

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Amendment to Borkey and Union-46 Area Specific Plan Fees
DATE: March 20, 2007

Needs: For the City Council to consider modifying the Borkey and Union-46 Area Specific Plan fees to address overlap with the City's new AB 1600 fee program.

- Facts:**
1. On October 3, 2006 the City Council adopted an updated AB 1600 fee program including a Needs List and nexus study of transportation projects.
 2. The AB 1600 Needs List includes a project that will improve the intersections of Golden Hill Road-Highway 46 and Golden Hill Road-Union Road.
 3. Improvements to these same intersections are also addressed in the Borkey and Union-46 Specific Plans respectively. Both Specific Plans contain the requirement that new development contribute towards intersection improvements.
 4. AB 1600 transportation fees for a single family residence on the east side of the Salinas River are currently \$8,119 per unit. Borkey Area Specific Plan fees for the Golden Hill Road-Highway 46 intersection in sub-areas B and D (residential areas) range from \$1,411 per unit to \$3,099 per unit. The Union-46 Area Specific Plan fee for improvements to the intersections of Golden Hill Road-46E and Golden Hill Road-Union Road is currently \$84 per unit.
 5. Resolution 06-188 that approved the AB 1600 program includes the provision that "other fees imposed and collected by the City, *including Specific Plan fees*, used to fund the construction of the same public facilities identified in the nexus study shall be a credit against the applicable development impact fees".
 6. By Resolution 06-188, AB 1600 transportation fees for residential units effectively supersede the Golden Hill Road-Highway 46 fees in sub-areas B and D of the Borkey Area Specific Plan and similar fees associated with the Union-46 Area Specific Plan.
 7. To date, there have been no cases where overlapping fees from Specific Plans have been paid. Development impact fees are paid upon occupancy. No units approved since the adoption of the new AB 1600 fee program have been completed and occupied.

**Analysis
and**

Conclusion: In accordance with AB 1600 provisions, Resolution 06-188 includes language that credits developers for their contributions to projects on the Needs List. These contributions could come in the form of providing improvements or by paying specific plan fees as contribution to these projects. The purpose for the AB 1600 language is to ensure that no one will be required to pay twice for the same improvement. Therefore,

Resolution 06-188 effectively supersedes any previously adopted specific plan fees on residential units which address projects that are listed on the Needs List.

Borkey Area Specific Plan fees for improvements to the intersection of Golden Hill Road and Highway 46 and Union-46 fees for improvements to the intersection of Golden Hill Road-Union Road both fall into this category. It is therefore recommended that the Borkey and Union-46 Area Specific Plan fees be formally amended to eliminate those fees that overlap the AB 1600 program.

To date, no units subject to the updated development impact fees have been completed and occupied, therefore there have been no cases where overlapping Specific Plan fees have been paid. There are permits pending in the Specific Plan areas. Without action to amend Specific Plan fees, there will be units completed in the coming months where the fee overlap would occur.

Policy

Reference: AB 1600; Resolution 06-188; Resolution 05-128; Resolution 05-129

Fiscal

Impact: None.

Options:

- a. Adopt the attached Resolution No. 07-xx amending Borkey Area Specific Plan Fees and Resolution No. 07-xx amending the Union-46 Area Specific Plan Fees by eliminating fees for improvements to the intersections of Golden Hill Road-Highway 46 and Golden Hill Road-Union Road.
- b. That the City Council amend, modify or reject the above option.

Attachments: (5)

1. Resolution 05-128
2. Resolution 05-129
3. Resolution 06-188
4. Resolution to Amend Borkey Area Specific Plan Fees
5. Resolution to Amend Union-46 Area Specific Plan Fees

RESOLUTION NO. 05-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ESTABLISHING AND ADOPTING THE SCHEDULE OF FEES
FOR THE BORKEY SPECIFIC PLAN

WHEREAS, the City of Paso Robles has prepared a specific plan, in accordance with Title 14, Division 1, Chapter 3, Article 8 of the Administrative Code of the State of California, for a 767acre portion of the community referred to as the “Borkey Area”; and

WHEREAS, the implementation of the subject specific plan and corresponding development of the plan area will necessitate a number of improvements by the City to public facilities and infrastructure, including but not limited to streets, traffic signals, water, sewer and storm drainage systems, and other public costs; 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, it is the policy of the City of Paso Robles to require new development to “pay its own way,” avoiding the placement of a financial burden on the population in general to allow new development to occur; 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 development; and

WHEREAS, consistent with City policy and State law, the City intends to collect development fees from development projects in the plan area to offset anticipated public costs; and

WHEREAS, the City Council has adopted the Borkey Area Specific Plan by adopting ordinance No. 588 N.S., and subsequently amended by Ordinance No. 741 N.S., and Ordinance No. 770 N.S., which authorizes the Council to establish development fees for the plan area by resolution.

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

1. Resolution No. 05-039, dated March 1 2005, and all prior resolutions relating to Borkey Area fees, are hereby rescinded except that the background calculation for the formulation of fees for subarea ‘A’ shall be included in the Technical Appendices for the Borkey Area Specific Plan as “Appendix I” and background calculation for the fees for subarea “D” shall be in the Technical Appendices for the Borkey Area Specific Plan as “Appendix J”.
2. The City shall collect fees for development of the plan area encompassed by the Borkey Area Specific Plan, to offset public improvement costs, in accordance with the schedule of fees attached hereto as Schedule A and its exhibits, incorporated herein and made a part hereof by reference. The timing of said fees collection shall be determined by the City Council at the time of development review, and unless otherwise specified shall be

paid prior to issuance of a Certificate of Occupancy or final approval of any entitlement permit, whichever comes later, for a particular lot, parcel, or portion thereof.

3. The fees established by Exhibit A, and shall be adjusted annually, each July 1, by the percentage increase in the Engineering News Record for the prior twelve month period ending April 30. The purpose of said annual adjustment is to reflect inflationary project cost increases. Changes to the list of funded projects or the scope of the projects listed may not be made without amending the Borkey Specific Plan.
4. The subject fees are in addition to City wide fees that are in place at the time of plan adoption or subsequently established by the City Council. The City Council shall have the discretion to impose such other fees as may be necessary to mitigate additional project impacts identified through the development review process.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 21st day of June 2005 by the following vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"
Schedule of Fees
BORKEY AREA SPECIFIC PLAN

Category	Subarea Designation/Fees per Unit.....per Acre				
	A	B	C	D	E
Storm Drainage	\$0	\$0	\$0	\$0	\$3,840 acre
Wastewater					
Residentia		\$83 unit	\$12 student	\$50 unit	\$88 acre
Clubhouse		\$81 unit			
Commercia		\$24 gsf			
Cottages, spa suites & rooms					
employee units	\$61 unit				
Restaurant & Lounge	\$603 unit				
Conference Center	\$230 unit				
Lobby, Office	\$302 unit				
Child Art Center	\$230 unit				
Spa Building	\$245 unit				
La Quinta Hote				\$2,740 unit	
La Quinta Restaura				\$88 unit	
Wastewater - Village					
Residentia				\$78 unit	
Hotel				\$38 unit	
Restaurant & Lounge				\$155 unit	
Conference Center				\$121 unit	
Spa Building				\$201 unit	
Cottages, spa suites & rooms					
employee units				\$17 unit	
Bakery				\$58 unit	
Commercia				\$20 unit	
Water					
Residentia		\$428 unit	\$706 acre	\$138 unit	\$194 acre
Clubhouse		\$415 unit			
Commercia		\$123 gsf			
Cottages, spa suites & rooms					
employee units	\$50 unit				
Restaurant	\$1,263 unit				
Conference Center	\$1,263 unit				
Lobby, Office	\$253 unit				
Child Art Center	\$758 unit				
Spa Building	\$253 unit				
La Quinta Hote				\$8,578 unit	
La Quinta Restaura				\$277 unit	
Water - Village					
Residentia				\$212 unit	
Hotel				\$104 unit	
Restaurant & Lounge				\$423 unit	
Conference Center				\$329 unit	
Spa Building				\$548 unit	
Cottages, spa suites & rooms					
employee units				\$45 unit	
Bakery				\$156 unit	
Commercia				\$55 unit	
Signal, BV @ Hwy 4E					
Residentia		\$210 unit	\$69 acre		\$0
Cottages, spa suites & rooms					
employee units	\$29 unit				
Restaurant	\$451 unit				
Conference Center	\$631 unit				
Lobby, Office	\$270 unit				
Child Art Center	\$270 unit				
Spa Building	\$180 unit				
Interchange					
Residentia		\$3,099 unit	\$115 student	\$1,167 unit	\$4,347 acre
Clubhouse		\$3,009 unit			
Commercia		\$892 gsf			
Cottages, spa suites & rooms					
employee units	\$524 unit				
Restaurant	\$7,954 unit				
Conference Center	\$11,136 unit				
Lobby, Office	\$4,772 unit				
Child Art Center	\$4,772 unit				
Spa Building	\$3,181 unit				
La Quinta Hote				\$79,352 unit	
La Quinta Restaura				\$40,843 unit	

EXHIBIT "A"
Schedule of Fees
BORKEY AREA SPECIFIC PLAN

Category	Subarea Designation/Fees per Unit.....per Acre				
	A	B	C	D	E
Interchange - Village					
Residentia				\$1,411 unit	
Hotel				\$691 unit	
Restaurant & Lounge				\$2,822 unit	
Conference Center				\$2,195 unit	
Spa Building				\$3,657 unit	
Cottages, spa suites & rooms					
employee unit:				\$303 unit	
Bakery				\$1,045 unit	
Commercial				\$366 unit	
North River Road Upgrade					
Residentia		\$273 unit	\$90 acre	\$30 unit	\$0
Clubhouse		\$264 unit			
Commercial		\$79 gsf			
Cottages, spa suites & rooms					
employee unit:	\$44 unit				
Restaurant	\$430 unit				
Conference Center	\$164 unit				
Lobby, Office	\$215 unit				
Child Art Center	\$164 unit				
Spa Building	\$175 unit				
La Quinta Hotel				\$2,067 unit	
La Quinta Restaurant				\$1,064 unit	
North River Road Upgrade - Village					
Residentia				\$56 unit	
Hotel				\$27 unit	
Restaurant & Lounge				\$111 unit	
Conference Center				\$86 unit	
Spa Building				\$144 unit	
Cottages, spa suites & rooms					
employee unit:				\$12 unit	
Bakery				\$41 unit	
Commercial				\$15 unit	
Contingency Fee					
Residentia	\$122 acre	\$121 unit	\$169 acre	\$88 acre	\$169 acre
Clubhouse		\$117 unit			
Commercial		\$35 gsf			
Cottages, spa, restaurant, etc					
La Quinta Hotel				\$88 acre	
La Quinta Restaurant				\$88 acre	
Village				\$88 acre	
Plan Preparation/Admin					
Residentia	\$69 unit	\$219 unit	\$72 acre	\$219 acre	\$0
Clubhouse		\$213 unit			
Commercial		\$63 gsf			
Cottages, spa, etc					
La Quinta Hotel				\$219 acre	
La Quinta Restaurant				\$219 acre	
Village				\$219 acre	

Fees for Subarea A are to be collected prior to issuance of Certificate of Occupancy
Fees for Subareas B are shown for each residential unit
Fees for Subarea C will be collected on a "per student" or "per acre" basis
Fees for Subarea D are shown for each residential unit except as specifically noted for La Quinta
Fees for Subarea E apply to each acre (gross) of development site unless otherwise noted
No fees will be levied against Subarea F; this will develop as public parkland

*Wastewater and interchange amounts are rounded to the nearest dollar but cumulatively total \$1

RESOLUTION NO. 05-129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ESTABLISHING AND ADOPTING THE SCHEDULE OF FEES
FOR THE UNION/46 SPECIFIC PLAN

WHEREAS, the City of Paso Robles has prepared a specific plan, in accordance with Title 7, Division 1, Chapter 3, Article 8 of the Government Code of the State of California, Section 65450 et seq, for a 527-acre portion of the community referred to as the "Union/46 Area"; and

WHEREAS, the implementation of the subject specific plan and corresponding development of the plan area 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, 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, the City Council hereby acknowledges that restrictions being established by the specific plan diagram and text, and costs being established by the specific plan fee schedule, will increase the cost of housing within the Union/46 Specific Plan area 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 specific plan area; 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 in the plan area to offset anticipated public costs from and impacts generated by development in the specific plan area; and

WHEREAS, the Union/46 Specific Plan fee schedule was first adopted by City Council Resolution No. 88-12, dated March 1, 1988; and

WHEREAS, the Union/46 Specific Plan fee schedule was subsequently modified by City Council Resolution No. 92-27, dated February 4, 1992; and

WHEREAS Resolution No. 92-27 provided for annual City Council review and periodic amendment to reflect project cost increases as measured by consumer price index or Engineering News Record; and

WHEREAS, in order to have adequate facilities and services to meet the needs of future residents in the specific plan area, it is proposed that new specific plan development impact fees be established and collected, to reflect the scope and cost of needed public improvements.

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

1. Resolution No. 92-27, dated February 4, 1992, is hereby rescinded.
2. The City shall collect development impact fees for development of the plan area encompassed by the Union/46 Specific Plan, to offset public improvements costs, necessary to provide for the public health, safety, and welfare, in accordance with the schedule of fees attached hereto as Exhibit A, incorporated herein and made a part hereof by reference. Said fees are effective immediately, and it is hereby found that an

immediate effective date is required, under the provisions of Government Code Section 66017, Subsection b, in order to provide adequate funding for the public improvements and facilities addressed in the Union/46 Specific Plan up-date which are necessary to serve the public health, safety and welfare and mitigate environmental and facility impacts that would otherwise not be adequately addressed. The particular impacts addressed by the specific plan fees are traffic circulation adjacent to and elsewhere in the community that is impacted by traffic generated from development in the specific plan area and which would, in the absence of adequate mitigation, result in lower Level of Service (LOS) standards than are specified in the City's General Plan, plus impacts in terms of adverse air quality resulting from traffic congestion; additional impacts would on the volume and pressure of City water service which would be inadequate in the absence of an additional well site to serve the specific plan area, fire and police equipment needed to provide emergency service to the specific plan area residents, park and recreation facilities within and of benefit to the specific plan which need to be constructed in conjunction with development occurring within the specific plan area, and the City has already expended the funds necessary to prepare and up-date the specific plan and therefore is in need of timely reimbursement for said expenditures.

3. Development pursuant to Building Permits issued prior to July 24, 1991 is hereby exempt from fee increases adopted under this resolution.
4. Union/46 development fees previously paid for Building Permits issued on or before July 24, 1991 shall be credited against Union/46 Specific Plan development impact fees, the balance of which are due and payable before issuance of Certificates of Occupancy for construction permitted by permits issued on or after July 24, 1991.
5. The fees established by Exhibit A, shall be adjusted annually, each July 1, by the percentage increase in the Engineering News Record for the prior twelve month period ending April 30. The purpose of said annual adjustment is to reflect inflationary project cost increases. Changes to the list of funded projects or the scope of the projects listed may not be made without amending the Union/46 Specific Plan.
6. The fees provided for by this resolution are adopted both as long term and interim fees pursuant to both Government Code Section 66017 (a) and (b). The long term fees adopted pursuant to Section 66017 (a) become effective 60 days from the adoption of this resolution. The interim authorization is adopted pursuant to Section 66017 (b) and becomes effective immediately. The interim authorization shall have no force and effect 30 days after authorization unless such interim authorization is extended an additional 30 days following pursuant to the procedures set forth in Section 66017 (b).

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 21st day of June 2005 by the following vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

UNION/46 SPECIFIC PLAN

Exhibit "A"
Development Fee Schedule

<u>Improvement:</u>	<u>Original Estimated Cost</u>	<u>Current Fee/Unit</u>	<u>Revised Fee/Unit</u>
1 Police Equipment	\$ 33,000	\$ 34	\$ 36
2 Fire Equipment	263,000	270	283
3 Creston Rd/N. River Road, Intersection & Signal	387,090	397	416
4 Union Road Improvements	1,729,500	1,774	1,859
5 N. River Road Improvements	1,236,900	1,269	1,330
6 Golden Hill Rd/Hwy 46 Intersection & Signal	41,200	42	44
7 Golden Hill Road/Union Road Signalization	35,000	36	38
8 Park Site Acquisition & Development	982,506	702	736
9 Off-Site Well Acquisition & Development	276,000	283	297
10 Plan Prep & Administration	126,000	129	135
	<u>\$ 5,110,196</u>	<u>\$ 4,936</u>	<u>\$ 5,174</u>

RESOLUTION NO. 06-188

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING THE DEVELOPMENT IMPACT FEE CALCULATION AND
DEVELOPMENT IMPACT FEE JUSTIFICATION STUDY FOR THE CITY OF
PASO ROBLES, CALIFORNIA AND ESTABLISHING REVISED
DEVELOPMENT IMPACT FEES FOR ALL DEVELOPMENT WITHIN THE CITY
OF EL PASO DE ROBLES

WHEREAS, several policies within the City's General Plan require that that new development mitigate its share of the impacts to the natural and built environment to be fiscally neutral and not result in a net economic loss for the City; and

WHEREAS, such General Plan policies include Goal LU-4 requiring the maintenance of existing quality of life, Policy LU-4A regarding maintenance of existing service levels and related Action Item 2 regarding funding new facilities, Policy CE-1A (j) requiring new development to mitigate a fair share of its impacts, and Action Item CE-1, Item 9, calling for the use of impact fees to fund needed improvements to serve new development, among other policies; and

WHEREAS, in accordance with these General Plan policies established in the 2003 General Plan update, the City Council has directed staff to conduct a comprehensive review of the City's development impact fees to determine whether those fees are adequate to defray the cost of public facilities related to new development; and

WHEREAS, the City contracted with David Taussig & Associates, Inc to provide a comprehensive evaluation of the City's existing development impact fees; and

WHEREAS, David Taussig & Associates, Inc. prepared a report, entitled *Development Impact Fee Justification Study for the City of Paso Robles, California*, dated October 3, 2006 (the "Nexus Study"), that provides an evaluation of existing development impact fees, recommends an increase in certain development impact fees and establishes the nexus between the imposition of such impact fees and the estimated reasonable cost of providing the service for which the fees are charged; and

WHEREAS, the Nexus Study has been available for public review and comment; and

WHEREAS, the Nexus Study substantiates the need for an increase in development impact fees in seven of the development impact fees; and

WHEREAS, the City has collected development impact fees to mitigate the impacts of new development, including fees for transportation, park development, storm drainage, public safety, library and other public facilities since the adoption of Resolution No. 03-031; and

WHEREAS, the City Council desires to update these new development impact fees, in accordance with the calculations and recommendations contained in the Nexus Study; and

WHEREAS, in compliance with the Mitigation Fee Act (Government Code section 66000 *et seq.*), the City Council held a noticed public hearing on the proposed increase in development impact fees at its regular meeting on August 1, 2006, which hearing was continued to October 3, 2006, to solicit public input on the proposed increases to development impact fees;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Findings pursuant to Government Code section 66001.

The City Council finds and determines that the Nexus Study complies with California Government Code section 66001, and as to each of the proposed increases in fees to be imposed on new development:

- (a) Identifies the purpose of the fee;
- (b) Identifies the use to which the fee will be put;
- (c) Shows a reasonable relationship between the use of the fee and the type of development project on which the fee is imposed;
- (d) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed; and
- (e) Demonstrates a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facilities attributable to the development on which the fee is imposed.

SECTION 2. Fees for Uses Consistent with the Nexus Study.

The City Council hereby determines that the fees imposed, pursuant to this resolution shall be used solely to finance the public facilities described or identified in the Nexus Study.

SECTION 3. Approval of Items in Nexus Study.

The City Council has considered the specific public facilities and cost estimates identified in the Nexus Study and hereby approves such public facilities and cost estimates and further finds that the cost estimates serve as a reasonable basis for calculating and imposing the development impact fees for such public facilities.

SECTION 4. Consistency with General Plan.

The City Council finds that the public facilities and fee methodology identified in the Nexus Study are consistent with the City's General Plan and, in particular, those policies that require new development to mitigate its share of the impacts to City infrastructure and to be fiscally neutral.

SECTION 5. Differentiation Among Public Facilities.

The City Council finds that the public facilities identified in the Nexus Study and funded through the collection of those fees recommended in the Nexus Study are separate and distinct from those public facilities funded through other fees presently imposed and collected by the City. To the extent that other fees imposed and collected by the City, including Specific Plan fees, are used to fund the construction of the same public facilities identified in the Nexus Study, then such other fees shall be a credit against the applicable development impact fees.

Notwithstanding the above provision, this resolution shall not be deemed to affect the imposition or collection of the water and sewer connection fees authorized by section 14.04.020 and 14.16.020 of the Municipal Code.

SECTION 6. CEQA Finding.

The adoption of the Nexus Study and the increase in development impact fees is not subject to the California Environmental Quality Act in that pursuant to CEQA Guidelines, section 15378(b) (4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause a significant effect on the environment, is not defined as a "project" under CEQA.

SECTION 7. Adoption of Report.

The Nexus Study, including Appendices A, B and C, is hereby adopted.

SECTION 8. Timing of Fee.

Except as provided below in this Section 8, the development impact fees imposed by this resolution shall be paid upon the issuance of a Certificate of Occupancy, at the rate in effect at that time. All building permit applications that were received by the City Building Division on or before October 3, 2006 and, based upon the submissions made by that date, that have been deemed by the City to be accepted for review to determine their compliance with City requirements, shall be processed on a first-come, first-served basis, in accordance with the City's standard policies and practices, shall be subject to the development impact fees that applied pursuant to Resolution 03-031, prior to adoption of this resolution.

SECTION 9. Amount of Fee.

The City Council hereby approves and adopts the development impact fees as set forth in Exhibit A to this resolution, attached hereto and incorporated herein. Exhibit A sets forth the aggregate amount imposed as a development impact fee for both residential and non-residential land uses and also sets forth the breakdown of each development impact fee by type of facility. The development impact fees set forth in Exhibit A are consistent with the Nexus Study. The amount of the development impact fees shall be modified annually each July 1 based on the change in the Engineering News Record's construction cost index as reported for the twelve month period ending in April of each year.

SECTION 10. Use of fee.

The development impact fees shall be solely used for (1) the purposes described in the Nexus Study; (2) reimbursing the city for the development's fair share of those public facilities already constructed by the City; or (3) reimbursing developers who have already constructed public facilities described in the Nexus Study.

A developer that has been required by the City to construct any facilities or improvements (or a portion thereof) described in Table 2 of the Nexus Study as a condition of approval of a development entitlement may request a credit against the payment of the applicable development impact fee. This credit shall only be applied against the specific development impact fees attributable to the public facility, described in the Nexus Study and constructed in conjunction with the subject development. The amount of the credit shall not exceed the actual cost of construction.

When an applicant is required, as a condition of approval of a development entitlement, to construct any facility or improvement listed in Table 2 of the Nexus Study and the cost of the public facility exceeds the development impact fees that would otherwise be due, the applicant shall be reimbursed for such costs pursuant to the terms of a reimbursement agreement approved by the City Council.

Fees collected pursuant to Resolution 03-31 for Aquatic Facilities and for Public Meeting Facilities shall be used exclusively for those purposes and accounts for these fees shall remain in effect and shall be maintained by the Director of Administrative Services.

Fees collected under any of the seven categories listed A through G in Table 2 of the Nexus Study may be used to finance the construction or implementation of any public facility listed in those categories to the extent that use of the fees may not exceed the percentage allocated to new development of all of the public facilities listed in the category, or sub-category as shown on Table 2.

SECTION 11. Fee Determination by Type of Use.

A. Residential Development.

Development impact fees for residential development shall be based upon the type of unit constructed. The development impact fee categories as shown in Exhibit A generally correspond to the City's land use designations in the land use element of the City's General Plan.

B. Nonresidential Land Uses.

Development impact fees for nonresidential land uses shall be based upon the square footage of the building. The development impact fee categories as shown in Exhibit A generally correspond to the City's land use designations in the land use element of the City's General Plan.

C. Uses Not Specified.

In the event that there are land uses not specified in Exhibit A, the development impact fee for such use shall be determined by the City's Community Development Director or his or her designee who shall determine such fee based on an analysis of the impacts of the proposed use on public facilities in relation to other uses shown in Exhibit A.

SECTION 12. Prior Resolutions and Ordinances Superseded.

The development impact fees approved and adopted by this resolution shall take effect in sixty (60) days and, upon the effective date, shall supersede previously adopted resolutions that set the amounts of development impact fees, including Resolution 03-31.

SECTION 13. Severability.

If any action, subsection, sentence, clause or phrase of this resolution, the Nexus Study, or other attachments hereto, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this resolution or other fees levied by this resolution that can be given effect without the invalid provisions or application of fees.

SECTION 14. Effective Date.

Consistent with California Government Code section 66017(a), the fees as identified in attached Exhibit "A" adopted by this resolution shall take effect sixty (60) days following the adoption of this resolution by the City Council.

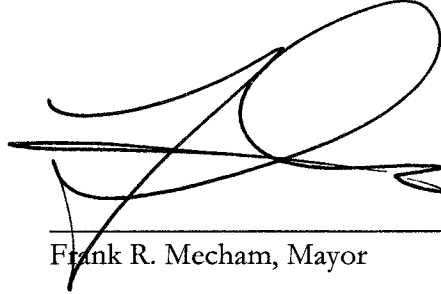
PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of October, 2006 by the following vote:

AYES: Nemeth, Picanco, Strong, and Mecham

NOES:


ABSTAIN:

ABSENT: Heggarty



Frank R. Mecham, Mayor

ATTEST:



Deborah D. Robinson, Deputy City Clerk

Attachment:

A: Development Impact Fee Justification Study

Exhibit "A"
Development Impact Fee Summary

	A Transportation Facilities		B Drainage Facilities West of Salinas River	C Bike and Pedestrian Path Facilities	D Public Safety Facilities		E General Governmental Facilities	F Park and Recreation Facilities	G Library Facilities	Total		
	East of Salinas River	West of Salinas River			Police	Fire				East of Salinas River	West of Salinas River	Per unit
Single Family	\$8,119	\$4,042	\$1,660	\$469	\$61	\$726	\$4,868	\$4,895	\$948	\$20,086	\$17,669	unit
Multiple Family	\$6,495	\$3,234	\$830	\$417	\$72	\$646	\$4,327	\$4,351	\$844	\$17,152	\$14,721	unit
Condominium/Duplex Mobile Homes												
Assisted Living Units	\$1,820	\$990	\$830	No Fee	\$72	\$10,451	\$4,327	No Fee	No Fee	\$16,670	\$16,670	unit
Commercial Lodging Motel/Hotel	\$2,123	\$2,123	No Fee	No Fee	\$72	\$342	\$71	No Fee	No Fee	\$2,608	\$2,608	unit
RV Parks & Campgrounds	\$1,770	\$1,770	No Fee	No Fee	\$72	\$342	\$71	No Fee	No Fee	\$2,255	\$2,255	unit
Commercial per sq. ft.	\$6.83	\$5.71	\$1.12	NA	\$0.05	\$0.45	\$0.35	NA	NA	\$7.68	\$7.68	sq ft.
Industrial per sq. ft.	\$3.43	\$2.68	\$0.75	NA	\$0.02	\$0.05	\$0.10	NA	NA	\$3.60	\$3.60	sq ft.

The following uses are allowed in commercial zones under Conditional Use Permits. Buildings constructed for these uses shall be considered Industrial for the purposes of Development Impact Fees.

- Recycling
- Wholesale and Storage
- Mini-Storage
- Warehousing
- Manufacturing and Processing, including:
 - Apparel, Chemical Products, Electrical Equipment, Food and Kindred Products, Furniture and Fixtures,
 - Glass Products, Cabinet Shops, Prefabricated Walls and Tusses, Machinery, Metal Fabrication, Mobile Home Manufacturing
 - Paper Products, Plastics, Fiberglass, Rubber, Jewelry, Stone, Structural Clay and Pottery, Testing Laboratories

RESOLUTION NO. 07-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AMENDING THE SCHEDULE OF FEES
FOR THE BORKEY AREA SPECIFIC PLAN

WHEREAS, the City of Paso Robles has prepared a specific plan, in accordance with the Administrative Code of the State of California, for a 767-acre portion of the community referred to as the "Borkey Area"; and

WHEREAS, the implementation of the subject specific plan and corresponding development of the plan area will necessitate a number of improvements by the City to public facilities and infrastructure, including but not limited to streets, traffic signals, water, sewer and storm drainage systems, and other public costs; and

WHEREAS, the City Council has adopted the Borkey Area Specific Plan by adopting ordinance No. 588 N.S., and subsequently amended by Ordinance No. 741 N.S., and Ordinance No. 770 N.S., which authorizes the Council to establish development fees for the plan area by resolution; and

WHEREAS, the City Council adopted Resolution 05-128 establishing the schedule of fees for the Borkey Area Specific Plan; and

WHEREAS, the Borkey Area Specific Plan includes fees for improvements to the intersection of Golden Hill Road and State Highway 46; and

WHEREAS, at its meeting of October 3, 2006, the City Council adopted Resolution 06-188, an updated AB 1600 fee program including a Needs List of transportation projects, one of those projects being improvements to the intersection of Golden Hill Road and State Highway 46; and

WHEREAS, consistent with Resolution 06-188, fees collected for similar projects through specific plans must be credited towards AB 1600 fees; and

WHEREAS, it is appropriate to amend the Borkey Area Specific Plan fees so that they do not overlap AB 1600 fees.

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

1. Resolution No. 05-0128, dated June 21, 2005, establishing Borkey Area Specific Plan fees, is hereby amended to eliminate fees for improvements to the intersection of Golden Hill Road and Highway 46 for residential uses in sub-areas B and D.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 20th day of March 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

RESOLUTION NO. 07-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AMENDING THE SCHEDULE OF FEES
FOR THE UNION-46 AREA SPECIFIC PLAN

WHEREAS, the City of Paso Robles has prepared a specific plan, in accordance with the Administrative Code of the State of California, for a 527-acre portion of the community referred to as the "Union-46 Area"; and

WHEREAS, the implementation of the subject specific plan and corresponding development of the plan area will necessitate a number of improvements by the City to public facilities and infrastructure, including but not limited to streets, traffic signals, water, sewer and storm drainage systems, and other public costs; and

WHEREAS, the City Council adopted Resolution 05-129 updating the schedule of fees for the Union-46 Area Specific Plan; and

WHEREAS, the Union-46 Area Specific Plan includes fees for improvements to the intersection of Golden Hill Road-State Highway 46 and Golden Hill Road-Union Road; and

WHEREAS, at its meeting of October 3, 2006, the City Council adopted Resolution 06-188, an updated AB 1600 fee program including a Needs List of transportation projects, among those projects being improvements to the intersections of Golden Hill Road-State Highway 46 and Golden Hill Road-Union Road; and

WHEREAS, consistent with Resolution 06-188, fees collected for similar projects through specific plans must be credited towards AB 1600 fees; and

WHEREAS, it is appropriate to amend the Union-46 Area Specific Plan fees so that they do not overlap AB 1600 fees.

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

1. Resolution No. 05-0129, dated June 21, 2005, establishing Union-46 Area Specific Plan fees, is hereby amended to eliminate fees for improvements to the intersections of Golden Hill Road-State Highway 46 and Golden Hill Road-Union Road.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 20th day of March 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk