

Study Reviews and Important Topics
New items or updates in Red.

February 1, 2008

Coachella Valley

Coachella Valley Association of Governments

(Affordable Housing)

- The subcommittee is investigating organizational structures which will allow/aid us in reaching the goals established in the last two summits.
- The committee is working towards the next Summit scheduled for June.
- First steps are to choose an organizational structure and determine the state of the current housing inventory; how many face foreclosure, in short sale, and what is the current demand rate for housing.

(Energy Conservation Sub-Committee)

- The sub-committee has approved a resolution to be presented through the CVAG committee ranks about the Coachella Valley's Cities commitment to reduce energy consumption.

(Economic Solutions)

- We have been discussing the possibility of 'right-timing' payment of TUMF.
- Working to get CVAG to 'Right-Time' fees through the region.

Coachella Valley Water District

(Canal / Channel / Ditch Crossings)

- This is an issue with Indio versus CVWD requirements.
- The U.S. Bureau of Reclamation has approved the application. It has been signed by all parties and construction is expected to start shortly.
- Construction is underway.

(Right-Timing of Impact Fee Payments)

- We have been advised that the District will defer payment of the Water System Backup Facility Charge, Supplemental Water Charge and Sanitation Capacity Charge to close of escrow.
- This will be only temporary – for 12 months will a possible extension of 12 months.

City of Coachella

(Developer Impact Fee Tolling Agreement)

- Tolling Agreement with City has been extended.

Coachella Valley Recreation and Parks District

- Several cities have questioned the authority and effectiveness of this district.

Desert Water Agency

(Fire Service vs. Water Provider)

- A resolution has been agreed upon, which does not change the general historical practices of DWA.

(Economic Policies)

- The District has provided the opportunity for builders to 'right-time' their back-up facilities charge to close of escrow.

City of Indio

(Canal / Channel / Ditch Crossings)

- This is an issue with Indio versus CVWD requirements.
- The U.S. Bureau of Reclamation has approved the application. It has been signed by all parties and construction is expected to start shortly.
- Construction is underway.

(Bond Releases)

- We have received a letter stating that **the City will** comply with the statute and **offer partial bond releases** to those projects which have met their obligations of compliance to the standard of the statute.

(Quimby fees)

- **Payment of these fees will be moved from the time a final map is filed to the application of building permit review.**

City of La Quinta

(Overpass on Avenue 62)

- The City told Shea Homes after two years of talks, that they would have to agree to a new condition of approval before being permitted to start their final stage at 'Trilogy'.
- The condition is an overpass over an earthen dike at the western most end of Avenue 62. The price tag on this item is \$4 to \$5 million.
- As it stands, the City could hold up the start of the next phase causing hundreds of employees, of subcontractors, to be out of work for a significant period of time.
- **The City and Shea Homes have come to an agreement allowing work to restart in final phase of the Trilogy Development Project.**

City of Palm Desert

(Development Service Fee Increase)

(Development Service Fee Increase)

- We have received their Comprehensive Updated Cost of Service Study.
- The City approved and adopted the fee increase.
- They agreed to defer implementation for 6 months at which time they will review the construction situation to determine whether to continue or rescind deferment of implementation.

City of Palm Springs

(Water Service for Fire Protection)

- A resolution has been agreed upon, which does not change the general historical practices of DWA.

(Automatic Fire Sprinkler Systems)

- The Fire Depart has proposed requiring Automatic Fire Sprinkler systems in residences in certain areas of the City.
- Met with Fire Chief and made several suggestions that could help the department and eliminate any requirement for automatic sprinkler systems in single family residences.

Riverside County

(Fee Policies)

- The County has taken a lead in ‘right-timing’ fees where they can.
- The Department head are actively seeking ways to better manage time and costs billed to developers.
- Transportation has significantly reduced the amount of the initial deposit for road projects.

(Impact Fee Study)

- The County held their first impact fee study work session for fees that would be implemented January of 2010 and used as the basis for all increases until 2020.
- Both Desert Chapter and Riverside Chapter attended this meeting to ensure that department heads were delivered the appropriate message.
- Initial data and needs assertions are due in April.

Imperial Valley

County of Imperial

(Traffic Impact Fee Study)

- A new revised draft has been submitted for public review.
- This latest version brings the fee for single family residential unit down to \$8,250 – still not acceptable.
- We are in the process of reviewing the study.

(Fee Policies)

- The County Supervisors appear to have some interest in ‘right-timing’ fee payments for non-essential impact fees.
- The County CEO, Robertta Burns and Planning and Development Director, Jurg Heuberger have agreed to change the County’s practice and allow payment of impact fees at application for certificate of occupancy as a temporary aid to the local economy.
- We are waiting to hear when they expect to implement the new practice.

Imperial Valley Association of Governments

(Long Range Regional Transportation Priority Plan)

- The final draft has been processed through staff and is expected to go to the IVAG Executive Board this coming month.

City of Brawley

(DIF Study)

- The City Council felt that the fees were too high to be competitive.
- We have participated in subcommittee meetings and workshops again City Manager has been directed by the council members to provide BIA with all the materials we have been asking for over the period of more than a year.
- Two follow-up letters have been sent to the City Manager without any response.
- Met with City Planning and Public Works departments to discuss the traffic study used to support the proposed traffic impact fee.
- **Waiting for back-up/support material for other expressed 'needs'.**

City of Calexico

(Art in Public Places)

- March 6, 2007, the City Council approved the ordinance in a 3-2 vote.
- Notice to all builders: Pay any and all Art fees **under protest**. Only those that make that statement on applications and checks to the city will be eligible to collect refunds when the ordinance is found to be unlawful.
- We have a builder who has applied for permits and has received a bill for the 'Arts' in-lieu fee.
- This builder will give BIA Desert Chapter standing in a lawsuit.

(Annexation Fee)

- At the November 20th City Council Meeting, we again asked that council direct staff to clear up this issue.
- After the meeting, I was advised that city staff were already working on the issue

Calexico Unified School District

(Annual Report)

- There are some minor problems that can be corrected with footnotes.
- A letter has been sent with comments for the minor corrections.

(School Fee Increase)

- The district has passed a new developer impact fee of \$5.74 a square foot without properly notifying the BIA of a new school facilities fee analysis.
- As we have had little timely cooperation we suggest that prior to paying any fees to the CUSD that the BIA be contacted on how to **'Pay Under Protest'**.
- Their study as it stands appears challengeable.
- **We met with the District Superintendent and the Business Manager to discuss the on-going issues of the past 3 years.**
- **The discussion also covered the future expectations the BIA has of the District.**
- **They are in the RFP process looking for a consulting firm to provide a new School Facilities Needs Analysis as required by statute to charge mitigation fees above statutory Level I.**

City of El Centro

(Transportation Circulation Plan / Impact Fee)

- In its current form the fee is challengeable.
- **(Sign Ordinance)**
- Have not heard anything since the September Planning Commission meeting
- It looks positive for our needs.

City of Holtville

(Annual Report)

- The City has failed to present an annual developer impact fee report.
- We met with the City Manager to discuss the on-going issues.
- It was a productive meeting in that there is a clear understanding of what we have been asking for the past year.

(Water and Sewer)

- The City is demanding that certain builders are being required to improve existing deficiencies which includes replacing decayed and damaged water and sewer systems.
- Issues discussed at meeting with city manager.

City of Imperial

(MOU with School District)

- **The City and school district have an active MOU which requires builders to fully mitigate impacts of new construction on the school district.**
- **This is a direct violation of SB50, which demonstrates the maximum mitigation requirement to a school district based on formula.**
- **The City is aware of our stance on this issue and we have a letter from legal council to the City and school district to formally deactivate the MOU.**

McCabe Elementary School District

(Gap Fee challenge)

- With El Centro Elementary, Heber Elementary and Central High Districts have hired a consultant to press developers for more money that statute requires.
- They are using the EIR process to push the Cities or County to fight for mitigation beyond legal guidelines from the developers.
- We have responded with a letter advising that the District ‘cease and desist’ all actions where they are commenting outside the District’s expertise. By doing so their actions are a ‘misuse of public funds’.
- The district has responded that they do have the right to challenge anything in the EIR.
- We are working on new course of action.
- Met with three of the four districts involved. It was an opportunity for them to gripe about the inequities provided the districts by the cities and developers.
- **Met with the districts and School Facility Advisors consultant. Made some headway.**
- **The consultant is preparing realistic cost projects for district needs for our next meeting.**

(School Facilities Needs Analysis)

- Received a new School Facilities Needs Analysis which the district has produced to support increased Level II school fees.
- We have not been informed as to when this is supposed to go to public hearing.
- A letter has been sent regarding some issues we have with the SFNA.
- A fee of \$2.87 per square foot was adopted in November.
- **The consultant is checking on a question presented that could have serious consequences.**

**Salton Community Services District
(Sewer Connections)**

- The **Salton Sea Community District** has issued a building **moratorium** on all construction.
- At issue is the Waste Water System:
Certified for a capacity of 200,000 gallons per day
Currently at 265,000 gallons per day
Regional Water Resource Board has approved of the Emergency Measures adopted by the District to deal with the excess flow.
- Land has been acquired, money to build the plant is available and bids are being accepted.
- A new plant is expected to be online before the new year.

Items Removed
Mission Springs Water District

(Water and Waste Water Connection Fees)
(March 2007)

Coachella Valley Water District
(Special Charges for Misc. Services)
(April 2007)

City of Indio
(Permit Extensions)(April 2007)

City of Palm Desert
(Energy Efficiency Standards Ord. 10% above
Title 24)(May 2007)

City of El Centro
(In-fill Sidewalk/Curb/Gutter In-Lieu
Fee)(May 2007)

City of Blythe
(Annual Developer Impact Fee
Report)(May 2007)

City of Palm Desert
(Child Care Mitigation Fee)
(Landscape Design Committee)
(May 2007)

City of Blythe
(Developer Impact Fee Study)
(June 2007)

Coachella Valley Association of Governments
(TUMF)(June 2007)

Coachella Valley Water District
(Public v. Private Sewer and Water Systems)
(Implementation Plan)(June 2007)

City of Coachella
(Art in Public Places)
(Park Fees) (June 2007)

Desert Water Agency
(Connection Fee Study)(June 2007)

Desert Water Agency
(Public vs. Private)(June 2007)

Heber Elementary School District
(Developer Impact Fees)(June 2007)

Imperial Unified School District
(Developer Impact Fees)(June 2007)

Cathedral City
(Annual Developer Impact Fee Report)
(July 2007)

CVAG
(Affordable Housing)(July 2007)

City of La Quinta
(Annexations)(July 2007)

Cathedral City
(Energy Conservation)(August 2007)

County of Riverside
(Affordable Housing)(August 2007)

City of Brawley
(Annual Report)
(August 2007)

Coachella Valley Association of Governments
(Fringe-Toed Lizard Permit)
(MSHCP)(August 2007)

Coachella Valley Water District
(Sanitation Capacity Charges)(August 2007)

Coachella Valley Unified School District
(School Facilities Needs Analysis)(August 2007)

City of Coachella
(Affordable Housing)
(Planning Application Fees)(August 2007)

City of Indio
(Parks DIF vs. Quimby Fees)(August)

City of La Quinta
(Underground Retention Basin – engineering
requirements)
(Development Engineering Handbook)
(August 2007)

City of Palm Springs
(Energy Conservation Program)(August 2007)

Riverside County
(NPDES Permit)
(Excavation Permits)(August 2007)

Valley Sanitary District
(Capital Impact/Connection Capacity Fee)

City of Desert Hot Springs
(Affordable Housing)(Sept 2007)

City of Desert Hot Springs
(Planning, Land Use, and User Fees)
(October 2007)

City of Coachella
(Green Building)
(Annual Development Impact Fee Report)
(Nov 2007)

City of Indian Wells
(Annual Developer Impact Fee Report)
(Nov 2007)

City of La Quinta
(Annual Developer Impact Fee Report)
(Nov 2007)

City of Calexico, continued;
(Development Services Schedule)
(Nov 2007)

Desert Water Agency
(Water Conservation)
(Nov 2007)

City of Palm Springs
(General Plan Update)
(Nov 2007)

City of El Centro
(Zoning and SubDivision Map Ordinances)
(Nov 2007)

City of Calexico
(Annual Report)
(Nov 2007)