

ORDINANCE 373-06

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA ADDING A NEW SECTION 7-7-14 TO THE TOWN CODE TO PROVIDE FOR THE IMPOSITION OF A FIRE DEVELOPMENT FEE ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PAYABLE AT THE TIME OF BUILDING PERMIT ISSUANCE TO PROVIDE FOR NECESSARY FIRE STATIONS AND FIRE APPARATUS, TO SERVE PROJECTED DEMAND RESULTING FROM NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT OVER THE PERIOD 2006 TO 2026 AT OR ABOVE THE PLANNED LEVEL OF SERVICE (LOS) STANDARD TO BE PROVIDED BY THE TOWN EFFECTIVE JULY 1, 2007; PROVIDING FOR AN ANNUAL ADJUSTMENT FOR INFLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Queen Creek retained Tischler & Associates, Inc., now TischlerBise, (hereinafter the "Consultant") to analyze and assess growth and development projections for the period 2006 to 2026 to determine the additional demand for fire stations and fire apparatus anticipated to be placed on the Town; and

WHEREAS, the Consultants additionally reviewed the existing demand for fire stations and fire apparatus, the existing fire station and fire apparatus available to meet that demand and the method of financing the existing fire station and fire apparatus; and

WHEREAS, the Consultants have reviewed and relied upon the existing levels of service (LOS) but different demand generators for the fire station and fire apparatus to derive appropriate proportionate share factors for residential (per capita) and non-residential (vehicle trips) development; and

WHEREAS, the development projections for the Town indicate: (1) that population will increase from approximately 18,500 persons in 2006 to 93,669 persons in the year 2026; (2) that housing units will increase from approximately 5,762 in 2006 to 28,000 in the year 2026; (3) that

jobs will increase from approximately 7,215 in 2006 to 46,835 in the year 2026; and (4) that non-residential floor area will increase from approximately 2,112,000 square feet in 2006 to more than 13 million square feet in the year 2026; and

WHEREAS, the types of public facilities that are included in this development fee cover fire stations, and fire apparatus including pumper trucks, tender/tanker trucks, and a ladder truck ; and

WHEREAS, the fire development fee calculation methodology is “plan based” for fire stations and fire apparatus needed to maintain the existing level of fire services to existing Town residents; and

WHEREAS, the proportionate share level of service (LOS) standards used to maintain the ratio of fire facilities and fire apparatus to residents and to non-residential development used in the fire development fee calculation methodology is 75 % residential demand and 25% non-residential demand; and

WHEREAS, for residential development, per capita cost factors are converted to an appropriate fire development fee by type of housing unit using household size multipliers; and

WHEREAS, for non-residential development, non-residential vehicle trips by type of development have been converted to an appropriate fire development fee using standard trip generation rates (average weekday vehicle trip ends) and adjusted to avoid double-counting of trips; and

WHEREAS, the resultant cost per demand unit for fire stations is \$78.10 per person for residential development and \$67.80 per trip for non-residential development; the resultant cost per demand unit for fire apparatus is \$86.86 per person for residential and \$75.40 per trip for non-residential development; and,

WHEREAS, the projected revenue from the fire development fee will average approximately \$435,701 per year, which may be supplemented by non-development fee funding by the Town; and

WHEREAS, the Consultants have prepared a Fire Development Fee Study (June 15, 2006, Amended October 3, 2006), including the fire development fee assumptions, residential and non-residential development projections, capital improvements and development fee calculations, which Study has been submitted to and reviewed by Town staff, officials and the public; and

WHEREAS, the Fire Development Fee Study has been presented to, and reviewed by, the Mayor and Common Council of the Town. The Common Council, having reviewed the fire development fee study, held public hearings, and considered public comments has determined: (1) that the fire development fee is necessary to offset the Town's costs associated with meeting future fire station and fire apparatus demand pursuant to the development projections; (2) that the fire development fee bears a reasonable relationship to the burden imposed upon the Town to provide fire stations and fire apparatus to new residents, employees and businesses and provides a benefit to such new residents, employees and businesses reasonably related to the fire development fee, per capita and per vehicle trip; (3) that an "essential nexus" exists between the projected new residential and non-residential development and the need for additional fire stations and fire apparatus to be funded via the fire development fee; and (4) that the amount of the fire development fee bears a reasonable relationship to the pro rata share of the additional fire stations and fire apparatus needed to provide adequate fire services to new residential and non-residential development, while maintaining or increasing the existing level of service (LOS) standard currently provided to Town residents, employees and businesses; and

WHEREAS, the Town has prepared and released to the public with at least sixty (60) days advance notice, a written report, including all documentation that support the imposition of the fire development fee; and

WHEREAS, the Town has conducted public hearings on the proposed fire development fee at least sixty (60) days after the expiration of the notice of intention to impose a new or increased development fee and at least fourteen (14) days prior to the scheduled date of adoption of the new or increased development fee by the Mayor and Common Council; and

WHEREAS, the fire development fee adopted pursuant to this Ordinance shall not be effective until ninety (90) days after its formal adoption by the Mayor and Common Council of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Queen Creek, Arizona that:

SECTION 1. A NEW SECTION 7-7-14 SHALL BE ADDED TO THE TOWN CODE, AND IS HEREBY ENACTED TO ESTABLISH AND IMPOSE A FIRE DEVELOPMENT FEE ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT IN THE TOWN AND TO EFFECTUATE AN ANNUAL DEVELOPMENT FEE ADJUSTMENT FOR INFLATION.

“Section 7-7-14: All new residential and non-residential development in the Town of Queen Creek shall be subject to the payment of a fire development fee payable at the time of building permit issuance by the Town, pursuant to this Ordinance and the Development Fee Procedural Ordinance (Ordinance No. 372-06) as follows:

<u>Residential Development</u>	<u>Per Dwelling Unit</u>
Single Family Detached	\$655
Multi-family	\$431
Mobile Homes	\$720
All Other Housing	\$335

<u>Non-Residential Development</u>	<u>Per 1,000 Sq.Ft.</u>
Com/Shop Ctr 25,000 SF or less	\$1,666
Com/Shop Ctr 25,001-50,000 SF	\$1,316
Com/Shop Ctr 50,001-100,000 SF	\$1,040
Com/Shop Ctr 100,001-200,000 SF	\$822
Com/Shop Ctr over 200,000 SF	\$649
Office/Inst. 10,000 SF or less	\$1,495
Office/Inst. 10,001-25,000 SF	\$709
Office/Inst. 25,001-50,000 SF	\$448
Office/Inst. 50,001-100,000 SF	\$317
Office/Inst. over 100,000 SF	\$252
Business Park	\$214
Light Industrial	\$179
Warehousing	\$101
Manufacturing	\$125

(1) On July 1, 2007, and on July 1st of each year thereafter in which the Fire Development Fee is in effect, the amount of the development fee, per dwelling unit and per 1,000 sq.ft. of gross floor area of non-residential development, shall be automatically adjusted in compliance with applicable State law to account for inflationary increases in the cost of providing fire stations and fire apparatus utilizing the most recent applicable data and construction cost index from the Engineering News Record for the Phoenix metropolitan area.

(2) In lieu of an automatic annual adjustment, the Town may, at its option, determine the appropriate annual inflation factor for fire stations and fire apparatus, pursuant to the Annual Review process as set forth in Section 3.B of the Impact Fee Procedural Ordinance (Ordinance No. 336-06) and amend the development fee in compliance with applicable State law.

(3) Provided, however, that nothing herein shall prevent the governing body of the Town from electing to retain the existing Fire Development Fee or from electing to waive the inflation adjustment for any given fiscal year, or years.”

SECTION 2. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. EFFECTIVE DATE.

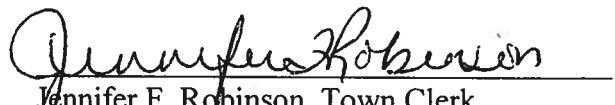
This Ordinance shall be effective at 12:01 a.m. on February 5, 2007 on the ninety-fifth (95th) day following its adoption by the governing body of the Town of Queen Creek.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek this 1st day of November 2006.

FOR THE TOWN OF QUEEN CREEK:


Arthur M. Sanders, Mayor

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:


John Kross, Interim Town Manager

APPROVED AS TO FORM:


Fredda J. Bisman, Town Attorney