



CHECKLIST – IMPOSING EXACTIONS ON APPLICANTS

FOR ADMINISTRATIVE LAND USE APPROVALS

- _____ 1. Determine that the land use ordinance requires an exaction on the application being considered. If an application complies with the ordinances in place when it was submitted in complete form, and all application fees were paid, then it is entitled to approval.
- _____ 2. If the ordinance provides for specific exactions, determine how the application will burden on public services provided by the municipality.
- _____ 3. Determine what the net burden created by the development will be, taking into account offsetting factors such as:
 - _____ a. Impact fees which will be collected from the applicant that may offset burdens created by the development;
 - _____ b. Property that the applicant proposes to provide to the municipality for public improvements which do not serve the development or which exceed the size needed to serve the development, but which the municipality wishes to accept; and
 - _____ c. Other factors that mitigate the real impact of the development on each public service that may be the subject of an exaction.
- _____ 4. After considering the burdens imposed and any offsetting factors, identify the cost that the municipality would bear to offset the burdens created by the proposed development on a specific public service.
- _____ 5. Impose exactions that place burdens on the development that are roughly equivalent to the impact that the development will have on public services provided by the municipality. Precise mathematical precision is not required.
- _____ 6. Support the decision to impose exactions with substantial evidence in the record indicating that each exaction:
 - _____ a. Is provided for by ordinance, and
 - _____ b. Addresses a burden created by the proposed development, and
 - _____ c. Offsets a burden that the municipality itself will bear absent the exaction, and
 - _____ d. Imposes a burden on the development in terms of dollars and cents that is roughly equivalent to the cost that the municipality would have to pay to offset the net burden created by the development (after considering offsetting factors), absent the exaction.