

ORDINANCE NO. \_\_\_ NS

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE BORKEY AREA SPECIFIC PLAN  
TO UP-DATE THE SCHEDULE OF SPECIFIC PLAN FEES  
AND RELATED TEXT OF THE SPECIFIC PLAN DOCUMENT  
(APPLICANT - CITY INITIATED)  
SPECIFIC PLAN AMENDMENT 98-001

WHEREAS, the Land Use Element of the City's General Plan establishes the need for preparation of Specific Plans for certain geographic areas of the City, including but not limited to areas north of Highway 46 East and east of North River Road; and

WHEREAS, pursuant to Ordinance 588 N. S., the Borkey Area Specific Plan (BASP) text, plan diagram, and fee schedule were established on January 8, 1990 for the areas north of Highway 46 East and east of North River Road; and

WHEREAS, pursuant to Ordinance 941 N. S., the BASP text was amended to make provisions for the North County Campus of Cuesta College on an approximately 82-acre parcel within the BASP; and

WHEREAS, in consideration of the changes brought about by development of the North County Campus of Cuesta College and the installation of certain public improvements that were anticipated by the BASP (including but not limited to the Airport Sewer Main and Traffic Signalization at the intersection of Golden Hill and Highway 46 East), the City Council has directed that an Amendment to the BASP be initiated to up-date the Fee Schedule and related document text; and

WHEREAS, the Planning Commission conducted a noticed public hearing on November 10, 1998, to consider making a recommendation with regards to the proposed amendments to the Borkey Area Specific Plan and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. In accordance with the California Environmental Quality Act, considered a proposed Negative Declaration of Environmental Impact, and made a recommendation that the City Council approve a Resolution adopting said document; and
- d. Recommended that the City Council approved an Ordinance and Resolutions amending the Borkey Area Specific Plan to up-date the Fee Schedule and related document text; and

WHEREAS, at its meetings of November 17 and December 15, 1998, the City Council held public hearings on these subjects, and on December 15, 1998 the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff reports prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance and Resolutions;
- c. Based on the scope and nature of the proposed change to the Borkey Area Specific Plan and the accompanying Fee Schedule, found that the proposed Negative Declaration of Environmental Impact Report was adequate in terms of its description of the project and anticipated environmental impacts and approved the Negative Declaration as being in accordance with the California Environmental Quality Act; and
- d. Considered the Commission's recommendation from the Planning Commission's November 10, 1998 public meeting; and
- e. Introduced said ordinance for first reading, and

WHEREAS, on January 5, 1999 the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

The Borkey Area Specific Plan text, diagram, and fee schedule is amended to read as presented in Exhibit "A" attached hereto.

**Section 1. Publication.** The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

**Section 2. Effective Date.** This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

**Section 3. Inconsistency.** To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinance, motions, resolutions, rules and regulations are hereby repealed.

**Section 4. Severability.** If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on December 15, 1998, and passed and adopted by the City Council of El Paso de Robles on the 5th day of January, 1999, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
, MAYOR  
City of El Paso de Robles

ATTEST:

\_\_\_\_\_  
MADELYN PAASCH, CITY CLERK

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## EXHIBIT A

Consistent with the provisions of applicable State law and local policies, affected residents and property owners can finance higher levels of maintenance, by agreement with the City, through assessing themselves additional funds to finance required services. In this manner, area interests can be allowed some discretion over actual maintenance and operation levels serving their homes and properties.

The ongoing operating and maintenance costs associated with public streets, traffic signage and signals, and water, wastewater and storm drainage facilities serving the plan area would be included within the normal operations and funding processes of the City and financed out of general tax and service fee revenues.

### Estimated Public Improvements Costs

Public improvements required to support development of the plan area include major facilities for storm drainage collection and disposal, water supply and distribution, wastewater collection and disposal, and traffic handling. As previously referenced in this plan document, engineering and technical studies have been completed which have identified the scope and nature of the improvements this plan prescribes for each of these public services. Included in these special studies was analysis of, and the preparation of estimates for, the likely costs associated with the construction of these improvements. Additional analysis was undertaken to allocate these estimated costs fairly and equitably among the various anticipated developments provided for by this plan, to enable compliance with and carry out the City of Paso Robles' policy that new development must pay for itself without unreasonable burden to the rest of the community. Reference is made to the technical appendices to this plan for further details on plan-related cost estimates.

Based upon engineers' estimates, Table 5-1 summarizes the total costs, in 1998 dollars, required to design and construct the public improvements necessary to support plan area development as provided for by this plan.

The anticipated ultimate interchange required at the Golden Hill Road/Highway 46 east intersection will benefit traffic originating and ending in other portions of the community also, in even greater proportion than the interim traffic signal. Consequently, a smaller share of the cost of this proposed improvement has been allocated to Borkey Area development, based upon the proportionate utilization of the interchange at full buildout of the plan area and other areas of the community, as forecasted in the traffic study supporting this plan. The balance of signalization and, ultimately, interchange construction costs will have to be funded from other local sources, since CALTRANS has clearly indicated that State funding for these projects is unlikely.

The actual total cost of public improvements allocated to the Borkey Area Specific Plan, accordingly, is approximately \$4.9 million. Refer to Technical Appendices A, B, C, G, and H for additional information regarding the basis for estimated public improvement costs.

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TABLE 5-1

SUMMARY OF TOTAL PUBLIC IMPROVEMENT COSTS  
BORKEY AREA SPECIFIC PLAN

<u>Category of Improvement</u>	<u>Estimated Cost</u>
Storm drainage improvements	\$ 414,000
Wastewater system	\$ 237,500
Domestic water system	\$ 370,000
Traffic improvements:	
Signal – Buena Vista @ Hwy 46	\$ 125,200
Future interchange – Golden Hill @ Hwy 46	\$3,342,599
North River Road upgrading	\$ 162,760
Contingency	\$ 100,000
Plan Preparation/Administration	\$ 130,849
<b>TOTAL</b>	<b>\$4,882,908</b>
1) Projected costs to be allocated 100 percent to Borkey Area Specific Plan development	
2) Projected costs reflect an allocation of 36 percent of the \$9,285,000 project cost to Borkey Area Specific Plan development	

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Schedule of Plan-Related Fees

To enable to City to ensure that the costs of public facilities and public improvements associated with the development of the plan area are borne by its developers, and not by the community at-large, a schedule of fees to be levied against development projects has been formulated. Much of the basis for these fees is outlined in Technical Appendix G and H of this plan. In general, however, it is appropriate to state that the fees presented in this section of the plan document are based upon the extent to which any affected portion of the plan area is benefited or served by the

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public facility or improvement for which the fee is being imposed. In this regard, the fee schedule prescribed by the plan conforms to the legal requirements of AB 1600, effective January 1, 1989, mandating a reasonable relationship between a development project and the public improvement for which any fee is being levied.

The fees described in the following schedule are intended to supplement, and do not replace or relieve the requirement for other development-related fees already in place on a City-wide basis (e.g. Quimby Act park fees). They apply only to the Borkey Specific Plan area, and are intended to be levied against all new development in that plan area. In accordance with the requirements of AB 1600, fees collected under the Borkey Area Specific Plan process will be deposited and accounted for separately by the City for each improvement listed in the fee schedule. Funds will be expended only for the express purpose of the identified public improvement for which each fee is collected.

Mechanically, it is intended that the fees outlined in the referenced schedule be collected in conjunction with issuance of a Certificate of Occupancy.

With regard to collection of the fees prescribed in this plan, it is also worth noting that developers will be given the option of constructing the major facilities and improvements for which the fees are intended, in lieu of paying the fees themselves. In the instance where any developer elects to construct such improvements, he or she will be given credit for the full fee (but in no case in excess of 100 percent of the fee amount) for the affected improvements.

Technical Appendix "H" and Table 5-2 summarize the fee schedule established by the 1998 update of this plan for the development of the Borkey area.

The relationship between timing of planned developments and the required installation of public improvements and facilities was discussed in the preceding chapter of this plan document. It is evident from this discussion that some improvements may have to be installed before the fees provided for by this plan will fully fund their costs. In such instances, project developers may be required to install improvements and be reimbursed as subsequent developments occur. Alternatively, the City reserves the option of advancing other City funds for improvement projects, to be repaid by fees collected over time in accordance with the schedule set out above. Should the City advance funds for the construction of improvements called for in the specific plan, it may recover interest income losses, in addition to capital costs, at a rate to be established by the City's Director of Administrative Services. These interest costs shall be added to applicable specific plan fees as established by the City. Moreover, the fees, prescribed by this plan may be reestablished by the City as often as once annually by resolution to account for inflation from year-to-year. Any such adjustments shall be based upon documented increases (and/or decreases) in public improvements construction costs, as reflected by the Engineering News Record (ENR) index or other appropriate index of such costs.

Finally, the fee schedule provided for by this plan encompasses public improvements and facilities costs directly attributable to the development of the Borkey Specific Plan area. However, potential growth throughout the community, including the plan area, will cumulatively place an

increasing burden upon the City to provide services, facilities and infrastructure to support an expanding population. Accordingly, the City must devise ways of generating funds necessary to offset the costs of this general upgrading of infrastructure and public facilities. Moreover, State law mandates that such means be equitable and distributed throughout the community in proportion to benefit(s) received. Accordingly, in addition to the fees specifically provided for by this plan, applicable only to the Borkey area, the City may, and probably will, also impose fees on development City-wide, including that in the plan area, to mitigate community-wide impacts of local development and growth.

**TABLE 5-2**

**SUMMARY OF DEVELOPMENT FEES  
BY PLAN SUBAREA AND CATEGORY OF IMPROVEMENT  
BORKEY AREA SPECIFIC PLAN**

<b>Category of Facility or Improvement</b>	<b>Subarea Designation/Fees per Unit</b>				
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Storm Drainage	\$ 0	\$ 0	\$ 0	\$ 0	\$3,664
Wastewater	79	79	11/Student *	79	84
Water	408	408	674/acre	480	185/acre
Signal, BV @ 46	200	200	66/acre	200	0
Interchange	2,957	2,957	110/Student *	2,957	4,147
North River Road Upgrade	260	260	86/acre	260	---
Contingency Fee	115	115	161/acre	115	161
Plan Preparation/ Admin.	<u>209</u>	<u>209</u>	<u>69/acre</u>	<u>209</u>	<u>---</u>
<b>TOTAL FEES</b>	<b>\$4,228</b>	<b>\$4,228</b>	<b>\$1,055/acre</b>	<b>\$4,228</b>	<b>\$8,241</b>

\$ 121/student \*

NOTES: No fees will be levied against Subarea F; this subarea will develop as public parkland.

Fees for Subareas A, B, and D are for each residential unit; fees for Subareas C & E apply to each acre (gross) of development site unless otherwise noted.

\* Wastewater and interchange amounts are rounded to the nearest dollar but cumulatively total \$121.

*S.S.*