

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

PROPOSED DEVELOPMENT IMPACT FEES
FOR
BRIDGES AND PUBLIC FACILITIES

Bridges:

Niblick II	\$11.5 million	
13th Street II	<u>3.5</u> million	
Total	15.0 million	
Less funds available from other sources	2.4 million	Federal grant
	<u>2.0</u> million	Mello Roos AD
Net Funds Needed	10.6 million	
Interest Costs	<u>10.6</u> million	(20 yr. @ 7% w/net proceeds of \$15.0 million)
Total Impact Costs	<u>\$21.2</u> million	

New Development Share 140% - \$21.2 million / 5,500 new units = \$3,855 per unit

Public Facilities:

Park Facilities	\$ 3.0 million	
Public Safety Fac.	8.0 million	
City Hall/Library	<u>7.0</u> million	
Total	18.0 million	
Interest Costs	<u>18.0</u> million	(20 yr. @ 7% w/net proceeds of \$18.0 million)
Total Impact Costs	<u>\$36.0</u> million	

New Developmnet Share 43% \$16,200,000 / 5,500 new units = \$2,945 per unit

TO: INTERESTED PARTIES

FROM: RICHARD J. RAMIREZ, CITY MANAGER

SUBJECT: PROPOSED MODIFICATION OF EXISTING DEVELOPMENT IMPACT
FEE STRUCTURE

DATE: AUGUST 19, 1993

After many months of discussion and involvement among the development community, the public, staff, and City Council, the City is ready to consider a modification to the development fee structure. During said period, the development community recognized the need to establish a new fee structure to pay for infrastructure required by the new developing area; to the extent the area benefits from said infrastructure. At the same time, although the City could take into account only the "legal" requirements in structuring all the various elements that could go into a new fee structure, the City's primary focus has been on the practical economic constraints associated with the current economy. In other words, even though the City could readily make legal arguments that could support a myriad of development impacts/fees, the City has opted to set aside said discussion on all but the most critical infrastructure deficiencies at this time.

In proposing a modification of the existing development fees, and consistent with the "Heritage Oaks Conference" meeting held last month, the City proposes the following:

1. If the school financing initiative fails to pass in November, the City Council will reconsider the proposed modified fee structure prior to full implementation.
2. The proposed new fees will not go into effect until January 1, 1994, and then at only 50% of the proposed fee. On July 1, 1994 the fee will increase to 100%.
3. The City will agree not to implement new development impact fees until July 1, 1997 or until the City exceeds 250 single family building permits per year, whichever comes first.

The above shall not apply should the State or Federal Government mandate new regulations or system improvements.

Based on the above, the City Council will consider adopting two new fees. The first new fee will be for partial funding for public facilities (e.g. parks, library, public safety and city hall). Said fee will be \$1,950 or (\$975.00 on January 1, 1994 and \$1,950.00 on July 1, 1994).

The second fee will be a bridge fee and will be set at \$3,100 (or \$1,550.00 on January 1, 1994 and \$3,100.00 on July 1, 1994).

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Granted, the City could justify higher fees to undertake infrastructure deficiencies that would be created by new development. However, the City does not believe such an effort would be in the community's economic interest. Nevertheless, the calculation for arriving at the fee structure will be mailed under separate cover. In the meantime, we look forward to conducting a final workshop before the City Council formally considered the alluded to fees.

The Workshop will be held September 9, 1993 at 9:00 AM at Centennial Park.

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.

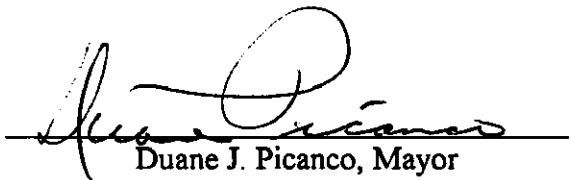
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles, that the City Council temporarily suspends a portion of the existing Impact Fees adopted by Resolution No. 93-166, in accordance with the provisions set forth below; and

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

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.

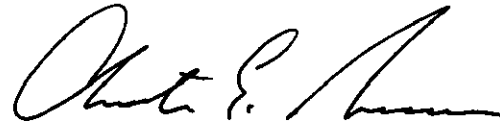
2. In order to reduce the financial impact of the fees required to finance/construct public facilities designed to meet a target population of 35,000 by the year 2010 (e.g. Park & Recreation, Public Safety, Library and City Hall facilities), the development impact fee attributable to new development 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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10/5/93

DATE

2.
AGENDA ITEM #

TO: RICHARD J. RAMIREZ, CITY MANAGER () APPROVED () DENIED

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR 27 1993

SUBJECT: DEVELOPMENT IMPACT FEES

CITY OF PASO ROBLES

DATE: 27 SEPTEMBER 1993

Needs: For the City Council to consider adoption of fees designed to mitigate the impact of new residential development on City facilities and infrastructure.

- Facts:
1. The City's adopted General Plan calls for new development to pay its proportionate share for new facilities.
 2. 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.
 3. 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.
 4. Based on the 5,500 new residential dwelling units that could be accommodated by 2010, compared to specified facilities and infrastructure needed to serve that growth, a development impact fee has been calculated.
 5. Attached is a letter that was sent to representatives of the Building Industry, outlining proposed parameters for a development impact fee. These parameters were discussed during general open workshops, the most recent held on September 9, 1993.

Analysis
and

Conclusion: Adoption of adequate development impact fees are called for in the City's General Plan. Without the facilities and infrastructure to support residential growth to the year 2010, the City will face a serious decline in the levels of service to both residents and the business community.

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 this fee will address the major immediate impacts and avoid further delays.

As described in the attached fee schedule, the funded infrastructure consists of the Niblick and Creston Road bridges, and public facilities (e.g. parks, public safety, and City Hall / Library facilities).

Representatives of the Development Community have expressed concern over the financial impacts of the development impact fees and timing for implementation of this fee. 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 in the proposal.

Policy

Reference: General Plan Goal 3.13; Policy PS-1; Circulation Element policies; City Fiscal Policy and proposed Library/City Hall Bond prospectus.

Fiscal

Impact: Without revised mitigation fees, there would be a serious adverse fiscal impact on the City and its environment.

Options:

1. Adopt the attached Resolution implementing development impact fees for the specified impacts, which provides for a "phase-in" of the effective date, plus a "cap" on additional development impact fees before 1997.
2. Direct staff to modify and bring back a new development impact fee schedule.
3. Determine not to adopt a development impact fee schedule at this time, acknowledging that without adequate mitigation the impacts of new residential development will reduce the level of service to the public and/or force the City to find alternative means to mitigate the fiscal impacts of new development.