

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING DEVELOPMENT IMPACT FEES AS SPECIFIED TO RECOVER THE COSTS TO THE TOWN FOR FUTURE CONSTRUCTION OF PUBLIC INFRASTRUCTURE FACILITIES AND IMPROVEMENTS**

**Summary Statement:**

On March 31, 2005, the Town completed and published a comprehensive fee study for Town fees in a document prepared by Revenue and Cost Specialists (RCS) entitled "Cost of Service Study for the Town of Apple Valley".

On May 10, 2005, after a series of workshops before the Town Council and Park and Recreation Commission, the Town Council adopted Ordinance No. 294 amending and establishing Development Impact Fees to recover the costs to the Town for future construction of public infrastructure facilities and improvements as recommended in the RCS study.

(Continued on the next page)

**Recommended Action:**

Adopt Resolution 2008-31, a Resolution of the Town Council of the Town of Apple Valley, California, amending Development Impact Fees as specified to recover the costs to the Town for future construction of public infrastructure facilities and improvements.

**Proposed by:** William Pattison, Director of Finance      **Item Number** \_\_\_\_\_

**T. M. Approval:** \_\_\_\_\_      **Budgeted Item**     Yes     No     N/A

**Summary Statement**

**Agenda Item: A RESOLUTION AMENDING DEVELOPMENT IMPACT FEES**

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Exhibit A schedules out the Development Impact Fees (DIF's) and is attached for your reference. Said fees as justified by the fee study, are proposed to be adjusted by the annual percentage amount that is equal to or less than, as determined by the Town Council, the change to the Engineering News Record (ENR) Building and Construction Cost Index (BCI) Los Angeles Average for the previous twelve month period of March to March. This year's ENR BCI Los Angeles index change is 2.075 percent. Last year's increase was based on an index increase of 5.458 percent.

Development Impact Fees included as part of the attached resolution:

- Animal Control Facilities
- Law Enforcement Facilities
- Storm Drainage Facilities
- Sanitary Sewer Collection System
- General Government Facilities
- Aquatic Facilities
- Public Meeting Facilities

The Resolution has been prepared with an effective date of July 01, 2008. Staff recommends approval and adoption of the attached resolution.

**RESOLUTION No. 2008-31**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING AND ESTABLISHING CERTAIN DEVELOPMENT IMPACT FEES TO RECOVER THE COSTS TO THE TOWN FOR FUTURE CONSTRUCTION OF PUBLIC INFRASTRUCTURE FACILITIES AND IMPROVEMENTS NECESSITATED BY NEW DEVELOPMENT WITHIN THE TOWN**

**WHEREAS**, the Town of Apple Valley (“Town”) imposes certain development impact fees (“Development Impact Fees”) upon development project applicants (“Applicants”) to recover the costs to the Town for the future construction of public infrastructure facilities and improvements (“Public Improvements”) necessitated by increasing development within the Town; and

**WHEREAS**, the Town Council finds that the approval of development projects is of special benefit to Applicants and that development projects constructed by Applicants impose a special burden upon Public Improvements separate and apart from and in addition to that of the public; and therefore, in the interests of fairness to the general public, the Town desires to better recover the costs of development impacts upon Public Improvements from Applicants who have sought the Town’s approval for development projects; and

**WHEREAS**, a duly noticed and conducted public hearing was held by the Town Council on May 10, 2005 to consider increase in existing Development Impact Fees and establishment of new Development Impact Fees based upon information contained in two documents prepared by Town staff and Revenue and Cost Specialists (“RCS”) entitled “Development Impact Fee Calculation & Nexus Report for the Town of Apple Valley, California”, dated February 28, 2005, and “Master Facilities Plan for the Town of Apple Valley, California”, dated February 28, 2005 (collectively, “Development Impact Fee Reports”); and following that public hearing, Ordinance No. 294 was introduced, and thereafter adopted on May 24, 2005, which Ordinance adopted the Development Impact Fee Schedule Establishing, Amending and Increasing Certain Development Impact Fees (including Exhibit A) and which provided that referenced fees may be amended from time to time by resolution of the Town Council, in compliance with the Mitigation Fee Act, Government Code, Sections 66000, and following; the findings and conclusions contained in Ordinance no. 294, are hereby incorporated herein by this reference, including, in part, the reasons for and the basis upon which the Development Impact Fees were adopted, descriptions of the Public Improvements to be financed, and the need for future annual increases to recover or finance the reasonable costs thereof; and

**WHEREAS**, the Town wishes to comply both with the letter and the spirit of Article XIII B of the California Constitution and limit the growth of taxes; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed changes to the adopted Apple Valley Fee Schedule is not defined as a project and is, therefore, EXEMPT from further environmental review; and

**WHEREAS**, the Town Council has duly considered the question of whether to automatically increase said fees on an annual basis; and

**WHEREAS**, it is the intention of the Town Council to continue to implement and update its developed and revised schedules of fees based on the Town's fee studies, including budgeted and projected costs reasonably borne for the ensuing fiscal year; and

**WHEREAS**, the Town Council hereby confirms its intent when adopting Ordinance No. 294, with respect to the Development Impact Fees thereby adopted, that on July 1 of each year, including July 1, 2008, and each year thereafter, those impact fees shall automatically be adjusted by a percentage amount that is equal to or less than, as determined by the Town Council, the change to the Engineering News Record (ENR) Building and Construction Cost Index (BCI) Los Angeles Average for the previous twelve month period of March to March; in compliance with State law, these fee increases shall only be implemented to the extent that a fee study justifies the actual additional cost for said infrastructure warrants these increases; said fee study shall be filed with the Town Clerk at least sixty (60) days prior to July 1<sup>st</sup> of each year; and reference to this automatic annual adjustment is also included in Exhibit A, hereto, and the provisions herein shall continue to apply to future annual impact fee increases; and

**WHEREAS**, the Town in 2005 made available to the public data indicating the cost, or estimated cost, to finance the infrastructure for which the Development Impact Fees are levied and the revenue sources anticipated therefore, including the above-referenced Development Impact Fee Reports; and during the past two months has made available for the public the said current construction price increase analysis and fee study dated May 1, 2008; and

**WHEREAS**, the modified fees and charges proposed are consistent with the purpose and intent of the Town's General Plan; and

**WHEREAS**, all noticing and other requirements for adoption of this Resolution have been complied with;

**NOW, THEREFORE, BE IT RESOLVED** that, based upon the said fee study considered by the Town Council, and for the reasons discussed by the Council, the Town Council of the Town of Apple Valley, California, finds, determines and orders as follows:

**Section 1.** That the fees, as increased, in the Development Impact Fee Schedule attached hereto are supported by the fee study and hereby implement the cost of living increase provisions intended by the Town Council in 2005, are consistent with applicable Town regulations, and will promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**Section 2.** That, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed changes to the adopted Apple Valley Fee Schedule are not defined as a project and are, therefore, EXEMPT from further environmental review.

**Section 3.** The amended Impact Fee Schedule attached as "Exhibit A" hereto, which amend and add to impact fees contained in the Impact Fee Schedule originally adopted by Ordinance No. 294, and pursuant to the provisions contained therein, are hereby approved and adopted.

**Section 4.** Prior enactments of the Town Council establishing fees, identified within Exhibit A, attached hereto, are hereby amended to the extent that such prior enactments duplicate or are inconsistent with fees established hereby; except as so amended, all fees and charges for services, materials or mitigations in effect prior to adoption of this resolution and not amended hereby shall remain in effect.

**Section 5.** The recitals and provisions of Ordinance No. 294, considered during the public hearing therefore on May 10, 2005 as they pertain to Development Impact Fees are hereby referenced and incorporated in connection with adoption of this Resolution.

**Section 6.** Severability. If any provision of this Resolution or the application thereof to any person or circumstances is held or determined to be invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Resolution are declared to be severable. In the event any fee increase herein is determined by the final judgment of a court of competent jurisdiction to be invalid, then the fee in effect as to that item prior to the adoption of the said invalidated fee by this Resolution shall be construed hereby to remain in effect.

**Section 7.** In accordance with and subject to applicable provisions of law, the fees approved, increased and established herein shall become effective on July 1, 2008.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 24th day of June, 2008.

\_\_\_\_\_  
Honorable Timothy Jasper, Mayor

ATTEST:

\_\_\_\_\_  
Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
Mr. Neal Singer, Town Attorney

\_\_\_\_\_  
Mr. James L. Cox, Town Manager

## EXHIBIT A

On July 1<sup>st</sup> of each year the fees contained herein shall automatically be adjusted by a percentage amount that is equal to or less than, as determined annually by the Town Council, the change to the Engineering News Record (ENR), Construction Cost Index (BCI), Los Angeles Average, March to March. In compliance with State law, these fee increases shall only be implemented to the extent that a fee study justifies the actual Town cost in providing these services warrants these increases. Said fee study shall be filed with the Town Clerk at least sixty (60) days prior to July 1<sup>st</sup> of each year.

As originally adopted May 10, 2005

Effective July 01, 2007

As proposed June 24, 2008

As originally adopted May 10, 2005		Effective July 01, 2007		As proposed June 24, 2008	
Calculated Costs/DIF's	Animal Control Facilities	Calculated Costs/DIF's	Animal Control Facilities	Calculated Costs/DIF's	Animal Control Facilities
Detached Dwelling Units	\$52.00	Detached Dwelling Units	\$54.84	Detached Dwelling Units	\$55.98
Attached Dwelling Units	\$52.00	Attached Dwelling Units	\$54.84	Attached Dwelling Units	\$55.98
Mobile Home Units	\$52.00	Mobile Home Units	\$54.84	Mobile Home Units	\$55.98
Commercial Lodging	No Fee	Commercial Lodging	No Fee	Commercial Lodging	No Fee
Commercial/Office Uses	No Fee	Commercial/Office Uses	No Fee	Commercial/Office Uses	No Fee
Industrial Uses	No Fee	Industrial Uses	No Fee	Industrial Uses	No Fee

As originally adopted May 10, 2005		Effective July 01, 2007		As proposed June 24, 2008	
Calculated Costs/DIF's	Law Enforcement Facilities	Calculated Costs/DIF's	Law Enforcement Facilities	Calculated Costs/DIF's	Law Enforcement Facilities
Detached Dwelling Units	\$140.00	Detached Dwelling Units	\$147.64	Detached Dwelling Units	\$150.70
Attached Dwelling Units	\$173.00	Attached Dwelling Units	\$182.44	Attached Dwelling Units	\$186.23
Mobile Home Units	\$48.00	Mobile Home Units	\$50.62	Mobile Home Units	\$51.67
Commercial Lodging	\$22.00	Commercial Lodging	\$23.20	Commercial Lodging	\$23.68
Commercial/Office Uses (per sq ft)	\$0.188	Commercial/Office Uses (per sq ft)	\$0.20	Commercial/Office Uses (per sq ft)	\$0.202
Industrial Uses (per sq ft)	\$0.001	Industrial Uses (per sq ft)	\$0.001	Industrial Uses (per sq ft)	\$0.001



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Storm Drainage Facilities		Storm Drainage Facilities		Storm Drainage Facilities	
Calculated Costs/DIF's	Calculated Costs/DIF's	Calculated Costs/DIF's	Calculated Costs/DIF's	Calculated Costs/DIF's	Calculated Costs/DIF's
Detached Dwelling Units	\$1,500.00	Detached Dwelling Units	\$1,581.87	Detached Dwelling Units	\$1,614.69
Attached Dwelling Units	\$354.00	Attached Dwelling Units	\$373.32	Attached Dwelling Units	\$381.07
Mobile Home Units	\$260.00	Mobile Home Units	\$274.19	Mobile Home Units	\$279.88
Commercial Lodging	\$103.00	Commercial Lodging	\$108.62	Commercial Lodging	\$110.88
Commercial/Office Uses (per sq ft)	\$0.115	Commercial/Office Uses (per sq ft)	\$0.12	Commercial/Office Uses (per sq ft)	\$0.124
Industrial Uses (per sq ft)	\$0.095	Industrial Uses (per sq ft)	\$0.10	Industrial Uses (per sq ft)	\$0.102

Sanitary Sewer Facilities		Sanitary Sewer Facilities		Sanitary Sewer Facilities	
Calculated Costs/DIF's	Calculated Costs/DIF's	Calculated Costs/DIF's	Calculated Costs/DIF's	Calculated Costs/DIF's	Calculated Costs/DIF's
Detached Dwelling Units	\$2,017.00	Detached Dwelling Units	\$2,127.09	Detached Dwelling Units	\$2,171.22
Attached Dwelling Units	\$1,437.00	Attached Dwelling Units	\$1,515.43	Attached Dwelling Units	\$1,546.88
Mobile Home Units	\$820.00	Mobile Home Units	\$864.76	Mobile Home Units	\$882.70
Commercial Lodging	\$605.00	Commercial Lodging	\$638.02	Commercial Lodging	\$651.26
Commercial/Office Uses (per sq ft)	\$0.672	Commercial/Office Uses (per sq ft)	\$0.71	Commercial/Office Uses (per sq ft)	\$0.723
Industrial Uses (per sq ft)	\$0.556	Industrial Uses (per sq ft)	\$0.59	Industrial Uses (per sq ft)	\$0.599

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As originally adopted May 10, 2005

Effective July 01, 2007

As proposed June 24, 2008

General Government Facilities		General Government Facilities		General Government Facilities	
Calculated Costs/DIF's		Calculated Costs/DIF's		Calculated Costs/DIF's	
Detached Dwelling Units	\$386.00	Detached Dwelling Units	\$407.07	Detached Dwelling Units	\$415.51
Attached Dwelling Units	\$386.00	Attached Dwelling Units	\$407.07	Attached Dwelling Units	\$415.51
Mobile Home Units	\$386.00	Mobile Home Units	\$407.07	Mobile Home Units	\$415.51
Commercial Lodging	\$29.00	Commercial Lodging	\$30.58	Commercial Lodging	\$31.22
Commercial/Office Uses (per sq ft)	\$0.029	Commercial/Office Uses (per sq ft)	\$0.03	Commercial/Office Uses (per sq ft)	\$0.031
Industrial Uses (per sq ft)	\$0.029	Industrial Uses (per sq ft)	\$0.03	Industrial Uses (per sq ft)	\$0.031

Aquatic Facilities		Aquatic Facilities		Aquatic Facilities	
Calculated Costs/DIF's		Calculated Costs/DIF's		Calculated Costs/DIF's	
Detached Dwelling Units	\$80.00	Detached Dwelling Units	\$84.37	Detached Dwelling Units	\$86.12
Attached Dwelling Units	\$65.00	Attached Dwelling Units	\$68.55	Attached Dwelling Units	\$69.97
Mobile Home Units	\$52.00	Mobile Home Units	\$54.84	Mobile Home Units	\$55.98
Commercial Lodging	No Fee	Commercial Lodging	No Fee	Commercial Lodging	No Fee
Commercial/Office Uses	No Fee	Commercial/Office Uses	No Fee	Commercial/Office Uses	No Fee
Industrial Uses	No Fee	Industrial Uses	No Fee	Industrial Uses	No Fee



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As originally adopted May 10, 2005

Effective July 01, 2007

As proposed June 24, 2008

As originally adopted May 10, 2005		Effective July 01, 2007		As proposed June 24, 2008	
Calculated Costs/DIF's	Public Meeting Facilities	Calculated Costs/DIF's	Public Meeting Facilities	Calculated Costs/DIF's	Public Meeting Facilities
Detached Dwelling Units	\$248.00	Detached Dwelling Units	\$261.54	Detached Dwelling Units	\$266.96
Attached Dwelling Units	\$202.00	Attached Dwelling Units	\$213.03	Attached Dwelling Units	\$217.45
Mobile Home Units	\$161.00	Mobile Home Units	\$169.79	Mobile Home Units	\$173.31
Commercial Lodging	No Fee	Commercial Lodging	No Fee	Commercial Lodging	No Fee
Commercial/Office Uses	No Fee	Commercial/Office Uses	No Fee	Commercial/Office Uses	No Fee
Industrial Uses	No Fee	Industrial Uses	No Fee	Industrial Uses	No Fee

As of 5-17-08 @ 9:00 am