

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT RESOLUTION NO. 2009-36 AMENDING THE CURRENT FEE AS ESTABLISHED BY RESOLUTION NO. 2008-30 ASSOCIATED WITH THE SUBMISSION AND PROCESSING OF A CONDITIONAL USE PERMIT APPLICATION ANYWHERE WITHIN THE TOWN OF APPLE VALLEY.

Summary Statement:

At the direction of Council, a report was presented at its April 28, 2009 meeting discussing the Town's current Conditional Use Permit (CUP) application/processing fee. During the April 28th discussion, staff outlined the manner in which the fees were originally established (Revenue and Cost Specialists study), which are based on the average timeframe to process an application.

At the March 10, 2009 Town Council meeting, staff presented a fee comparison with sixteen other cities from the High Desert, Inland Empire and Antelope Valley. Many of the listed cities have a lower fee if the CUP does not include construction. Following the Council's discussion, the Council directed staff to bring back a graduated fee schedule that includes a reduced fee for CUP projects that do not include new construction.

Based on a base fee of \$2,500.00, as discussed at the April 28th Town Council meeting and information from other surrounding cities, staff has prepared a graduated fee schedule. Example comparisons illustrating the cost differences between the existing and proposed fees are also provided. The CUP filing fee for Council consideration is as follows:

Residential:

\$2500.00 + \$15.00 per unit

Example: 100 unit Multi-Family Residential project
\$2500.00 + \$1500.00 = \$4,000.00

Existing fee: \$6,305.00

(continued on next page)

Recommended Action:

Adopt Resolution No. 2009-36, a Resolution of the Town Council of the Town of Apple Valley, California, amending the current fee associated with the submission and processing of a Conditional Use Permit application anywhere within the Town of Apple Valley. Also direct staff to initiate a Development Code Amendment to modify the Development Code Permitted Use Tables to eliminate any reference to Minor CUP.

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

Commercial/Industrial/ Expansion of Non-conforming:

\$2500.00 (No new construction)

\$2500.00 + \$35 per 1,000 s.f. of building area (New construction)

Example: 10,000 s.f. bldg for a land use activity requiring a CUP

\$2500.00 + \$350.00 = \$2,850.00

Existing fees: \$6,305.00 Major

\$3,152.00 Minor

Based on the proposed CUP fee schedule, there can be as much as a sixty (60%) percent reduction in the cost of filing fees for a CUP. In cases where no new construction is proposed, less in-depth analysis will be required which results in a reduction of staff processing time. Although, there would be less time spent with project analysis, there are still many steps that still must be taken in the processing of a CUP. The amount of time reduction does not necessarily correlate to the percentages that the fee would be reduced. Therefore, the Council needs to be aware that the current Town subsidy regarding its CUP fees would be increased.

No analysis was done in comparison with the current Minor CUP fee since the direction from Council was to eliminate the Minor/Major CUP fee schedule. Upon adoption of the revised fee schedule, a future code amendment will be required to amend the Development Code Permitted Use Tables to eliminate any reference to Minor CUP. If the Council is in agreement with the reduction of fees, a Development Code Amendment should be initiated by the Town Council that will change the Development Code Permitted Uses Table.

Based upon the forgoing, and prior Council direction, staff recommends, subsequent to the receipt of public comments, approval and adoption of the attached resolution.

Attachments:

Draft Town Council Fee Schedule Resolution No. 2009-36

RESOLUTION NO. 2009-36

RESOLUTION NO. 2009-36 AMENDING THE CURRENT FEE AS ESTABLISHED BY RESOLUTION NO. 2008-30 ASSOCIATED WITH THE SUBMISSION AND PROCESSING OF A CONDITIONAL USE PERMIT APPLICATION ANYWHERE WITHIN THE TOWN OF APPLE VALLEY

WHEREAS, the Town Council of the Town of Apple Valley has previously adopted schedules for various services, materials and mitigations provided by the Town specifying that the cost of rendering such services, materials and mitigations should be borne by the beneficiaries of same; and

WHEREAS, on July 10, 2009 and July 17, 2009, notices of a public hearing including a general explanation and description of possible establishment of an application fee of the matter to be considered were duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

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

WHEREAS, on July 28, 2009 the Town Council of the Town of Apple Valley conducted duly noticed and advertised public hearing on the amending of the current fee associated with the submission and processing of a Conditional Use Permit application processing fee as adopted by the Town Council, so as to compensate the Town for furnishing various services and materials.

NOW, THEREFORE, BE IT RESOLVED that, in consideration of the evidence presented at the said public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, finds, determines and orders as follows:

Section 1. 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 2. The application fees for a Conditional Use Permit are attached as "Exhibit A" hereto, which amends the Schedule of Fees adopted by said Council Resolution No. 2008-30, are hereby approved and adopted.

Section 3. Prior enactments of the Town Council establishing fees and charges for services, materials and mitigations are hereby amended to the extent that such prior enactments are inconsistent with the fees and charges established hereby; except as so amended, fees and charges for services, materials or mitigations in effect prior to adoption of the resolution and not amended hereby shall remain in effect.

Section 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of the Resolution are declared to be severable.

Section 5. The Conditional Use Permit application fees approved and established herein shall become effective immediately.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 28th day of July, 2009.

Honorable Richard Roelle, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

EXHIBIT A

**Planning Application Fees
Conditional Use Permit**

Residential:

\$2500.00 + \$15.00 per unit

Commercial/Industrial/ Expansion of Non-conforming:

\$2500.00 (No new construction)

\$2500.00 + \$35 per 1,000 square foot of building area (New construction)