



## **DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM**

On December 16, 2008 City Council approved a Development Impact Fee Deferral Program for both residential and non-residential projects. The program became effective on January 1, 2009 and has undergone several amendments. The current fee deferral program will sunset on June 30, 2022.

### **Program Overview**

#### *Residential Infill Development*

- Residential infill development means an approved development project consisting of single-family or multifamily residential units built on vacant or underutilized parcels within existing urbanized areas.
- An applicant must enter into a fee deferral agreement to qualify for a deferral of development impact fees for a residential infill development project. The fee deferral agreement shall explicitly provide for the recordation of a lien against the real property on which the approved development project is to be located, which shall be removed upon payment in full of all deferred fees.
- Deferred fees for a residential infill development project shall be due and payable in full for each individual lot within the approved development project upon the earlier of request for final inspection under a building permit or twelve (12) months.

#### *Non-Residential Development*

- Nonresidential development means a development project in which at least fifty-one percent of the occupiable square footage is used for nonresidential purposes including commercial or industrial uses.
- An applicant must enter into a fee deferral agreement to qualify for a deferral of development impact fees for a nonresidential development project. The fee deferral agreement shall explicitly provide for the recordation of a security instrument, to be mutually agreed upon by the applicant and the city, against the real property on which the approved development project is to be located which shall be removed upon payment in full of all deferred fees, including interest.
- Deferred fees for nonresidential developments shall be due and payable in full upon the earliest of the date set forth in the fee deferral agreement entered into for the subject property, a request for final inspection under a building permit and/or a certificate of occupancy, or twenty-four (24) months.

## **Eligibility for the Fee Deferral Program**

To participate in the fee-deferral program, a development project must satisfy the following requirements:

1. The project shall be located on property within the City of Woodland.
2. The project shall have received the final discretionary approval by the City Council, Planning Commission, or staff as deemed appropriate.
3. The project shall have undergone all required environmental review and shall be in compliance with all requirements established by the environmental document prepared for the project.
4. All conditions of approval, as applicable at the time of permit issuance, shall have been met.
5. All payments of taxes and assessments on the property on which the project is located shall be current.
6. The applicant shall have no unpaid balances due to the City for the project or any other project or purpose.
7. The applicant and/or his, her, or its partners and affiliates on the project shall have been deemed by the City to present a low risk of non-payment of fees, if the City opts to conduct a risk assessment, which may include meeting the following criteria and any others the City deems necessary:
  - a. The applicant and/or his, her, or its partners and affiliates on the project have not had a foreclosure on any of its or their properties in the last four years.
  - b. The applicant and/or his, her, or its partners and affiliates on the project, and any companies in which any such person has held a controlling interest, have not filed for bankruptcy within the past four years.
  - c. The applicant and/or his, her, or its partners and affiliates on the project have no outstanding civil judgments.
8. All fees imposed by a government agency other than the City either shall have been paid or shall have been the subject of a fee deferral agreement between the applicant and the agency imposing the fees.

## **Eligible Development Impact and Water Capacity Fees**

The following city controlled fees are eligible for a fee deferral under the terms and conditions of the program:

- General City
- Library
- Police
- Water Capacity
- Roads
- Administration
- Storm Drain
- Fire
- Wastewater
- Parks

**Note:** An estimate of the amount of the deferred fees shall be calculated at the time of building permit issuance and shall be attached to the recorded docs (lien, etc.). The actual fee amount shall be calculated and paid at the time of payment which shall occur no later than the date set for the in the fee deferral agreement.

## **How the Program Works**

Developers who wish to participate in the program must submit an application to the Community Development Department, which must be approved by either the Assistant City Manager or the City Council (dependent on the amount of fees being requested to be deferred).

If approved, the City will defer fees after the Developer has entered into a Fee Deferral Agreement.

The City will not enter to a Fee Deferral Agreement until the developer has paid all non-city controlled fees due.

Any fees deferred will be paid, when due, at the rate in effect at the time of building permit issuance.

If there are inconsistencies within this program description and other program documents, the Ordinance is the controlling document.

The Ordinance implementing the program, including program extension, expires on June 30, 2022.

## **Fees Not Eligible for Deferral**

Fees not listed above as eligible may not be deferred. The fees ineligible for deferral include but are not limited to the following:

- Spring Lake Infrastructure Fees (SLIF)
- Building Permit Fees
- Plan Check Fees
- Non-City controlled fees