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Pinal's impact fees scrutinized

By Christina Fuoco, Independent Newspapers

Pinal County has hired a Maryland firm to study the feasibility of requiring developers to pay impact fees for new construction.

The study by Tischler & Associates is expected to be completed within six months, said Ken Buchanan, assistant county manager for Development Services Office. Tischler & Associates, which did not return repeated calls for comment, has performed similar studies for other cities throughout the East Valley, according to Greg Stanley, Pinal County Public Works director.

"Tischler & Associates have had considerable experience with impact fees in Pinal County. Tischler conducted the impact fee analysis for the cities of Casa Grande, Coolidge and Eloy and is currently developing the analysis for the city of Maricopa as well as numerous other cities and towns in Arizona," Mr. Buchanan explained.

The contract fee for Tischler and Associates is \$231,000, Mr. Buchanan said.

The city of Apache Junction requires development impact fees to be paid, according to Pat Brenner, the city's public information officer.

Currently, Pinal County has a program for residential developers to pay voluntary development impact fees, Mr. Stanley said. The funds go toward regional road programs.

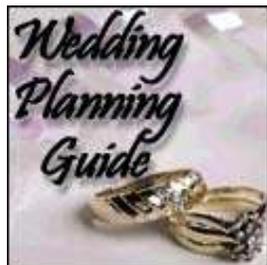
"It goes toward the roads, either for the engineering or actual construction of roads," Mr. Stanley said. "We're not using that for maintenance projects at all. Just to increase capacity on existing roads. The big one that we've been working on is the Gantzel Road project."

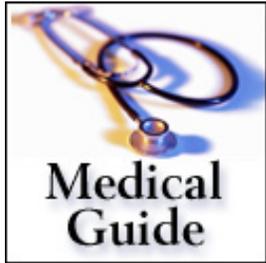
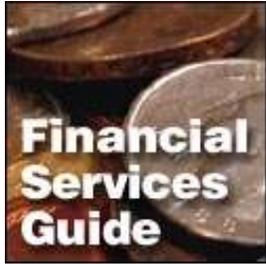
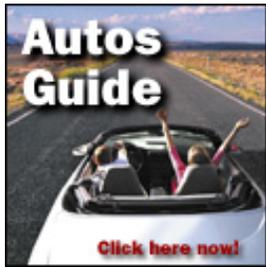
Pinal County District 2 Supervisor Sandie Smith added, "This new study will also address the open space and public safety as well as the roads."

According to the Pinal County Development Impact Fees White Paper, development impact fees are defined as those fees charged to developers to offset the government's costs associated with providing public services and facilities to new development.

"They have also been defined as scheduled charges applied to new development to generate revenue for the construction and expansion of capital facilities located outside the boundaries of the new development (off-site) that benefit the contributing development," it reads.

Development impact fees are also called development fees, impact fees or





exactions.

The Arizona Department of Commerce Web site reads that impact fee programs assure that new developments "share or assume responsibility for the infrastructure necessary to support them. Specifically, an impact fee is a cash or 'noncash' payment levied by the community on new development."

Generally, cash payments are required in the steps prior to the new developments' construction, it read. The Arizona Department of Commerce calls noncash payments the reservation of land for schools, future public facilities, or the development of necessary public systems such as sidewalks or trails.

"In order to get impact fees, you have to prove 'What's the impact?' 'What is this person causing when they build a house?'" Mrs. Smith said.

County paperwork states development impact fees cannot be used for repair or maintenance of existing facilities, to correct deficiencies in existing facilities (not attributable to new development), to fund improvements that disproportionately benefit the large community as opposed to the new development specifically (the "beneficial use" requirement) or to fund operation and maintenance costs and permanent salaries.

Before Pinal County requires development impact fees, it must "go through a Board of Supervisors approval process and a number of public hearings," Mr. Stanley said.

"The contract with the consultant is just getting started. It will take at least a year to get the final approval through the Board of Supervisors afterward. We're just now scheduling a telephonic conference call to kick it off."

Mrs. Smith explained that the development fee project is supported by the Board of Supervisors.

"The board is unanimous in wanting to study impact fees. We haven't always had the right to do impact fees. ... It's limited in what we can charge impact fees for but we're willing to do that. We're going forward. It's basically imperative that we work on the impact fee issue," Mrs. Smith said.

Voluntary fees

Pinal County decided to ask developers to voluntarily pay fees after transportation studies were conducted between 1999 and 2001 in southern Pinal County, the Maricopa area and the "Superstition Valley," the latter of which includes Apache Junction and Gold Canyon.

With the voluntary program, the average amount paid is \$1,100 per home in a proposed subdivision, Mr. Stanley said. For fiscal year 2004-2005, the Superstition Valley fund raised nearly \$6 million, he said.

"When they get their zoning they pay a portion of that fee per house which is \$30 to \$60. When they come in and get their final plat, they pay another portion of the fee per house that's in the \$120 to \$140 range per house, and then when they get the building permit is when they pay the lion's share of it. That tends to be a little over \$900," Mr. Stanley said.



Mr. Stanley explained that most builders pay because they know they are impacting regional roads.

"The way we do it is at each one of these stages, they pretty much state they agree to do it or the Board (of Supervisors) has the option of rejecting the zoning request because they're adversely impacting the roads. ... That's the hammer we have over their heads," Mr. Stanley said.

He explained that most of the fees are being paid by builders in the San Tan and Johnson Ranch areas, where development is booming.

The Pinal County study comes at a time when the Apache Junction Unified School District is considering hiring a construction project manager, according to a Request for Qualifications published last month on its Web site. The school district's spokeswomen did not answer numerous requests for information about the position. In Exhibit A of the Request for Qualifications, it reads "The PM (project manager) is to assist the district with negotiations of voluntary development impact fees, demographic projections/analysis and annual SFB capital plan submittals."

A Schedule of Events included in the packet suggests that the Apache Junction Unified School District's Governing Board is slated to approve the choice during its meeting on Tuesday, June 14, at the district offices, 1575 W. Southern Ave., Apache Junction. For more information, call (480) 982-1110.

Post your comment on this issue at <http://newsblog.info/0101/>. News editor Christina Fuoco can be reached at (480) 982-7799 or cfuoco@newszap.com

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