



Maricopa County

Planning & Development Department

Department Directive

Department Directive:
DD-2013-24

Effective: Immediately
10/01/2013

Initiator: Matt Holm

Director: *Debra Stark*

Purpose: To clarify the practices and procedures for collecting so-called "quality of life" assessments and fees associated with new development.

References: N/A

Policy/Procedure:

It is a common and necessary practice for the Board of Supervisors to put conditions of approval on requests for changes to the county's comprehensive /area plans, and for re-entitlement requests such as special use permits and zoning district changes. In the past several years the Board of Supervisors placed a condition on some of these requests that require monetary contributions to the Parks and Recreation Department, Department of Transportation, Sheriff's Office and Library District for so-called "quality of life" improvements. While these are not impact fees, in certain instances these contributions were also formally recognized in development agreements between the county and property owners. Although these contributions were originally intended to offset the impacts of new development on county services, legal counsel has advised that collection of such fees is most likely unlawful. Therefore, effective with the date listed above these fees will no longer be collected **unless** they are included as part of a contractual development agreement.

It is imperative to determine whether such fees are included in a recorded development agreement – in which case the fees will continue to be collected – or whether they are exclusive to a condition of approval, in which case collection is prohibited. Since this action is being implemented by Maricopa County any condition of approval involving such fees is considered fulfilled and no further action or obligation on the part of the applicable property owner with respect to this issue is required.