

RESOLUTION NO. 6611(23)

A Resolution of the City Council of the City of Lompoc, County of Santa Barbara, State of California, Amending Resolution No. 5136(03) to Create the Development Impact Fee Deferral Program

WHEREAS, the City Council of the City of Lompoc (City) adopted Development Impact Fees in January of 1989 to defray the costs of public facilities necessitated by development projects; and

WHEREAS, the Development Impact Fees have been periodically updated, including most recently through the adoption of Resolution No. 5136(03); and

WHEREAS, the current economic climate and housing crisis have created a need for the City to continue to provide incentives to accelerate housing production and job creation by providing flexible options for payment; and

WHEREAS, the City holds Development Impact Fees for longer periods of time for the purposes of accumulating sufficient funding levels for more costly public facilities and therefore will not be adversely impacted by a deferral program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. New development brings economic benefits to the community by creating short-term construction jobs and long-term jobs associated with new development, housing opportunities for all, and by generating new revenue in the form of increased property and other taxes.

SECTION 2. In the current economic environment and housing crisis, allowing developers to defer the payment of impact fees can be a solution to costly front-end financing of fees for new developments, accelerating the production of both jobs and homes in Lompoc.

SECTION 3. Section 11 of Resolution No. 5136(03) is superseded and replaced in its entirety with the following; however, the remainder of Resolution No. 5136(03) shall remain in full force and effect:

IMPOSITION AND PAYMENT OF FEES.

(a) Imposition of Fees. Development impact fees shall be imposed upon the issuance of any development permit. A "development permit" means any permit or approval from the City, including, but not limited to, a development plan, conditional use permit, tentative subdivision map, parcel map, building permit, or other permit for construction or reconstruction.

(b) Payment of Fees for Residential Development Projects. Development impact fees for residential projects shall be paid on or before the date the certificate of occupancy is issued for the project, or the date of the final inspection of the project if no certificate of occupancy is required. If there are multiple dwelling units in the

project, then development impact fees shall be paid on a pro rata basis for each dwelling unit on or before the date the certificate of occupancy is issued for each unit, or the date of the final inspection of each unit in the project if no certificate of occupancy is required. Notwithstanding any other provision herein, requirements for the payment of development impact fees for residential projects shall be consistent with Government Code Section 66007, as may be amended.

(c) Payment of Fees for Non-Residential Development Projects. Development impact fees for non-residential projects shall be paid on or before the date the certificate of occupancy is issued for the project, or the date of the final inspection of the project if no certificate of occupancy is required. If there are multiple sections or phases in the project, development impact fees shall be paid on a pro rata basis for each section or phase on or before the date the certificate of occupancy is issued for each section or phase of the project, or the date of the final inspection of each section or phase of the project if no certificate of occupancy is required.

(d) Earliest Date for Payment. Development impact fees may not be paid prior to the date that a building permit is issued for the project.

(e) Calculation of Fee. Development impact fees shall be calculated in accordance with the fee schedule in effect on the date that the fees are paid.

(f) Agreement for Payment of Fees. As a requirement for deferring payment of development impact fees beyond the date that building permits are issued, and as a condition of receiving a building permit without paying development impact fees that would otherwise be required for issuance of such permit, the building permit applicant shall enter into an agreement, in a form approved by the City Attorney and executed by the City Manager, obligating the applicant to pay the development impact fees within the time specified in this Section. The agreement shall be recorded against the property or properties for which the building permit is issued, and shall constitute a lien for the payment of the development impact fees, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The City shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full, or a partial release in the event the fee is prorated. The agreement may require the property owner or lessee to provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and to provide in the escrow instructions that the fee be paid to the City from the sale proceeds in escrow prior to disbursing proceeds to the seller.

SECTION 4. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Council Member _____, seconded by Council Member _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on October 17, 2023, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc