



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 will become effective on January 1, 2009 and will sunset on June 30, 2013.

Program Overview

Maximum Fee Deferral Period

- Residential Projects: Will allow fee deferral for a maximum of 12 months.
- Non-Residential Projects: Will allow fee deferral for a maximum of 24 months.

Market-Rate Single Family Residential Projects

Deferred Fees for Market-Rate Single-family Residential projects shall be due and payable in full for each individual lot within the Approved Development Project upon the earlier of: (1) a request for final inspection under a building permit; or (2) the close of the Residential Maximum Deferral Period for the applicable building permit.

Market-Rate Multifamily Residential Projects

Deferred Fees for Market-Rate Multifamily Residential projects shall be due and payable in full for each building within the Approved Development Project upon the earlier of: (1) a request for final inspection under a building permit; or (2) the close of the Residential Maximum Deferral Period for the applicable building permit.

Non-Residential Projects

Deferred Fees for Non-Residential projects shall be due and payable in full upon the earliest of: (1) the date set forth in the Fee Deferral Agreement entered into for the subject property; (2) a request for final inspection under a building permit and/or a Certificate of Occupancy; or (3) the close of the Non-Residential Maximum Deferral Period for the applicable building permit.

Security Against Deferred Fees

To ensure payment of deferred fees, the City will require that the following security be recorded against each project approved for a fee deferral:

- Residential Projects: Will record a lien against the property.

- Non-Residential Projects: Will be secured by a security instrument mutually agreed upon by both City and Developer.

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 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
- Roads
- Administration
- Storm Drain

How the Program Works

Homebuilders/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 (dependant on the amount of fees being requested to be deferred).

If approved, the City will defer fees after the Homebuilder/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 expires on June 30, 2013.

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:

- Wastewater, Parks, and Fire Development Impact Fees
- Spring Lake Infrastructure Fees (SLIF)
- Building Permit Fees
- Plan Check Fees
- Non-City controlled fees