

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 326
SENATE BILL 1306

AN ACT

AMENDING SECTION 11-1102, ARIZONA REVISED STATUTES; RELATING TO COUNTY
DEVELOPMENT FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-1102, Arizona Revised Statutes, is amended to
3 read:

4 11-1102. County development fees; imposition by counties;
5 infrastructure improvements plan; advisory
6 committee; annual report; limitation on actions;
7 definitions

8 A. ~~If a county has adopted a capital improvements plan, the~~ A county
9 may assess development fees ~~within the covered planning area in order~~ to
10 offset ~~the capital~~ costs ~~for water, sewer, streets, parks and public safety~~
11 ~~facilities determined by the plan to be necessary for public services~~
12 ~~provided by the county to a development in the planning area.~~ TO THE COUNTY
13 ASSOCIATED WITH PROVIDING NECESSARY PUBLIC SERVICES TO A DEVELOPMENT,
14 INCLUDING THE COSTS OF INFRASTRUCTURE, IMPROVEMENTS, REAL PROPERTY,
15 ENGINEERING AND ARCHITECTURAL SERVICES, FINANCING AND PROFESSIONAL SERVICES
16 REQUIRED FOR THE PREPARATION OR REVISION OF A DEVELOPMENT FEE PURSUANT TO
17 THIS SECTION, INCLUDING THE RELEVANT PORTION OF THE INFRASTRUCTURE
18 IMPROVEMENTS PLAN.

19 B. Development fees assessed under this section are subject to the
20 following requirements:

21 1. Development fees shall result in a beneficial use to the
22 development.

23 2. THE COUNTY SHALL CALCULATE THE DEVELOPMENT FEE BASED ON THE
24 INFRASTRUCTURE IMPROVEMENTS PLAN ADOPTED PURSUANT TO THIS SECTION.

25 3. THE DEVELOPMENT FEES MAY NOT EXCEED A PROPORTIONATE SHARE OF THE
26 COST OF NECESSARY PUBLIC SERVICES, BASED ON SERVICE UNITS, NEEDED TO PROVIDE
27 NECESSARY PUBLIC SERVICES TO THE DEVELOPMENT.

28 4. COSTS FOR NECESSARY PUBLIC SERVICES MADE NECESSARY BY NEW
29 DEVELOPMENT SHALL BE BASED ON THE SAME LEVEL OF SERVICE PROVIDED TO EXISTING
30 DEVELOPMENT IN THE SERVICE AREA AT THE TIME THE INFRASTRUCTURE IMPROVEMENTS
31 PLAN IS ADOPTED.

32 5. DEVELOPMENT FEES MAY NOT BE USED FOR ANY OF THE FOLLOWING:

33 (a) FUNDING A LEVEL OF SERVICE THAT IS HIGHER THAN THE CURRENT LEVEL
34 OF SERVICE PROVIDED TO EXISTING DEVELOPMENT AT THE TIME THE INFRASTRUCTURE
35 IMPROVEMENTS PLAN IS ADOPTED.

36 (b) CONSTRUCTION, ACQUISITION OR EXPANSION OF PUBLIC FACILITIES OR
37 ASSETS OTHER THAN NECESSARY PUBLIC SERVICES OR FACILITY EXPANSIONS IDENTIFIED
38 IN THE INFRASTRUCTURE IMPROVEMENTS PLAN.

39 (c) REPAIR, OPERATION OR MAINTENANCE OF EXISTING OR NEW NECESSARY
40 PUBLIC SERVICES OR FACILITY EXPANSIONS.

41 (d) UPGRADING, UPDATING, EXPANDING, CORRECTING OR REPLACING EXISTING
42 NECESSARY PUBLIC SERVICES TO SERVE EXISTING DEVELOPMENT IN ORDER TO MEET
43 STRICTER SAFETY, EFFICIENCY, ENVIRONMENTAL OR REGULATORY STANDARDS.

44 (e) UPGRADING, UPDATING, EXPANDING, CORRECTING OR REPLACING EXISTING
45 NECESSARY PUBLIC SERVICES TO PROVIDE A HIGHER LEVEL OF SERVICE TO EXISTING
46 DEVELOPMENT.

1 (f) ADMINISTRATIVE, MAINTENANCE OR OPERATING COSTS OF THE COUNTY.
2 6. ANY DEVELOPMENT FOR WHICH DEVELOPMENT FEES HAVE BEEN PAID IS
3 ENTITLED TO THE USE AND BENEFIT OF THE SERVICES FOR WHICH THE DEVELOPMENT
4 FEES WERE IMPOSED AND IS ENTITLED TO RECEIVE IMMEDIATE SERVICE FROM ANY
5 EXISTING FACILITY WITH AVAILABLE CAPACITY TO SERVE THE NEW SERVICE UNITS IF
6 THE AVAILABLE CAPACITY HAS NOT BEEN RESERVED OR PLEDGED IN CONNECTION WITH
7 THE CONSTRUCTION OR FINANCING OF THE FACILITY.
8 7. DEVELOPMENT FEES MAY BE COLLECTED IF ANY OF THE FOLLOWING OCCURS:
9 (a) THE COLLECTION IS MADE TO PAY FOR A NECESSARY PUBLIC SERVICE OR
10 FACILITY EXPANSION THAT IS IDENTIFIED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN
11 AND THE COUNTY PLANS TO COMPLETE CONSTRUCTION AND HAVE THE SERVICE AVAILABLE
12 WITHIN THE TIME PERIOD ESTABLISHED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN,
13 BUT NOT LONGER THAN THE TIME PERIOD PROVIDED IN SUBSECTION J, PARAGRAPH 3 OF
14 THIS SECTION.
15 (b) THE COUNTY RESERVES CAPACITY IN THE INFRASTRUCTURE IMPROVEMENTS
16 PLAN ADOPTED PURSUANT TO THIS SECTION OR OTHERWISE AGREES TO RESERVE CAPACITY
17 TO SERVE FUTURE DEVELOPMENT.
18 (c) THE COUNTY REQUIRES OR AGREES TO ALLOW THE OWNER OF A DEVELOPMENT
19 TO CONSTRUCT OR FINANCE THE NECESSARY PUBLIC SERVICE OR FACILITY EXPANSION
20 AND ANY OF THE FOLLOWING APPLIES:
21 (i) THE COSTS INCURRED OR MONIES ADVANCED ARE CREDITED AGAINST OR
22 REIMBURSED FROM THE DEVELOPMENT FEES OTHERWISE DUE FROM A DEVELOPMENT. THE
23 AMOUNT OF CREDITS ISSUED SHALL EQUAL THE COSTS IDENTIFIED BY THE COUNTY IN
24 THE INFRASTRUCTURE IMPROVEMENTS PLAN ASSOCIATED WITH THE CONSTRUCTION OF THE
25 NECESSARY PUBLIC SERVICES OR FACILITY EXPANSIONS. THE COUNTY SHALL ALLOW THE
26 OWNER TO ASSIGN THE CREDITS FROM THE DEVELOPMENT FEES OTHERWISE DUE FROM A
27 DEVELOPMENT AND ANY EXCESS CREDITS TO OTHER DEVELOPMENTS FOR THE SAME
28 CATEGORY OF NECESSARY PUBLIC SERVICES IN THE SAME SERVICE AREA.
29 (ii) THE COUNTY REIMBURSES THE OWNER FOR THOSE COSTS FROM THE
30 DEVELOPMENT FEES PAID FROM ALL DEVELOPMENTS THAT WILL USE THOSE NECESSARY
31 PUBLIC SERVICES OR FACILITY EXPANSIONS. THE COUNTY SHALL ALLOW THE OWNER TO
32 ASSIGN THE REIMBURSEMENT RIGHTS TO OTHER DEVELOPMENTS FOR THE SAME CATEGORY
33 OF NECESSARY PUBLIC SERVICES IN THE SAME SERVICE AREA.
34 8. PROJECTED INTEREST CHARGES AND OTHER FINANCE COSTS MAY BE INCLUDED
35 IN DETERMINING THE AMOUNT OF DEVELOPMENT FEES ONLY IF THE MONIES ARE USED FOR
36 THE PAYMENT OF PRINCIPAL AND INTEREST ON THE PORTION OF THE BONDS, NOTES OR
37 OTHER OBLIGATIONS ISSUED TO FINANCE CONSTRUCTION OF NECESSARY PUBLIC SERVICES
38 OR FACILITY EXPANSIONS IDENTIFIED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN.
39 ~~2-~~ 9. Monies received from development fees shall be placed in a
40 separate fund and accounted for separately and may only be used for the
41 purposes authorized by this section. MONIES RECEIVED FROM DEVELOPMENT FEES
42 IDENTIFIED IN AN INFRASTRUCTURE IMPROVEMENTS PLAN ADOPTED OR UPDATED PURSUANT
43 TO SUBSECTION E OF THIS SECTION SHALL BE USED TO PROVIDE THE SAME CATEGORY OF
44 NECESSARY PUBLIC SERVICES OR FACILITIES EXPANSIONS FOR WHICH THE DEVELOPMENT
45 FEE WAS ASSESSED AND FOR THE BENEFIT OF THE SAME SERVICE AREA AS DEFINED IN
46 THE INFRASTRUCTURE IMPROVEMENTS PLAN IN WHICH THE DEVELOPMENT FEES WERE

1 ASSESSED. Interest earned on monies in the separate fund shall be credited to
2 the fund.

3 ~~3-~~ 10. The county shall prescribe the schedule for paying the
4 development fees. BASED ON THE COSTS IDENTIFIED IN THE INFRASTRUCTURE
5 IMPROVEMENTS PLAN, the county shall provide a credit toward the payment of
6 the fee DEVELOPMENT FEES for the required OR AGREED TO dedication of public
7 sites, and improvements AND OTHER NECESSARY PUBLIC SERVICES OR FACILITY
8 EXPANSIONS INCLUDED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN AND FOR WHICH
9 DEVELOPMENT FEES ARE ASSESSED, TO THE EXTENT THE PUBLIC SITES, IMPROVEMENTS
10 AND NECESSARY PUBLIC SERVICES OR FACILITY EXPANSIONS ARE provided by the
11 developer ~~for which that fee is assessed~~. ON REQUEST OF THE DEVELOPER,
12 INSTEAD OF PROVIDING A CREDIT TOWARD THE PAYMENT OF DEVELOPMENT FEES, THE
13 COUNTY SHALL PROVIDE FOR REIMBURSEMENT FROM THE DEVELOPMENT FEES PAID FROM
14 ALL DEVELOPMENT THAT WILL USE THOSE PUBLIC SITES, IMPROVEMENTS OR NECESSARY
15 PUBLIC SERVICES OR FACILITY EXPANSIONS OF THE ACTUAL COSTS OF THE REQUIRED OR
16 AGREED TO DEDICATION OF PUBLIC SITES, IMPROVEMENTS OR OTHER NECESSARY PUBLIC
17 SERVICES OR FACILITY EXPANSIONS INCLUDED IN THE INFRASTRUCTURE IMPROVEMENTS
18 PLAN AND FOR WHICH DEVELOPMENT FEES ARE ASSESSED, TO THE EXTENT THE PUBLIC
19 SITES, IMPROVEMENTS AND NECESSARY PUBLIC SERVICES OR FACILITY EXPANSIONS ARE
20 PROVIDED BY THE DEVELOPER. The developer of residential dwelling units shall
21 be required to pay the fees when construction permits for the dwelling units
22 are issued, OR AT A LATER TIME IF SPECIFIED IN THE DEVELOPMENT AGREEMENT
23 PURSUANT TO SECTION 11-1101. IF A DEVELOPMENT AGREEMENT PROVIDES FOR
24 DEVELOPMENT FEES TO BE PAID AT A TIME LATER THAN THE ISSUANCE OF CONSTRUCTION
25 PERMITS, THE DEFERRED DEVELOPMENT FEES SHALL BE PAID NOT LATER THAN FIFTEEN
26 DAYS AFTER THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. THE DEVELOPMENT
27 AGREEMENT SHALL PROVIDE FOR THE VALUE OF ANY DEFERRED DEVELOPMENT FEES TO BE
28 SUPPORTED BY AN APPROPRIATE SECURITY, INCLUDING A SURETY BOND, LETTER OF
29 CREDIT OR CASH BOND.

30 ~~4. The amount of any development fees must bear a reasonable~~
31 ~~relationship to the burden of capital costs imposed on the county to provide~~
32 ~~additional necessary public services to the development. In determining the~~
33 ~~extent of the burden imposed by the development, the county shall consider,~~
34 ~~among other things, the contribution made or to be made in the future in cash~~
35 ~~by taxes, fees or assessments by the property owner toward the capital costs~~
36 ~~of the necessary public service covered by the development fee.~~

37 11. IF A COUNTY REQUIRES AS A CONDITION OF DEVELOPMENT APPROVAL THE
38 CONSTRUCTION OR IMPROVEMENT OF, CONTRIBUTIONS TO OR DEDICATION OF ANY
39 FACILITIES THAT WERE NOT INCLUDED IN A PREVIOUSLY ADOPTED INFRASTRUCTURE
40 IMPROVEMENTS PLAN, THE COUNTY SHALL CAUSE THE INFRASTRUCTURE IMPROVEMENTS
41 PLAN TO BE AMENDED TO INCLUDE THE FACILITIES AND SHALL PROVIDE A CREDIT
42 TOWARD THE PAYMENT OF DEVELOPMENT FEES FOR THE CONSTRUCTION, IMPROVEMENT,
43 CONTRIBUTION OR DEDICATION OF THE FACILITIES TO THE EXTENT THAT THE
44 FACILITIES WILL SUBSTITUTE FOR OR OTHERWISE REDUCE THE NEED FOR OTHER SIMILAR
45 FACILITIES IN THE INFRASTRUCTURE IMPROVEMENTS PLAN FOR WHICH DEVELOPMENT FEES
46 WERE ASSESSED. IF A COUNTY REQUIRES AS A CONDITION OF DEVELOPMENT APPROVAL

1 THE SET ASIDE OF ACTIVE OR PASSIVE OPEN SPACE, THE COUNTY SHALL ISSUE A
2 CREDIT TOWARD ANY DEVELOPMENT FEES IDENTIFIED IN THE INFRASTRUCTURE
3 IMPROVEMENTS PLAN TO FUND ANY PARK FACILITIES OR FACILITY EXPANSION. ON
4 REQUEST OF THE INDIVIDUAL OR ENTITY SEEKING DEVELOPMENT APPROVAL, INSTEAD OF
5 ISSUING A CREDIT TOWARD THE PAYMENT OF DEVELOPMENT FEES, THE COUNTY SHALL
6 PROVIDE FOR REIMBURSEMENT FROM THE DEVELOPMENT FEES PAID FROM ALL DEVELOPMENT
7 THAT WILL USE THOSE FACILITIES OR FACILITY EXPANSIONS OF THE ACTUAL COSTS OF
8 THE CONSTRUCTION OR IMPROVEMENT OF, CONTRIBUTIONS TO OR DEDICATION OF THE
9 PUBLIC FACILITIES REQUIRED AS A CONDITION OF DEVELOPMENT APPROVAL.

10 12. THE COUNTY SHALL FORECAST THE CONTRIBUTION TO BE MADE IN THE
11 FUTURE IN CASH, TAXES, FEES, ASSESSMENTS AND ALL OTHER SOURCES OF REVENUE
12 DERIVED FROM THE PROPERTY OWNER TOWARDS THE CAPITAL COSTS OF THE NECESSARY
13 PUBLIC SERVICE COVERED BY THE DEVELOPMENT FEES.

14 ~~5-~~ 13. IF development fees ~~shall be~~ ARE assessed ~~in a~~
15 ~~nondiscriminatory manner~~ AGAINST RESIDENTIAL DEVELOPMENT, THE COUNTY SHALL
16 ALSO ASSESS DEVELOPMENT FEES AGAINST COMMERCIAL AND INDUSTRIAL DEVELOPMENT.
17 THE COUNTY MAY DISTINGUISH BETWEEN DIFFERENT CATEGORIES OF RESIDENTIAL,
18 COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN ASSESSING THE COSTS TO THE COUNTY OF
19 PROVIDING NECESSARY PUBLIC SERVICES TO NEW DEVELOPMENT AND IN DETERMINING THE
20 AMOUNT OF THE DEVELOPMENT FEES APPLICABLE TO THE CATEGORY, EXCEPT THAT THE
21 COUNTY MAY NOT DISTINGUISH RESIDENTIAL DEVELOPMENTS ON THE BASIS OF THE SIZE
22 OF THE DWELLING UNIT OR NUMBER OF BEDROOMS. IF A COUNTY AGREES TO WAIVE ANY
23 OF THE DEVELOPMENT FEES ASSESSED ON A DEVELOPMENT, THE COUNTY SHALL REIMBURSE
24 THE APPROPRIATE DEVELOPMENT FEES ACCOUNTS FOR THE AMOUNT THAT WAS
25 WAIVED. THE COUNTY SHALL PROVIDE NOTICE OF ANY SUCH WAIVER TO THE ADVISORY
26 COMMITTEE ESTABLISHED PURSUANT TO SUBSECTION I OF THIS SECTION.

27 ~~6-~~ 14. In determining and assessing ~~a~~ development ~~fee~~ FEES applying
28 to land in a community facilities district established under title 48,
29 chapter 4, article 6, the county shall take into account all public
30 infrastructure provided by the district and capital costs paid by the
31 district for necessary public services and shall not assess a portion of the
32 development ~~fee~~ FEES based on the infrastructure or costs.

33 ~~7-~~ 15. The county shall not assess or collect development fees from a
34 school district or charter school, other than fees assessed or collected for
35 streets and water and ~~sewer~~ WASTEWATER utility functions.

36 C. Before assessing ~~or increasing a~~ development ~~fee~~ FEES, the county
37 shall:

38 1. Give at least ~~one hundred twenty~~ THIRTY days' advance notice of
39 intention to assess ~~a~~ new or increased development ~~fee~~ FEES.

40 2. Release to the public ~~AND POST ON THE COUNTY'S WEBSITE~~ a written
41 report ~~including all documentation that supports the assessment of a new or~~
42 ~~increased development fee~~ OF THE LAND USE ASSUMPTIONS AND INFRASTRUCTURE
43 IMPROVEMENTS PLAN ADOPTED PURSUANT TO SUBSECTION E OF THIS SECTION.

44 3. Conduct a public hearing on the proposed ~~new or increased~~
45 development ~~fee~~ FEES at any time after the expiration of the ~~one hundred~~
46 ~~twenty day~~ THIRTY-DAY notice of intention to assess ~~a new or increased~~

1 development ~~fee~~ FEES and at least ~~fourteen~~ THIRTY days before the scheduled
2 date of adoption of the ~~new or increased fee~~ DEVELOPMENT FEES. WITHIN SIXTY
3 DAYS AFTER THE DATE OF THE PUBLIC HEARING ON THE PROPOSED DEVELOPMENT FEES,
4 THE COUNTY SHALL APPROVE OR DISAPPROVE THE IMPOSITION OF THE DEVELOPMENT
5 FEES. A COUNTY MAY NOT ADOPT AN ORDINANCE, ORDER OR RESOLUTION APPROVING
6 DEVELOPMENT FEES AS AN EMERGENCY MEASURE.

7 D. ~~A~~ Development ~~fee~~ FEES assessed pursuant to this section ~~is~~ ARE
8 not effective for at least ninety days after ~~its~~ formal adoption by the board
9 of supervisors.

10 E. BEFORE THE ADOPTION OR AMENDMENT OF DEVELOPMENT FEES OR AMENDMENT
11 OF THE BOUNDARIES OF A SERVICE AREA, THE BOARD OF SUPERVISORS SHALL ADOPT OR
12 UPDATE THE LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN FOR THE
13 DESIGNATED SERVICE AREA. THE COUNTY SHALL CONDUCT A PUBLIC HEARING ON THE
14 LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN AT LEAST THIRTY
15 DAYS BEFORE THE ADOPTION OR UPDATE OF THE INFRASTRUCTURE IMPROVEMENTS PLAN.
16 THE COUNTY SHALL RELEASE THE INFRASTRUCTURE IMPROVEMENTS PLAN TO THE PUBLIC,
17 POST THE INFRASTRUCTURE IMPROVEMENTS PLAN ON THE COUNTY'S WEBSITE, INCLUDING
18 IN THE POSTING THE LAND USE ASSUMPTIONS, THE TIME PERIOD OF THE PROJECTIONS,
19 A DESCRIPTION OF THE NECESSARY PUBLIC SERVICES INCLUDED IN THE INFRASTRUCTURE
20 IMPROVEMENTS PLAN AND A MAP OF THE SERVICE AREA TO WHICH THE LAND USE
21 ASSUMPTIONS APPLY, MAKE AVAILABLE TO THE PUBLIC THE DOCUMENTS USED TO PREPARE
22 THE LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN AND PROVIDE
23 PUBLIC NOTICE AT LEAST SIXTY DAYS BEFORE THE PUBLIC HEARING, SUBJECT TO THE
24 FOLLOWING:

25 1. THE LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN SHALL
26 BE APPROVED OR DISAPPROVED WITHIN SIXTY DAYS AFTER THE PUBLIC HEARING ON THE
27 LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN AND AT LEAST THIRTY
28 DAYS BEFORE THE PUBLIC HEARING ON THE REPORT REQUIRED BY SUBSECTION C OF THIS
29 SECTION. A COUNTY MAY NOT ADOPT AN ORDINANCE, ORDER OR RESOLUTION APPROVING
30 THE LAND USE ASSUMPTIONS OR INFRASTRUCTURE IMPROVEMENTS PLAN AS AN EMERGENCY
31 MEASURE.

32 2. AN INFRASTRUCTURE IMPROVEMENTS PLAN SHALL BE DEVELOPED BY QUALIFIED
33 PROFESSIONALS USING GENERALLY ACCEPTED ENGINEERING AND PLANNING PRACTICES
34 PURSUANT TO SUBSECTION F OF THIS SECTION.

35 3. A COUNTY SHALL UPDATE THE LAND USE ASSUMPTIONS AND INFRASTRUCTURE
36 IMPROVEMENTS PLAN AT LEAST EVERY FIVE YEARS. THE INITIAL FIVE-YEAR PERIOD
37 BEGINS ON THE DAY THE INFRASTRUCTURE IMPROVEMENTS PLAN IS ADOPTED. THE
38 COUNTY SHALL REVIEW AND EVALUATE THE CURRENT LAND USE ASSUMPTIONS AND SHALL
39 CAUSE AN UPDATE OF THE INFRASTRUCTURE IMPROVEMENTS PLAN TO BE PREPARED
40 PURSUANT TO THIS SECTION.

41 4. WITHIN SIXTY DAYS AFTER COMPLETION OF THE UPDATED LAND USE
42 ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN, THE COUNTY SHALL SCHEDULE
43 AND PROVIDE NOTICE OF A PUBLIC HEARING TO DISCUSS AND REVIEW THE UPDATE AND
44 SHALL DETERMINE WHETHER TO AMEND THE LAND USE ASSUMPTIONS AND INFRASTRUCTURE
45 IMPROVEMENTS PLAN.

46 5. A COUNTY SHALL HOLD A PUBLIC HEARING TO DISCUSS THE PROPOSED

1 AMENDMENTS TO THE LAND USE ASSUMPTIONS, THE INFRASTRUCTURE IMPROVEMENTS PLAN
2 OR THE DEVELOPMENT FEES. THE LAND USE ASSUMPTIONS AND THE INFRASTRUCTURE
3 IMPROVEMENTS PLAN, INCLUDING THE AMOUNT OF ANY PROPOSED CHANGES TO THE
4 DEVELOPMENT FEES PER SERVICE UNIT, SHALL BE MADE AVAILABLE TO THE PUBLIC ON
5 OR BEFORE THE DATE OF THE FIRST PUBLICATION OF THE NOTICE OF THE HEARING ON
6 THE AMENDMENTS.

7 6. THE HEARING PROCEDURES PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION
8 APPLY TO A HEARING ON THE AMENDMENT OF LAND USE ASSUMPTIONS, AN
9 INFRASTRUCTURE IMPROVEMENTS PLAN OR DEVELOPMENT FEES. WITHIN SIXTY DAYS
10 AFTER THE DATE OF THE PUBLIC HEARING ON THE AMENDMENTS, A COUNTY SHALL
11 APPROVE OR DISAPPROVE THE AMENDMENTS TO THE LAND USE ASSUMPTIONS,
12 INFRASTRUCTURE IMPROVEMENTS PLAN OR DEVELOPMENT FEES. A COUNTY MAY NOT ADOPT
13 AN ORDINANCE, ORDER OR RESOLUTION APPROVING THE AMENDED LAND USE ASSUMPTIONS,
14 INFRASTRUCTURE IMPROVEMENTS PLAN OR DEVELOPMENT FEES AS AN EMERGENCY MEASURE.

15 7. THE ADVISORY COMMITTEE ESTABLISHED UNDER SUBSECTION I OF THIS
16 SECTION SHALL FILE ITS WRITTEN COMMENTS ON ANY PROPOSED OR UPDATED LAND USE
17 ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN AND DEVELOPMENT FEES BEFORE THE
18 FIFTH BUSINESS DAY BEFORE THE DATE OF THE PUBLIC HEARING ON THE PROPOSED OR
19 UPDATED LAND USE ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN AND
20 DEVELOPMENT FEES.

21 8. IF, AT THE TIME AN UPDATE AS PRESCRIBED IN PARAGRAPH 3 OF THIS
22 SUBSECTION IS REQUIRED, THE COUNTY DETERMINES THAT NO CHANGES TO THE LAND USE
23 ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN OR DEVELOPMENT FEES ARE NEEDED,
24 THE COUNTY, AS AN ALTERNATIVE TO THE UPDATING REQUIREMENTS OF THIS
25 SUBSECTION, MAY PUBLISH NOTICE OF THE DETERMINATION ON THE COUNTY'S WEBSITE
26 THAT INCLUDES THE FOLLOWING:

27 (a) A STATEMENT THAT THE COUNTY HAS DETERMINED THAT NO CHANGE TO THE
28 LAND USE ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN OR DEVELOPMENT FEES IS
29 NECESSARY.

30 (b) A DESCRIPTION AND MAP OF THE SERVICE AREA IN WHICH AN UPDATE HAS
31 BEEN DETERMINED TO BE UNNECESSARY.

32 (c) A STATEMENT THAT BY A SPECIFIED DATE, WHICH SHALL BE AT LEAST
33 SIXTY DAYS AFTER THE DATE OF PUBLICATION OF THE FIRST NOTICE, A PERSON MAY
34 REQUEST TO THE COUNTY IN WRITING THAT THE COUNTY UPDATE THE LAND USE
35 ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN OR DEVELOPMENT FEES.

36 (d) A STATEMENT IDENTIFYING THE PERSON OR ENTITY TO WHOM THE WRITTEN
37 REQUEST FOR AN UPDATE SHOULD BE SENT.

38 9. IF, BY THE DATE SPECIFIED PURSUANT TO PARAGRAPH 8 OF THIS
39 SUBSECTION, A PERSON REQUESTS IN WRITING THAT THE COUNTY UPDATE THE LAND USE
40 ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN OR DEVELOPMENT FEES, THE COUNTY
41 SHALL CAUSE, ACCEPT OR REJECT AN UPDATE OF THE LAND USE ASSUMPTIONS,
42 INFRASTRUCTURE IMPROVEMENTS PLAN OR DEVELOPMENT FEES TO BE PREPARED PURSUANT
43 TO THIS SECTION.

44 10. NOTWITHSTANDING THE NOTICE AND HEARING REQUIREMENTS FOR ADOPTION
45 OF AN INFRASTRUCTURE IMPROVEMENTS PLAN, THE COUNTY MAY AMEND AN
46 INFRASTRUCTURE IMPROVEMENTS PLAN WITHOUT A PUBLIC HEARING IF THE AMENDMENT

1 ADDRESSES ONLY ELEMENTS OF NECESSARY PUBLIC SERVICES IN THE EXISTING
2 INFRASTRUCTURE IMPROVEMENTS PLAN AND THE CHANGES TO THE PLAN WILL NOT,
3 INDIVIDUALLY OR CUMULATIVELY WITH OTHER AMENDMENTS ADOPTED PURSUANT TO THIS
4 SUBSECTION, INCREASE THE LEVEL OF SERVICE IN THE SERVICE AREA OR CAUSE AN
5 INCREASE IN DEVELOPMENT FEES THAT IS GREATER THAN FIVE PERCENT WHEN NEW OR
6 MODIFIED DEVELOPMENT FEES ARE ASSESSED PURSUANT TO THIS SECTION. THE COUNTY
7 SHALL PROVIDE NOTICE OF THE AMENDMENT AT LEAST THIRTY DAYS BEFORE ADOPTION,
8 SHALL POST THE AMENDMENT ON THE COUNTY'S WEBSITE AND SHALL PROVIDE NOTICE TO
9 THE ADVISORY COMMITTEE ESTABLISHED PURSUANT TO SUBSECTION I OF THIS SECTION
10 THAT THE AMENDMENT COMPLIES WITH THIS SUBSECTION.

11 F. FOR EACH NECESSARY PUBLIC SERVICE THAT IS THE SUBJECT OF
12 DEVELOPMENT FEES, THE INFRASTRUCTURE IMPROVEMENTS PLAN SHALL INCLUDE:

13 1. A DESCRIPTION OF THE EXISTING NECESSARY PUBLIC SERVICES IN THE
14 SERVICE AREA AND THE COSTS TO UPGRADE, UPDATE, IMPROVE, EXPAND, CORRECT OR
15 REPLACE THOSE NECESSARY PUBLIC SERVICES TO MEET EXISTING NEEDS AND USAGE AND
16 STRICTER SAFETY, EFFICIENCY, ENVIRONMENTAL OR REGULATORY STANDARDS. THE
17 DESCRIPTION SHALL BE PREPARED BY QUALIFIED PROFESSIONALS WHO ARE LICENSED IN
18 THIS STATE, AS APPLICABLE.

19 2. AN ANALYSIS OF THE TOTAL CAPACITY, THE LEVEL OF CURRENT USAGE AND
20 COMMITMENTS FOR USAGE OF CAPACITY OF THE EXISTING NECESSARY PUBLIC SERVICES.
21 THE ANALYSIS SHALL BE PREPARED BY QUALIFIED PROFESSIONALS WHO ARE LICENSED IN
22 THIS STATE, AS APPLICABLE.

23 3. A DESCRIPTION OF ALL OR THE PARTS OF THE NECESSARY PUBLIC SERVICES
24 OR FACILITY EXPANSIONS AND THEIR COSTS NECESSITATED BY AND ATTRIBUTABLE TO
25 NEW DEVELOPMENT IN THE SERVICE AREA BASED ON THE APPROVED LAND USE
26 ASSUMPTIONS, INCLUDING A FORECAST OF THE COST OF INFRASTRUCTURE,
27 IMPROVEMENTS, REAL PROPERTY, FINANCING, ENGINEERING AND ARCHITECTURAL
28 SERVICES. THE DESCRIPTION SHALL BE PREPARED BY QUALIFIED PROFESSIONALS WHO
29 ARE LICENSED IN THIS STATE, AS APPLICABLE.

30 4. A TABLE THAT ESTABLISHES THE SPECIFIC LEVEL OR QUANTITY OF USE,
31 CONSUMPTION, GENERATION OR DISCHARGE OF A SERVICE UNIT FOR EACH CATEGORY OF
32 NECESSARY PUBLIC SERVICES OR FACILITY EXPANSIONS AND AN EQUIVALENCY OR
33 CONVERSION TABLE THAT ESTABLISHES THE RATIO OF A SERVICE UNIT TO VARIOUS
34 TYPES OF LAND USES, INCLUDING RESIDENTIAL, COMMERCIAL AND INDUSTRIAL.

35 5. A DESCRIPTION OF ALL THE COSTS NECESSITATED BY ONGOING MAINTENANCE
36 AND OPERATIONS OF THE NECESSARY PUBLIC SERVICES ONCE CONSTRUCTION IS
37 COMPLETED AND A DESCRIPTION OF THE SOURCE OF REVENUE TO BE USED TO FUND THE
38 MAINTENANCE AND OPERATIONS.

39 6. THE TOTAL NUMBER OF PROJECTED SERVICE UNITS NECESSITATED BY AND
40 ATTRIBUTABLE TO NEW DEVELOPMENT IN THE SERVICE AREA BASED ON THE APPROVED
41 LAND USE ASSUMPTIONS AND CALCULATED PURSUANT TO GENERALLY ACCEPTED
42 ENGINEERING AND PLANNING CRITERIA.

43 7. THE PROJECTED DEMAND FOR NECESSARY PUBLIC SERVICES OR FACILITY
44 EXPANSIONS REQUIRED BY NEW SERVICE UNITS FOR A PERIOD OF NOT MORE THAN TEN
45 YEARS.

46 8. A FORECAST OF REVENUES GENERATED BY NEW SERVICE UNITS OTHER THAN

1 DEVELOPMENT FEES, INCLUDING ESTIMATED STATE SHARED REVENUE, HIGHWAY USER
2 REVENUE, FEDERAL REVENUE, AD VALOREM PROPERTY TAXES, CONSTRUCTION CONTRACTING
3 OR SIMILAR EXCISE TAXES AND THE CAPITAL RECOVERY PORTION OF UTILITY FEES
4 ATTRIBUTABLE TO DEVELOPMENT BASED ON THE APPROVED LAND USE ASSUMPTIONS, AND A
5 PLAN TO INCLUDE THESE CONTRIBUTIONS IN DETERMINING THE EXTENT OF THE BURDEN
6 IMPOSED BY THE DEVELOPMENT AS REQUIRED IN SUBSECTION B, PARAGRAPH 12 OF THIS
7 SECTION.

8 G. A COUNTY'S INFRASTRUCTURE IMPROVEMENTS PLAN MAY IDENTIFY NECESSARY
9 PUBLIC SERVICES OR FACILITY EXPANSIONS THAT THE COUNTY PLANS TO CONSTRUCT
10 BEYOND THE TIME PERIOD PROVIDED FOR IN SUBSECTION J, PARAGRAPH 3 OF THIS
11 SECTION BUT MAY NOT INCLUDE THE COSTS OF THOSE NECESSARY PUBLIC SERVICES OR
12 FACILITY EXPANSIONS IN THE CALCULATION OF DEVELOPMENT FEES.

13 H. A COUNTY'S DEVELOPMENT FEES ORDINANCE SHALL PROVIDE:

14 1. THAT NEW DEVELOPMENT FEES OR AN INCREASED PORTION OF MODIFIED
15 DEVELOPMENT FEES MAY NOT BE ASSESSED AGAINST A DEVELOPMENT FOR TWENTY-FOUR
16 MONTHS AFTER THE DATE THAT THE COUNTY ISSUES THE FINAL APPROVAL FOR A
17 COMMERCIAL, INDUSTRIAL OR MULTIFAMILY DEVELOPMENT OR THE DATE THAT THE FIRST
18 BUILDING PERMIT IS ISSUED FOR A RESIDENTIAL DEVELOPMENT PURSUANT TO AN
19 APPROVED SITE PLAN OR SUBDIVISION PLAT, ONLY IF SUBSEQUENT CHANGES ARE NOT
20 MADE TO THE APPROVED SITE PLAN OR SUBDIVISION PLAT THAT WOULD INCREASE THE
21 NUMBER OF SERVICE UNITS. IF THE NUMBER OF SERVICE UNITS INCREASES, THE NEW
22 OR INCREASED PORTION OF MODIFIED DEVELOPMENT FEES SHALL BE LIMITED TO THE
23 AMOUNT ATTRIBUTABLE TO THE ADDITIONAL SERVICE UNITS. THE PERIOD IS NOT
24 EXTENDED BY A RENEWAL OR AMENDMENT OF THE SITE PLAN OR THE FINAL SUBDIVISION
25 PLAT THAT WAS THE SUBJECT OF THE FINAL APPROVAL. THE COUNTY SHALL ISSUE, ON
26 REQUEST, A WRITTEN STATEMENT OF THE DEVELOPMENT FEES SCHEDULE APPLICABLE TO
27 THE DEVELOPMENT. IF, AFTER THE DATE OF THE COUNTY'S FINAL APPROVAL OF A
28 DEVELOPMENT, THE COUNTY REDUCES THE DEVELOPMENT FEES ASSESSED ON DEVELOPMENT,
29 THE REDUCED FEES SHALL APPLY TO THE DEVELOPMENT.

30 2. A PROCESS FOR A DEVELOPMENT TO REQUEST AN ALTERNATIVE DEVELOPMENT
31 FEE CALCULATION OR CHANGE IN CATEGORY OF DEVELOPMENT THAT APPEARS ON AN
32 ADOPTED DEVELOPMENT FEE SCHEDULE BASED ON A PROJECTION THAT THE ACTUAL
33 BURDENS AND COSTS ASSOCIATED WITH THE COUNTY'S PROVISION OF NECESSARY PUBLIC
34 SERVICES OR FACILITY EXPANSIONS TO THE DEVELOPMENT THAT ARE TO BE PAID BY
35 DEVELOPMENT FEES WILL DIFFER SUBSTANTIALLY FROM THOSE COSTS PROJECTED BY THE
36 COUNTY OR WILL BE SUBSTANTIALLY LESS THAN THE AMOUNT PROJECTED TO BE PAID BY
37 DEVELOPMENT FEES. THE COUNTY MANAGER OR THE COUNTY MANAGER'S DESIGNEE SHALL
38 REVIEW THE REQUEST AND MAKE A DETERMINATION AS TO THE DEVELOPMENT FEE TO BE
39 ASSESSED. THE ASSESSED DEVELOPMENT FEE SHALL HAVE A SUBSTANTIAL NEXUS TO THE
40 ACTUAL BURDENS AND COSTS ASSOCIATED WITH PROVIDING THE NECESSARY PUBLIC
41 SERVICES OR FACILITY EXPANSIONS TO THAT DEVELOPMENT THAT ARE TO BE FUNDED BY
42 DEVELOPMENT FEES. THE DETERMINATION OF THE COUNTY MANAGER IS APPEALABLE TO
43 THE BOARD OF SUPERVISORS.

44 I. A COUNTY SHALL DO ONE OF THE FOLLOWING:

45 1. BEFORE THE ADOPTION OF THE PROPOSED OR UPDATED LAND USE
46 ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN AND DEVELOPMENT FEES AS

1 PRESCRIBED IN SUBSECTION E OF THIS SECTION, APPOINT AN INFRASTRUCTURE
2 IMPROVEMENTS ADVISORY COMMITTEE, SUBJECT TO THE FOLLOWING REQUIREMENTS:

3 (a) THE ADVISORY COMMITTEE SHALL BE COMPOSED OF AT LEAST FIVE MEMBERS
4 WHO ARE APPOINTED BY THE BOARD OF SUPERVISORS. AT LEAST FIFTY PERCENT OF THE
5 MEMBERS OF THE ADVISORY COMMITTEE MUST BE REPRESENTATIVES OF THE REAL ESTATE,
6 DEVELOPMENT OR BUILDING INDUSTRIES, OF WHICH AT LEAST ONE MEMBER OF THE
7 COMMITTEE MUST BE FROM THE HOME BUILDING INDUSTRY. MEMBERS MAY NOT BE
8 EMPLOYEES OR OFFICIALS OF THE COUNTY.

9 (b) THE ADVISORY COMMITTEE SHALL SERVE IN AN ADVISORY CAPACITY AND
10 SHALL:

11 (i) ADVISE THE COUNTY IN ADOPTING LAND USE ASSUMPTIONS AND IN
12 DETERMINING WHETHER THE ASSUMPTIONS ARE IN CONFORMANCE WITH THE GENERAL PLAN
13 OF THE COUNTY.

14 (ii) REVIEW THE INFRASTRUCTURE IMPROVEMENTS PLAN AND FILE WRITTEN
15 COMMENTS.

16 (iii) MONITOR AND EVALUATE IMPLEMENTATION OF THE INFRASTRUCTURE
17 IMPROVEMENTS PLAN.

18 (iv) EVERY YEAR FILE REPORTS WITH RESPECT TO THE PROGRESS OF THE
19 INFRASTRUCTURE IMPROVEMENTS PLAN AND THE COLLECTION AND EXPENDITURES OF
20 DEVELOPMENT FEES AND REPORT TO THE COUNTY ANY PERCEIVED INEQUITIES IN
21 IMPLEMENTING THE INFRASTRUCTURE IMPROVEMENTS PLAN OR ASSESSING THE
22 DEVELOPMENT FEES.

23 (v) ADVISE THE COUNTY OF THE NEED TO UPDATE OR REVISE THE LAND USE
24 ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN AND DEVELOPMENT FEES.

25 (c) THE COUNTY SHALL MAKE AVAILABLE TO THE ADVISORY COMMITTEE ANY
26 PROFESSIONAL REPORTS WITH RESPECT TO DEVELOPING AND IMPLEMENTING THE
27 INFRASTRUCTURE IMPROVEMENTS PLAN.

28 (d) THE COUNTY SHALL ADOPT PROCEDURAL RULES FOR THE ADVISORY COMMITTEE
29 TO FOLLOW IN CARRYING OUT THE ADVISORY COMMITTEE'S DUTIES.

30 2. PROVIDE FOR A BIENNIAL CERTIFIED AUDIT OF THE COUNTY'S LAND USE
31 ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENTS PLAN AND DEVELOPMENT FEES. AN AUDIT
32 PURSUANT TO THIS PARAGRAPH SHALL BE CONDUCTED BY ONE OR MORE QUALIFIED
33 PROFESSIONALS WHO ARE NOT EMPLOYEES OR OFFICIALS OF THE COUNTY AND WHO DID
34 NOT PREPARE THE INFRASTRUCTURE IMPROVEMENTS PLAN. THE AUDIT SHALL REVIEW THE
35 PROGRESS OF THE INFRASTRUCTURE IMPROVEMENTS PLAN, INCLUDING THE COLLECTION
36 AND EXPENDITURES OF DEVELOPMENT FEES FOR EACH PROJECT IN THE INFRASTRUCTURE
37 IMPROVEMENTS PLAN, AND EVALUATE ANY INEQUITIES IN IMPLEMENTING THE
38 INFRASTRUCTURE IMPROVEMENTS PLAN OR IMPOSING THE DEVELOPMENT FEES. THE
39 COUNTY SHALL POST THE FINDINGS OF THE AUDIT ON THE COUNTY'S WEBSITE AND SHALL
40 CONDUCT A PUBLIC HEARING ON THE AUDIT WITHIN SIXTY DAYS AFTER THE RELEASE OF
41 THE AUDIT TO THE PUBLIC.

42 J. ON WRITTEN REQUEST, AN OWNER OF REAL PROPERTY FOR WHICH DEVELOPMENT
43 FEES HAVE BEEN PAID AFTER DECEMBER 31, 2020 IS ENTITLED TO A REFUND OF THE
44 DEVELOPMENT FEES OR ANY PART OF THE DEVELOPMENT FEES IF:

45 1. PURSUANT TO SUBSECTION B, PARAGRAPH 6 OF THIS SECTION, EXISTING
46 FACILITIES ARE AVAILABLE AND SERVICE IS NOT PROVIDED.

1 2. THE COUNTY, AFTER COLLECTING THE FEES TO CONSTRUCT A FACILITY WHEN
2 SERVICE IS NOT AVAILABLE, HAS FAILED TO COMPLETE CONSTRUCTION WITHIN THE TIME
3 PERIOD IDENTIFIED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN, BUT IN NO EVENT
4 LATER THAN THE TIME PERIOD SPECIFIED IN PARAGRAPH 3 OF THIS SUBSECTION.

5 3. FOR DEVELOPMENT FEES OTHER THAN DEVELOPMENT FEES FOR WATER OR
6 WASTEWATER FACILITIES, ANY PART OF THE DEVELOPMENT FEES IS NOT SPENT AS
7 AUTHORIZED BY THIS SECTION WITHIN TEN YEARS AFTER THE FEES HAVE BEEN PAID OR,
8 FOR DEVELOPMENT FEES FOR WATER OR WASTEWATER FACILITIES, ANY PART OF THE
9 DEVELOPMENT FEES IS NOT SPENT AS AUTHORIZED BY THIS SECTION WITHIN FIFTEEN
10 YEARS AFTER THE DEVELOPMENT FEES HAVE BEEN PAID.

11 K. IF THE DEVELOPMENT FEES WERE COLLECTED FOR THE CONSTRUCTION OF ALL
12 OR A PORTION OF A SPECIFIC ITEM OF INFRASTRUCTURE, AND ON COMPLETION OF THE
13 INFRASTRUCTURE THE COUNTY DETERMINES THAT THE ACTUAL COST OF CONSTRUCTION WAS
14 LESS THAN THE FORECASTED COST OF CONSTRUCTION ON WHICH THE DEVELOPMENT FEES
15 WERE BASED AND THE DIFFERENCE BETWEEN THE ACTUAL AND ESTIMATED COST IS
16 GREATER THAN TEN PERCENT, THE CURRENT OWNER MAY RECEIVE A REFUND OF THE
17 PORTION OF THE DEVELOPMENT FEES EQUAL TO THE DIFFERENCE BETWEEN THE
18 DEVELOPMENT FEES PAID AND THE DEVELOPMENT FEES THAT WOULD HAVE BEEN DUE IF
19 THE DEVELOPMENT FEES HAD BEEN CALCULATED AT THE ACTUAL CONSTRUCTION COST.

20 L. A REFUND SHALL INCLUDE ANY INTEREST EARNED BY THE COUNTY FROM THE
21 DATE OF COLLECTION TO THE DATE OF REFUND ON THE AMOUNT OF THE REFUNDED FEES.
22 ALL REFUNDS SHALL BE PAID TO THE OWNER OF RECORD OF THE PROPERTY AT THE TIME
23 THE REFUND IS PAID. IF THE DEVELOPMENT FEES ARE PAID BY A GOVERNMENTAL
24 ENTITY, THE REFUND SHALL BE PAID TO THE GOVERNMENTAL ENTITY.

25 M. DEVELOPMENT FEES THAT WERE ADOPTED BEFORE JANUARY 1, 2017 MAY
26 CONTINUE TO BE ASSESSED ONLY TO THE EXTENT THAT THE DEVELOPMENT FEES WILL BE
27 USED TO PROVIDE A NECESSARY PUBLIC SERVICE FOR WHICH DEVELOPMENT FEES CAN BE
28 ASSESSED PURSUANT TO THIS SECTION AND SHALL BE REPLACED BY DEVELOPMENT FEES
29 IMPOSED UNDER THIS SECTION ON OR BEFORE JANUARY 1, 2021. ANY COUNTY HAVING
30 DEVELOPMENT FEES THAT HAVE NOT BEEN REPLACED UNDER THIS SECTION ON OR BEFORE
31 JANUARY 1, 2021 MAY NOT COLLECT DEVELOPMENT FEES UNTIL THE DEVELOPMENT FEES
32 HAVE BEEN REPLACED WITH FEES THAT COMPLY WITH THIS SECTION. DEVELOPMENT FEES
33 ADOPTED OR AMENDED BY A COUNTY AFTER JANUARY 1, 2017 SHALL COMPLY WITH THIS
34 SECTION. ANY DEVELOPMENT FEES MONIES COLLECTED BEFORE JANUARY 1, 2017
35 REMAINING IN A DEVELOPMENT FEES ACCOUNT:

36 1. SHALL BE USED TOWARDS THE SAME CATEGORY OF NECESSARY PUBLIC
37 SERVICES AS AUTHORIZED BY THIS SECTION.

38 2. AND COLLECTED FOR A PURPOSE NOT AUTHORIZED BY THIS SECTION SHALL BE
39 USED FOR THE PURPOSE FOR WHICH THE DEVELOPMENT FEES WERE COLLECTED ON OR
40 BEFORE JANUARY 1, 2024, AND AFTER WHICH, IF NOT SPENT, SHALL BE DISTRIBUTED
41 EQUALLY AMONG THE CATEGORIES OF NECESSARY PUBLIC SERVICES AUTHORIZED BY THIS
42 SECTION.

43 N. A MORATORIUM MAY NOT BE PLACED ON DEVELOPMENT FOR THE SOLE PURPOSE
44 OF AWAITING COMPLETION OF ALL OR ANY PART OF THE PROCESS NECESSARY TO
45 DEVELOP, ADOPT OR UPDATE DEVELOPMENT FEES.

46 O. IN ANY JUDICIAL ACTION INTERPRETING THIS SECTION ALL POWERS

1 CONFERRED ON A COUNTY BY THIS SECTION SHALL BE NARROWLY CONSTRUED TO ENSURE
2 THAT DEVELOPMENT FEES ARE NOT USED TO IMPOSE ON NEW RESIDENTS A BURDEN ALL
3 TAXPAYERS OF A COUNTY SHOULD BEAR EQUALLY.

4 ~~E.~~ P. Each county that assesses development fees shall submit an
5 annual report accounting for the collection and use of the fees FOR EACH
6 SERVICE AREA. The annual report shall include the following:

7 1. The amount assessed by the county for each type of development fee.
8 2. The balance of each fund maintained for each type of development
9 fee assessed as of the beginning and end of the fiscal year.

10 3. The amount of interest or other earnings on the monies in each fund
11 as of the end of the fiscal year.

12 4. The amount of development fee monies used to repay:

13 (a) Bonds issued by the county to pay the cost of a ~~capital~~
14 ~~improvement project~~ NECESSARY PUBLIC SERVICE that is the subject of a
15 development ~~fee~~ FEES assessment, INCLUDING THE AMOUNT NEEDED TO REPAY THE
16 DEBT SERVICE OBLIGATIONS ON EACH FACILITY FOR WHICH DEVELOPMENT FEES HAVE
17 BEEN IDENTIFIED AS THE SOURCE OF FUNDING AND THE TIME FRAMES IN WHICH THE
18 DEBT SERVICE WILL BE REPAID.

19 (b) Monies advanced by the county from funds other than the funds
20 established for development fees in order to pay the cost of a ~~capital~~
21 ~~improvement project~~ NECESSARY PUBLIC SERVICE that is the subject of a
22 development ~~fee~~ FEES assessment, THE TOTAL AMOUNT ADVANCED BY THE COUNTY FOR
23 EACH FACILITY, THE SOURCE OF THE MONIES ADVANCED AND THE TERMS UNDER WHICH
24 THE MONIES WILL BE REPAID TO THE COUNTY.

25 5. The amount of development ~~fee~~ FEES monies spent on each ~~capital~~
26 ~~improvement project~~ NECESSARY PUBLIC SERVICE OR FACILITY EXPANSION that is
27 the subject of a development ~~fee~~ FEES assessment and the physical location of
28 each capital improvement project.

29 6. The amount of development ~~fee~~ FEES monies spent for each purpose
30 other than a ~~capital improvement project~~ NECESSARY PUBLIC SERVICE OR FACILITY
31 EXPANSION that is the subject of a development ~~fee~~ FEES assessment.

32 ~~F.~~ Q. Within ninety days following the end of each fiscal year, each
33 county shall submit a copy of the annual report to the clerk of the board of
34 supervisors AND POST THE ANNUAL REPORT ON THE COUNTY'S WEBSITE. Copies shall
35 be made available to the public on request. The annual report may contain
36 financial information that has not been audited.

37 ~~G.~~ R. A county that fails to file the report AND POST THE ANNUAL
38 REPORT ON THE COUNTY'S WEBSITE AS required by this section shall not collect
39 development fees until the report is filed AND POSTED.

40 ~~H. This section does not affect any development fee adopted before~~
41 ~~May 18, 2000.~~

42 S. ANY ACTION TO COLLECT DEVELOPMENT FEES SHALL BE COMMENCED WITHIN
43 TWO YEARS AFTER THE OBLIGATION TO PAY THE DEVELOPMENT FEES ACCRUES.

44 T. A COUNTY MAY CONTINUE TO ASSESS DEVELOPMENT FEES ADOPTED BEFORE
45 JANUARY 1, 2017 FOR ANY FACILITY THAT WAS FINANCED BEFORE JUNE 1, 2016 IF:

46 1. DEVELOPMENT FEES WERE PLEDGED TO REPAY DEBT SERVICE OBLIGATIONS

1 RELATED TO THE CONSTRUCTION OF THE FACILITY.

2 2. AFTER JANUARY 1, 2018, ANY DEVELOPMENT FEES COLLECTED UNDER THIS
3 SUBSECTION ARE USED SOLELY FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE
4 PORTION OF THE BONDS, NOTES OR OTHER DEBT SERVICE OBLIGATIONS ISSUED BEFORE
5 JUNE 1, 2016 TO FINANCE CONSTRUCTION OF THE FACILITY.

6 U. THROUGH JANUARY 1, 2018, DEVELOPMENT FEES ADOPTED BEFORE JANUARY 1,
7 2017 MAY BE USED TO FINANCE CONSTRUCTION OF A FACILITY AND MAY BE PLEDGED TO
8 REPAY DEBT SERVICE OBLIGATIONS IF:

9 1. THE FACILITY THAT IS BEING FINANCED IS A FACILITY THAT IS DESCRIBED
10 UNDER SUBSECTION V, PARAGRAPH 7, SUBDIVISION (a), (b), (c), (d) OR (e) OF
11 THIS SECTION.

12 2. THE FACILITY WAS INCLUDED IN AN INFRASTRUCTURE IMPROVEMENTS PLAN
13 ADOPTED BEFORE JUNE 1, 2016.

14 3. THE DEVELOPMENT FEES ARE USED FOR THE PAYMENT OF PRINCIPAL AND
15 INTEREST ON THE PORTION OF THE BONDS, NOTES OR OTHER DEBT SERVICE OBLIGATIONS
16 ISSUED TO FINANCE CONSTRUCTION OF THE NECESSARY PUBLIC SERVICES OR FACILITY
17 EXPANSIONS IDENTIFIED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN.

18 V. FOR THE PURPOSES OF THIS SECTION:

19 1. "DEDICATION" MEANS THE ACTUAL CONVEYANCE DATE OR THE DATE AN
20 IMPROVEMENT, FACILITY OR REAL OR PERSONAL PROPERTY IS PLACED INTO SERVICE,
21 WHICHEVER OCCURS FIRST.

22 2. "DEVELOPMENT" MEANS:

23 (a) THE SUBDIVISION OF LAND.

24 (b) THE CONSTRUCTION, RECONSTRUCTION, CONVERSION, STRUCTURAL
25 ALTERATION, RELOCATION OR ENLARGEMENT OF ANY STRUCTURE THAT ADDS OR INCREASES
26 THE NUMBER OF SERVICE UNITS.

27 (c) ANY USE OR EXTENSION OF THE USE OF LAND THAT INCREASES THE NUMBER
28 OF SERVICE UNITS.

29 3. "FACILITY EXPANSION" MEANS THE EXPANSION OF THE CAPACITY OF AN
30 EXISTING FACILITY THAT SERVES THE SAME FUNCTION AS AN OTHERWISE NEW NECESSARY
31 PUBLIC SERVICE IN ORDER THAT THE EXISTING FACILITY MAY SERVE NEW DEVELOPMENT.
32 FACILITY EXPANSION DOES NOT INCLUDE THE REPAIR, MAINTENANCE, MODERNIZATION OR
33 EXPANSION OF AN EXISTING FACILITY TO BETTER SERVE EXISTING DEVELOPMENT.

34 4. "FINAL APPROVAL" MEANS, FOR NONRESIDENTIAL OR MULTIFAMILY
35 DEVELOPMENT, THE APPROVAL OF A SITE PLAN OR, IF NO SITE PLAN IS SUBMITTED FOR
36 THE DEVELOPMENT, THE APPROVAL OF A FINAL SUBDIVISION PLAT.

37 5. "INFRASTRUCTURE IMPROVEMENTS PLAN" MEANS A WRITTEN PLAN THAT
38 IDENTIFIES EACH NECESSARY PUBLIC SERVICE OR FACILITY EXPANSION THAT IS
39 PROPOSED TO BE THE SUBJECT OF DEVELOPMENT FEES AND OTHERWISE COMPLIES WITH
40 THE REQUIREMENTS OF THIS SECTION AND MAY BE THE COUNTY'S CAPITAL IMPROVEMENTS
41 PLAN.

42 6. "LAND USE ASSUMPTIONS" MEANS PROJECTIONS OF CHANGES IN LAND USES,
43 DENSITIES, INTENSITIES AND POPULATION FOR A SPECIFIED SERVICE AREA OVER A
44 PERIOD OF AT LEAST TEN YEARS AND PURSUANT TO THE GENERAL PLAN OF THE COUNTY.

45 7. "NECESSARY PUBLIC SERVICE" MEANS ANY OF THE FOLLOWING FACILITIES
46 THAT HAVE A LIFE EXPECTANCY OF THREE OR MORE YEARS AND THAT ARE OWNED AND

1 OPERATED BY OR ON BEHALF OF THE COUNTY:

2 (a) WATER FACILITIES, INCLUDING THE SUPPLY, TRANSPORTATION, TREATMENT,
3 PURIFICATION AND DISTRIBUTION OF WATER, AND ANY APPURTENANCES FOR THOSE
4 FACILITIES.

5 (b) WASTEWATER FACILITIES, INCLUDING COLLECTION, INTERCEPTION,
6 TRANSPORTATION, TREATMENT AND DISPOSAL OF WASTEWATER, AND ANY APPURTENANCES
7 FOR THOSE FACILITIES.

8 (c) STREET FACILITIES LOCATED IN THE SERVICE AREA, INCLUDING ARTERIAL
9 OR COLLECTOR STREETS OR ROADS THAT HAVE BEEN DESIGNATED ON AN OFFICIALLY
10 ADOPTED PLAN OF THE COUNTY, TRAFFIC SIGNALS AND RIGHTS-OF-WAY AND
11 IMPROVEMENTS THEREON. IMPROVEMENTS TO RIGHTS-OF-WAY DO NOT INCLUDE
12 STREETCARS, RAILWAYS OR OTHER FORMS OF TRANSPORTATION AND THEIR CORRESPONDING
13 TRACKS.

14 (d) PUBLIC SAFETY FACILITIES, INCLUDING ALL APPURTENANCES, EQUIPMENT
15 AND VEHICLES. PUBLIC SAFETY FACILITIES DO NOT INCLUDE A FACILITY OR PORTION
16 OF A FACILITY THAT IS USED TO REPLACE SERVICES THAT WERE ONCE PROVIDED
17 ELSEWHERE IN THE COUNTY, VEHICLES AND EQUIPMENT USED TO PROVIDE
18 ADMINISTRATIVE SERVICES, HELICOPTERS OR AIRPLANES, PARAMILITARY VEHICLES,
19 COURT AND JUDICIAL FACILITIES, FACILITIES THAT ARE USED FOR TRAINING
20 FIREFIGHTERS OR OFFICERS FROM MORE THAN ONE STATION OR SUBSTATION OR JAIL,
21 CORRECTIONAL OR DETENTION FACILITIES.

22 (e) NEIGHBORHOOD PARKS AND RECREATIONAL FACILITIES ON REAL PROPERTY UP
23 TO THIRTY ACRES IN AREA, OR PARKS AND RECREATIONAL FACILITIES LARGER THAN
24 THIRTY ACRES IF THE FACILITIES PROVIDE A DIRECT BENEFIT TO THE DEVELOPMENT.
25 PARKS AND RECREATIONAL FACILITIES DO NOT INCLUDE VEHICLES, EQUIPMENT OF THAT
26 PORTION OF ANY FACILITY THAT IS USED FOR AMUSEMENT PARKS, AQUARIUMS, AQUATIC
27 CENTERS, AUDITORIUMS, ARENAS, ARTS AND CULTURAL FACILITIES, BANDSTAND AND
28 ORCHESTRA FACILITIES, BATHHOUSES, BOATHOUSES, CLUBHOUSES, COMMUNITY CENTERS
29 GREATER THAN THREE THOUSAND SQUARE FEET IN FLOOR AREA, ENVIRONMENTAL
30 EDUCATION CENTERS, EQUESTRIAN FACILITIES, TRAILS, GOLF COURSE FACILITIES,
31 GREENHOUSES, LAKES, MUSEUMS, THEME PARKS, WATER RECLAMATION OR RIPARIAN
32 AREAS, WETLANDS, ZOO FACILITIES OR SIMILAR RECREATIONAL FACILITIES, BUT MAY
33 INCLUDE SWIMMING POOLS AND EQUIPMENT OR IMPROVEMENTS CONSTITUTING ACCESSORY
34 OR INCIDENTAL AMENITIES TO A PARK OR RECREATIONAL FACILITY ALLOWED UNDER THIS
35 SECTION.

36 (f) ANY FACILITY THAT WAS FINANCED AND THAT MEETS ALL OF THE
37 REQUIREMENTS PRESCRIBED IN SUBSECTION T OF THIS SECTION.

38 8. "QUALIFIED PROFESSIONAL" MEANS A PROFESSIONAL ENGINEER, SURVEYOR,
39 FINANCIAL ANALYST OR PLANNER PROVIDING SERVICES WITHIN THE SCOPE OF THE
40 PERSON'S LICENSE, EDUCATION OR EXPERIENCE.

41 9. "SERVICE AREA" MEANS ANY SPECIFIED AREA WITHIN THE BOUNDARIES OF A
42 COUNTY IN WHICH DEVELOPMENT WILL BE SERVED BY NECESSARY PUBLIC SERVICES OR
43 FACILITY EXPANSIONS AND WITHIN WHICH A SUBSTANTIAL NEXUS EXISTS BETWEEN THE
44 NECESSARY PUBLIC SERVICES OR FACILITY EXPANSIONS AND THE DEVELOPMENT BEING
45 SERVED AS PRESCRIBED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN.

46 10. "SERVICE UNIT" MEANS A STANDARDIZED MEASURE OF CONSUMPTION, USE,

1 GENERATION OR DISCHARGE ATTRIBUTABLE TO AN INDIVIDUAL UNIT OF DEVELOPMENT
2 CALCULATED USING DATA SPECIFIC TO THE SERVICE AREA IN WHICH THE FACILITY WILL
3 BE LOCATED AND PURSUANT TO GENERALLY ACCEPTED ENGINEERING OR PLANNING
4 STANDARDS FOR A PARTICULAR CATEGORY OF NECESSARY PUBLIC SERVICES OR FACILITY
5 EXPANSIONS.

APPROVED BY THE GOVERNOR MAY 18, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 18, 2016.