

2017 IMPERIAL COUNTY DEVELOPMENT IMPACT FEE ORDINANCE CHAPTER 4.32

4.32.030 - Definitions.

When the following words or phrases are used in this chapter, they shall have the meaning ascribed to them in this section.

"Applicants for building permits" means any applicant for a building permit that has not previously filed for a permit.

"County" means the county of Imperial.

"Countywide" means both residential and nonresidential developments within all areas throughout the county of Imperial.

"Current service level (CSL)" means the current level of services being provided to residential and nonresidential developments based on the demand for public facilities and/or the current conditions in the community, in both the countywide and unincorporated areas.

"Development impact fees (fees)" means any and all fees set out in this chapter which help mitigate the impacts that new development has upon the CSL being provided by the county of Imperial in accordance with Government Code Section 66000 et seq.

"Director" means the director of planning and development services department of the county of Imperial.

"Facilities" means any public improvement, long-term capital facilities, public services, community amenities and equipment used by public agencies in providing a CSL directly or through contract to the public in both the countywide and unincorporated areas of the county.

"Multifamily dwelling" is any structure or portion thereof that contains three or more dwelling units and, for the purpose of this chapter, includes residential condominiums.

"New development" means all construction that causes an increase in residential dwelling unit(s) and/or an increase in nonresidential square footage greater than five hundred (500) square feet.

"Single-family dwelling" is any structure or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Uniform Building Code, for not more than one family unit.

"Unincorporated areas" means any and all areas not incorporated within a city and located within the county of Imperial's sphere of influence.

Except as stated in this section, the definitions of words used in this chapter shall be as defined in any relevant ordinances or codes (building), or otherwise defined in the Imperial County land use ordinance.

(Ord. 1434 § 2, 2008)

4.32.050 - Prior agreements and conditions of approval.

- A. Any enacted enforceable agreement existing prior to the operative date of this chapter between an applicant for development and the county or county's sheriff department, public works department, parks and recreation department, fire department, the library district, or appropriate department for general government, pertaining to the dedication of land or payment of fees for facilities and equipment to serve the property which is the subject of the application, or any portion thereof, satisfies the requirements of this chapter. Developer shall present such evidence to the planning and development services department prior to the issuance of any building permit.
- B. If land, facilities or equipment was dedicated and accepted by the county to the sheriff, public works, parks and recreation, fire or the library district as a condition of approval of a discretionary permit

prior to the operative date of this chapter, such dedication or donation shall be considered as satisfying the requirements of this chapter for such discretionary permit. Developer shall present such evidence to the planning and development services department prior to issuance of any building permit.

(Ord. 1418 § 2 (part), 2006)

4.32.070 - Amount of fees.

The amount of the fees assessed and levied pursuant to the provisions of this chapter shall be as set forth in the tables below, except as reduced by a credit pursuant to Sections 4.32.090 and 4.32.100 or exempted by Section 4.32.110 and shall be applicable as to all projects of the types as specified in Section 4.32.060 for which application is made for a permit on or after the effective date of the ordinance codified in this chapter.¹

[Raymond 2016-09-30] 1 With regard to all sums and products please refer to TischlerBise's Impact Fee Study dated August 17, 2006 and Appendix 3: Rounding.

Section 4.32.070 (A) Sheriff's Development Impact Fees

A.1 Residential (per housing unit)

	Countywide	Unincorporated	Total ²
Single-family	\$619.00	\$317.00	\$936.00
Multifamily	484.00	243.00	727.00
Mobilehome (private lot or park) ³	415.00	217.00	632.00

[Raymond 2016-09-30] 2 Due to rounding down, by the county, of both countywide and unincorporated fees the adopted amounts under the total column may be less than those illustrated in the TischlerBise Impact Fee Study.

[Raymond 2016-09-30] 3 With regard to the installation of manufactured homes in mobilehome parks and R.V. parks fees will be assessed only at the time a building permit for installation is approved for habitable space.

A.2 Nonresidential (per 1,000 SF)

	Countywide	Unincorporated	Total
Comm ⁴ /Shop Ctr ⁵ 50,000 SF ⁶ or less	\$407.00	\$349.00	\$756.00
Comm/Shop Ctr 50,001—100,000 SF	356.00	305.00	661.00
Comm/Shop Ctr 100,001—200,000 SF	308.00	264.00	572.00
Comm/Shop Ctr over 200,000 SF	264.00	227.00	491.00
Office/Inst ⁷ 25,000 SF or less	166.00	142.00	308.00
Office/Inst 25,001—50,000 SF	141.00	121.00	262.00
Office/Inst 50,001—100,000 SF	120.00	103.00	223.00

Medical-dental office	326.00	280.00	606.00
Hospital	158.00	136.00	294.00
Business park	115.00	99.00	214.00
Light industrial	63.00	54.00	117.00
Manufacturing	34.00	29.00	63.00
Warehousing	44.00	38.00	82.00
Elementary school	131.00	112.00	243.00

[Raymond 2016-09-30] 4 Comm herein shall be an abbreviation for commercial.

[Raymond 2016-09-30] 5 Ctr herein shall be an abbreviation for center.

[Raymond 2016-09-30] 6 SF herein shall be an abbreviation for square foot.

[Raymond 2016-09-30] 7 Inst herein shall be an abbreviation for institutional.

A.3 Other Nonresidential (per unit)

Lodging (per room)	\$50.00	\$43.00	\$93.00
Day care (per student)	40.00	34.00	74.00
Nursing home (per bed)	21.00	18.00	39.00

Section 4.32.070(B) General Government Development Impact Fees

B.1 Residential (per housing unit)

	Countywide	Unincorporated	Total
Single-family	\$1,349.00	\$350.00	\$1,699.00
Multifamily	1,057.00	267.00	1,324.00
Mobilehome (private lot or park)	906.00	239.00	1,145.00

B.2 Nonresidential (per 1,000 SF)

	Countywide	Unincorporated	Total
Comm/Shop Ctr 50,000 SF or less	\$264.00	\$44.00	\$308.00
Comm/Shop Ctr 50,001—100,000 SF	230.00	38.00	268.00
Comm/Shop Ctr 100,001—200,000 SF	205.00	34.00	239.00
Comm/Shop Ctr over 200,000 SF	184.00	30.00	215.00
Office/Inst 25,000 SF or less	383.00	64.00	447.00
Office/Inst 25,001—50,000 SF	361.00	60.00	421.00
Office/Inst 50,001—100,000 SF	340.00	56.00	396.00
Medical-dental office	374.00	62.00	436.00

Hospital	312.00	52.00	364.00
Business park	291.00	48.00	339.00
Light industrial	213.00	35.00	248.00
Manufacturing	165.00	27.00	192.00
Warehousing	118.00	19.00	137.00
Elementary school	84.00	14.00	98.00

B.3 Other Nonresidential (per unit)

Lodging (per room)	\$40.00	\$6.00	\$46.00
Day care (per student)	14.00	2.00	16.00
Nursing home (per bed)	33.00	5.00	38.00

Section 4.32.070(C) Fire Development Impact Fees

C.1 Residential (per housing unit)

	Unincorporated
Single-family	\$1,273.00
Multifamily	977.00
Mobilehome (private lot or park)	871.00

C.2 Nonresidential (per 1,000 SF)

Comm/Shop Ctr 50,000 SF or less	\$501.00
Comm/Shop Ctr 50,001—100,000 SF	438.00
Comm/Shop Ctr 100,001—200,000 SF	389.00
Comm/Shop Ctr over 200,000 SF	351.00
Office/Inst 25,000 SF or less	728.00
Office/Inst 25,001—50,000 SF	686.00
Office/Inst 50,001—100,000 SF	647.00
Medical-dental office	710.00
Hospital	593.00
Business park	554.00
Light industrial	405.00
Manufacturing	314.00

Warehousing	224.00
Elementary school	161.00

C.3 Other Nonresidential (per unit)

Lodging (per room)	\$77.00
Day care (per student)	28.00
Nursing home (per bed)	63.00

Section 4.32.070(D) Parks and Recreation Development Impact Fees (Countywide)

D.1 Residential (per housing unit)

	Total
Single-family	\$452.00
Multifamily	354.00
Mobilehome (private lot or park)	303.00

S Section 4.32.070(E) Public Works Development Impact Fees (Unincorporated)

E.1 Residential (per housing unit)

	Total
Single-family	\$1,894.00
Multifamily	1,453.00
Mobilehome (private lot or park)	1,296.00

E.2 Nonresidential (per 1,000 SF)

Comm/Shop Ctr 50,000 SF or less	\$1,857.00
Comm/Shop Ctr 50,001—100,000 SF	1,625.00
Comm/Shop Ctr 100,001—200,000 SF	1,407.00
Comm/Shop Ctr over 200,000 SF	1,207.00
Office/Inst 25,000 SF or less	757.00
Office/Inst 25,001—50,000 SF	645.00
Office/Inst 50,001—100,000 SF	550.00
Medical-dental office	1,491.00
Hospital	725.00

Business park	526.00
Light industrial	287.00
Manufacturing	157.00
Warehousing	204.00
Elementary school	598.00

E.3 Other Nonresidential (per unit)

Lodging (per room)	\$232.00
Day care (per student)	184.00
Nursing home (per bed)	97.00

Section 4.32.070(F) Library Service District Development Impact Fees

F.1 Residential (per housing unit)

	Total
Single-family	\$387.00
Multifamily	368.00
Mobilehome (private lot or park)	279.00

(Ord. 1434 § 8, 2008)

4.32.050 - Prior agreements and conditions of approval.

- A. Any enacted enforceable agreement existing prior to the operative date of this chapter between an applicant for development and the county or county's sheriff department, public works department, parks and recreation department, fire department, the library district, or appropriate department for general government, pertaining to the dedication of land or payment of fees for facilities and equipment to serve the property which is the subject of the application, or any portion thereof, satisfies the requirements of this chapter. Developer shall present such evidence to the planning and development services department prior to the issuance of any building permit.
- B. If land, facilities or equipment was dedicated and accepted by the county to the sheriff, public works, parks and recreation, fire or the library district as a condition of approval of a discretionary permit prior to the operative date of this chapter, such dedication or donation shall be considered as satisfying the requirements of this chapter for such discretionary permit. Developer shall present such evidence to the planning and development services department prior to issuance of any building permit.

(Ord. 1418 § 2 (part), 2006)

4.32.080 - Fee adjustment.

Commencing on October 1, 2007, any and all fees as established and imposed by this chapter may be increased on October 1st of each subsequent year based upon the Engineering News Record Building Cost Index for Los Angeles Metropolitan Area (BCI) unless the fees are otherwise adjusted by the board of supervisors. The county executive officer shall compute the percentage increase, if any, between the BCI on July 1st of each year and the July 1st BCI for the previous year. The county executive officer shall then adjust by such percentage the fees established and imposed by this chapter. The fees shall not be reduced. The adjusted amounts shall be rounded to the nearest dollar. These amounts shall constitute the fees authorized pursuant to this chapter. Should the BCI be revised or discontinued, the county executive officer shall use the revised index or a comparable index, as approved by the board of supervisors, for determining fluctuations in the cost of development. Nothing herein shall prevent the board of supervisors from electing to retain existing fees or from electing to waive the inflation adjustment for any given fiscal year.

(Ord. 1418 § 2 (part), 2006)

4.32.100 - Credits.

Fees required for any development project may be reduced by the following credits:

- A. An individual fee component shall be reduced by the amount paid for similar facilities fee pursuant to the terms of a development agreement.
- B. The county may grant to owners or developers of real property, a credit against the specific components of fees that would otherwise be charged pursuant to this chapter, for the dedication of land or the construction of facilities identified in the public facilities needs list. The amount of the credit granted shall be determined by an estimate of the costs of constructing such facilities or by an estimate of the fair market value of the land dedicated. The county shall review and determine the actual construction costs allowable or the actual value of the land dedicated. No credit shall be given against the fees for costs not defined herein as "Facilities." Any credit granted by the county shall be given in stated dollar amounts only. An applicant for development approval may apply for credit to reduce the amount of the fees required to be paid at the time of development approval by the county. Any credit granted and the amount of the fees to be paid shall be included as a condition of approval for development. If an applicant has received development approval from the county and has not previously applied for a credit to

reduce the amount of the fees required to be paid, an applicant may apply for such credit with the county executive officer prior to the issuance of a building permit and the county executive officer shall make a recommendation thereon to the board of supervisors. The board of supervisors shall determine the amount of any credit to be allowed. The applicant shall be given notice of the county executive officer's recommendation and the time when the board of supervisor's will consider the matter. The applicant may appear and present evidence with regard to the requested credit.

(Ord. 1434 § 10, 2008)

4.32.110 - Exemptions from development impact fees.

The following types of construction shall be exempt from the provisions of this chapter:

- A. Where the structure is owned by the county of Imperial.
- B. Where the structure is a building, or is within a building, which is being reconstructed following damage or destruction by fire or other casualty, or the voluntary demolition thereof, provided that the number of dwelling units or the amount of chargeable space in such reconstructed structure is not greater than the number of dwelling units or the amount of chargeable space in the structure prior to such damage, destruction or demolition.
- C. Residential units in publicly subsidized projects constructed as housing for low-income households, as such households are defined pursuant to Section 50079.5 of the Health and Safety Code. "Publicly subsidized projects," as the term is used herein, shall not include any project or project applicant receiving a tax credit provided by the state of California Franchise Tax Board.
- D. Where there is construction of a single-family dwelling unit so as to replace a mobilehome, previously installed pursuant to installation permit, and where such mobilehome will no longer be located on such property, applicant shall not be required to pay for the fees specified in this chapter.
- E. Applicants who have expired building permits, under which construction has commenced, are not required to pay the fees specified in this chapter provided that project is a duplicate of the original.

(Ord. 1434 § 12, 2008)