

CITY OF SEDONA



Development Impact Fee Biennial Audit

July 2019



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Section 1 - Introduction

1.1. Introduction

Willdan Financial Services (“Willdan”) was retained by the City of Sedona, Arizona (“City”) to conduct a Biennial Development Impact Fee Audit (“Audit”) as required under Arizona Revised Statutes (ARS) §9-463.05. This report details the results of the Audit for the audited period fiscal year (FY) 2017 and FY 2018 and follows all guidelines and requirements of ARS §9-463.05.

1.2. Organization of this Report

This Audit presents a comparison of the development projections (land use assumptions); capital needs (infrastructure improvement plan); and the level of service (LOS) as identified in the May 22, 2014 Infrastructure Improvements Plan and Development fees (2014 Report), to the development, capital expenditures and level of service experienced by the City in FY 2016-17 and FY 2017-18. The report is organized as follows:

- Section 1 - Introduction
- Section 2 – Parks and Recreation
- Section 3 – General Government
- Section 4 – Roadways and Transportation
- Section 5 – Law Enforcement
- Section 6 – Dry Creek Wash
- Section 7 – Coffee Pot Creek Wash
- Section 8 – Soldier Pass Wash
- Section 9 – Oak Creek Wash
- Section 10 – Permit Sampling
- Section 11 – Conclusions and Recommendations

The appendices to this report are as follows:

- Appendix A – ARS §9-463.05
- Appendix B – Parks and Recreation Supporting Documents
- Appendix C – General Government Facilities Supporting Documents



- Appendix D – Roadways and Transportation Facilities Supporting Documents
- Appendix E – Law Enforcement Supporting Schedules
- Appendix F – Dry Creek Wash Supporting Schedules
- Appendix G – Coffee Pot Wash Supporting Schedules
- Appendix H – Soldier Pass Wash Supporting Schedules
- Appendix I – Oak Creek Wash Supporting Schedules
- Appendix J – Permit Sampling Results

1.3. Audit Approach

Willdan staff supporting the Audit meet the definition of “Qualified Professional” as set forth in ARS§ 9-463.05(T)(8). Consistent with the requirements of ARS§ 9-463.05(G)(2), Willdan audit staff were neither employees or officials of the City nor did they prepare the IIP¹.

Audit activities consisted solely of document review and discussions with the City staff via email and teleconference. Audit activities did not include site visits, first-hand data collection, or independent verification of data submitted by the City.

In particular, in support of this audit, Willdan:

- a) Reviewed IIP forecast and actual expenditures.
- b) Reviewed land use assumptions (LUA) forecasted and actual developments.
- c) Reviewed level of service (LOS) at two points in time: time of the initial study and the audit timeframe.
- d) Permit data for purposes of sampling to verify the accuracy of the application of the fees.

Per ARS §9-463.05, the City must post the findings of this audit (the report) on the City website and conduct a public hearing on the audit within 60 days of the audit being made available to the public.

1.4. Audit Objectives

The primary objectives of the Audit were to:

¹ The City’s Infrastructure Improvements Plan and Development Fees report was prepared by TischlerBise May 22, 2014.



- a) Audit the City's Development Impact Fees for the periods FY 2016-17 and FY 2017-18;
- b) Comply with ARS§ 9-463.05 by:
 - i. Reviewing the progress of anticipated development as identified in the LUA;
 - ii. Reviewing the progress of the infrastructure improvements plan;
 - iii. Reviewing collections and expenditures of impact fees for each project in the plan; and
 - iv. Evaluating any inequities in implementing the plan or imposing the development impact fee.

1.5. Audit Results

Based on Willdan's scope of services performed as part of this Audit as documented in this Report, the results of this audit follow.

- a) The City's Development Impact Fees for the periods FY 2016-17 and FY 2017-18 comply with the ARS §9-463.05 as further discussed in sections two through nine;
- b) With respect to ARS §9-463.05 compliance:
 - i. Willdan's review of the progress of the LUA, identified differences between projected and actual development, but anticipates the development over the 10-year study period will not significantly vary from projections. The audit of the LUA is further discussed in sections two through nine;
 - ii. Willdan's review of collections and expenditures of the development impact fees for each project in the plan, indicate that the expenditures made with development impact fee funds in FY 2016-17 and FY 2017-18 of the study period were consistent with development impact fee eligible expenses as identified in the 2014 Report, as further discussed in sections two through nine; and
 - iii. Willdan's evaluation of any inequities in implementing the plan or imposing the impact fees indicates that the fees were assessed in an appropriate manner based upon the size and type of the development as further discussed in section ten.

1.6. Audit Limitations

Willdan's role in this Audit was solely that of third-party independent auditor. The results presented in this Audit Report are predicated upon information provided by the City and representations made by City



personnel. Willdan made reasonable efforts given the nature of this audit to assess the reasonableness of such representations. However, Willdan has no means to determine the extent to which material facts concerning information provided have been fully and accurately disclosed, nor is this a forensic audit. All findings in this report are based solely on Willdan’s review of materials furnished by the City as identified or publicly available information as cited as well as information obtained by Willdan through emails and meetings with key City staff involved in this audit. Review of additional documentation or disclosure or discovery of material facts could change the findings cited in this Report.

This report documents the audit for the sole purpose of demonstrating compliance with the requirements of ARS §9-463.05(G)(2); no other use is expressed or implied. Nothing in this report can be considered a legal opinion.



Section 2 - Parks and Recreation

2.1. Fee Development

The 2014 Report identified the parks and recreation development impact fee based on an investment of \$1,778.07 per person. Fees were not developed for non-residential development other than lodging. The investments equated to the fees per development type as identified in Table 2-1.

Table 2-1
2014 Report Parks Impact Fees

Single Family (per Unit)	Multifamily (per unit)	Lodging (per unit)
\$3,627	\$3,236	\$2,329

2.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in the City’s land use assumptions (LUA) as compared to the growth by development type that was actually experienced. Table 2-2 summarizes the projected development in the 2014 Report and the actual development that was experienced by the City in FY 2016-17 and FY 2017-18.

Table 2-2
Projected versus Actual Development

	Single Family (Dwelling Units)	Multifamily (Dwelling Units)	Lodging (units)
Actual	187	45	121
Projected	<u>80</u>	<u>13</u>	<u>76</u>
Favorable/(Unfavorable) Variance	107	32	45
Variance %	134%	246%	59%

As indicated in Table 2-2, the actual developments for all developments exceeded the 2014 Report projections. As is often the case in undertaking development impact fee studies, the data that is used for projection purposes are based on the best available data at the time. The actual development identified in Table 2-2 represents a “snapshot” in time, in this case 2 years of the 10-year study period. The growth projections are being monitored by City Staff.

2.3. Infrastructure Improvement Plan

The 2014 Report did not specifically identify the timing of capital projects to be constructed or acquired over the 10-year study period, but rather identified projects to be completed over the 10-year period.

Between FY 2016-17 and FY 2017-18, the City generated \$539,064 in parks development impact fee revenue as well as \$40,034 in other income and expended \$369,483 on capital projects. The



expenditures made through development impact fee revenues were consistent with the IIP of 2014 Report.

2.4. Level of Service

Level of service projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing City development and are not being asked to increase the overall level of service, without a corresponding funding source from existing development to increase their level of service.

The 2014 Report indicated that in order to maintain the current level of service, the City would need to invest in 13 acres of new improved parks, 4 park improvements and 1,601 square feet of new recreational facilities over the 10-year study period.

During the study period, there will be times of increased level of service and times of a lower level of service compared to the 2014 report identified level of service, based on when facilities are constructed or acquired in relation to the amount of new development that has occurred. The City added new residential development and invested in the park system, but has not completed the full IIP. Over the remainder of the study period, the City will add more park acreage amenities and facilities with the goal of achieving the level of service identified in the 2014 Report.



Section 3 - General Government

3.1. Fee Development

The 2014 Report identified the General Government development impact fee as being based on an investment of \$95.08 per person and \$41.65 per job. The investments equated to the fees per development type as identified in Table 3-1.

Table 3-1
2014 Report General Government Development Impact Fees

Single Family (per Unit)	Multifamily (per unit)	Commercial (per 1,000 sqft)	Office (per 1,000 sqft)	Institutional (per 1,000 sqft)	Industrial (per 1,000 sqft)
\$194	\$173	\$80	\$140	\$40	\$100

Per the 2014 Report, General Government development impact fee revenue is to be used for the retirement of outstanding growth-related debt. No capital expenditures are anticipated to be funded through development impact fees.

3.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in the City's LUA as compared to the growth by development type that was actually experienced. Table 3-2 summarizes the projected development in the 2014 Report and the actual development that was experienced by the City in FY 2016-17 and FY 2017-18.

Table 3-2
Projected versus Actual Development

	Single Family (Dwelling Units)	Multifamily (Dwelling Units)	Commercial (1,000 sqft)	Office (1,000 sqft)	Institutional (1,000 sqft)	Industrial (1,000 sqft)
Actual	187	45	135	4	0	0
Projected	80	13	35	20	4	7
Favorable/(Unfavorable) Variance	107	32	100	(16)	(4)	(7)
Variance %	134%	246%	286%	(80%)	(100%)	(100%)

As indicated in Table 3-2, the actual developments for residential and commercial developments exceeded the 2014 Report projections whereas the actual office, industrial and institutional developments fell short of the projected developments. As is often the case in undertaking development impact fee studies, the data that is used for projection purposes are based on the best available data at the time. The actual development identified in Table 3-2 represents a "snapshot" in time, in this case 2 years of the 10-year study period. The growth projections are being monitored by City Staff.



Infrastructure Improvement Plan

Consistent with the 2014 Report, the City did not use General Government development impact fee revenue to fund new capital expenditures, but rather used the revenues to pay debt service identified in the IIP of the 2014 Report. Between FY 2016-17 and FY 2017-18 the City generated \$3,986 in General Government development impact fee revenue as well as \$32,862 in other income and expended \$31,412 on debt service.

3.3. Level of Service

Level of service projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing City development and are not being asked to increase the overall level of service, without a corresponding funding source from existing development to increase their level of service.

The City's General Government facilities were oversized to accommodate new growth; therefore, no new capital was anticipated for the General Government fee area in the 2014 Report. Since the facilities were overbuilt at the time of construction, the level of service at the time of completion was artificially high. As new development occurs the level of service is reduced and approaches the level of service identified in the 2014 Report.



Section 4 - Roadways and Transportation

4.1. Fee Development

The 2014 Report identified growth related capital costs associated with new development of \$1,189,092. Costs include road and intersection improvements for Ranger Brewer 89A intersection and airport road improvements among others. These costs were allocated to each development type as identified in Table 4-1.

Table 4-1
2014 Report Roadways and Transportation Development Impact Fees

Single Family (per Unit)	Multifamily (per unit)	Commercial (per 1,000 sqft)	Office (per 1,000 sqft)	Institutional (per 1,000 sqft)	Industrial (per 1,000 sqft)
\$1,216	\$954	\$2,660	\$1,150	\$1,060	\$720

4.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in the City's LUA as compared to the growth by development type that was actually experienced. Table 4-2 summarizes the projected development in the 2014 Report and the actual development that was experienced by the City in FY 2016-17 and FY 2017-18.

Table 4-2
Projected versus Actual Development

	Single Family (Dwelling Units)	Multifamily (Dwelling Units)	Commercial (1,000 sqft)	Office (1,000 sqft)	Institutional (1,000 sqft)	Industrial (1,000 sqft)
Actual	187	45	135	4	0	0
Projected	<u>80</u>	<u>13</u>	<u>35</u>	<u>20</u>	<u>4</u>	<u>7</u>
Favorable/(Unfavorable) Variance	107	32	100	(16)	(4)	(7)
Variance %	134%	246%	286%	(80%)	(100%)	(100%)

As indicated in Table 4-2, the actual developments for residential and commercial developments exceeded the 2014 Report projections whereas the actual office, industrial and institutional developments fell short of the projected developments. As is often the case in undertaking development impact fee studies, the data that is used for projection purposes are based on the best available data at the time. The actual development identified in Table 4-2 represents a "snapshot" in time, in this case 2 years of the 10-year study period. The growth projections are being monitored by City Staff.



4.3. Infrastructure Improvement Plan

The 2014 Report identified several new capital expansion projects to be funded through development impact fees within the IIP.

The City generated \$187,846 in roadways and transportation development impact fee revenue and \$222,676 in other income between FY 2016-17 and FY 2017-18. All of the capital expenditures made from the roadways and transportation development impact fee fund, were for capital projects that were identified in the IIP.

4.4. Level of Service

The 2014 Report indicated that in order to maintain the current level of service, the City would need to invest in 2.4 new lanes miles, and 0.2 new improved intersections over the 10-year study period.

During the study period, there will be times of increased level of service and times of a lower level of service compared to the 2014 report identified level of service, based on when facilities are constructed or acquired in relation to the amount of new development that has occurred. The City added new residential development and invested in the roadways and transportation system but have not completed the full IIP. Over the remainder of the study period, the City will add more additional lane miles and improved intersections with the goal of achieving the level of service identified in the 2014 Report.



Section 5 - Law Enforcement

5.1. Fee Development

The 2014 Report identified the law enforcement development impact fee as being based on an investment of \$250.49 per person and \$44.97 non-residential vehicle trip. The investments equated to the fees per development type as identified in Table 5-1.

Table 5-1
2014 Report Law Enforcement Development Impact Fees

Single Family (per Unit)	Multifamily (per unit)	Commercial (per 1,000 sqft)	Office (per 1,000 sqft)	Institutional (per 1,000 sqft)	Industrial (per 1,000 sqft)
\$511	\$466	\$0.63	\$0.25	\$0.23	\$0.16

The 2014 Report anticipated law enforcement development impact fee revenue to be used for the renovation of The City's police buildings to accommodate increasing capacity, additional police vehicles plus communication equipment to serve the new development.

5.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in the City's LUA as compared to the growth by development type that was actually experienced. Table 5-2 summarizes the projected development in the 2014 Report and the actual development that was experienced by the City in FY 2016-17 and FY 2017-18.

Table 5-2
Projected versus Actual Development

	Single Family (Dwelling Units)	Multifamily (Dwelling Units)	Commercial (1,000 sqft)	Office (1,000 sqft)	Institutional (1,000 sqft)	Industrial (1,000 sqft)
Actual	187	45	135	4	0	0
Projected	80	13	35	20	4	7
Favorable/(Unfavorable) Variance	107	32	100	(16)	(4)	(7)
Variance %	134%	246%	286%	(80%)	(100%)	(100%)

As indicated in Table 5-2, the actual developments for residential and commercial developments exceeded the 2014 Report projections whereas the actual office, industrial and institutional developments fell short of the projected developments. As is often the case in undertaking development impact fee studies, the data that is used for projection purposes are based on the best available data at the time. The actual development identified in Table 5-2 represents a "snapshot" in time, in this case 2 years of the 10-year study period. The growth projections are being monitored by City Staff.



5.3. Infrastructure Improvement Plan

The 2014 Report identified capital expenditures (police building renovations, vehicles, communication equipment and the development impact fee study) to be funded from law enforcement development impact fees.

The City generated \$60,805 in development impact fee revenue based on new development and \$264 in other income for a total of \$61,069. The only law enforcement development impact fee expenditures in the FY 2016-17 through FY 2017-18 period was for the development impact fee study.

5.4. Level of Service

Level of service projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing City development and are not being asked to increase the overall level of service, without a corresponding funding source from existing development to increase their level of service.

During the study period, there will be times of increased level of service and times of a lower level of service compared to the 2014 report identified level of service, based on when facilities are constructed or acquired in relation to the amount of new development that has occurred. The City did not invest in the law enforcement system during the FY 2016-17 and FY 2017-18 period and has not completed the full IIP. Over the remainder of the study period, the City will be making investments in the law enforcement system with the goal of achieving the level of service identified in the 2014 Report.



Section 6 - Dry Creek Wash

6.1. Fee Development

The 2014 Report identified Dry Creek Wash development impact fee as being based on capital needs and development Impact fee study costs of \$159,124. Residential fees were based on the average number of dwelling units per acre and non-residential fees were based on the square feet of floor area. The investments equated to the fees per development type as identified in Table 6-1.

Table 6-1
2014 Report Dry Creek Wash Development Impact Fees

Single Unit				Multifamily (per unit)	Nonresidential (per total sf)	Lodging (per room)
Very Low Density (per Unit)	Low Density (per unit)	Medium Density (per unit)	High Density (per unit)			
\$107	\$85	\$53	\$27	\$20	\$0.01	\$13

Per the 2014 Report, the Dry Creek Wash development impact fee revenue is to be used for the additional drainage facilities.

6.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in the City’s LUA as compared to the growth by development type that was actually experienced. The 2014 Report did not identify growth projections by specific basins, but rather examined the storm drainage system as a whole. Table 6-2 summarizes the projected development for the entire storm drainage system in the 2014 Report and the actual development that was experienced by the City in FY 2016-17 and FY 2017-18.

Table 6-2
Projected versus Actual Development (All Storm Drainage Facilities)

	Single Unit				Multifamily (per unit)	Mobile Home (per unit)	Nonresidential (per total sf)	Lodging (per room)
	Very Low Density (per Unit)	Low Density (per unit)	Medium Density (per unit)	High Density (per unit)				
Actual	0	8	35	0	0	0	23,856	0
Projected	4	26	51	1	13	0	66,000	346
Favorable/(Unfavorable) Variance	(4)	(18)	(16)	(1)	(13)	0	(42,144)	(346)
Variance %	(100%)	(69%)	(31%)	(100%)	(100%)	n/a	(64%)	(100%)

As indicated in Table 6-2, the actual developments for all development categories fell short of the 2014 Report projections. As is often the case in undertaking development impact fee studies, the data that is used for projections purposes are based on the best available data at the time. The actual development



identified in Table 6-2 represent a “snapshot” in time, in this case 2 years of the 10-year study period. The growth projections are being monitored by City Staff.

6.3. Infrastructure Improvement Plan

The 2014 Report identified capital expenditures (storm drainage facilities) to be funded from the Dry Creek Wash development impact fees.

Between FY 2016-17 and FY 2017-18 the City generated \$1,132 in Dry Creek Wash development impact fee revenues as well as \$909 in other income. The City did not expend any Dry Creek Wash development impact fee revenue during this time period.

6.4. Level of Service

Level of service projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing City development and are not being asked to increase the overall level of service, without a corresponding funding source from existing development to increase their level of service.

From a level of service perspective, the 2014 Report indicated that the City would need to invest \$154,500 in additional capital to maintain the existing level of service. The 2014 Report did not, however, identify the timing of the capital investment. The City will continue to monitor development projections and invest in the Dry Creek Wash basin in the future with the goal of achieving the proposed level of service at the end of the 10-year study period.



Section 7 - Coffee Pot Wash

7.1. Fee Development

The 2014 Report identified Coffee Pot Wash development impact fee as being based on capital needs and development impact fee study costs of \$5,162,192. Residential fees were based on the average number of dwelling units per acre and non-residential fees were based on the square feet of floor area. The investments equated to the fees per development type as identified in Table 7-1.

Table 7-1
2014 Report Coffee Pot Wash Development Impact Fees

Single Unit			Multifamily (per unit)	Mobile Homes (per unit)	Nonresidential (per total sf)	Lodging (per room)
Low Density (per unit)	Medium Density (per unit)	High Density (per unit)				
\$1,642	\$1,026	\$513	\$385	\$432	\$0.13	\$251

Per the 2014 Report, the Coffee Pot Wash development impact fee revenue is to be used for the additional drainage facilities.

7.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in the City's LUA as compared to the growth by development type that was actually experienced. The 2014 Report did not identify growth projections by specific basins, but rather examined the storm drainage system as a whole. Table 7-2 summarizes the projected development for the entire storm drainage system in the 2014 Report and the actual development that was experienced by the City in FY 2016-17 and FY 2017-18.

Table 7-2
Projected versus Actual Development (All Storm Drainage Facilities)

	Single Unit				Multifamily (per unit)	Mobile Home (per unit)	Nonresidential (per total sf)	Lodging (per room)
	Very Low Density (per Unit)	Low Density (per unit)	Medium Density (per unit)	High Density (per unit)				
Actual	0	8	35	0	0	0	23,856	0
Projected	4	26	51	1	13	0	66,000	346
Favorable/(Unfavorable) Variance	(4)	(18)	(16)	(1)	(13)	0	(42,144)	(346)
Variance %	(100%)	(69%)	(31%)	(100%)	(100%)	n/a	(64%)	(100%)

As indicated in Table 7-2, the actual developments for all development classifications fell short of the 2014 Report projections. As is often the case in undertaking development impact fee studies, the data that is used for projections purposes are based on the best available data at the time. The actual



development identified in Table 7-2 represent a “snapshot” in time, in this case 2 years of the 10-year study period. The growth projections are being monitored by City Staff.

7.3. Infrastructure Improvement Plan

Consistent with the 2014 Report, the City used Coffee Pot Wash development impact fee revenues to fund new capital expenditures and the cost of the development impact fee study. Between FY 2016 and FY 2018, the City generated \$18,291 in Coffee Pot Wash development impact fee revenues and \$331 in other income. The City expended \$59,507 on capital projects and the development impact fee study identified in the 2014 Report.

7.4. Level of Service

Level of service projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing the City development and are not being asked to increase the overall level of service, without a corresponding funding source from existing development to increase their level of service.

The level of identified in the 2014 Report indicated that the City would need to invest \$5,157,568 in additional capital to maintain the existing level of service. The 2014 Report did not, however, identify the timing of the capital investment. While the City did invest \$59,507 in new capital, additional investments are required to achieve the 10-year level of service goal. The City will continue to monitor development projections and invest in the Coffee Pot Wash basin in the future with the goal of achieving the proposed level of service at the end of the 10-year study Report.



Section 8 - Soldier Pass Wash

8.1. Fee Development

The 2014 Report identified Soldier Pass Wash development impact fee as being based on capital needs and development impact fee study costs of \$2,828,105. Residential fees were based on the average number of dwelling units per acre and non-residential fees were based on the square feet of floor area. The investments equated to the fees per development type as identified in Table 8-1.

Table 8-1
2014 Report Soldier Pass Wash Development Impact Fees

Single Unit		Multifamily (per unit)	Nonresidential (per total sf)	Lodging (per room)
Low Density (per unit)	Medium Density (per unit)			
\$1,989	\$1,243	\$466	\$0.15	\$304

Per the 2014 Report, the Soldier Pass Wash development impact fee revenue is to be used for the additional drainage facilities.

8.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in the City's LUA as compared to the growth by development type that was actually experienced. The 2014 Report did not identify growth projections by specific basins, but rather examined the storm drainage system as a whole. Table 8-2 summarizes the projected development for the entire storm drainage system in the 2014 Report and the actual development that was experienced by the City in FY 2016-17 and FY 2017-18.

Table 8-2
Projected versus Actual Development (All Storm Drainage Facilities)

	Single Unit				Multifamily (per unit)	Mobile Home (per unit)	Nonresidential (per total sf)	Lodging (per room)
	Very Low Density (per Unit)	Low Density (per unit)	Medium Density (per unit)	High Density (per unit)				
Actual	0	8	35	0	0	0	23,856	0
Projected	4	26	51	1	13	0	66,000	346
Favorable/(Unfavorable) Variance	(4)	(18)	(16)	(1)	(13)	0	(42,144)	(346)
Variance %	(100%)	(69%)	(31%)	(100%)	(100%)	n/a	(64%)	(100%)

As indicated in Table 8-2, the actual developments for all development categories fell short of the 2014 Report projections. As is often the case in undertaking development impact fee studies, the data that is used for projections purposes are based on the best available data at the time. The actual development



identified in Table 8-2 represent a “snapshot” in time, in this case 2 years of the 10-year study period. The growth projections are being monitored by City Staff.

8.3. Infrastructure Improvement Plan

Consistent with the 2014 Report, the City used Soldier Pass Wash development impact fee revenues to fund new capital expenditures. Between FY 2017 and FY 2018, the City generated \$14,692 in Soldier Pass Wash development impact fee revenues and \$310 in other income. The City expended \$16,165 on capital projects identified in the 2014 Report.

8.4. Level of Service

Level of service projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing the City development and are not being asked to increase the overall level of service, without a corresponding funding source from existing development to increase their level of service.

The level of identified in the 2014 Report indicated that the City would need to invest \$2,828,105 in additional capital to maintain the existing level of service. The 2014 Report did not, however, identify the timing of the capital investment. While the City did invest \$16,165 in new capital, additional investments are required to achieve the 10-year level of service goal. The City will continue to monitor development projections and invest in the Soldier Pass Wash basin in the future with the goal of achieving the proposed level of service at the end of the 10-year study Report.



Section 9 - Oak Creek Wash

9.1. Fee Development

The 2014 Report did not identify any development impact fees for the Oak Creek Wash.

9.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in the City’s LUA as compared to the growth by development type that was actually experienced. The 2014 Report did not identify growth projections by specific basins, but rather examined the storm drainage system as a whole. Table 9-1 summarizes the projected development for the entire storm drainage system in the 2014 Report and the actual development that was experienced by the City in FY 2016-17 and FY 2017-18.

**Table 9-1
Projected versus Actual Development (All Storm Drainage Facilities)**

	Single Unit				Multifamily (per unit)	Mobile Home (per unit)	Nonresidential (per total sf)	Lodging (per room)
	Very Low Density (per Unit)	Low Density (per unit)	Medium Density (per unit)	High Density (per unit)				
Actual	0	8	35	0	0	0	23,856	0
Projected	<u>4</u>	<u>26</u>	<u>51</u>	<u>1</u>	<u>13</u>	<u>0</u>	<u>66,000</u>	<u>346</u>
Favorable/(Unfavorable) Variance	(4)	(18)	(16)	(1)	(13)	0	(42,144)	(346)
Variance %	(100%)	(69%)	(31%)	(100%)	(100%)	n/a	(64%)	(100%)

As indicated in Table 9-1, the actual developments for all development categories fell short of the 2014 Report projections. As is often the case in undertaking development impact fee studies, the data that is used for projections purposes are based on the best available data at the time. The actual development identified in Table 9-1 represent a “snapshot” in time, in this case 2 years of the 10-year study period. The growth projections are being monitored by City Staff.

9.3. Infrastructure Improvement Plan

The City did fund new capital expenditures in the Oak Creek Wash basin. Between FY 2017 and FY 2018, the City generated \$60 in interest income. The City expended \$4,604 on capital projects.



Section 10 - Permit Sampling

10.1. Sampling Results

As part of the audit process Willdan took a random sample of residential permits that were issued between FY 2016-17 and FY 2017-18 and a random sample of non-residential permits. The purpose of the sampling was to identify any instances where the fee that was assessed to the development varied from the fee that should have been assessed based on number of dwelling units or square footage of development. Our sampling review did not identify any developments that were assessed incorrect impact fees based on these parameters.



Section 11 - Conclusions

11.1. Land Use Assumptions

Willdan conducted an audit of The City's development projections for FY 2016-17 and FY 2017-18 and compared the new development with the development projections in the 2014 Report. While there were variances between what had been originally projected and what occurred, the original projections were based on the best available data at the time of the study. We believe that the actual developments for FY 2016-17 and FY 2017-18 are still consistent with the overall development projections for the original 10-year study period.

11.2. Infrastructure Improvement Plan

Our review indicated that revenues were collected and appropriately tracked in separate impact fee funds based on the fee area for which they were associated, and that interest income was also tracked by fund as required in ARS §9-463.05.

We reviewed the projects that were anticipated to be completed in the second 2 years of the 10-year study period (per the 2014 Report). As was the case with the LUA, the IIP was developed based on the best available information at the time of the analysis, and the actual expenditures differed from what was projected. However, the differences that did occur were related to the timing of projects that were originally anticipated rather than the addition of new projects. We therefore conclude that the expenditures were consistent with the overall capital needs objectives identified in the IIP.

11.3. Level of Service

The level of service for a given fee area is in flux over time and will change as new projects are incorporated into The City's existing facilities and networks or as development within The City changes. There are cases where it is not possible to exactly match the existing level of service with the required level of service based on new development. In instances where growth has occurred prior to the expansion of facilities, the level of service at any point in time prior to the construction of the full expansion will be lower than the identified level of service for existing development. By the same token, if the expansions occur prior to the end of the 10-year period, the system will be over built and until the full development projections are realized, the level of service will be higher than was previously identified for existing development. We do, however, believe the level of service goals will be achieved by the end of the 10-year study period.



11.4. Final Conclusion

It is our opinion that The City's development, impact fee collections and expenditures are consistent with the 10-year plan identified in the 2014 Report and is consistent with ARS §9-463.05.

9-463.05. Development fees; imposition by cities and towns; infrastructure improvements plan; annual report; advisory committee; limitation on actions; definitions

A. A municipality may assess development fees to offset costs to the municipality associated with providing necessary public services to a development, including the costs of infrastructure, improvements, real property, engineering and architectural services, financing and professional services required for the preparation or revision of a development fee pursuant to this section, including the relevant portion of the infrastructure improvements plan.

B. Development fees assessed by a municipality under this section are subject to the following requirements:

1. Development fees shall result in a beneficial use to the development.
2. The municipality shall calculate the development fee based on the infrastructure improvements plan adopted pursuant to this section.
3. The development fee shall not exceed a proportionate share of the cost of necessary public services, based on service units, needed to provide necessary public services to the development.
4. Costs for necessary public services made necessary by new development shall be based on the same level of service provided to existing development in the service area.
5. Development fees may not be used for any of the following:
 - (a) Construction, acquisition or expansion of public facilities or assets other than necessary public services or facility expansions identified in the infrastructure improvements plan.
 - (b) Repair, operation or maintenance of existing or new necessary public services or facility expansions.
 - (c) Upgrading, updating, expanding, correcting or replacing existing necessary public services to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards.
 - (d) Upgrading, updating, expanding, correcting or replacing existing necessary public services to provide a higher level of service to existing development.
 - (e) Administrative, maintenance or operating costs of the municipality.
6. Any development for which a development fee has been paid is entitled to the use and benefit of the services for which the fee was imposed and is entitled to receive immediate service from any existing facility with available capacity to serve the new service units if the available capacity has not been reserved or pledged in connection with the construction or financing of the facility.
7. Development fees may be collected if any of the following occurs:
 - (a) The collection is made to pay for a necessary public service or facility expansion that is identified in the infrastructure improvements plan and the municipality plans to complete construction and to have the service available within the time period established in the infrastructure improvement plan, but in no event longer than the time period provided in subsection H, paragraph 3 of this section.
 - (b) The municipality reserves in the infrastructure improvements plan adopted pursuant to this section or otherwise agrees to reserve capacity to serve future development.
 - (c) The municipality requires or agrees to allow the owner of a development to construct or finance the necessary public service or facility expansion and any of the following apply:

(i) The costs incurred or money advanced are credited against or reimbursed from the development fees otherwise due from a development.

(ii) The municipality reimburses the owner for those costs from the development fees paid from all developments that will use those necessary public services or facility expansions.

(iii) For those costs incurred the municipality allows the owner to assign the credits or reimbursement rights from the development fees otherwise due from a development to other developments for the same category of necessary public services in the same service area.

8. Projected interest charges and other finance costs may be included in determining the amount of development fees only if the monies are used for the payment of principal and interest on the portion of the bonds, notes or other obligations issued to finance construction of necessary public services or facility expansions identified in the infrastructure improvements plan.

9. Monies received from development fees assessed pursuant to this section shall be placed in a separate fund and accounted for separately and may only be used for the purposes authorized by this section. Monies received from a development fee identified in an infrastructure improvements plan adopted or updated pursuant to subsection D of this section shall be used to provide the same category of necessary public services or facility expansions for which the development fee was assessed and for the benefit of the same service area, as defined in the infrastructure improvements plan, in which the development fee was assessed. Interest earned on monies in the separate fund shall be credited to the fund.

10. The schedule for payment of fees shall be provided by the municipality. Based on the cost identified in the infrastructure improvements plan, the municipality shall provide a credit toward the payment of a development fee for the required or agreed to dedication of public sites, improvements and other necessary public services or facility expansions included in the infrastructure improvements plan and for which a development fee is assessed, to the extent the public sites, improvements and necessary public services or facility expansions are provided by the developer. The developer of residential dwelling units shall be required to pay development fees when construction permits for the dwelling units are issued, or at a later time if specified in a development agreement pursuant to section 9-500.05. If a development agreement provides for fees to be paid at a time later than the issuance of construction permits, the deferred fees shall be paid no later than fifteen days after the issuance of a certificate of occupancy. The development agreement shall provide for the value of any deferred fees to be supported by appropriate security, including a surety bond, letter of credit or cash bond.

11. If a municipality requires as a condition of development approval the construction or improvement of, contributions to or dedication of any facilities that were not included in a previously adopted infrastructure improvements plan, the municipality shall cause the infrastructure improvements plan to be amended to include the facilities and shall provide a credit toward the payment of a development fee for the construction, improvement, contribution or dedication of the facilities to the extent that the facilities will substitute for or otherwise reduce the need for other similar facilities in the infrastructure improvements plan for which development fees were assessed.

12. The municipality shall forecast the contribution to be made in the future in cash or by taxes, fees, assessments or other sources of revenue derived from the property owner towards the capital costs of the necessary public service covered by the development fee and shall include these contributions in determining the extent of the burden imposed by the development. Beginning August 1, 2014, for purposes of calculating the required offset to development fees pursuant to this subsection, if a municipality imposes a construction contracting or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications, the entire excess portion of the construction contracting or similar excise tax shall be treated as a contribution to the capital costs of necessary public services provided to development for which development fees are assessed, unless the excess portion was already taken into account for such purpose pursuant to this subsection.

13. If development fees are assessed by a municipality, the fees shall be assessed against commercial, residential and industrial development, except that the municipality may distinguish between different categories of residential, commercial and industrial development in assessing the costs to the municipality of providing necessary public services to new development and in determining the amount of the development fee applicable to the category of development. If a municipality agrees to waive any of the development fees assessed on a development, the municipality shall reimburse the appropriate development fee accounts for the amount that was waived. The municipality shall provide notice of any such waiver to the advisory committee established pursuant to subsection G of this section within thirty days.

14. In determining and assessing a development fee applying to land in a community facilities district established under title 48, chapter 4, article 6, the municipality shall take into account all public infrastructure provided by the district and capital costs paid by the district for necessary public services and shall not assess a portion of the development fee based on the infrastructure or costs.

C. A municipality shall give at least thirty days' advance notice of intention to assess a development fee and shall release to the public and post on its website or the website of an association of cities and towns if a municipality does not have a website a written report of the land use assumptions and infrastructure improvements plan adopted pursuant to subsection D of this section. The municipality shall conduct a public hearing on the proposed development fee at any time after the expiration of the thirty day notice of intention to assess a development fee and at least thirty days before the scheduled date of adoption of the fee by the governing body. Within sixty days after the date of the public hearing on the proposed development fee, a municipality shall approve or disapprove the imposition of the development fee. A municipality shall not adopt an ordinance, order or resolution approving a development fee as an emergency measure. A development fee assessed pursuant to this section shall not be effective until seventy-five days after its formal adoption by the governing body of the municipality. Nothing in this subsection shall affect any development fee adopted before July 24, 1982.

D. Before the adoption or amendment of a development fee, the governing body of the municipality shall adopt or update the land use assumptions and infrastructure improvements plan for the designated service area. The municipality shall conduct a public hearing on the land use assumptions and infrastructure improvements plan at least thirty days before the adoption or update of the plan. The municipality shall release the plan to the public, post the plan on its website or the website of an association of cities and towns if the municipality does not have a website, including in the posting its land use assumptions, the time period of the projections, a description of the necessary public services included in the infrastructure improvements plan and a map of the service area to which the land use assumptions apply, make available to the public the documents used to prepare the assumptions and plan and provide public notice at least sixty days before the public hearing, subject to the following:

1. The land use assumptions and infrastructure improvements plan shall be approved or disapproved within sixty days after the public hearing on the land use assumptions and infrastructure improvements plan and at least thirty days before the public hearing on the report required by subsection C of this section. A municipality shall not adopt an ordinance, order or resolution approving the land use assumptions or infrastructure improvements plan as an emergency measure.

2. An infrastructure improvements plan shall be developed by qualified professionals using generally accepted engineering and planning practices pursuant to subsection E of this section.

3. A municipality shall update the land use assumptions and infrastructure improvements plan at least every five years. The initial five year period begins on the day the infrastructure improvements plan is adopted. The municipality shall review and evaluate its current land use assumptions and shall cause an update of the infrastructure improvements plan to be prepared pursuant to this section.

4. Within sixty days after completion of the updated land use assumptions and infrastructure improvements plan, the municipality shall schedule and provide notice of a public hearing to discuss and review the update and shall determine whether to amend the assumptions and plan.

5. A municipality shall hold a public hearing to discuss the proposed amendments to the land use assumptions, the infrastructure improvements plan or the development fee. The land use assumptions and the infrastructure improvements plan, including the amount of any proposed changes to the development fee per service unit, shall be made available to the public on or before the date of the first publication of the notice of the hearing on the amendments.

6. The notice and hearing procedures prescribed in paragraph 1 of this subsection apply to a hearing on the amendment of land use assumptions, an infrastructure improvements plan or a development fee. Within sixty days after the date of the public hearing on the amendments, a municipality shall approve or disapprove the amendments to the land use assumptions, infrastructure improvements plan or development fee. A municipality shall not adopt an ordinance, order or resolution approving the amended land use assumptions, infrastructure improvements plan or development fee as an emergency measure.

7. The advisory committee established under subsection G of this section shall file its written comments on any proposed or updated land use assumptions, infrastructure improvements plan and development fees before the fifth business day before the date of the public hearing on the proposed or updated assumptions, plan and fees.

8. If, at the time an update as prescribed in paragraph 3 of this subsection is required, the municipality determines that no changes to the land use assumptions, infrastructure improvements plan or development fees are needed, the municipality may as an alternative to the updating requirements of this subsection publish notice of its determination on its website and include the following:

(a) A statement that the municipality has determined that no change to the land use assumptions, infrastructure improvements plan or development fee is necessary.

(b) A description and map of the service area in which an update has been determined to be unnecessary.

(c) A statement that by a specified date, which shall be at least sixty days after the date of publication of the first notice, a person may make a written request to the municipality requesting that the land use assumptions, infrastructure improvements plan or development fee be updated.

(d) A statement identifying the person or entity to whom the written request for an update should be sent.

9. If, by the date specified pursuant to paragraph 8 of this subsection, a person requests in writing that the land use assumptions, infrastructure improvements plan or development fee be updated, the municipality shall cause, accept or reject an update of the assumptions and plan to be prepared pursuant to this subsection.

10. Notwithstanding the notice and hearing requirements for adoption of an infrastructure improvements plan, a municipality may amend an infrastructure improvements plan adopted pursuant to this section without a public hearing if the amendment addresses only elements of necessary public services in the existing infrastructure improvements plan and the changes to the plan will not, individually or cumulatively with other amendments adopted pursuant to this subsection, increase the level of service in the service area or cause a development fee increase of greater than five per cent when a new or modified development fee is assessed pursuant to this section. The municipality shall provide notice of any such amendment at least thirty days before adoption, shall post the amendment on its website or on the website of an association of cities and towns if the municipality does not have a website and shall provide notice to the advisory committee established pursuant to subsection G of this section that the amendment complies with this subsection.

E. For each necessary public service that is the subject of a development fee, the infrastructure improvements plan shall include:

1. A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.

2. An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.
 3. A description of all or the parts of the necessary public services or facility expansions and their costs necessitated by and attributable to development in the service area based on the approved land use assumptions, including a forecast of the costs of infrastructure, improvements, real property, financing, engineering and architectural services, which shall be prepared by qualified professionals licensed in this state, as applicable.
 4. A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.
 5. The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.
 6. The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.
 7. A forecast of revenues generated by new service units other than development fees, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions, and a plan to include these contributions in determining the extent of the burden imposed by the development as required in subsection B, paragraph 12 of this section.
- F. A municipality's development fee ordinance shall provide that a new development fee or an increased portion of a modified development fee shall not be assessed against a development for twenty-four months after the date that the municipality issues the final approval for a commercial, industrial or multifamily development or the date that the first building permit is issued for a residential development pursuant to an approved site plan or subdivision plat, provided that no subsequent changes are made to the approved site plan or subdivision plat that would increase the number of service units. If the number of service units increases, the new or increased portion of a modified development fee shall be limited to the amount attributable to the additional service units. The twenty-four month period shall not be extended by a renewal or amendment of the site plan or the final subdivision plat that was the subject of the final approval. The municipality shall issue, on request, a written statement of the development fee schedule applicable to the development. If, after the date of the municipality's final approval of a development, the municipality reduces the development fee assessed on development, the reduced fee shall apply to the development.
- G. A municipality shall do one of the following:
1. Before the adoption of proposed or updated land use assumptions, infrastructure improvements plan and development fees as prescribed in subsection D of this section, the municipality shall appoint an infrastructure improvements advisory committee, subject to the following requirements:
 - (a) The advisory committee shall be composed of at least five members who are appointed by the governing body of the municipality. At least fifty per cent of the members of the advisory committee must be representatives of the real estate, development or building industries, of which at least one member of the committee must be from the home building industry. Members shall not be employees or officials of the municipality.
 - (b) The advisory committee shall serve in an advisory capacity and shall:

(i) Advise the municipality in adopting land use assumptions and in determining whether the assumptions are in conformance with the general plan of the municipality.

(ii) Review the infrastructure improvements plan and file written comments.

(iii) Monitor and evaluate implementation of the infrastructure improvements plan.

(iv) Every year file reports with respect to the progress of the infrastructure improvements plan and the collection and expenditures of development fees and report to the municipality any perceived inequities in implementing the plan or imposing the development fee.

(v) Advise the municipality of the need to update or revise the land use assumptions, infrastructure improvements plan and development fee.

(c) The municipality shall make available to the advisory committee any professional reports with respect to developing and implementing the infrastructure improvements plan.

(d) The municipality shall adopt procedural rules for the advisory committee to follow in carrying out the committee's duties.

2. In lieu of creating an advisory committee pursuant to paragraph 1 of this subsection, provide for a biennial certified audit of the municipality's land use assumptions, infrastructure improvements plan and development fees. An audit pursuant to this paragraph shall be conducted by one or more qualified professionals who are not employees or officials of the municipality and who did not prepare the infrastructure improvements plan. The audit shall review the progress of the infrastructure improvements plan, including the collection and expenditures of development fees for each project in the plan, and evaluate any inequities in implementing the plan or imposing the development fee. The municipality shall post the findings of the audit on the municipality's website or the website of an association of cities and towns if the municipality does not have a website and shall conduct a public hearing on the audit within sixty days of the release of the audit to the public.

H. On written request, an owner of real property for which a development fee has been paid after July 31, 2014 is entitled to a refund of a development fee or any part of a development fee if:

1. Pursuant to subsection B, paragraph 6 of this section, existing facilities are available and service is not provided.

2. The municipality has, after collecting the fee to construct a facility when service is not available, failed to complete construction within the time period identified in the infrastructure improvements plan, but in no event later than the time period specified in paragraph 3 of this subsection.

3. For a development fee other than a development fee for water or wastewater facilities, any part of the development fee is not spent as authorized by this section within ten years after the fee has been paid or, for a development fee for water or wastewater facilities, any part of the development fee is not spent as authorized by this section within fifteen years after the fee has been paid.

I. If the development fee was collected for the construction of all or a portion of a specific item of infrastructure, and on completion of the infrastructure the municipality determines that the actual cost of construction was less than the forecasted cost of construction on which the development fee was based and the difference between the actual and estimated cost is greater than ten per cent, the current owner may receive a refund of the portion of the development fee equal to the difference between the development fee paid and the development fee that would have been due if the development fee had been calculated at the actual construction cost.

J. A refund shall include any interest earned by the municipality from the date of collection to the date of refund on the amount of the refunded fee. All refunds shall be made to the record owner of the property at the time the

refund is paid. If the development fee is paid by a governmental entity, the refund shall be paid to the governmental entity.

K. A development fee that was adopted before January 1, 2012 may continue to be assessed only to the extent that it will be used to provide a necessary public service for which development fees can be assessed pursuant to this section and shall be replaced by a development fee imposed under this section on or before August 1, 2014. Any municipality having a development fee that has not been replaced under this section on or before August 1, 2014 shall not collect development fees until the development fee has been replaced with a fee that complies with this section. Any development fee monies collected before January 1, 2012 remaining in a development fee account:

1. Shall be used towards the same category of necessary public services as authorized by this section.
2. If development fees were collected for a purpose not authorized by this section, shall be used for the purpose for which they were collected on or before January 1, 2020, and after which, if not spent, shall be distributed equally among the categories of necessary public services authorized by this section.

L. A moratorium shall not be placed on development for the sole purpose of awaiting completion of all or any part of the process necessary to develop, adopt or update development fees.

M. In any judicial action interpreting this section, all powers conferred on municipal governments in this section shall be narrowly construed to ensure that development fees are not used to impose on new residents a burden all taxpayers of a municipality should bear equally.

N. Each municipality that assesses development fees shall submit an annual report accounting for the collection and use of the fees for each service area. The annual report shall include the following:

1. The amount assessed by the municipality for each type of development fee.
2. The balance of each fund maintained for each type of development fee assessed as of the beginning and end of the fiscal year.
3. The amount of interest or other earnings on the monies in each fund as of the end of the fiscal year.
4. The amount of development fee monies used to repay:

(a) Bonds issued by the municipality to pay the cost of a capital improvement project that is the subject of a development fee assessment, including the amount needed to repay the debt service obligations on each facility for which development fees have been identified as the source of funding and the time frames in which the debt service will be repaid.

(b) Monies advanced by the municipality from funds other than the funds established for development fees in order to pay the cost of a capital improvement project that is the subject of a development fee assessment, the total amount advanced by the municipality for each facility, the source of the monies advanced and the terms under which the monies will be repaid to the municipality.

5. The amount of development fee monies spent on each capital improvement project that is the subject of a development fee assessment and the physical location of each capital improvement project.

6. The amount of development fee monies spent for each purpose other than a capital improvement project that is the subject of a development fee assessment.

O. Within ninety days following the end of each fiscal year, each municipality shall submit a copy of the annual report to the city clerk and post the report on the municipality's website or the website of an association of cities and towns if the municipality does not have a website. Copies shall be made available to the public on request. The annual report may contain financial information that has not been audited.

P. A municipality that fails to file the report and post the report on the municipality's website or the website of an association of cities and towns if the municipality does not have a website as required by this section shall not collect development fees until the report is filed and posted.

Q. Any action to collect a development fee shall be commenced within two years after the obligation to pay the fee accrues.

R. A municipality may continue to assess a development fee adopted before January 1, 2012 for any facility that was financed before June 1, 2011 if:

1. Development fees were pledged to repay debt service obligations related to the construction of the facility.
2. After August 1, 2014, any development fees collected under this subsection are used solely for the payment of principal and interest on the portion of the bonds, notes or other debt service obligations issued before June 1, 2011 to finance construction of the facility.

S. Through August 1, 2014, a development fee adopted before January 1, 2012 may be used to finance construction of a facility and may be pledged to repay debt service obligations if:

1. The facility that is being financed is a facility that is described under subsection T, paragraph 7, subdivisions (a) through (g) of this section.
2. The facility was included in an infrastructure improvements plan adopted before June 1, 2011.
3. The development fees are used for the payment of principal and interest on the portion of the bonds, notes or other debt service obligations issued to finance construction of the necessary public services or facility expansions identified in the infrastructure improvement plan.

T. For the purposes of this section:

1. "Dedication" means the actual conveyance date or the date an improvement, facility or real or personal property is placed into service, whichever occurs first.

2. "Development" means:

(a) The subdivision of land.

(b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that adds or increases the number of service units.

(c) Any use or extension of the use of land that increases the number of service units.

3. "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise new necessary public service in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development.

4. "Final approval" means:

(a) For a nonresidential or multifamily development, the approval of a site plan or, if no site plan is submitted for the development, the approval of a final subdivision plat.

(b) For a single family residential development, the approval of a final subdivision plat.

5. "Infrastructure improvements plan" means a written plan that identifies each necessary public service or facility expansion that is proposed to be the subject of a development fee and otherwise complies with the requirements of this section, and may be the municipality's capital improvements plan.
6. "Land use assumptions" means projections of changes in land uses, densities, intensities and population for a specified service area over a period of at least ten years and pursuant to the general plan of the municipality.
7. "Necessary public service" means any of the following facilities that have a life expectancy of three or more years and that are owned and operated by or on behalf of the municipality:
- (a) Water facilities, including the supply, transportation, treatment, purification and distribution of water, and any appurtenances for those facilities.
 - (b) Wastewater facilities, including collection, interception, transportation, treatment and disposal of wastewater, and any appurtenances for those facilities.
 - (c) Storm water, drainage and flood control facilities, including any appurtenances for those facilities.
 - (d) Library facilities of up to ten thousand square feet that provide a direct benefit to development, not including equipment, vehicles or appurtenances.
 - (e) Street facilities located in the service area, including arterial or collector streets or roads that have been designated on an officially adopted plan of the municipality, traffic signals and rights-of-way and improvements thereon.
 - (f) Fire and police facilities, including all appurtenances, equipment and vehicles. Fire and police facilities do not include a facility or portion of a facility that is used to replace services that were once provided elsewhere in the municipality, vehicles and equipment used to provide administrative services, helicopters or airplanes or a facility that is used for training firefighters or officers from more than one station or substation.
 - (g) Neighborhood parks and recreational facilities on real property up to thirty acres in area, or parks and recreational facilities larger than thirty acres if the facilities provide a direct benefit to the development. Park and recreational facilities do not include vehicles, equipment or that portion of any facility that is used for amusement parks, aquariums, aquatic centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, zoo facilities or similar recreational facilities, but may include swimming pools.
 - (h) Any facility that was financed and that meets all of the requirements prescribed in subsection R of this section.
8. "Qualified professional" means a professional engineer, surveyor, financial analyst or planner providing services within the scope of the person's license, education or experience.
9. "Service area" means any specified area within the boundaries of a municipality in which development will be served by necessary public services or facility expansions and within which a substantial nexus exists between the necessary public services or facility expansions and the development being served as prescribed in the infrastructure improvements plan.
10. "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated pursuant to generally accepted engineering or planning standards for a particular category of necessary public services or facility expansions.

Parks & Recreation			
Revenues	FY 2016-17	FY 2017-18	Total
System Development Fees	\$407,782	\$131,282	\$539,064
Interest Income	13,458	0	13,458
Other Earnings	14,801	11,775	26,576
Total Revenues	436,041	143,057	579,098
Expenditures			
Projects	123,653	245,830	369,483
Bonds	0	0	0
Loans	0	0	0
Total Expenditures	123,653	245,830	369,483

Parks & Recreation			
Development	FY 2016-17	FY 2017-18	Total
Single Family Residential ⁽¹⁾	149	38	187
Multifamily Residential ⁽¹⁾	0	45	45
Lodging ⁽¹⁾	121	0	121
Industrial ⁽²⁾	0	0	0
Commercial ⁽²⁾	0	7	7
Office ⁽²⁾	0	2	2
Institutional ⁽²⁾	0	0	0

(1) Dwelling units

(2) 1,000 Square feet

General Government Facilities and Equipment			
Revenues	FY 2016-17	FY 2017-18	Total
System Development Fees	\$3,598	\$388	\$3,986
Interest Income	0	1	1
Other Earnings	0	32,861	32,861
Total Revenues	3,598	33,250	36,848
Expenditures			
Projects	0	0	0
Bonds	21,198	10,214	31,412
Loans	0	0	0
Total Expenditures	21,198	10,214	31,412

General Government Facilities and Equipment			
Development	FY 2016-17	FY 2017-18	Total
Single Family Residential ⁽¹⁾	149	38	187
Multifamily Residential ⁽¹⁾	0	45	45
Industrial ⁽²⁾	0	0	0
Commercial ⁽²⁾	128	7	135
Office ⁽²⁾	2	2	4
Institutional ⁽²⁾	0	0	0

(1) Dwelling units

(2) 1,000 Square feet

Roadways and Transportation			
Revenues	FY 2016-17	FY 2017-18	Total
System Development Fees	\$146,502	\$41,344	\$187,846
Interest Income	5,977	2,532	8,509
Other Earnings	0	214,167	214,167
Total Revenues	152,479	258,043	410,522
Expenditures			
Projects	658,000	3,290	661,290
Bonds	0	0	0
Loans	0	0	0
Total Expenditures	658,000	3,290	661,290

Roadways and Transportation			
Development	FY 2016-17	FY 2017-18	Total
Single Family Residential ⁽¹⁾	149	38	187
Multifamily Residential ⁽¹⁾	0	45	45
Industrial ⁽²⁾	0	0	0
Commercial ⁽²⁾	128	7	135
Office ⁽²⁾	2	2	4
Institutional ⁽²⁾	0	0	0

(1) Dwelling units

(2) 1,000 Square feet

Law Enforcement			
Revenues	FY 2016-17	FY 2017-18	Total
System Development Fees	\$41,898	\$18,907	\$60,805
Interest Income	58	206	264
Other Earnings	0	0	0
Total Revenues	41,956	19,113	61,069
Expenditures			
Projects	0	3,015	3,015
Bonds	0	0	0
Loans	0	0	0
Total Expenditures	0	3,015	3,015

Law Enforcement			
Development	FY 2016-17	FY 2017-18	Total
Single Family Residential ⁽¹⁾	149	38	187
Multifamily Residential ⁽¹⁾	0	45	45
Industrial ⁽²⁾	0	0	0
Commercial ⁽²⁾	128	7	135
Office ⁽²⁾	2	2	4
Institutional ⁽²⁾	0	0	0

(1) Dwelling units

(2) 1,000 Square feet

Dry Creek Wash			
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Revenues	FY 2016-17	FY 2017-18	Total
System Development Fees	\$421	\$711	\$1,132
Interest Income	499	410	909
Other Earnings	0	0	0
Total Revenues	920	1,121	2,041

Expenditures

Projects	0	0	0
Bonds	0	0	0
Loans	0	0	0
Total Expenditures	0	0	0

All Storm Drainage			
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Development	FY 2016-17	FY 2017-18	Total
Very Low Density Residential ⁽¹⁾	0	0	0
Low Density Residential ⁽¹⁾	3	5	8
Medium Density Residential ⁽¹⁾	17	18	35
High Density Residential ⁽¹⁾	0	0	0
Multifamily Residential ⁽¹⁾	0	0	0
Mobile Home ⁽¹⁾	0	0	0
Non-Residential ⁽²⁾	19,866	3,990	23,856
Lodging ⁽³⁾	0	0	0

(1) Dwelling units

(2) Square feet

(3) Per Room

Coffee Pot Wash			
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Revenues	FY 2016-17	FY 2017-18	Total
System Development Fees	\$9,565	\$8,726	\$18,291
Interest Income	357	(26)	331
Other Earnings	0	0	0
Total Revenues	9,922	8,700	18,622

Expenditures

Projects	57,999	1,508	59,507
Bonds	0	0	0
Loans	0	0	0
Total Expenditures	57,999	1,508	59,507

All Storm Drainage			
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Development	FY 2016-17	FY 2017-18	Total
Very Low Density Residential ⁽¹⁾	0	0	0
Low Density Residential ⁽¹⁾	3	5	8
Medium Density Residential ⁽¹⁾	17	18	35
High Density Residential ⁽¹⁾	0	0	0
Multifamily Residential ⁽¹⁾	0	0	0
Mobile Home ⁽¹⁾	0	0	0
Non-Residential ⁽²⁾	19,866	3,990	23,856
Lodging ⁽³⁾	0	0	0

(1) Dwelling units

(2) Square feet

(3) Per Room

Soldiers Pass Wash			
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Revenues	FY 2016-17	FY 2017-18	Total
System Development Fees	\$8,974	\$5,718	\$14,692
Interest Income	132	178	310
Other Earnings	0	0	0
Total Revenues	9,106	5,896	15,002

Expenditures

Projects	29,078	16,165	45,243
Bonds	0	0	0
Loans	0	0	0
Total Expenditures	29,078	16,165	45,243

All Storm Drainage			
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Development	FY 2016-17	FY 2017-18	Total
Very Low Density Residential ⁽¹⁾	0	0	0
Low Density Residential ⁽¹⁾	3	5	8
Medium Density Residential ⁽¹⁾	17	18	35
High Density Residential ⁽¹⁾	0	0	0
Multifamily Residential ⁽¹⁾	0	0	0
Mobile Home ⁽¹⁾	0	0	0
Non-Residential ⁽²⁾	19,866	3,990	23,856
Lodging ⁽³⁾	0	0	0

(1) Dwelling units

(2) Square feet

(3) Per Room

Oak Creek Wash			
	FY 2016-17	FY 2017-18	Total
Revenues			
System Development Fees	\$0	\$0	\$0
Interest Income	22	38	60
Other Earnings	0	0	0
Total Revenues	22	38	60
Expenditures			
Projects	0	4,604	4,604
Bonds	0	0	0
Loans	0	0	0
Total Expenditures	0	4,604	4,604

All Storm Drainage			
Development	FY 2016-17	FY 2017-18	Total
Very Low Density Residential ⁽¹⁾	0	0	0
Low Density Residential ⁽¹⁾	3	5	8
Medium Density Residential ⁽¹⁾	17	18	35
High Density Residential ⁽¹⁾	0	0	0
Multifamily Residential ⁽¹⁾	0	0	0
Mobile Home ⁽¹⁾	0	0	0
Non-Residential ⁽²⁾	19866	3,990	23,856
Lodging ⁽³⁾	0	0	0
(1) Dwelling units			
(2) Square feet			
(3) Per Room			

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2016-17	1	Single Family	Parks & Recreation	7/13/2016	\$3,627	\$3,627	\$0.00	
	2	Single Family	Parks & Recreation	7/27/2016	3,627	3,627	0.00	
	3	Single Family	Parks & Recreation	8/2/2016	3,627	3,627	0.00	
	4	Single Family	Parks & Recreation	8/9/2016	3,627	3,627	0.00	
	5	Single Family	Parks & Recreation	8/24/2016	3,627	3,627	0.00	
	6	Single Family	Parks & Recreation	9/13/2016	3,627	3,627	0.00	
	7	Single Family	Parks & Recreation	10/27/2016	3,627	3,627	0.00	
	8	Single Family	Parks & Recreation	12/21/2016	3,627	3,627	0.00	
	9	Single Family	Parks & Recreation	1/26/2017	3,627	3,627	0.00	
	10	Single Family	Parks & Recreation	2/7/2017	3,627	3,627	0.00	
	11	Single Family	Parks & Recreation	2/21/2017	3,627	3,627	0.00	
	12	Single Family	Parks & Recreation	3/7/2017	3,627	3,627	0.00	
	13	Single Family	Parks & Recreation	3/13/2017	3,627	3,627	0.00	

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2016-17	1	Single Family	Law Enforcement	7/13/2016	\$511	\$511	\$0.00	
	2	Single Family	Law Enforcement	7/27/2016	511	511	0.00	
	3	Single Family	Law Enforcement	8/2/2016	511	511	0.00	
	4	Single Family	Law Enforcement	8/9/2016	511	511	0.00	
	5	Single Family	Law Enforcement	8/24/2016	511	511	0.00	
	6	Single Family	Law Enforcement	9/13/2016	511	511	0.00	
	7	Single Family	Law Enforcement	10/27/2016	511	511	0.00	
	8	Single Family	Law Enforcement	12/21/2016	511	511	0.00	
	9	Single Family	Law Enforcement	1/26/2017	511	511	0.00	
	10	Single Family	Law Enforcement	2/7/2017	511	511	0.00	
	11	Single Family	Law Enforcement	2/21/2017	511	511	0.00	
	12	Single Family	Law Enforcement	3/7/2017	511	511	0.00	
	13	Single Family	Law Enforcement	3/13/2017	511	511	0.00	

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2016-17	1	Single Family	Transportation	7/13/2016	\$1,216	\$1,216	\$0.00	
	2	Single Family	Transportation	7/27/2016	1,216	1,216	0.00	
	3	Single Family	Transportation	8/2/2016	1,216	1,216	0.00	
	4	Single Family	Transportation	8/9/2016	1,216	1,216	0.00	
	5	Single Family	Transportation	8/24/2016	1,216	1,216	0.00	
	6	Single Family	Transportation	9/13/2016	1,216	1,216	0.00	
	7	Single Family	Transportation	10/27/2016	1,216	1,216	0.00	
	8	Single Family	Transportation	12/21/2016	1,216	1,216	0.00	
	9	Single Family	Transportation	1/26/2017	1,216	1,216	0.00	
	10	Single Family	Transportation	2/7/2017	1,216	1,216	0.00	
	11	Single Family	Transportation	2/21/2017	1,216	1,216	0.00	
	12	Single Family	Transportation	3/7/2017	1,216	1,216	0.00	
	13	Single Family	Transportation	3/13/2017	1,216	1,216	0.00	

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2016-17	1	Medium Density	Coffee Pot Wash	7/13/2016	\$1,026	\$1,026	\$0.00	
	2	Medium Density	Dry Creek Wash	7/27/2016	53	53	0.00	
	3	Medium Density	Coffee Pot Wash	8/2/2016	1,026	1,026	0.00	
	4	Medium Density	Coffee Pot Wash	8/9/2016	1,026	1,026	0.00	
	5	Medium Density	Soldier Pass Wash	10/27/2016	1,243	1,243	0.00	
	6	Medium Density	Soldier Pass Wash	1/26/2017	1,243	1,243	0.00	
	7	Medium Density	Coffee Pot Wash	2/7/2017	1,026	1,026	0.00	
	8	Low Density	Soldier Pass Wash	3/7/2017	1,989	1,989	0.00	
	9	Medium Density	Dry Creek Wash	3/13/2017	53	53	0.00	

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	Multifamily	Parks & Recreation	8/20/2018	\$42,068	\$42,068	\$0.00	13 units
	2	Multifamily	Parks & Recreation	8/20/2018	51,776	51,776	0.00	16 units
	3	Multifamily	Parks & Recreation	8/20/2018	51,776	51,776	0.00	16 units

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	Multifamily	General Government	8/20/2018	\$2,249	\$2,249	\$0.00	13 units
	2	Multifamily	General Government	8/20/2018	2,768	2,768	0.00	16 units
	3	Multifamily	General Government	8/20/2018	2,768	2,768	0.00	16 units

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	Multifamily	Law Enforcement	8/20/2018	\$6,058	\$6,058	\$0.00	13 units
	2	Multifamily	Law Enforcement	8/20/2018	7,456	7,456	0.00	16 units
	3	Multifamily	Law Enforcement	8/20/2018	7,456	7,456	0.00	16 units

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	Multifamily	Transportation	8/20/2018	\$12,402	\$12,402	\$0.00	13 units
	2	Multifamily	Transportation	8/20/2018	15,264	15,264	0.00	16 units
	3	Multifamily	Transportation	8/20/2018	15,264	15,264	0.00	16 units

Residential								
	Sample No.	Development Type	Fee Category	Receipt Date	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	High Density Residential	Dry Creek Wash	4/19/2018	\$27	\$27	\$0.00	
	2	High Density Residential	Dry Creek Wash	4/19/2018	27	27	0.00	
	3	High Density Residential	Dry Creek Wash	4/19/2018	27	27	0.00	

Non-Residential								
	Sample No.	Development Type	Fee Category	Square Feet	Assessed Fee	Adopted Fee	Difference	Notes
FY 2016-17	1	Lodging	General Government	n/a	\$2,178	\$2,178	\$0.00	121 rooms
	2	Commercial	General Government	12,913	1,033	1,033	0.00	

Non-Residential								
	Sample No.	Development Type	Fee Category	Square Feet	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	Office	General Government	1,595	\$223	\$223	\$0.00	
	2	Commercial	General Government	4,899	391	391	0.00	
	3	Commercial	General Government	2,388	191	191	0.00	

Non-Residential								
	Sample No.	Development Type	Fee Category	Square Feet	Assessed Fee	Adopted Fee	Difference	Notes
FY 2016-17	1	Lodging	Law Enforcement	n/a	\$15,367	\$15,367	\$0.00	121 rooms
	2	Commercial	Law Enforcement	12,913	8,135	8,135	0.00	

Non-Residential								
	Sample No.	Development Type	Fee Category	Square Feet	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	Office	Law Enforcement	1,595	\$399	\$399	\$0.25	
	2	Commercial	Law Enforcement	4,889	3,080	3,080	0.00	
	3	Commercial	Law Enforcement	2,388	1,504	1,504	0.00	

Non-Residential								
	Sample No.	Development Type	Fee Category	Square Feet	Assessed Fee	Adopted Fee	Difference	Notes
FY 2016-17	1	Lodging	Transportation	n/a	\$70,180	\$70,180	\$0.00	121 rooms
	2	Commercial	Transportation	12,913	34,349	34,349	0.00	

Non-Residential								
	Sample No.	Development Type	Fee Category	Square Feet	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	Office	Transportation	1,595	\$1,834	\$1,834	\$0.00	
	2	Commercial	Transportation	4,889	13,005	13,005	0.00	
	3	Commercial	Transportation	2,388	6,352	6,352	0.00	

Non-Residential								
	Sample No.	Development Type	Fee Category	Square Feet	Assessed Fee	Adopted Fee	Difference	Notes
FY 2016-17	1	Lodging	Parks and Recreation	n/a	\$281,809	\$281,809	\$0.00	121 rooms
	2	Non-Residential	Coffee Pot Wash	14,823	1,927	1,927	0.00	

Non-Residential								
	Sample No.	Development Type	Fee Category	Square Feet	Assessed Fee	Adopted Fee	Difference	Notes
FY 2017-18	1	Non-Residential	Dry Creek Wash	1,595	\$3	\$3	\$0.00	
	2	Non-Residential	Dry Creek Wash	4,899	49	49	0.00	
	3	Non-Residential	Coffee Pot Wash	2,388	284	284	0.00	



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