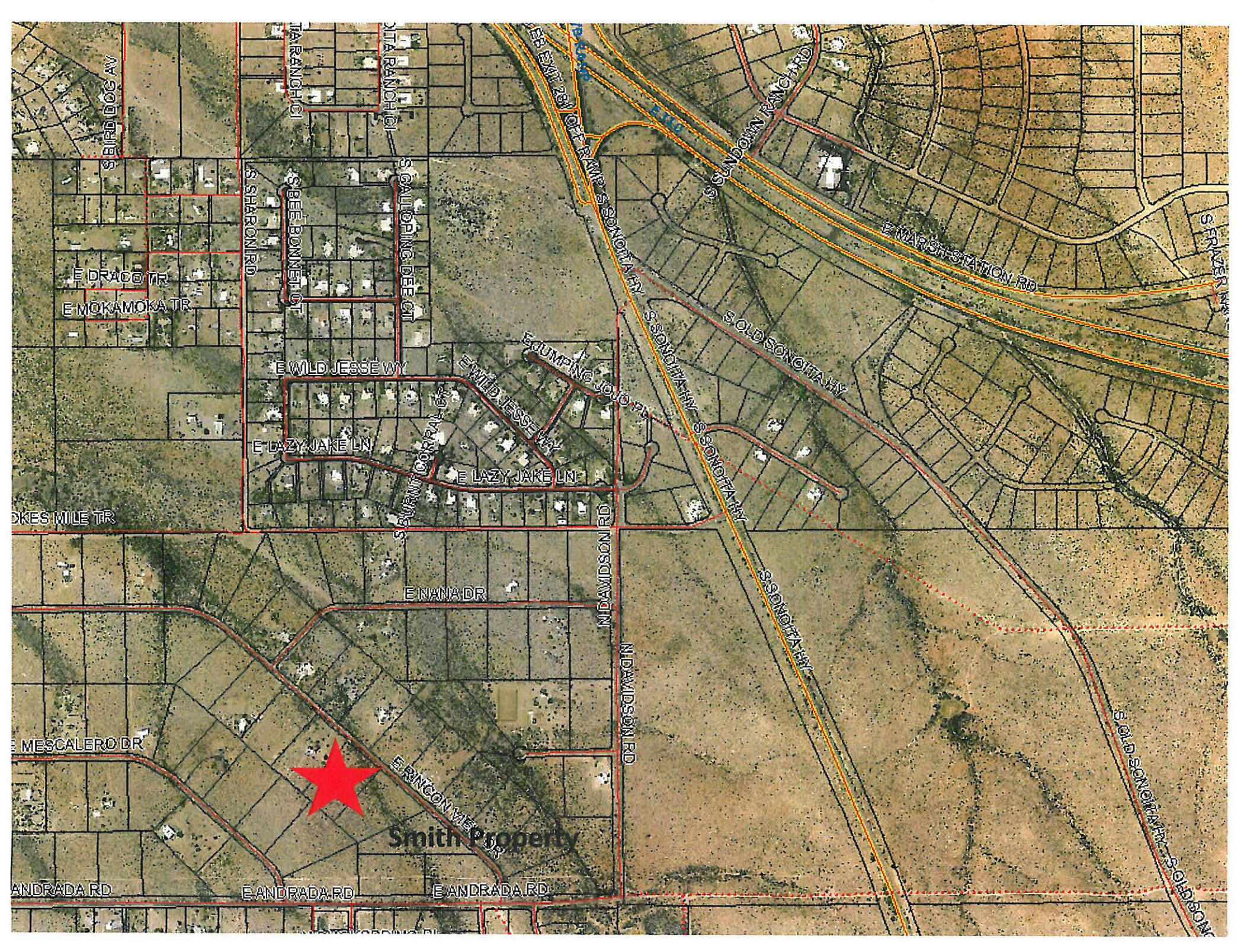
-  Approximate location of Smith Property

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MAR 13, 2014



Smith Property