



## **BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

*Requested Board Meeting Date: November 5, 2013*

### **ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:**

Under Pima County Code Section 19.03.070, the Board of Supervisors 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, James Fabins (property owner) requests that the Board of Supervisors waive the Roadway Development Impact Fee for the placement of a residential dwelling unit on his property.

The property owner's land is located at 6920 N. Trico Road in the Silverbell-Tortolita Impact Fee Benefit Area. Mr. Fabins purchased the property in 2011 and states that he has removed a substantial amount of trash and refuse from the property. Aerial images show that in 2002 construction began on the main home on the property, and by 2005 two mobile homes were located on the property along with several travel trailers. By 2010, none of the residential structures remained on site; however, a significant amount of debris remained when Mr. Fabins purchased the property in 2011.

Mr. Fabins states in his attached letter that after cleaning up the mess left by the previous property owner he should not be the one to pay the impact fee, and if not given the waiver he should only be required to pay the rate from the year 2000, when the first home was constructed. Staff notes that none of the structures constructed by the previous property owner were permitted.

The closest project in the Impact Fee Benefit Area to the applicant's property is approximately 4.3 miles north (Avra Valley Road: Anway Road to Marana Town limits). This project will widen Avra Valley Road and improve the roadway alignment and capacity. The applicant's property is approximately 5 miles west of the Sandario Road, Rudasill Road to Emigh Road widening project. Granting the property

owner an impact fee waiver would not increase the development fee for other properties within the benefit area.

CONTRACT NUMBER (If applicable): NA

**STAFF RECOMMENDATION(S):**

Staff recommends denial of the request. While the applicant has invested in the property, residential impact fees are not determined based on the investment of the individual property owner.

CORPORATE HEADQUARTERS: NA

**CLERK OF BOARD USE ONLY: BOS MTG.** \_\_\_\_\_

**ITEM NO.** \_\_\_\_\_

**PIMA COUNTY COST:** \_\_\_\_ **and/or REVENUE TO PIMA COUNTY:\$**

**FUNDING SOURCE(S):** \_\_\_\_\_

(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

☐

YES

☒

NO

**Board of Supervisors District:**

1 ☐

2 ☐

x

3 ☐

4 ☐

5 ☐

All ☐

**IMPACT:**

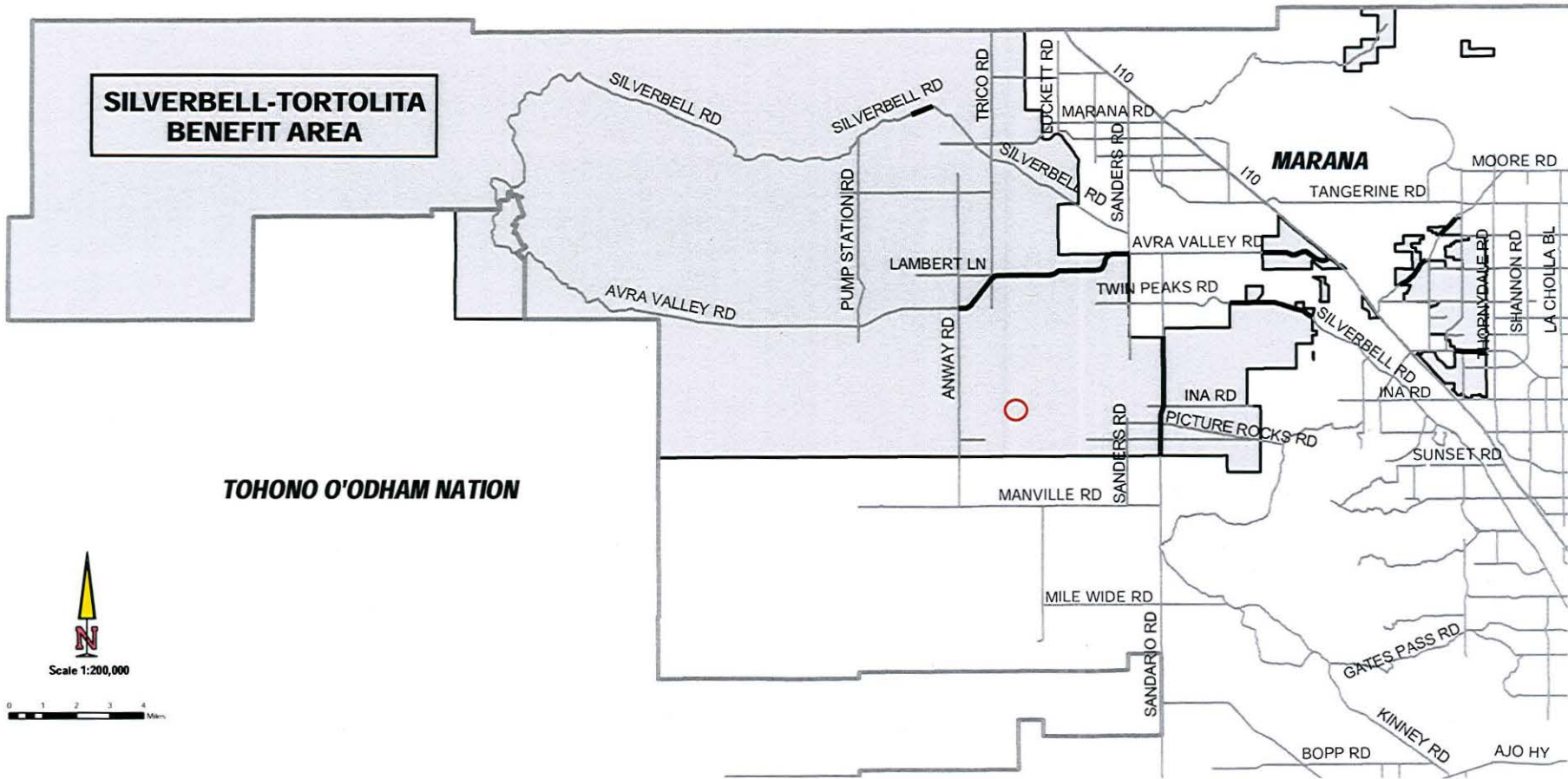
**IF APPROVED:** Roadway Development Impact Fees would not be assessed for this residential dwelling unit.

**IF DENIED:** Roadway development Impact Fees would be assessed.

DEPARTMENT NAME: Transportation

CONTACT PERSON: Robert Young, P.E. Public Works Division Manager

TELEPHONE NO.: 724-6777 R. Young


**PINAL COUNTY**

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## SILVERBELLTORTOLITA ROADWAY DEVELOPMENT IMPACT FEE BENEFIT AREA



 Approximate Location  
of Applicant's Property



Pima County Geographic Information Services  
207 North Stone Avenue - 9th Floor  
Tucson, Arizona 85701-1207  
(520) 740-6610 • FAX (520) 798-3429  
<http://www.dci.pima.gov>



JAN 4, 2010

To: Whom it may concern.

I am applying for a waiver for the impact fee for this property because of the massive compound built many years before I purchased this property. I have included aerial photos that were taken by Pima County Flood Control, 97 E. Congress.

The photos start at year 1980 and show no construction from 1980 to 2000. The photo of the property (year 2000) shows the beginning of the corral and septic system for the main house (not yet built) and the lake.

Year 2002 shows that the corral was complete, the Septic System was in and the start of main home construction had begun. The construction of the barn/shop located at the north end of the property had begun in this year as well.

Year 2005 shows that (2) mobile homes were on site, one site built house (wood) all having septic systems, (2) travel trailers, (3) sheds and a barn are now complete. In the upper right corner you can see a trailer with a pickup truck next to it with a human standing close by.

Year 2009 shows movement of a few of the trailers but the 9 units show still there and a lot of human activity is present on this property through 2009.

Year 2010 photos shows that the entire housing units, corral and sheds were destroyed and left it in a total mess environmentally speaking.

Year 2011 was my purchase year and the damage left from 2010 had gotten out of control so I hired in a tractor company to gather all garbage, trash and refuse into 3 main piles which I have been removing weekly with my tractor and truck.

The final photo is of 2012 and it shows my truck, tractor and one of the sheds we rebuilt and it also shows that I have cleaned up 75% of the mess.

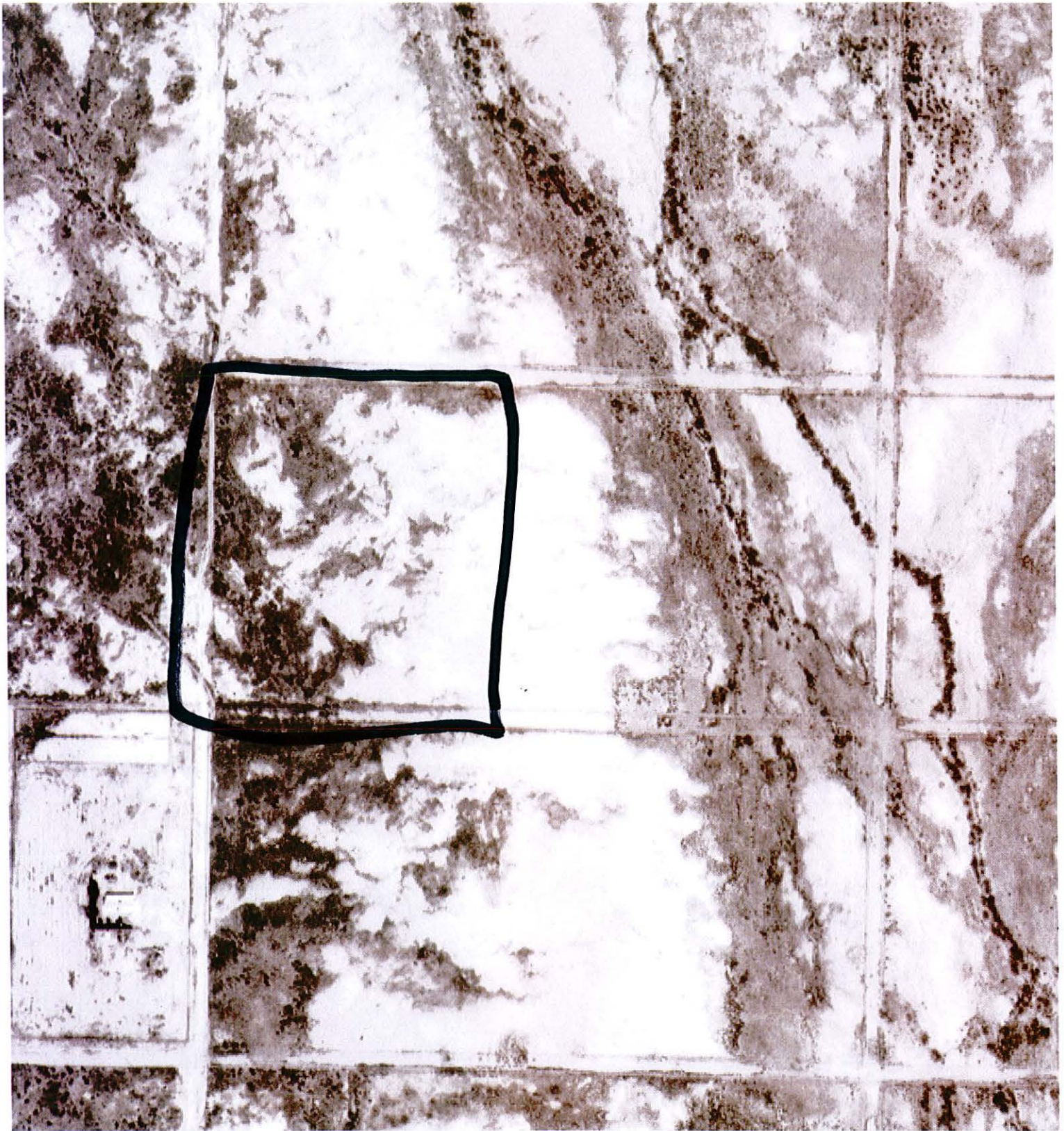
With all of the construction and evidence of many years of people living on the property before I purchased it I feel that I should be granted a waiver of Impact Fees. I have spent many thousands of dollars cleaning up someone else's nightmare. I wish to upgrade the septic system so that it will not become a mess draining into the ground from the main septic (found the septic by driving the tractor into it) and closing out the other (3) septic tanks.

In the 11 years the land was occupied the county never did anything about the construction or asked for any type of impact fee from them. Why at this point in time and after cleaning up the mess should I be the one to pay the impact fee. If not given a waiver then I should not have to pay the 2013 rate of fee but it should revert back to year 2000 when people started living on the property.

James Craig Fabins



# TU\_E05\_N42C\_1980[1]



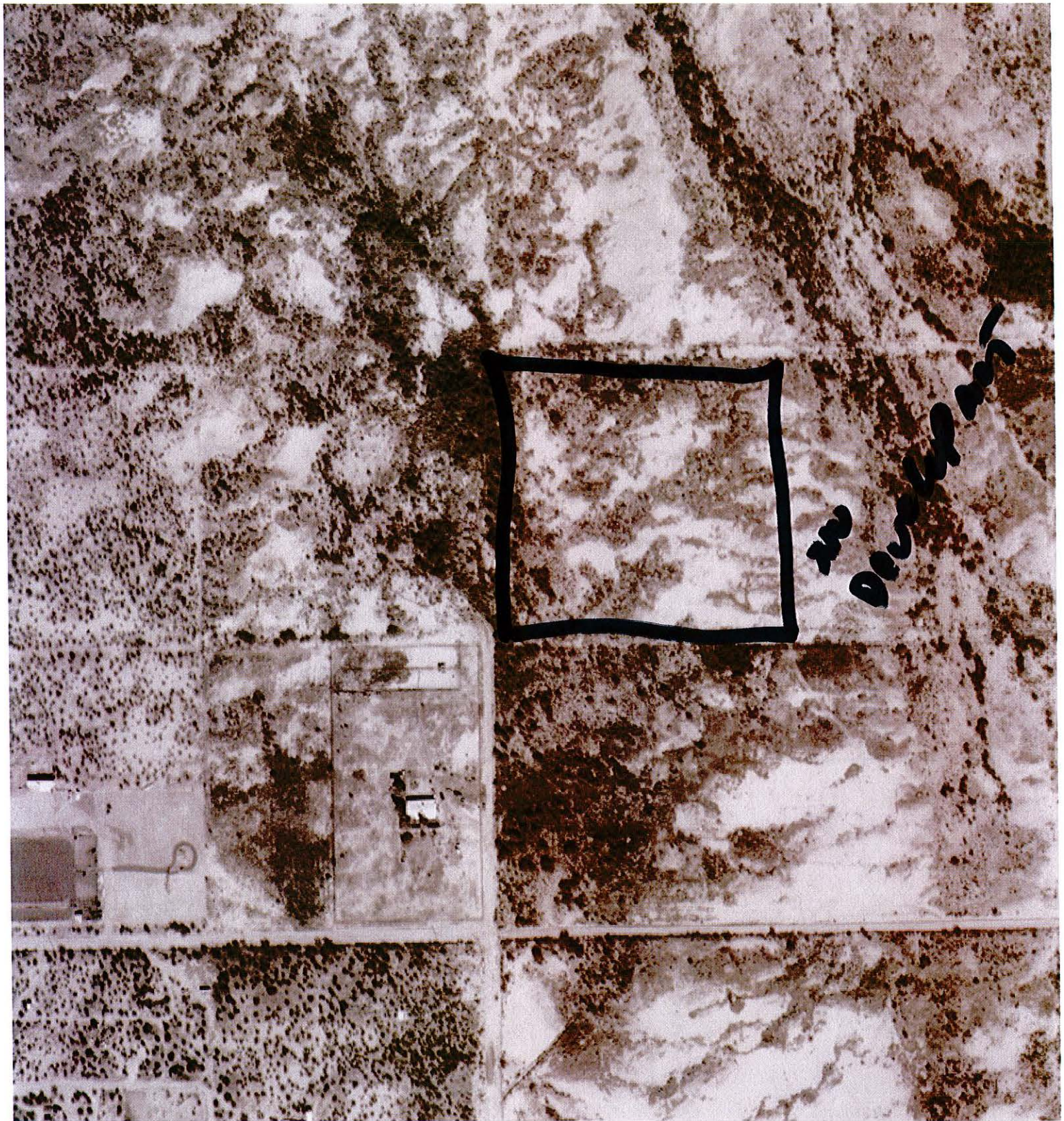
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LUCID TECH ©1997 JOHN EDGARSTEIN INC. & INTERNATIONAL LAND SYSTEMS, INC.



# TU\_E05\_N42C\_1994[1]



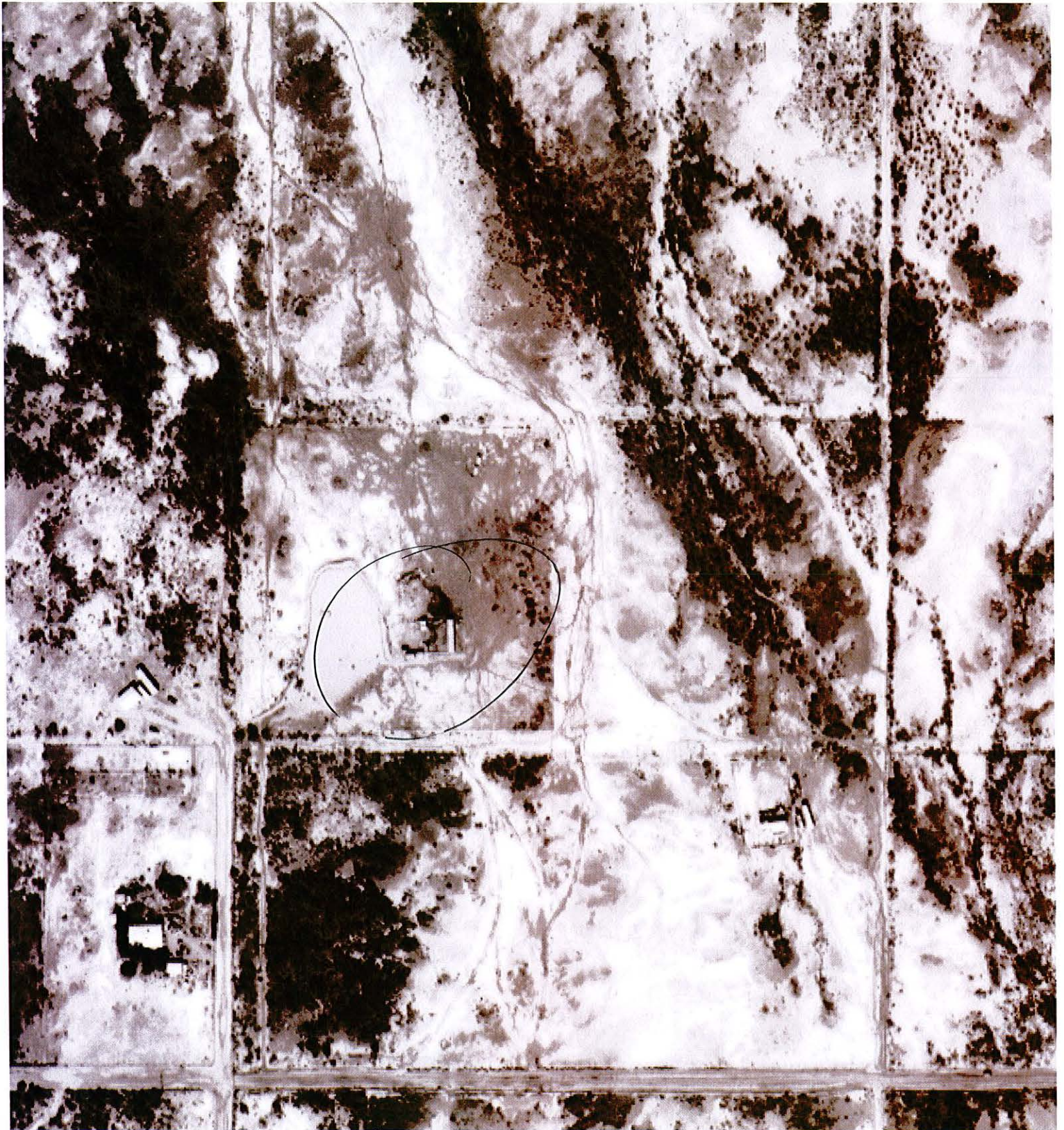
Scale 1:12



U.S. GEOLOGICAL SURVEY © 1997 2000 U.S. GEOLOGICAL SURVEY & INTERNATIONAL LAND SYSTEMS, INC.



# TU\_E05\_N42C\_2000[1]



START of  
Construction by  
Previous owners

Scale 1:10





# 2002 Aerial





mobile home  
with pickup &  
trailer

## 2005 Aerial



As the price was being  
built out





# 2009 Satellite



This is The Large group of  
3 houses, 4 Trailers, canal, 4 septic  
3 sheds & a Barn





# 2010 Aerial



N





# 2011 Aerial

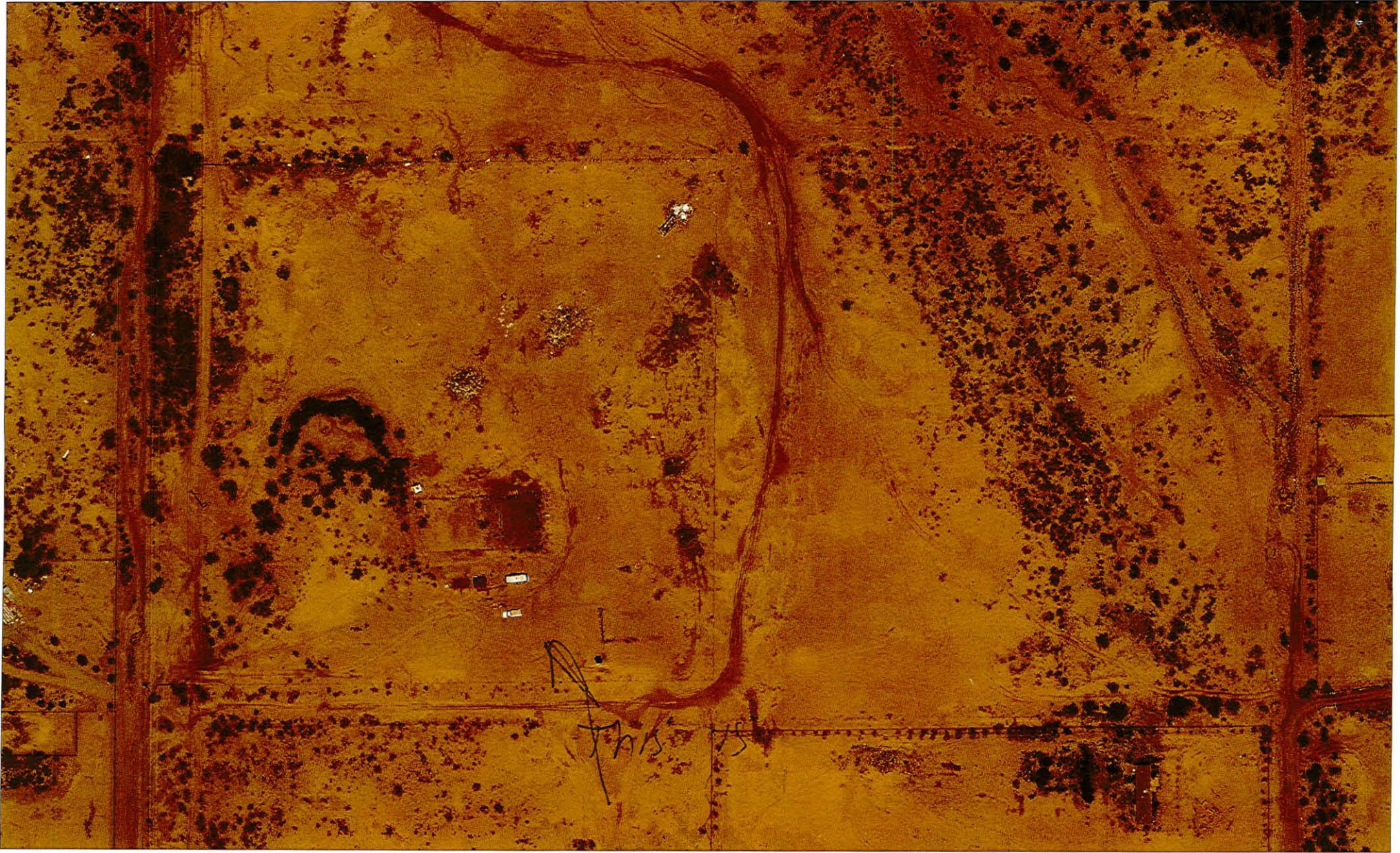


This is the old houses  
that were destroyed before I  
purchased the land





# 2012 Aerial



This is me in 2012

cleaning up the environmental mess  
left by the previous residents

