



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

July 13, 2021

SUBJECT: Public Hearing for Consideration of Request from Ryan Epperson for a Reduction in Development Impact Fees associated with construction at 603 4th Street in Wheatland.

PREPARED BY: Jim Goodwin, City Manager

Recommendation

Staff recommends the City Council conduct a Public Hearing to consider Mr. Epperson's request, and upon close of the public hearing, adopt Resolution No. 26-21 approving a reduction in Development Impact Fees.

Background/Discussion

Ryan Epperson is the owner of Heaven's Gate Pet Memorial Center located at 603 4th Street in Wheatland. Mr. Epperson is in the process of completing a 1638 sq. ft. expansion to his building. Due to a staff error, Mr. Epperson was issued his building permit without payment of Development Impact Fees. When the error was identified, Mr. Epperson was informed of the fees, as well as fees due to Wheatland Elementary District, Wheatland High School District and South Yuba Transportation Improvement Authority (SYTIA).

Mr. Epperson then submitted his request for consideration of reduction in the fees, citing the specific fees he did not believe were justified based on the impacts of the project. He also corrected the square footage of the project as the original fee quote included the portion of the building that is being demolished as part of the square footage.

Wheatland Municipal Code Section 3.26.070 allows the City Council to waive fees in such circumstances. Both the City Engineer and the Community Development Director reviewed the request and concur with Mr. Epperson's assessment of impact.

The attached sheet shows the fees that would be due with the correct square footage used in the calculation, and the recommended fees based on the consideration of Mr. Epperson's request. Mr. Epperson's request is also attached.

Alternatives

The City Council may deny Mr. Epperson's request for a reduction in development impact fees.

Fiscal Impact

Based on the limited impact of the project, if the request is approved, city development impact fees that may be charged will be reduced from \$34,082.83 to \$5,359.47.

Attachments

1. Resolution No. 26-21
2. Impact Fee Comparison
3. Letter from Ryan Epperson
4. Wheatland Municipal Code Section 3.26.070

RESOLUTION NO. 26-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND APPROVING THE
FEE REDUCTION REQUEST FROM RYAN EPPERSON CONCERNING THE HEAVEN'S
GATE PET MEMORIAL CENTER EXPANSION PROJECT**

WHEREAS, a municipality is authorized to establish reasonable fees for services rendered, provided that those fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged (Government Code Sections 66000-66018.5); and,

WHEREAS, in addition to fees and charges identified in the City's Municipal Code, the City Council of the City of Wheatland has adopted Ordinances 339, 384, 400, 448, Resolutions 10-93, 33-01, 38-03, 18-04, 39-04, 43-04, 28-05, 01-07, 07-07, 06-08, 21-09 06-10, 16-10, 15-12, 01-13, 04-19, 09-19, 10-19 and development agreements that establish fees for services rendered by the City for administration, planning, building, business license, code enforcement, public works, park and recreation, public safety, water, sewer, and development impact fees; and,

WHEREAS, pursuant to Section 3.26.070 of the Wheatland Municipal Code, the applicant Ryan Epperson, has filed a written request to the City Council for a reduction in impact fees for the approved Heaven's Gate Pet Memorial Center expansion (the project) located at 603 Fourth Street, Wheatland CA 95692; and

WHEREAS, it is necessary for the City to modify the previously adopted fees for the project to ensure the fees charged are reasonably related to the estimated cost of providing the service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheatland, based on the limited impact of the project, the required impact fees shall be reduced from \$34,083.83 to \$5,359.47.

PASSED AND ADOPTED by the City Council of the City of Wheatland on the 13th day of July 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor of the City of Wheatland

ATTEST:

City Clerk of the City of Wheatland

**CITY OF WHEATLAND
DEVELOPMENT IMPACT FEES
EMPLOYMENT USES
AS EFFECTIVE JANUARY 1, 2021**

Name of Business **Heaven Gates LLC**

Date of Calculation **Jun 23, 2021**

Square Footage (should include entire structure:
living, garage and porch/patio) **1638**

Fire Fee Calculations:

Light load residential, commercial and industrial construction with or without sprinklers	yes	1.31
Moderate load commercial and industrial construction WITH sprinklers	NO	1.31
Moderate load commercial and industrial construction NO sprinklers	NO	2.61
Heavy load commercial and industrial construction NO sprinklers	NO	3.92
Heavy load commercial and industrial construction WITH sprinklers	YES	1.97

Revenue Account		SQ. FT. CHARGE	FEES	NEGOTIATED FEES
133-000-000-45920	Law Enforcement Facilities	\$ 0.237	\$ 388.21	\$ 388.21
134-000-000-45920	Fire Protection Facilities Fee (see calculations above)	\$ 2,145.78	2,145.78	\$ 2,145.78
126-000-000-45920	Road Circulation Impact Fee	\$ 6.411	\$ 10,501.22	\$ -
123-000-000-45920	Regional Bypass Impact Fee	\$ -	\$ -	\$ -
125-000-000-45920	Storm Drainage Impact Fee	\$ 2.937	\$ 4,810.81	\$ -
128-000-000-45920	Water Distribution Impact Fee	\$ 1.778	\$ 2,912.36	\$ -
121-000-000-45920	Sewer Collection Facilities	\$ 0.911	\$ 1,492.22	\$ -
127-000-000-45920	Wastewater Treatment Impact Fee	\$ 5.325	\$ 8,722.35	\$ -
*See breakdown below	General Government Facilities	\$ 0.569	\$ 932.02	\$ 932.00
136-000-000-45920	Public Meeting Facilities	\$ -	\$ -	
135-000-000-45920	Parkland Facilities Development	\$ -	\$ -	
122-000-000-45920	Bear River Levee Project Impact Fee	\$ 0.431	\$ 705.98	\$ 705.98
124-000-000-45920	General Plan Update Fee	\$ -	\$ -	
	TOTAL FEES (before Admin Fee)	\$ 2,164.379	\$ 32,610.94	\$ 4,171.97
101-000-000-45921	Admin Fee 1%		\$ 326.11	\$ 41.72
	TOTAL IMPACT FEES		\$ 32,937.05	\$ 4,213.69
	Excise tax of 1% of total construction valuation will be charged by the City and collected before permit is issued			
	Valuation of All Construction Work	1.00% \$ 114,578.10 *	\$ 1,145.78	\$ 1,145.78
	TOTAL IMPACT AND EXCISE TAX		\$ 34,082.83	\$ 5,359.47

NOTE: The following fees (if applicable) are paid separately:

Building Permit and Inspection Fees will be charged and collected by the County

Plan Check Fees will be actual cost as determined by the City's contract planner - Raney & Assoc

Engineering Fees will be actual cost as determined by the City's contract engineer - Coastland

* Valuation is based on square footage times International Building Code Construction Costs (F-2, VB)

*General Government Facilities Breakdown			
132-000-000-45920	Public Works Facilities Impact Fee	29.20%	272.15
131-000-000-45920	Vehicles and Equipment Impact Fee	6.90%	64.31
130-000-000-45920	City Hall Facilities Impact Fee	63.90%	595.56
		100.00%	932.02

To Jim Goodwin Wheatland City Manager,

This letter is in regards to the meeting that you called me in for on May 20th, 2021. At this meeting you advised me that the City of Wheatland had failed to assess any and all Impact, school and traffic fees to our project at 603 4th street of which the City Issued the building permit on February 10, 2021.

According to the City's by laws, these must be assessed and paid prior to issuance of any building permit.

Not having any knowledge of these nearly \$60,000. In fees until we have proceeded with our permitted project for over 3 months would put our project in a financial hardship situation. Had we have known about these assessments at the time of permitting, we would have had the choice to not proceed with our project.

That being said, I do have several arguments with the fee assessments that have been presented to me.

1- Your assessment of all fees are based on new square footage of 2640sq' which is inaccurate. This does not account for the 1002sq' of area within the new portion of our building that was an existing structure. The total of new square footage within our project is only 1638sq'.

2- I must contest the assessment of the "road circulation impact fee" as our project has no impact on traffic whatsoever. We do not have any additional traffic nor are we hiring any additional employees.

3- I must contest the assessment of the "storm drainage impact fee" as our project has zero impact on any storm drainage. Quite contrary, our project has much more square footage of permeable surface area than it did prior to our project which reduces storm drain runoff.

4- I must contest the assessment of the "water distribution impact fee" as our project has zero additional sinks, toilets, hose bibs or any additional irrigation. Nor do we have any additional staff due to the project.

5- I must contest the assessment of the "sewer collection facilities" fee as our project has zero additional sinks, toilets, hose bibs or any additional irrigation. Nor do we have any additional staff due to the project.

6- I must contest the assessment of the "Wastewater treatment impact fee" as our project has zero additional sinks, toilets, hose bibs or any additional irrigation. Nor do we have any additional staff due to the project.

7- I must contest the excise tax valuation as our project's actual costs, prior to this new fee assessment, is only \$140,000.

It must be understood that this project is for continuation of current operations at our facility. We needed space for a 2nd cremation retort in order to continue current operations during times of repair or failure of our first retort that has been in operation for the last 5 years and is in need of overhaul. We also have the goals of being able to park our vans inside the new workshop as well as being able to offload the animal bodies within our new structure and away from public view. It is also our intention to beautify and improve our City through the Hwy. 65 corridor. We have no intention of adding employees due to this project.

We have been good and responsible partners with the City and it's residents and will continue to be as such.

I hope that you will take all of this response into careful consideration in re-evaluation of our projects applicable fees.

I look forward to coming to an amicable agreement and look forward to hearing from you..

Sincerely
Ryan Epperson

3.26.070 Deferrals, waivers and reductions.

Upon written request filed by a property owner prior to the due date for payment of any development impact fee, the city council may grant deferral, waiver or reduction of any development impact fee. A deferral, waiver or reduction may be granted only after notice and hearing if, in the opinion of the city council, properly supported by specific findings and evidence, deferral would provide for a more fair and equitable financing arrangement to be developed and imposed, or a waiver or reduction is necessary or appropriate because imposition of the fee or fee in full would be unlawful or would result in substantial inequities. Findings must be based on written and other evidence submitted by the property owner substantiating the owner's contention that the fee should be deferred, waived or reduced. The owner shall bear the burden of proof to demonstrate that a deferral, waiver or reduction is necessary or appropriate. For a deferral, findings must include facts supporting the deferral including, without limitation, findings that: (1) alternative financing methods involving more than one owner will be implemented and justify the fee deferral; or (2) deferral of the fee will result in a more fair and equitable funding arrangement. In the case of waiver or reduction, findings must include facts supporting the waiver or reduction including, without limitation, findings that: (1) the owner will receive insufficient or no benefit from the fee imposed and would therefore be required, if the fee were imposed in full, to pay more than its fair share for the benefit received; or (2) imposition of the fee or full fee would be unlawful in the particular circumstances. The city by resolution of the city council may adopt a fee for the processing of an owner request for a fee deferral, waiver or reduction. (Ord. 400 § 5, 2007)

View the [mobile version](#).