

Public Hearing: October 3, 2005

F A C T S H E E T

TITLE: Resolution for Impact Fee Appeal with Robert A Hoffman, IFW05039.

SPONSOR:

OTHER DEPARTMENTS AFFECTED:

OPPONENTS: Public Works & Utilities

APPLICANT: Robert A. Hoffman, 4315 Colfax Avenue, Lincoln, Nebraska 68504

STAFF RECOMMENDATION: Denial

REASON FOR LEGISLATION: Impact Fee Appeal

D I S C U S S I O N

- (1) The City and Appellant have agreed that the property located at 3805 North 44th has never had City water service, but has had sewer service since 1960. (Public Works and Utilities Business Office Records.)
- (2) Appellant is installing a new water service utilizing a 3/4 inch water meter, and no user fees for water have ever been received from the property located at 3805 North 44th. (Water and sewer information provided by the City of Lincoln Public Works and Utilities Business Office.)
- (3) The Impact Fee Administrator calculated the Water System and Water Distribution Impact Fee for a 3/4" water meter using the Lincoln Municipal Code 27.82.050 impact fee schedules adopted by resolution of the City Council, and implemented June 2, 2003.
- (4) The Water System and Distribution infrastructure is supported totally by user fees. These fees are deposited into an enterprise fund and not co-mingled with any other funds.. No general funds or property taxes are used to subsidize the water system and/or distribution infrastructure costs.
- (5) Appellant purchased this property July 27, 2005. Previous to Mr. Hoffman's ownership, the property was under an exemption status and has paid no real estate taxes to Lancaster County in the several years. (Property information provided by the Lancaster County Treasurer and Assessor's offices.)

Lincoln Municipal Code §27.82.050(c)(1) provides in pertinent part that "the Impact Fee Administrator shall determine the amount of each required impact fee through the use of impact fee schedules adopted by the City Council." and "Lincoln Municipal Code §27.82.050(c)(4) "if a person is applying for a permit to allow a change of use or meter size or for the expansion, redevelopment, or modification of an existing development, the fee shall be based on the net increase in the fee for the new use or meter size as compared to the previous use."

With respect to this appeal, the Impact Fee in dispute is the definition of imposition of the impact fees:

The Impact Fee Ordinance specifically bases the imposition of impact fees upon a determination of whether there has been an increase in usage. For example under § 27.82.060(b)(1) "...exemption shall not apply to modification, or change to the approved development to allow a change of use, or an increase in meter size that increases the impact on the impact fee facility in question. In such case, the fee shall be based on the net increase in the fee for the meter size for residential use."

POLICY OR PROGRAM CHANGE: No

FACT SHEET PREPARED BY:

Asst. Public Works/Utilities Business Manager

REVIEWED BY:

Director of Public Works/Utilities