

## Chapter 16.216

### Local Benefit Districts

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#### **Section 16.216.010** Local benefit districts established.

Whenever the City of Ripon requires a property owner or developer to install sewer, water or storm drain mains, street and traffic control improvements, or other appurtenant features which benefit property not within the property owner or developer's development project, then upon application by the property owner or developer (the "applicant"), and subject to the requirements of this Chapter, the City may establish a Local Benefit District to apportion the costs of such improvements among the properties benefitted, and to provide a method for reimbursing the applicant. (Ord. 819, 2015)

#### **Section 16.216.020** Exclusions.

A Local Benefit District shall not be permitted for improvements consisting of the installation of curb, gutter and sidewalk across the street frontage of applicant's property and the installation of other street improvements across the frontage of applicant's property to the centerline of the street. (Ord. 819, 2015)

#### **16.216.030** Determinations.

The City Administrator or his/her appointee shall determine if a Local Benefit District is necessary for oversized utilities or improvements determined to benefit the local area. If he/she determines such district is required, he/she shall determine the properties to be in such District. The City Administrator or his/her appointee shall prepare a report on his/her determination of the proposed boundaries, the eligible improvements for reimbursement, and the method of apportioning costs among benefitted properties, and shall file it with the City Clerk. The City Administrator's report shall be

referred to as the "LBD Report". The City Clerk shall appoint a time and place for a public hearing on the proposed District boundaries and the apportionment of costs upon benefitted properties. The City Clerk shall give notice of the hearing at least fifteen (15) days before the date thereof by mail, postage prepaid, to all persons owning real property proposed to be included within the District, whose names and addresses appear on the last equalized assessment roll for City taxes, or who are known to the Clerk.

The notice shall contain:

- A. A statement of the time, place and purpose for the hearing on the report of the City Administrator or his/her appointee.
- B. A statement that any person interested may submit comments in writing or personally appear at the hearing to address the proposed LBD Report, including the proposed Local Benefit District boundaries, the scope of improvements and the method of apportioning costs among benefitted properties.

At the conclusion of the hearing, the City Council may approve, deny or modify the LBD Report, including but not limited to the properties or portions thereof to be included in the Local Benefit District, the list of eligible improvements and the method of apportioning costs among benefitted properties.

Upon approval by the City Council, all of such properties, including the applicant's property, shall be named a Local Benefit District, and notice of formation of the Local Benefit District shall be recorded against each parcel within the District. Thereafter, the applicant shall be entitled to be the recipient (the "Recipient") of District charges collected by the City pursuant to the provisions of this Chapter. (Ord. 819, 2015)

#### **16.216.040** Apportionment of costs.

In preparing the Local Benefit District Report, the City Administrator or his/her appointee shall make a proposed apportionment of costs among the properties in the District as follows:

The City Administrator or his/her appointee shall determine the amount of costs to be apportioned. Costs shall be apportioned using a method deemed appropriate by the City Administrator or his/her appointee, and may include, but shall not be limited to, total acreage within the proposed District, the lineal frontage of all properties within the proposed District, or some reasonable combination of those of other data (e.g. retail, office, mixed use, etc.), in the discretion of the City Administrator or his/her

appointee. "District frontage" shall include planned, but not yet installed major thoroughfares, but shall exclude subdivision or planned development interior streets. Following the date the applicant's improvements are accepted by the City, until paid, said costs shall be adjusted annually as of January 1<sup>st</sup> of each year to reflect an increase or decrease as shown in the Engineering News Record Building Cost Index published for the 20 city average as of the previous July 1<sup>st</sup>. (Ord. 819, 2015)

**16.216.050 City administrative costs.**

The Director of Finance shall determine the cost to the City in administering each Local Benefit District, and such costs shall be equitably prorated among the properties in the District. (Ord. 819, 2015)

**16.216.060 Imposition and payment of district charges.**

District charges applicable to a given parcel within the District shall be imposed and paid as follows:

- A. Timing of Imposition of LBD Charges. The requirement to pay all District charges, including City administrative charges, shall be imposed by the City as a condition of approval of the first "discretionary land use entitlement" on the subject property. The timing of payment of District charges shall be in accordance with Subsection B of this Section. For purposes of this Section, "discretionary land use entitlement" includes the approval of any Conditional Use Permit, Tentative Subdivision Map or Parcel Map, Development Agreement, Mixed Use or Planned Unit Development, General Plan Amendment, rezoning, pre-zoning, or Specific Plan for the subject parcel.
- B. Timing of Payment of LBD Charges. Notwithstanding the timing of imposition of District charges as set forth in Subsection A, District charges imposed upon residential projects shall be paid at the time of approval of the Final Map or Parcel Map, as applicable. In the case of a parcel zoned commercial, retail, office or mixed use which is created by Parcel Map, all District charges for said parcel shall be paid at the time of issuance of the first building permit on the parcel. Property having less than an even number of acres shall pay an acreage fee prorated in direct proportion to any fractional acreage.
- C. Exceptions. "Development" shall not include any Lot Line Adjustment, Building Permit issued by the City or by San Joaquin County for the remodeling of an existing residence, the construction or remodeling of any second unit dwelling, reconstruction of any wholly or partially damaged or demolished structure, or the construction of one single family residence on an existing single parcel of land.
- D. Developed Parcels. In the case of a developed parcel for which no discretionary land use entitlements are needed, District charges shall be imposed at the time of application for water or sewer service for said parcel.
- E. City's Discretion to Defer Payment. For good cause, the City Administrator or his/her appointee shall have the discretion to defer payment of fees until the issuance of building permits upon the posting of bonds or other security in a form and amount acceptable to the City Attorney for guaranty of payment of District charges to the Recipient.
- F. Alternative Payment Arrangements. Nothing in this Chapter shall be construed to prohibit a property owner from paying District charges prior to development, as defined herein, or from negotiating directly with the Recipient for an alternative payment arrangement, provided that any such alternative arrangement shall not operate to increase the District charges attributable to any other parcel within the District. The Recipient of District charges pursuant to this Chapter may elect to receive credits against development impact fees which would otherwise be due and payable in connection with any projects proposed by the Recipient.
- G. Reimbursement to Applicant. As a condition to receiving reimbursement pursuant to this Chapter, the City and an eligible applicant for reimbursement within an adopted LBD shall enter into a Reimbursement Agreement specifying the amount, priority and timing of reimbursements to be remitted to the applicant from benefitting parcels which develop within the District. The amount, priority and timing of reimbursements shall be determined by the City Engineer. (Ord. 819, 2015)