

RESOLUTION NO. 03-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ADOPTING THE *DEVELOPMENT IMPACT FEE CALCULATION AND NEXUS REPORT  
FOR THE CITY OF PASO ROBLES, CALIFORNIA* AND SUBSEQUENT DOCUMENTATION  
ACCOMPANYING SUCH REPORT AND ESTABLISHING DEVELOPMENT IMPACT FEES  
FOR ALL DEVELOPMENT WITHIN THE CITY OF EL PASO DE ROBLES

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WHEREAS, the City Council decided that it was necessary and desirable 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 the development project; and

WHEREAS, the City contracted with Revenue & Cost Specialists, LLC, for a comprehensive evaluation of the City's existing development impact fees; and

WHEREAS, Revenue & Cost Specialists prepared a report, the *Development Impact Fee Calculation and Nexus Report for the City of Paso Robles, California*, in July of 2002, that recommends an increase to the City's development impact fees and explains the nexus between the imposition of the fee and the estimated reasonable cost of providing the service for which the fee is charged; and

WHEREAS, the *Development Impact Fee Calculation and Nexus Report for the City of Paso Robles, California*, has been available for public review and comment; and

WHEREAS, following the issuance of the *Development Impact Fee Calculation and Nexus Report for the City of Paso Robles, California*, the City held a public workshop and received additional information; and

WHEREAS, Appendix C was subsequently added to the Report to incorporate revised trip-end data, which changed the calculation Revenue & Cost Specialists used to generate its initial recommended level of development impact fees and also changed the recommended level of fees from those recommended in the *Development Impact Fee Calculation and Nexus Report for the City of Paso Robles, California*; and

WHEREAS, both the *Development Impact Fee Calculation and Nexus Report for the City of Paso Robles, California* and Appendix C (collectively the "Report") substantiate the need for an increase in development impact fees amongst nine different categories of services and facilities provided by the City; and

WHEREAS, the City has been imposing various impact fees, including fees for signalization, bridge development, park development, storm drainage, street trees, and public facilities, among others; and

WHEREAS, the City Council desires to adopt new development impact fees, in accordance with the nexus calculations and recommendations in the Report; and

WHEREAS, in compliance with the Mitigation Fee Act (Government Code section 66000 *et seq.*), the City Council held a public meeting on the proposed development input fees on January 16, 2003, an incorrectly noticed public hearing on February 18, 2003 and a noticed public hearing on March 4, 2003 to solicit public input on the proposed development impact fees on February 18, 2003;

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 Report complies with California Government Code section 66001 by establishing the basis for the imposition of fees on new development. This finding is based on the fact that the Report:

- (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 Report.

The City Council hereby determines that the fees collected pursuant to this resolution shall be used to finance the public facilities described or identified in the Report, the Master Facilities Plan or such other public facility master plans as may from time to time be adopted by the City Council.

SECTION 3. Approval of Items in Report.

The City Council has considered the specific project descriptions and cost estimates identified in the Report and hereby approves such project descriptions and cost estimates and finds them reasonable as the basis for calculating and imposing certain development impact fees.

SECTION 4. Consistency with General Plan.

The City Council finds that the projects and fee methodology identified in the Report are consistent with the City's General Plan.

SECTION 5. Differentiation Among Fees.

The City Council finds that the development impact fees recommended in the Report are separate and different from other fees the City may impose as a condition of final map approval, building permit issuance or tentative or parcel map approval pursuant to its authority under the Subdivision Map Act, the Quimby Act, and the City's implementing ordinances, as may be amended from time to time, for, among other projects, the construction of storm drainage, major thoroughfares and bridges and the acquisition of parkland. In no event, however, shall a developer be required to pay for both a fee imposed pursuant to the Subdivision Map Act and/or the Quimby Act and a portion of the development impact fee as specified in Appendix A that would be used to fund the same type of facility as the fee imposed pursuant to the Subdivision Map Act and/or the Quimby Act.

In addition, 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 Report and the development impact fee are categorically exempt from environmental review pursuant to section 15061(b)(3) of the California Environmental Quality Act guidelines. The intent of the Report and development impact fee is to provide one way to fund projects and services that have been identified in environmental analyses of other planning efforts, including the General Plan EIR, and various City master plans, among others.

SECTION 7. Adoption of Report.

The *Development Impact Fee Calculation and Nexus Report for the City of Paso Robles, California*, including the subsequently added Appendix C, is hereby adopted.

SECTION 8. Timing of Fee.

A development impact fee shall be imposed upon the issuance of any development permit and shall be paid prior to issuance of a certificate of occupancy for the project, or at such earlier time as permitted by law, as set forth in Government Code section 66007. A "development permit" means any permit or approval from the City including, but not limited to, subdivision map, revised final planned development, building permit or other permit for construction or reconstruction.

- (a) All building permit applications that were received by the City Building Division on or before March 4, 2003, and based upon the submissions made by that date 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, and those permits that are issued on or before June 2, 2003, shall be subject to the fees that applied prior to adoption of this resolution;
- (b) Except as provided in subparagraph (a) above, the fees adopted by this resolution shall take effect on May 3, 2003.

SECTION 9. Amount of Fee.

The City Council hereby approves and adopts the development impact fees as set forth in Appendix A to this resolution, attached hereto and incorporated herein. Appendix 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 or service. The development impact fees set forth in Appendix A are consistent with the Report. The amount of the development impact fee shall be reduced or a credit shall be applied towards the fee in proportion to the monetary cost of any improvements installed that would have been funded by the development impact fee. 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 Report; (2) reimbursing the city for the development's fair share of those capital improvements already constructed by the City; or (3) reimbursing developers who have already constructed public facilities described in the Report or the Master Facilities Plan or other facility master plans adopted from time to time by the City Council, where those facilities exceeded that needed to mitigate the impacts of the developers' project or projects.

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 Appendix A generally correspond to the City's land use designations in the land use element of the City's general plan, as more specifically explained in Chapter 2 of the Report.

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 Appendix A generally correspond to the City's land use designations in the land use element of the City's general plan, as more specifically explained in Chapter 2 of the Report, with the exception of long-term transient lodging. Long-term transient lodging is not a specific land use, but, rather, reflects a changed use from a commercial lodging establishment to a long-term transient use wherein a person resides for thirty (30) continuous days or more.

C. Uses Not Specified.

In the event that there are land uses not specified in Appendix A, the development impact fee for such use shall be determined by the City's Director of Administrative Services or his or her designee who shall determine such fee based on an analysis of the public service impacts of the proposed use in relation to other uses shown in Appendix 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 shall supersede previously adopted resolutions that set the amounts of development impact fees, including Resolution No. 2972 with respect to the bridge development impact fee, Resolution No. 93-166 with respect to public facilities development impact fees, Resolution No. 2391 with respect to storm drainage development impact fees, Resolution No. 2347 with respect to signalization, Ordinance No. 411 with respect to park development impact fees and Resolution No. 2385 with respect to street tree development impact fees.

SECTION 13. Severability.

If any action, subsection, sentence, clause or phrase of this resolution or the imposition of a development impact fee for any project described in the Report or the application thereof to any person or circumstance 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 4<sup>th</sup> day of March 2003 by the following vote:

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

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

Attachment:

A: Development Impact Fee Summary

**EXHIBIT "A"**

**SUMMARY OF DEVELOPMENT IMPACT FEES**  
(Phased Retail/Commercial & Industrial/Manufacturing)

	Law	Fire	Streets,	Storm	General	Library	Public	Aquatics	Parkland &	Total
	Enforcement	Protection	Traffic Signals	Drainage	Governmental	Expansion	Meeting	Facilities	Open Space	
	Facilities	Facilities	and Bridges	Facilities	Facilities	Facilities	Facilities		Acquisition	
Estate (1 acre or more)	\$17	\$686	\$4,260	\$772	\$408	\$607	\$396	\$282	\$2,532	\$9,960/unit
Single Family <sup>1</sup>	\$17	\$686	\$4,260	\$607	\$408	\$607	\$396	\$282	\$2,532	\$9,795/unit
Condominium/Duplex	\$16	\$198	\$2,618	\$330	\$408	\$471	\$308	\$219	\$1,968	\$6,536/unit
Multiple Family	\$33	\$564	\$2,803	\$200	\$408	\$525	\$343	\$244	\$2,190	\$7,310/unit
Mobile Homes <sup>2</sup>	\$19	\$1,082	\$2,149	\$531	\$408	\$380	\$248	\$177	\$1,587	\$6,581/unit
Assisted Living Units <sup>3</sup>	\$31	\$9,399	\$815	\$270	\$408	No Fee	No Fee	No Fee	No Fee	\$10,923/unit
Long-Term Transient Lodging <sup>4</sup>	\$36	\$224	\$2,803	\$181	\$408	No Fee	No Fee	No Fee	No Fee	\$3,652/unit
Commercial Lodging	\$10	\$224	\$2,195	\$121	\$64	No Fee	No Fee	No Fee	No Fee	\$2,614/unit
Retail/Office Uses <sup>5</sup>	\$0.02	\$0.19	\$2.48	\$0.09	\$0.04	No Fee	No Fee	No Fee	No Fee	\$2.82/sq ft.
Industrial Uses <sup>6</sup>	\$0.00	\$0.01	\$1.68	\$0.15	\$0.06	No Fee	No Fee	No Fee	No Fee	\$1.90/sq ft.
<sup>1</sup> Includes "manufactured homes" not subject to HCD										
<sup>2</sup> Includes "manufactured homes" subject to HCD										
<sup>3</sup> Existing single family, condominium/duplex and multiple family units if converted to assisted living units would pay the difference between the single family, condominium/duplex and multiple family fee and the assisted living fee upon conversion										
<sup>4</sup> Includes transient lodging wherein 50.1% of units are occupied continuously for thirty-one (31) days or more										
<sup>5</sup> Fee to be adjusted every March 1st by \$1.67 per square for the next three years										
<sup>6</sup> Fee to be adjusted every March 1st by \$0.49 per square for the next three years										