

To: James L. App, City Manager
 From: Mike Compton, Director of Administrative Services
 Subject: Public Facilities Development Impact Fee
 Date: March 2, 1999

Need: For the City Council to conduct a public hearing concerning the temporary suspension of the bridges portion of the public facilities development impact fee .

Facts:

- In April, 1981, the Council adopted a bridge development impact fee for the purpose of constructing Niblick Bridge (original two lanes and referred to hereafter as the '1981 Niblick Bridge fee'). The fee was set at \$2,142 and has since risen to \$2,189.
- In October, 1993, the Council adopted Resolution No. 93-166 (Exhibit A) approving a public facilities development impact fee for bridges and other public facilities. This fee was separate and distinct from the 1981 Niblick Bridge fee adopted in April, 1981.

Implementation of the public facilities development impact fee was staged in accordance with the schedule noted below:

	Bridges	Facilities	Total
January 1, 1994	\$ 930	\$ 570	\$ 1,500
January 1, 1995	1,860	1,140	3,000
January 1, 1996	2,790	1,710	4,500
January 1, 1997	3,100	1,900	5,000

3. The total amount being charged per single family residential unit for bridges during the course of the staged implementation noted above is illustrated as follows:

	Residential Bridge Fees		Sub-	Pub.Fac.Fee	
	Pub.Fac.Fee	1981Nib.Fee	Total	Facilities	Total
January 1, 1994	930	2,189	3,119	570	3,689
January 1, 1995	1,860	2,189	4,049	1,140	5,189
January 1, 1996	2,790	2,189	4,979	1,710	6,689
January 1, 1997	3,100	2,189	5,289	1,900	7,189

4. In February, 1997, the Council adopted Resolution No. 97-27 (Exhibit B) temporarily suspending a portion of the public facilities development impact fee for bridges in order to stimulate residential construction.

5. The temporary suspension of the public facilities development impact fee noted above did not effect the collection of 1981 Niblick Bridge fee.

6. The public facilities development impact fee temporary suspension, retroactive to January 1, 1997, is illustrated as follows:

	<u>Bridges</u>	<u>Facilities Total</u>	
January 1, 1997	\$600	\$1,900	\$2,500

7. The 'combined' 1981 Niblick Bridge fee and the public facilities development impact fee, retroactive to January 1, 1997 is illustrated as follows:

	<u>Residential Bridge Fees</u>	<u>Sub-Pub.Fac.Fee</u>	<u>Pub.Fac.Fee</u>	<u>Total</u>	
	<u>Pub.Fac.Fee</u>	<u>1981Nib.Fee</u>	<u>Total</u>	<u>Facilities</u>	
January 1, 1997	\$600	\$2,189	\$2,789	\$ 1,900	\$4,689

8. In addition to the fee suspension, Resolution No. 97-27 included a provision that should building activity increase to over 200 single family dwellings per year then the temporary suspension of the public facilities development impact fee shall be lifted.
9. Resolution No. 97-27 also included a provision that the Council, after holding a noticed public hearing, may lift the temporary suspension.
10. In March, 1997, the Council adopted Resolution No. 97-40 (Exhibit C) which further clarified the meaning of the term "single family dwelling" as certificates of occupancy issued in a calendar year.
11. As a result of the first semi-annual review of the public facilities development impact fee, the Council adopted Resolution No 98-47 (Exhibit D) which reinstated \$211 of the temporary suspended public facilities development impact fee in order that the 'aggregate' total amount for bridges would be \$3,000. No change was made to that portion being collected for public facilities. This change is summarized as follows:

	<u>Bridges</u>	<u>Facilities</u>	<u>Total</u>
Public Facility Fee	\$ 600	\$1,900	\$2,500
- reinstatement	211	-0-	2,711
1981 Niblick Bridge Fee	<u>2,189</u>	<u>-0-</u>	<u>4,900</u>
Total	<u>\$3,000</u>	<u>\$1,900</u>	<u>\$4,900</u>

12. In October, 1998, the Council adopted Resolution No. 98-178 (Exhibit E) which provides that upon full retirement of the bridge 'certificates' and repayment of the debt owed to the General Fund, the 1981 Niblick Bridge fee of \$2,189, shall no longer be collected. \$2,189 of the temporarily suspended public facilities development impact fee for bridges shall be automatically reinstated. This is illustrated as follows:

	<u>Bridges</u>	<u>Facilities</u>	<u>Total</u>
Public Facility Fee	\$ 600	\$1,900	\$2,500
■ reinstatement	211	-0-	2,711
■ reinstatement*	2,189	-0-	4,900
1981 Niblick Bridge Fee	<u>-0-</u>	<u>-0-</u>	<u>4,900</u>
Total	<u>\$3,000</u>	<u>\$1,900</u>	<u>\$4,900</u>

* only upon retirement of certificates and repayment of General Fund debt

13. In October, 1998, the Council approved Ordinance No. 751 (Exhibit F) which amended Title 12, 'Vehicles and Traffic', of Chapter 12.19, Section 095 of the municipal code in order to assure that the Council would not be precluded from establishing any other fee for the construction or expansion of any other bridge or bridges.
14. During calendar year 1998, the City issued 213 certificates of occupancy. Thus, in accordance with Resolution No. 97-27, the Council should hold a noticed public hearing to consider reinstatement of the suspended portion of the public facilities development impact fee for bridges.
15. The Fiscal Policy Committee has considered this matter and recommends no restoration of the suspended public facilities development impact fee and that the annual review provision of Resolution No. 98-47 be eliminated.

Analysis and
Conclusions:

Resolution No. 98-47 which reinstated a portion (\$211) of the suspended the public facilities development impact fee also had the goal of consolidating the two separate bridge related fees into a single fee. The purpose of the consolidation was to eliminate confusion about the type and amounts of bridge fees.

The \$211 increase resulted in a combined bridge fee of \$3,000 per single family residential unit .

While for purposes of public response the fee was consolidated, the individual, specific uses of each fee was maintained. Of the \$3,000, \$2,189 is still be earmarked and used for retiring bridge certificates and repay General Fund debt for the original Niblick Bridge construction. The remaining \$811 will be used for new/future bridge construction and/or expansion. So while there is consolidation, uses remain distinctly different.

Resolution No. 98-47 also modified the semi-annual review provision. Review of the public facilities development impact fee shall now be held annually. The last review was held in March, 1998.

During consideration of Resolution No. 98-47, the Council made it quite clear that it was their desire to provide assurances that once the bridge certificates were retired and the General Fund debt repaid, that the collection of the \$2,189, representing the current amount of the 1981 Niblick Bridge fee, should continue for the purpose of funding new bridges and/or bridge expansions. Resolution No. 98-178 accomplishes this objective. Upon expiration of the 1981 Niblick Bridge fee, an identical amount of the temporarily suspended the public facilities development impact fee would be restored. This restoration would provide for the continuation of a \$3,000 'bridge fee' for funding new bridges and/or expanded existing bridges.

Fiscal
Impact:

None at this time. An attached exhibit illustrates, historically, the level of bridge and public facilities development impact fees and the remaining capacity.

Options:

- a. That the Council hold a public hearing to consider whether or not to restore all or a portion of the suspended public facilities development impact fee and upon the close of the public hearing:
 1. Not restore any portion of the suspended public facilities development impact fee; and
 2. Adopt a resolution eliminating the annual review of the public facilities development impact fee; or
- b. Amend, modify or reject the option above.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF EL PASO DE ROBLES ELIMINATING
THE ANNUAL REVIEW PROVISION OF RESOLUTION NO. 98-47
RELATIVE TO THE PUBLIC FACILITIES DEVELOPMENT
IMPACT FEE FOR BRIDGES

WHEREAS, the issuance of 213 residential certificate of occupancies during calendar year 1998 has given cause for consideration of the restoration of the suspended the public facilities development impact fee per Resolution No. 97-40 and Resolution No. 97-27; and

WHEREAS, the Fiscal Policy Committee has considered the need to hold a public hearing to consider the restoration of the suspended the public facilities development impact fee; and

WHEREAS, the Fiscal Policy Committee also considered the annual review provision of Resolution No. 98-47; and

WHEREAS, the Fiscal Policy Committee has recommended that the suspended portion of the public facilities development impact fee not be restored; and

WHEREAS, the Fiscal Policy Committee has further recommended that the annual review provision of Resolution No. 98-47 be eliminated.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles that the annual review provision of Resolution No. 98-47 be herewith eliminated.

BE IT FURTHER RESOLVED, by the City Council of the City of El Paso de Robles that the suspended portion of the public facilities development impact fee not be restored.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 2nd day of March, 1999 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Madelyn Paasch, City Clerk

FEE EXHIBIT

Total Fee Authorization = \$7,189
 (Public Facilities Fee @ \$5,000, plus 1981 Niblick Bridge Fee @ \$2,189)

Unused Authorization = \$2,289

	Public Facility Fee		Bridge Fee for Niblick		Total Fees		Authorization Remaining
	<u>Implemented</u>	<u>Authorized</u>	<u>Implemented</u>	<u>Authorized</u>	<u>Implemented</u>	<u>Authorized</u>	
April, 1981	\$ -0-	\$ -0-	\$2,142	\$2,142	\$2,142	\$2,142	\$ -0-
January, 1985	-0-	-0-	2,189	2,189	2,189	2,189	-0-
January, 1994	1,500	5,000	2,189	2,189	3,689	7,189	3,500
January, 1995	3,000	5,000	2,189	2,189	5,189	7,189	2,000
January, 1996	4,500	5,000	2,189	2,189	6,689	7,189	500
January, 1997	5,000	5,000	2,189	2,189	7,189	7,189	-0-
February, 1997	2,500	5,000	2,189	2,189	4,689	7,189	2,500
April, 1998	2,711	5,000	2,189	2,189	4,900	7,189	2,289
Future Date	4,900	5,000	-0-	-0-	4,900	5,000	100

At some future date when bridge certificates are completely retired and the General Fund debt is entirely repaid, the following additional change will occur:

ORDINANCE NO. 751 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 12 VEHICLES AND TRAFFIC OF THE
MUNICIPAL CODE TO MODIFY CHAPTER 12.19 SECTION 095

The City Council of the City of El Paso de Robles, State of California, does ordain as follows:

SECTION 1.

That the following paragraph shall be added as the last paragraph to Section 12.19.095 of the municipal code.

"This Section 12.19.095 is intended solely to address the fees established by the Council to pay for the construction costs of the original Niblick Bridge improvements. It shall not be deemed to preclude the establishment of any other fee pursuant to the provisions of Chapter 12.19 or any other chapter or state law to pay for the expansion of the original Niblick Bridge improvements or the construction or expansion of any other bridge or bridges."

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SECTION 2.

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 3.

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.

Inconsistency. To the extent that the terms of 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, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

SECTION 4.

Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portion 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 October 6, 1998, and passed and adopted on October 20, 1998 by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson, and Picanco
NOES: None
ABSENT: None



Mayor Duane Picanco

ATTEST:



Madelyn Paasch, City Clerk

ABJ660

RESOLUTION NO. 98-178

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF EL PASO DE ROBLES REINSTATING A
PORTION OF THE SUSPENDED PUBLIC FACILITIES
DEVELOPMENT IMPACT FEE FOR BRIDGES

WHEREAS, pursuant to its authority under Section 12.19.095 of the Municipal Code, the City has been collecting a bridge development fee to pay for the cost of the construction of the original Niblick Bridge improvements (the "Niblick Bridge Fee"); and

WHEREAS, the amount of the Niblick Bridge Fee was established by the City Council by Resolution 3120, adopted on June 17, 1986, to be \$2,189 per equivalent dwelling unit; and

WHEREAS, by Resolution No. 93-166, the City Council also established and adopted certain development impact fees to pay for the costs of certain public facilities and infrastructure improvements (the "Development Impact Fees") separate and apart from the original Niblick Bridge improvements; and

WHEREAS, a portion of the Development Impact Fee was established to pay for the construction of third and fourth lanes for the Niblick Bridge and 13th Street Bridge (the "Bridge Expansion Fee"); and

WHEREAS, pursuant to Resolution No. 93-166, increases to the Bridge Expansion Fee were phased in, and as of January 1, 1997, were authorized to be in the amount of \$3,100 per equivalent dwelling unit; and

WHEREAS, the City Council adopted Resolution No. 97-27 temporarily suspending the collection of a portion of the Development Impact Fees; and

WHEREAS, the City Council adopted Resolution No. 98-47 which clarified that the Niblick Bridge Fee of \$2,189 per equivalent dwelling unit would continue to be collected until the costs of the original Niblick Bridge improvements were paid; and

WHEREAS, Resolution No. 98-47 also clarified that only \$811 of the total \$3,100 Bridge Expansion Fee also would be collected until such time as the City Council determined that the suspended portion of the Bridge Expansion Fee should be reinstated; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles as follows:

Section 1. At such time as enough revenues have been collected by the City from the Niblick Bridge Fees to repay all the costs of the original Niblick Bridge construction, including any amounts owed due to funding shortfalls with accrued interest, the City shall no longer collect the Niblick Bridge Fee.

Section 2. At such time as the Niblick Bridge Fee is no longer being collected by the City, pursuant to Section 1. above, \$2,189 of the Bridge Expansion Fee shall be reinstated automatically, so that the total amount of the Bridge Expansion Fee to be collected shall be \$3,000 per equivalent dwelling unit. The remaining \$100 of the Bridge Expansion Fee authorized by Resolution No. 93-166 shall continue to be suspended.

Section 3. That the Council hereby finds and determines:

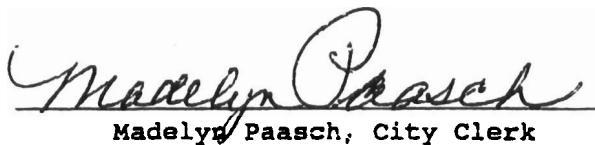
- a) That this resolution is consistent with their intent that the total amount of residential fees collected for the expansion of the original Niblick Bridge improvements or the construction or expansion of any other bridge or bridges shall be not less than \$3,000 per unit.
- b) That it is their intent that the existing bridge development fees for commercial and industrial development as established in Resolution No. 3120 shall continue to be collected for the expansion of the original Niblick Bridge improvements or the construction or expansion of any other bridge or bridges.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 6th day of October, 1998 by the following vote:

AYES:	Baron, Iversen, and Swanson
NOES:	Picanco
ABSENT:	None
ABSTAIN:	Macklin


Duane Picanco, Mayor

ATTEST:


Madelyn Paasch, City Clerk

RESOLUTION NO. 98-47

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF EL PASO DE ROBLES REINSTATING A
PORTION OF THE SUSPENDED PUBLIC FACILITIES
DEVELOPMENT IMPACT FEE

WHEREAS, the Council of the City of El Paso de Robles had temporarily suspended a portion of the public facilities development impact fee for bridges; and

WHEREAS, this temporary suspension was to be semi-annually reviewed by the Council; and

WHEREAS, as the result of the first semi-annual review, the Council directed staff to return with the appropriate action to reinstate a portion of the temporarily suspended public facilities development impact fee; and

WHEREAS, it is also the City Council's desire that the two separate residential development impact fees related to bridges be consolidated into a single \$3,000 fee; and

WHEREAS, the City Council further desires that the proportional shares of the newly proposed consolidated 'bridge' fee be used in an identical manner as before consolidation; and

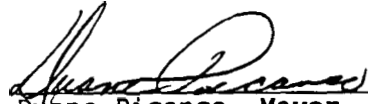
WHEREAS, it is intended that the commercial and industrial bridge development impact fee for Niblick Bridge certificates remain unchanged.

THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of El Paso de Robles that:

1. \$211 of the public facilities development impact fee previously temporarily suspended by the City Council be reinstated (making for a total fee of \$811); and
2. The bridges portion of the public facilities development impact fee be consolidated with the bridge development impact fee being used to retire bridge certificates associated with Niblick I; and
3. The newly consolidated bridge development impact fee in the total amount of \$3,000 per residential unit be used in each proportional share as before the consolidation wherein the \$2,189 is used to retire bridge certificates and \$811 is set aside for bridge expansions; and
4. That the existing commercial and industrial bridge development impact fee currently being used to retire bridge certificates remain unchanged.
5. That the semi-annual review requirement, as contained in Resolution No. 97-27, is modified to provide for an annual review in April of every year.

APPROVED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of April, 1998 by the following vote:

AYES: Baron, Iversen, Macklin, Swanson, and Picanco
NOES: None
ABSENT: None


Duane Picanco, Mayor

Attest:


Madelyn Paasch, City Clerk

RESOLUTION NO. 97- 40

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
AMENDING RESOLUTION NO. 97-27

WHEREAS; the City Council adopted on February 18, 1997 Resolution No. 97-27, which temporarily suspended a portion of the City's Development Impact Fees; and


WHEREAS, the City Council desires to clarify a portion of Resolution No. 97-27.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles, that the City Council hereby amends paragraph 5 of Resolution No. 97-27 to read as follows:

"5. The impact of the temporary suspension of a portion of the Impact Fees set forth herein shall be monitored by the City Council and formally reviewed every six months beginning in Fiscal Year 1997-98. Should the rate of building activity increase to over 200 single family dwellings per year, then the Development Impact Fee shall be returned to \$5,000. For purposes of this paragraph 5, the number of single family dwellings shall be based upon the number of certificates of occupancy issued in a calendar year."

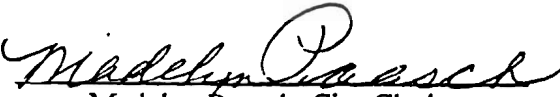
PASSED AND ADOPTED by the City Council of the City of El Paso de Robles, this 18th day of March, 1997 by the following vote:

AYES: Baron, Iversen, Swanson and Picanco
NOES: Macklin
ABSENT: None
ABSTAIN: None



Duane J. Picanco, Mayor

ATTEST:



Madelyn Paasch, City Clerk

RESOLUTION NO. 97- 27**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
TEMPORARILY SUSPENDING A PORTION OF THE CITY'S
DEVELOPMENT IMPACT FEES**

WHEREAS, the City's adopted General Plan, including but not limited to Land Use Element Goal 3.13, Policy PS-1, and the text of the Circulation Element, calls for new development to pay its proportionate share for new facilities; and

WHEREAS, during the General Plan Period ending in 2010, the City's population has the potential to grow from approximately 20,000 residents to 35,000; and

WHEREAS, the implementation of the General Plan will necessitate a number of improvements to City public facilities and infrastructure including, but not limited to, streets, traffic signals, water, sewer and storm drainage systems, and other public investments necessary for public health, safety, and welfare; and

WHEREAS, without adequate mitigation of the impacts of population growth there will be serious declines in the level of services to both existing residents and the business community which would be contrary to the City's General Plan; and

WHEREAS, the City Council adopted in 1993 by Resolution No. 93-166 certain Development Impact Fees (the "Impact Fees") to mitigate environmental and infrastructure impacts created by new development; and

WHEREAS, such Impact Fees included a Bridge Expansion Fee to pay for future expansion of the Niblick and Creston Road Bridges (the "Bridge Expansion Fee") and a Public Facilities Fee (the "Public Facilities Fee") to finance certain specific public facilities; and

WHEREAS, the staff report establishing the nexus for the imposition of the Impact Fees and Resolution No. 93-166 establishing the schedule for the Impact Fees are attached hereto as "Exhibit A" and made part of this resolution; and

WHEREAS, since the creation of the Impact Fees, the State of California has experienced the worst economic recession since the "Great Depression" of the 1930's; and

WHEREAS, the economic recession residential construction in Paso Robles was stagnant in comparison to that which occurred in the 1980's; and

WHEREAS, the anticipated growth and environmental and infrastructure impacts were diminished due to the effects of the severe economic recession; and

WHEREAS, the City Council desires to help stimulate residential construction.

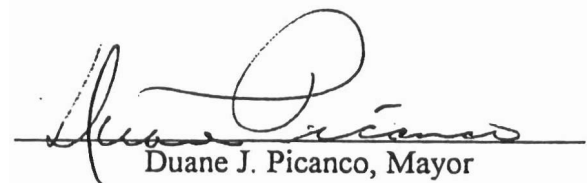
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles, that the City Council temporarily suspends a portion of the existing Impact Fees adopted by Resolution No. 93-166, in accordance with the provisions set forth below; and

BE IT FURTHER RESOLVED that the Impact Fees shall be administered as follows:

1. The City will continue to collect both a Bridge Expansion Fee and a Public Facilities Fee.
2. The Public Facilities Fee shall be maintained at \$1900.00 per equivalent dwelling unit as provided for in Resolution No. 93-166.
3. In accordance with the schedule adopted by Resolution No. 93-166, the Bridge Expansion Fee as of January 1, 1997 would be \$3,100 per equivalent dwelling unit. The amount of \$2,500 per equivalent dwelling unit for the Bridge Expansion Fee shall be temporarily suspended, so that as of January 1, 1997, the Bridge Expansion Fee shall be \$600 per equivalent dwelling unit as provided for in Resolution No. 93-166. Such Bridge Expansion Fee shall be used for those projects identified in Exhibit A.
4. The Impact Fees for those projects that received a building permit on or after January 1, 1996, but have not yet received a certificate of occupancy shall be those set forth in paragraph 3 above.
5. The impact of the temporary suspension of a portion of the Impact Fees set forth herein shall be monitored by the City Council and formally reviewed every six months beginning in the Fiscal Year 1997-98. Should the rate of building activity increase to over 200 single family dwellings per year, then the Development Impact Fee shall be returned to \$5000.
6. The City Council, after holding a noticed public hearing, may lift the suspension set forth herein and reinstate the schedule of Impact Fees established in Resolution No. 93-166.

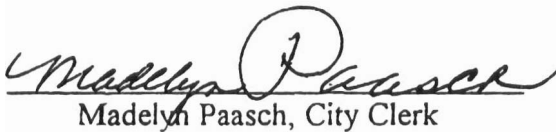
PASSED AND ADOPTED by the City Council of the City of El Paso de Robles, this 18th day of February, 1997 by the following vote:

AYES: Baron, Iversen, Swanson, and Picanco
NOES: Macklin
ABSENT: None
ABSTAIN: None



Duane J. Picanco, Mayor

ATTEST:



Madelyn Paasch, City Clerk

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RESOLUTION NO. 93-166

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PASO ROBLES
ESTABLISHING AND ADOPTING THE DEVELOPMENT IMPACT FEES

WHEREAS, The City's adopted General Plan, including but not limited to Land Use Element Goal 3.13, Policy PS-1, and the text of the Circulation Element, calls for new development to pay its proportionate share for new facilities; and

WHEREAS, During the General Plan period ending in 2010, the City's population has the potential to grow from approximately 20,000 residents to 35,000; and

WHEREAS, the implementation of the General Plan will necessitate a number of improvements to City public facilities and infrastructure, including but not limited to streets, traffic signals, water, sewer and storm drainage systems, and other public investments necessary for public health, safety, and welfare; and

WHEREAS, without adequate mitigation of the impacts of population growth there will be serious declines in the level of services to both the existing residents and business community, which would be contrary to the City's General Plan; and

WHEREAS, it is the policy of the City of Paso Robles to require new development to bear its proportionate share of the costs of providing facilities and services, to avoid the balance of the City's population having to bear the costs of serving and mitigating the impacts of new development; and

WHEREAS, new development can be expected to generate vehicular traffic and demands for services, including but not limited to use of City streets, bridges, parks, fire, police, library, and general City services; and

WHEREAS, based on 5,500 new residential dwelling units that could be accommodated by 2010, compared to facilities and infrastructure needed to serve that growth, a development impact fee has been calculated; and

WHEREAS, The proposed development impact fee is a partial solution that is designed to address the facilities and infrastructure most urgently needed to serve the potential population growth. A more substantial development impact fee could be justified through additional studies and documentation, but the proposed fee will address the immediate impacts caused by development and avoid further delays in mitigation of development impacts; and

WHEREAS, the proposed fees are new and additional fees that fall into two categories, specifically to fund new bridge lanes and public facilities; and

WHEREAS, as described in the attached fee schedule, the funded infrastructure consists of the third and fourth lanes of the Niblick and Creston Road bridges, plus Park & Recreation, Public Safety, and City Hall / Library facilities needed to serve the residents of homes to be built in Paso Robles; and

WHEREAS, representatives of the Development Community have expressed concern over the financial impacts of the development impact fees. In order to ease the impacts and still address mitigation needs, the fees are designed to be phased in. Further, a limitation on new fees before 1997 has been included; and

WHEREAS, the City Council hereby acknowledges that fees that pay for or recover the costs of facilities will increase the cost of new development but that without the ability to fund needed public improvements there would be an adverse impact on the public health, safety, and welfare, and there would be inadequate infrastructure to serve and mitigate the population growth anticipated within the City of Paso Robles; and

WHEREAS, State law governing municipal planning and finance in California recognizes the validity of, and authorizes, the imposition by cities of specific fees upon new development to finance required public improvements, environmental mitigation programs, and other legitimate public purposes related to the effects of such developments; and

WHEREAS, consistent with City policy and State law, the City intends to collect development fees from development projects to offset anticipated public costs from and impacts generated by new development.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Paso Robles that:

1. In order to reduce the financial impact of the fees required to construct a third and fourth lane for the Niblick and Creston Road bridges, the development impact fee attributable to new development would be \$3,100. per equivalent dwelling unit, which shall be phased in the following manner:
 - a) Bridge Expansion Fee, effective January 1, 1994: \$930.
 - b) Bridge Expansion Fee, effective January 1, 1995: \$1,860.
 - c) Bridge Expansion Fee, effective January 1, 1996: \$2,790.
 - d) Bridge Expansion Fee, effective January 1, 1997: \$3,100.

2. In order to reduce the financial impact of the fees required to finance/construct public facilities designed to meet a target population of 35,000 by the year 2010 (e.g. Park & Recreation, Public Safety, Library and City Hall facilities), the development impact fee attributable to new development would be \$1,900. per equivalent dwelling unit, which shall be phased in the following manner:
 - a) Public Facilities Fee, effective January 1, 1994: \$570.
 - b) Public Facilities Fee, effective January 1, 1995: \$1,140.
 - c) Public Facilities Fee, effective January 1, 1996: \$1,710.
 - d) Public Facilities Fee, effective January 1, 1997: \$1,900.
3. In order to provide a reasonably predictable fee structure for development planning purposes, it shall be the policy of the City Council of the City of Paso Robles to not consider increasing or implementing new development impact fees (ie: fees for mitigation of City-wide impacts on City facilities) until July 1, 1997, or until the City exceeds 200 single family dwelling building permits per year, whichever occurs first. Should the rate of building activity increase to over 200 single family dwellings per year, then the combined bridge and public facilities impact fee shall increase at the rate of \$2,500 per year (or the applicable fraction thereof) until the combined annual total reaches \$5,000. Exception: this policy limitation shall not apply should the State or Federal Government mandate new regulations or infrastructure / system improvements. Further, the City Council may use adopted City policy to modify (ie: reduce) fees.
4. The subject fees shall be collected as a prerequisite for issuance of a Certificate of Occupancy. The date of issuance of a Building Permit shall determine the applicable fee (for example a Building Permit issued during the calendar year 1994 would determine the fee that is to be paid at issuance of a Certificate of Occupancy, regardless of when that Certificate is requested). City staff shall annually report to the City Council on the status of fee collections occurring at issuance of the Certificate of Occupancy. An equivalent dwelling unit formula will be established for commercial and industrial development and the City Council may establish provisions to off-set commercial and industrial impact fees to account for sales tax and other revenues generated by these land uses.

PASSED AND ADOPTED THIS 5th day of October, 1993, by the following roll call vote:

AYES: Heggarty, Macklin, Martin, Picanco, Iversen

NOES: none

ABSENT: none


MAYOR CHRISTIAN E. IVERSEN

ATTEST:


RICHARD J. RAMIREZ, CITY CLERK

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