



Stanislaus County

PUBLIC FACILITY FEE

MULTI-YEAR

INSTALLMENT

PAYMENT PROGRAM

Planning and Community
Development Department
Building Permits Division
1010 10th Street, Suite 3400
Modesto, CA 95354
209/525-6557
Kirk Ford, Director

QUALIFIED PROJECTS – STANDARDS

Qualified projects MUST meet all of the characteristics mentioned below:

- Project is of commercial, retail and/or industrial nature.
- Residential developments are not eligible for this fee deferment program.
- The development **must create a minimum 30 new (not relocated from within Stanislaus County) full time jobs at time of occupancy.**
- A job in context to this policy is equal to 1.5 X minimum wage as the hourly salary,
- Full time is defined by a 36-hour workweek minimum.
- New Jobs to be listed with the Stanislaus County Alliance Worknet.
- Job verification is required – Job verification to be conducted by the Stanislaus County Alliance Worknet.

PROCESS STEPS

If a development project meets the qualified project standards and written request for Multi-Year Public Facility Fee (PFF) Payment has been received, the following process steps shall be followed:

1. The eligible developer/property owner will provide adequate security to protect the interests of the County of Stanislaus. The Building Permits Division of the Stanislaus County Planning and Community Development Department will accept either of the following:
 - A promissory note and a Deed of Trust **OR**
 - An irrevocable letter of credit in an amount sufficient to secure both the principal and the interest of the total Public Facility Fee due for the duration of the deferral.
2. For non-property owner (tenant applicants) an irrevocable letter of credit in an amount sufficient to secure both the principal and the interest of the total Public Facility Fee due for the duration of the deferral is required.
3. Once the developer provides security the County will prepare an agreement, promissory note, and Deed of Trust to defer the Public Facility Fee per the Multi-Year PFF Payment Program.

COLLECTION OF MULTI-YEAR PFF PAYMENTS

Qualified Projects only:

- 20% of the total calculated fee will be paid at issuance of building permit.
- The remaining 80% will be paid in four (4) equal annual installments with total payment to be received not later than the fourth (4th) anniversary of the deferral agreement.
- County Building Permits Division collects the \$350.00 application fee, the initial 20% of total PFF fee calculated, accepts the signed Agreement, and records the Deed of Trust.
- All subsequent annual fee payments including the annual \$150.00 administration fee are made to the Auditor-Controller's Office as stated in the fee Agreement.
- The Stanislaus County Auditor-Controller may annually invoice the installment payment.
- In the event that a payment is not received within ninety (90) days of the due date the full balance is immediately due and payable.
- Any balance owing on the agreement can be retired prior to the maturity date.
- Upon change of property ownership the entire balance will become due and payable.

PROCEDURE

1. Begin at the Service Counter at the time of initial development project consultation.
2. Building Permits Division will calculate/determine the total PFF required of the project.
3. If the developer wishes to pursue applying for fee deferment, Building Permits Division will:
 - a. Provide information for the Multi-Year PFF Payment Program, which includes an application, a copy of a sample agreement, and application processing information.
 - b. Advise that an agreement for deferment will have to be executed with Building Permits Division before a building permit can be issued. Advise that a \$350.00 non-refundable application fee, a \$150.00 annual collection/administrative fee and an initial

payment of 20% of total PFF fee calculation are due upon completion of the agreement.

- c. Advise applicant that a promissory note and a Deed of Trust will have to be executed or submittal of an irrevocable letter of credit with Stanislaus County before a building permit will be issued.
4. Upon receiving completed application and all fees the Public Facility Fee Committee will then determine if the developer qualifies under the qualified deferral program criteria (see above). The PFF Committee shall:
 - a. Prepare a Multi-Year PFF Payment Agreement package.
 - b. Direct the developer to have the contents of the Agreement package signed and notarized, and to return it along with the initial fees due to Building Permits Division. Building Permits Division will sign off fee approval of permit and issue a receipt for payment.
 - c. All documents (including initial fees) will be forwarded to the Director or his designee for approval and processing.
 - d. All documents to be recorded will be forwarded to Building Permits Division (for recording) with a copy forwarded to the developer.
 - e. Building Permits Division will process all origination fees for deferment agreement and issue a building permit with receipt.
 - f. Upon recording the Deed of Trust, the Auditor-Controller will administer the Agreement for Multi-Year payments, default, etc.
 - g. The Auditor-Controller will prepare documents, which are necessary to reconvey the collateral documents upon complete repayment of the deferred amount.

This is not an automatic fee deferment.

Fee deferments that are not requested at the inception of a project will not be eligible for retroactive consideration for this incentive.

PFF amount given at permit application is based on information provided at that time and is subject to change if use or square footage change.