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Adopt City Council Resolution Temporarily Waiving the City of Fort Bragg General Plan Maintenance Fee

On September 8, 2020, staff presented to the Community Development Committee proposed updates to the City's Building Permit fees, including the City's General Plan Maintenance Fee. Staff proposed a revised fee of 5% of the calculated building permit fee applied only to new construction.

The current fee schedule includes a General Plan Maintenance Fee for each building permit. The current fee is 1.5% of the valuation for the permit. It was determined that the amount collected is more than other localities. Other cities collect a General Plan Maintenance Fee, but only on new construction projects. This would exempt interior remodels, electric panel upgrades, solar panels, reroofs and other similar permits from paying the fee. Most cities also make this a percentage of the overall building permit fee instead of a percentage of the valuation. For example, the City of Eureka collects a "Future General Plan Update Cost" of 3% of the building permit fee for new construction permits. They do not collect this fee on projects that are not new construction (i.e. remodels, reroofs, etc.).

The purpose of the General Plan Maintenance fee is to cover the costs reasonably necessary to prepare and revise the plans and policies that the City is required to adopt. The City has historically and plans to continue to utilize these funds for the development and environmental review of amendments to the Coastal General Plan, the Coastal Land Use and Development Code, the Inland General Plan, and the Inland Land Use and Development Code.

New or revised fees associated with recovering the costs of preparing and revising these plans and policies are subject to judicial challenge within 120 days of the effective date of the fee. In order to discourage and avoid such a challenge, staff believes it is prudent to conduct a study which establishes the estimated reasonable costs necessary to prepare and revise the City's General Plans and Policies. As a result, the revised General Plan Maintenance Fee of 5% of the calculated building permit fee applied only to new construction was not included in the proposed Fee Updates

considered by City Council at its September 28, 2020 regular meeting. Temporarily waiving the General Plan Maintenance Fee avoids over or under charging the fee while staff establishes the estimated reasonable costs. At the September 28, 2020 meeting, the City Council provided staff direction to draft this resolution in anticipation of a complete study on an appropriate level for the City's General Plan Maintenance fee.