



TOWN OF PARADISE

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DEVELOPMENT IMPACT FEE ADJUSTMENTS BOARD AGENDA

2:00 PM – November 15, 2012

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All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Town Council will be available for public inspection at the Town Hall in the Town Clerk Department at 5555 Skyway, Room 3, at the same time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

CALL TO ORDER - [Chairman Bauman]

ROLL CALL

1. APPROVAL OF MINUTES

1a. Regular meeting minutes of April 14, 2008.

2. PUBLIC COMMUNICATION (Public Presentation of Non-Agenda Items)

3. NEW BUSINESS

3a. Paradise Irrigation District: Application for Waiver of Development Impact Fees [Drainage] Assigned to Building Permit Project No. BP12-00460 for property at 6344 Clark Road, Paradise; AP No. 053-150-197.

4. OTHER BUSINESS

5. IDENTIFICATION/DISCUSSION OF FUTURE AGENDA ITEMS

6. ADJOURNMENT

DEVELOPMENT IMPACT FEE ADJUSTMENTS BOARD

April 14, 2008 – 8:30 a.m.

Town Hall Conference Room

5555 Skyway, Paradise, CA

MINUTES

CALL TO ORDER

DIF Board Chairman Bauman called the meeting to order at 8:30 a.m.

ROLL CALL

Present at roll call were DIF Board members Bill Mannel, Rick D’Orazi and Chairman Weldon Bauman. Also present were Al McGreehan, Community Development Director. Board Members Scott Wood and Charlie Ross were absent (excused).

1. APPROVAL OF MINUTES - Regular meeting of January 19, 2006

It was moved by Rick D’Orazi, seconded by Bill Mannel and carried by those present to approve the January 19, 2006 DIF Board meeting minutes as submitted by staff.

2. PUBLIC COMMUNICATION - None.

3. NEW BUSINESS

a. Eggers Builders, Inc./Michael and Teresa Angel: Application for Waiver of Development Impact Fees [Drainage] Assigned to Building Permit Project No. 2008.131 for property at 1820 Amore Lane, Paradise; AP No. 053-260-101.

Mr. McGreehan briefly explained the details of the Eggers, et. al. application for a waiver of the imposition of drainage facilities development impact fees associated with the construction of a single-family dwelling and garage located at 1820 Amore Lane. Based on the drainage pond that was built by the developer, staff is recommending a refund of the drainage fees previously imposed for this building permit.

The DIF Board discussed the applicant’s request, and inquired if staff would research and determine who paid for the drainage pond improvements to insure that the right people receive any potential refund. The Pentz 1 Basin has a large amount of estimated costs for future drainage facilities, and it is important to insure that a precedent is not set for the refund of impact fees.

The Board concurred to temporarily table this agenda item until the applicant arrived.

4. OTHER BUSINESS .

b. Consider an Advisory Action to the Town Council Regarding Recommended Adjustments/Amendments to the Town of Paradise Development Impact Fees Schedule.

The DIF Board members discussed the matter before them. Mr. McGreehan explained that the fees have not been reviewed since January, 2001 and an update is needed to offset several years on inflation cost increases, and to correct underestimated costs for projects to be partially funded with development impact fees. Among the suggested revisions is the addition of a fee category for “bike lane/path facilities”. The recommended increases to the fees, if adopted, will still reflect the lowest development impact fee amounts compared to local municipal and county jurisdictions.

Rick D’Orazi suggested the Town consider adopting an inflation cost index be built into the development impact fees to keep up with costs.

After further discussion, it was moved by Rick D’Orazi, seconded by Bill Mannel and unanimously carried by those present to adopt a motion to recommend the Town Council adopt the revisions to the Development Impact Fees with increases tied to an inflation index with a staff review of the fees annually or at least every other year. By reviewing the fees more often, it will avoid large increases in the future.

ROLL CALL VOTE: AYES: Committee Members D’Orazi, Mannel, and Chairman Bauman. NOES: None. ABSENT: Committee Members Ross and Scott.

MOTION CARRIES.

THE DIF BOARD RETURNED TO AGENDA NO 3(a).

The Board agreed that the development impact fees for drainage be refunded to the person who paid them. Through written communication with the Town the Wymans’, who installed the drainage facilities and bore the costs, could indicate to whom the refund should be issued. For future development of the lots, a letter from the Wymans’ in the file would be beneficial so there will be no development fees for drainage charged for future building permits.

The agenda item was opened to the public. Appearing:

1. Marge Eggers, Eggers Builders. Mrs. Eggers explained that the refund for the drainage fees should be refunded to her. She suggested that a provision be made for a credit for the drainage fees for the remaining lots that will be developed.

It was moved by Rick D’Orazi, seconded by Bill Mannel and carried by those present to:

1(a). Find that, given the applicant's constructed contribution of a sophisticated onsite drainage system, etc., the drainage impacts of the work associated with the applicant's development construction will not result in additional impacts upon the town's public drainage facilities; **AND**

1(b). Authorize full waiver of the imposition of drainage facilities development impact fees (estimated amount: \$1,320.72) for Egger's Builder's, Inc. building permit application No. 2008.131. With written permission from the Wymans' the refund will be provided to Eggers Builders, Inc.

It was announced that the decision of the DIF Board can be appealed within seven days of the decision date.

5. IDENTIFICATION/DISCUSSION OF FUTURE AGENDA ITEMS

The Board discussed the formation of a mitigation monitoring program to oversee the projects funded by the development impact fees. An addendum to the General Plan could be added to provide monitoring and maintenance. The Board discussed the need for a mechanism for retaining the development impact fees collected for future improvements to be used for drainage projects and their maintenance. It was suggested that some development impact fees should not be refunded under any circumstances. However, that could prevent flexibility for contractors under individual circumstances.

Mr. McGreehan responded that he may send the DIF Board a copy of the accounting of impact fees cumulatively collected.

6. ADJOURNMENT

The DIF Board unanimously concurred to adjourn the meeting at 10:05 a.m.

Weldon Bauman, Chairman

ATTEST:

Suzanne Whalen, Planning Secretary

TOWN OF PARADISE

**DIF Adjustments Board Agenda Summary
Meeting Date: November 15, 2012**

ORIGINATED BY: Craig Baker, Community Development Director

SUBJECT: **Paradise Irrigation District** DIF Waiver Application: Building Permit Application No. BP12-00460 for property located at 6344 Clark Road, Paradise, CA; AP No. 053-150-197

DATE: November 7, 2012

BACKGROUND: The current statutory provisions of the Paradise Municipal Code (PMC section 3.40.070) require that applications for adjustments, reductions, or waiver of the imposition of development impact fees(s) be formally addressed by the Town of Paradise Development Impact Fee (DIF) Adjustments Board during a posted public meeting.

Recently, the building permit applicant filed an application requesting the Town of Paradise to authorize a waiver of a portion of the DIF being imposed upon a building permit.

Some of the specifics of this particular application request and the location of the development project are presented below:

Applicant	Building Permit Application No.	Project Location	Project Action
Paradise Irrigation District	BP12-00460	6344 Clark Road	Building Permit Issued

SPECIAL INFORMATION: The Paradise Irrigation District (PID) recently applied for and secured issuance of a building permit authorizing the construction of a 4,400 square foot shop/warehouse structure and an attached 7,102 square foot office structure on property at 6344 Clark Road. The project applicant is requesting the Town of Paradise to waive the imposition of the DIF amounts associated only with drainage improvements funding.

The project site abuts and affords primary access via Clark Road, an arterial public street. The specific location of this development project is situated within a drainage basin (Clark 1 Basin) identified with planned drainage facilities improvements officially sanctioned to be partly financed by DIF amounts imposed.

Therefore, a potential “nexus” relationship exists with this development project pertaining to drainage impact(s).

Attached with this staff report is a copy of the DIF waiver letter application that was filed by PID District Manager George Barber. (**NOTE:** Refer to the attached DIF calculation sheet related to this building permit application for a detailed breakdown of the DIF amounts that were calculated for imposition).

Town staff advises all DIF Board members to personally field inspect this development project site before the date and time of the scheduled DIF Board meeting. In addition, you are encouraged to stop by the Development Services Department office to examine the building construction and engineered drainage plans for this project with Town staff.

APPLICATION ANALYSIS: The applicant has submitted analysis in support of their contention that the imposition of drainage DIF amounts should not apply to the building permit. Please refer to Mr. Barber’s letter received by the Town on September 27, 2012.

The Town of Paradise DIF program is predicated upon the fact that all forms of newly constructed development and its resultant land usage generates or contributes some degree of impact upon the town’s public infrastructure facilities such as its streets, signalized street intersections, drainage facilities, fire station facilities, etc.

Upon receipt of Mr. Barber’s request, Town Engineer Marc Mattox reviewed the engineered storm drainage analysis submitted for the project on August 23, 2011 and approved by Town staff on August 24, 2011. Subsequent to his review of the approved drainage analysis and other related materials, Mr. Mattox generated the attached memorandum dated November 7, 2012, indicating agreement with the applicant’s stated rationale for a full waiver of DIF amount imposition related to partial funding of public drainage facilities, based upon a conclusion that the project, when complete, will not result in a net increase in drainage runoff compared to pre-development conditions.

DIF BOARD ACTION REQUESTED: Conduct a public discussion concerning this agenda item. Upon conclusion of the discussion, adopt a decision action relative to this application concerning whether or not to authorize a waiver (or reduction) of the imposition of the DIF fee amounts imposed and/or previously collected.

STAFF RECOMMENDATION: Adopt a **MOTION TO:**

1. Find that, given the applicant’s Town-approved and engineered storm water drainage solution that includes an engineered on-site drainage detention system, permeable surfacing, etc., the project will result in no net increase in runoff compared to pre-development conditions and the drainage impacts of the work associated with the applicant’s project will not result in additional impacts upon the town’s public drainage facilities; **AND**

2. Authorize a full waiver of the imposition of drainage facilities development impact fees (estimated amount: \$14,822.38) for the Paradise Irrigation District building permit application No. BP12-00460.

APPEAL PROCESS: Decisions rendered on fee adjustment/reduction/waiver applications by the DIF Board are subject to an appeal process as established by section 3.40.070(G) of the Paradise Municipal Code. If a written appeal to the Town Council related to a DIF Board decision is not filed with the Town Clerk, along with its appeal processing filing fee, within seven calendar days of the DIF Board decision, then the DIF Board decision on behalf of the Town of Paradise becomes legally effective.

Attachments

j:\cdd\planning\difboard\PID DIF agnsum

ATTACHMENTS FOR PID DIF WAIVER AGENDA SUMMARY

1. Letter from PID staff requesting drainage DIF waiver dated September 27, 2012
2. Town of Paradise invoice showing DIF amounts associated with the PID project
3. Memorandum from Town Engineer Marc Mattox regarding the DIF waiver request
4. PID project vicinity map
5. PID project site plan

053-150-197



Paradise Irrigation District

6332 Clark Rd, Paradise CA 95969

Phone: 530-877-4971 Fax: 530-876-0483

www.paradiseirrigation.com

September 27, 2012

Town of Paradise
Chuck Rough, Town Manager
5555 Skyway
Paradise, CA 95969

RECEIVED
SEP 27 2012

TOWN OF PARADISE
COMMUNITY DEVELOPMENT DEPT.

RE: Appeal of Development Impact Fee

Dear Chuck:

On behalf of the Customers and Board of Directors of the Paradise Irrigation District, I must appeal the Development Impact fee for our Corporation Yard Project.

Most particularly is the \$14,822.38 Drainage Improvements Fee. When we developed this site, we redirected the drainage with all of the appropriate permits and improved the drainage in the project area. We also as required, put in extensive on site improvements to insure that we had no net increase in offsite runoff. Based on this, we feel we have no impact on drainage that would require the payment of this fee.

Thank you for your consideration.

Sincerely,
Paradise Irrigation District

George Barber
District Manager

Invoice Detail

Permit ID #: BP12-00460

Invoice #: 9674

Invoice Date: 09/19/2012 15:39:49

Period	Fee Item
FINAL	Road Improvements
FINAL	Signal Improvements
FINAL	Drainage Improvements
FINAL	Police Facilities
FINAL	Fire Facilities

Qty	Fee
2473.3	\$2,473.30
159.02	\$159.02
14822.38	\$14,622.38
318.04	\$318.04
673.14	\$673.14



Total Fee: \$18,445.88

DIF fees



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MEMO

Date: November 7, 2012

To: Lauren Gill, Assistant Town Manager
Craig Baker, Community Development Director

From: Marc Mattox, Associate Civil Engineer

RE: Paradise Irrigation District Development Impact Fee Waiver Request

Development Impact Fee Background

Ordinance 224, adopted by the Town Council of the Town of Paradise in 1994, set forth policies and procedures for the establishment and collection of Development Impact Fees. Per Municipal Code Chapter 3.40 – Development Impact Fees, the purpose of such fees is to ensure that development bears proportionate share of the cost of public facilities and service improvements necessary to accommodate such development in order to promote and protect the public health, safety and welfare.

The following fee categories and structures were enacted by the Town Council from the recommendations of the Management Services Institute Study dated January 1992:

- Streets and Thoroughfares
- Traffic Control Facilities
- Law Enforcement Facilities
- Fire Facilities, Equipment and Training
- Storm Drainage Facilities

As with all categories, a drainage facilities fund was established. The drainage facilities fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated costs of designing, constructing and improving the drainage facilities within the town, including any required acquisition of land.

Paradise Irrigation District Corporation Yard Development Storm Drain Analysis

On August 23, 2011, Northstar Engineering of Chico, California submitted a signed final copy of the Paradise Irrigation District (PID) Corporation Yard Storm Drain Analysis dated July 12, 2011 on behalf of PID. The document, prepared by Neil Graber, P.E., describes analysis methodology and calculations made to compare pre- and post-development drainage conditions. The development design included engineered methods to reduce and slow the total site drainage run-off including

implementation of absorption storm drain trenches and construction of an open channel to convey remaining drainage through the site. The conclusion of the document states development of the PID Corporation Yard will bring the total run-off from the site back to pre-development levels, demonstrated in Exhibit D of the Analysis.

The PID Corporation Yard Storm Drain Analysis dated July 12, 2011 was approved by Dennis Schmidt, Paradise Town Engineer, on August 24, 2011.

Paradise Irrigation District Corporation Yard Permit & Development Impact Fees

On September 20, 2012, PID was issued a Permit (BP12-00460) for construction of the foundation only for the proposed Corporation Yard. The subject Permit provided typical calculations of Development Impact Fees based on project size. Drainage Improvement fees for the project totaled \$14,822.38.

On September 27, 2012, PID submitted a formal appeal of Drainage Development Impact Fees to the Town of Paradise. The basis of the appeal is the consideration of efforts implemented by PID to construct a project with no net increase in offsite run-off.

Appeals of Development Impact Fees

Municipal Code Section 3.40.070 – Adjustments sets forth guidelines for which any project subject to the fees described may apply for a reduction, adjustment or waiver of any one or more of the fees, based upon the absence of any reasonable relationship or nexus between the impacts of their development and either the amount of the fee(s) charged or the type of facilities to be financed. Development Impact Fee appeals are submitted to and acted upon by the Development Impact Fee Board (DIF Board) at a noticed Public Hearing.

Recommendation

As described in the Municipal Code, Development Impact Fees shall have a defensible nexus between impacts of the development and the type of facilities to be financed. The purpose of Drainage Development Impact Fees is to fund improvements to the Town's drainage system. The PID waiver request is in regards to a project designed to have no net increase in drainage impacts from the project site, a determination accepted by the Town of Paradise on August 24, 2011. In addition, previous DIF Board actions would support the assertion by PID which the project Drainage Development Impact Fees should be waived based on the absence of a nexus impact from their project. Based on information available, a waiver of drainage impact fees should be considered by the DIF Board.

**Paradise Irrigation
District use permit and
tree felling permit
applications**



