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Council to mull extension of impact fee waiver

By Ken Hedler

The Daily Courier

Tuesday, June 17, 2008

PRESCOTT VALLEY - The [Prescott Valley Town Council](#) voted in May 2003 to exempt nonresidential construction from impact fees with the goal of stimulating commercial and industrial development.

Three years later, the council voted to extend the exemption for five years pending the completion of a study on impact fees. But in September 2006, the council adopted a resolution that extends the suspension of fees until Aug. 6 of this year.

The council will discuss whether to extend the exemption for two additional years at a work/study meeting Thursday, believing doing so will encourage the construction of sales-tax-generating retailers. They include the Wal-Mart supercenter and the Sportsman's Warehouse.

However, a continuing exemption flies in the face of a lawsuit that the Home Builders Association of Central Arizona filed against Prescott Valley and the [City of Prescott](#) in November 2006 in Yavapai County Superior Court. The association alleged in the lawsuit that the exemption discriminates against residential construction.

"We are still in the early stages of the lawsuit," Assistant Town Attorney Colleen Auer said. "Right now we are engaging some discovery," which involves obtaining documentation and depositions. "Actually, the homebuilders (association) is requesting some discovery from us."

Auer said, "We made it clear that residential is not subsidizing commercial infrastructure needs."

She described impact fees as "kind of a one-time assessment."

The home-builders are paying for their public improvements, and "not for anybody else," she said.

By contrast, the town continues to collect sales tax proceeds from retailers.

"The council has been consistent in trying to encourage commercial development," Town Manager Larry Tarkowski said.

The council plans to discuss extending the waiver when it meets at 5:30 p.m. Thursday on the first floor of the Civic Center, 7501 E. Civic Circle.

ALSO ON THE AGENDA:

- An update on construction of the new library on a 4.6-acre site off Civic Circle and Lakeshore Drive.
- Presentations from council members regarding committee assignments.

- A possible agreement with sculptor Clark Riedy for a police art piece.
- An amendment with Dava & Associates of Prescott to provide professional services for a lease agreement with the Arizona State Land Department for the Lone Tree Recharge site.
- A change order for the contract with Asphalt Paving & Supply Inc. of Prescott Valley for the Robert Road improvement project.
- A change order for the contract with Tonto Supply of Colorado City for additional excavation work at the Stoneridge water tank site.

Contact the reporter at khedler@prescottaz.com

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