

ORDINANCE NO. 1180
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CAMARILLO, CALIFORNIA, ADDING CHAPTER 16.52 TO
THE CAMARILLO MUNICIPAL CODE TO ESTABLISH
PARK IMPACT FEES

The City Council of the City of Camarillo ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. Pleasant Valley Recreation and Park District (District) is an independent special district formed in 1962 to provide recreation and park services to the community, including for the residents of the City of Camarillo.

B. The City and District have reviewed the City's current practices concerning park impact fees for development not subject to a subdivision, and have determined it is necessary to amend the Camarillo Municipal Code ("CMC") to add a new chapter that establishes park impact fees for new residential development that is not subject to a subdivision, and for new or expanded non-residential development.

C. The District has prepared a nexus study to identify reasonable park impact fees to be imposed on new residential development on a per unit basis, and for park impact fees to be imposed on new or expanded non-residential development on a per square foot basis to provide the level of service standard established in the General Plan Recreation Element of 2.5 acres of neighborhood parks and 2.5 acres of community parks per 1,000 residents.

D. Government Code Section 66000 and following (Mitigation Fee Act) requires findings for the imposition of park impact fees. The findings include that: the fee must have a purpose; the fee must fund a specific use; there must be a reasonable relationship between the fee's use and the type of project on which the fee is imposed; there must be a reasonable relationship between the need for public facilities and the type of project on which the fee is imposed); there must be a reasonable relationship between the amount of the fee and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed; and the fee may not fund existing deficiencies but only those exacerbated by increased demand due to new development projects.

E. On May 5, 2021, the District Board of Directors reviewed the nexus study for the proposed fees, which included the requisite findings under the Mitigation Fee Act, at a public meeting and the board voted unanimously to adopt a resolution to approve the park impact fee nexus study ("Nexus Study") and request that the Camarillo City Council approve and implement the proposed park impact fees.

F. The City must adopt an ordinance to create a new chapter of the municipal code to be able to impose the park impact fees on new residential development not subject to a subdivision and on new and expanded non-residential development. The

amount of the park impact fees will be set by resolution of the City Council, be imposed by the City on applicable new development, and be used by the District to mitigate park impacts in accordance with a memorandum of understanding between the District and the City.

G. The purpose of the fees to be established by this ordinance is to address the impacts associated with such new development and pay the costs of public recreation and park facilities pursuant to the authority of Government Code section 66001, Article XIII C, Section 1 of the California Constitution, and Article XI, Section 7 of the California Constitution by imposing development fees on new development not subject to the CMC Chapter 18.30 to fund the costs of certain facilities, the need for which is generated by the type and level of the proposed development in accordance with Nexus Study,

H. On June 9 2021, the City Council conducted a duly noticed public hearing to consider the Nexus Study and this ordinance adding CMC Chapter 16.52.

I. After reviewing the evidence presented, the City Council finds that the proposed ordinance is consistent with the City's General Plan by enabling the collection of fees to be used to provide a level of public facilities identified in the General Plan's Recreation Element of 5 acres per 1,000 residents. The City Council further finds that the Nexus Study identifies the purpose of the proposed fee, its use, and the reasonable relationship between the need and fees' use and the type of development projects for which the fee is imposed, consistent with the requirements set forth in the Mitigation Fee Act.

J. This ordinance amends Title 16 (Building and Construction) of the CMC to add a new Chapter 16.52 – Park Impact Fees.

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to California Environmental Quality Act (CEQA) pursuant the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections: 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and 15378(b)(4), because the proposed ordinance involves governmental funding mechanisms or other governmental fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. The proposed ordinance creates park impact fees to be imposed on new residential development not subject to a subdivision and new and expanded non-residential development and will not result in any impact to the environment. Any new or expanded recreation and park facilities to be constructed as a result of funds collected because of this ordinance will be subject to a separate environmental review and determination prior to commencement of the project. As such, it can be seen with certainty that there is no possibility that the enactment of this ordinance may have a significant adverse effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

SECTION 3. Addition of Chapter 16.52. Title 16 (Building and Construction) of the CMC is amended to add a new Chapter 16.52 – Park Impact Fees, as follows:

“Chapter 16.52 – PARK IMPACT FEES

16.52.010 – Purpose.

New residential construction and new and expanded non-residential construction within the city will create an increased need recreation and park services. The General Plan Recreation Element identifies a parkland calculation of 2.5 acres of neighborhood parks and 2.5 acres of community parks per 1,000 residents. The Pleasant Valley Recreation and Park District provides recreational and park services to the city in order to achieve the combined threshold of 5 acres of parkland per 1,000 residents. Chapter 18.30 provides for the collection of park impact fees, but is limited to collecting fees only for residential subdivisions. As the city experiences growth through new residential development not subject to a subdivision and expanded non-residential development, there will be an increase in demand for and users of recreation and park facilities without a means to fund new facilities and expanded services. The purpose of this chapter is to impose on new residential construction, not subject to a subdivision, and new or expanded non-residential construction within the city, fees sufficient to provide adequate recreation and park facilities and services for the city.

16.52.020 - Definitions.

For the purposes of this chapter, the following words and phrases have the meanings respectively ascribed to them below.

“District” means the Pleasant Valley Recreation and Park District.

“Mitigation Fee Act” means the statutory procedures for establishing development impact fees, as set forth in Government Code section 66000 and following.

“Public facilities” means recreational facilities, paved trails, and parkland as identified by the district.

“Park impact fee” or “Fee” means a monetary exaction, other than a tax or a special assessment, that the city imposes in connection with the approval of a development project to defray all, or a portion of, the cost of public facilities related to the development project on behalf of district.

16.52.030 - Park Impact Fee.

Fees are hereby authorized to be established in amounts to be set by resolution by the city council, on a per unit basis for single-family homes, multi-family homes, and mobile homes; and on a per square foot basis for retail/commercial, office, and industrial.

16.52.040 - Payment of Fee.

The fees established pursuant to this chapter must be paid by the developer or the developer's agent to the district prior to the issuance of any building permit.

16.52.050 - Automatic Inflationary Adjustment.

Unless otherwise revised by resolution of the city council, the fees established pursuant to this chapter will be adjusted automatically on an annual basis beginning on the first day of April, based on the annual percentage increase, if any, in the March ENR (Engineering News-Record) Index, or its successor publication, over the prior calendar year.

16.52.060 - Refunds of Fees Paid.

- A. If construction of a development project has not commenced before the expiration of the building permit that would have enabled the applicant to proceed with construction, then a fee payer may seek a refund. The refund of the fees paid as a condition imposed pursuant to this chapter for the issuance of such permit will include the interest accumulated in conjunction with the fee.
- B. For requests for refunds, the fee payer must submit written request to the Department of Community Development for such a refund within 30 calendar days of the expiration of the permit. The Department of Community Development will review the request and notify the district to provide a refund to the fee payer.

16.52.070 Fee Credits.

A fee credit may be given for the following circumstances:

- A. Demolished existing residential dwelling units or demolished non-residential building square footage as part of a new development project.
- B. If a developer dedicates land or builds specific public facilities under a turn-key agreement with the district, the fee imposed on that development project may be adjusted to reflect a credit for the land or public facilities constructed up to a one hundred percent credit.

16.52.080 - Fee Exemptions.

The following are exempted from payment of the fee:

- A. Development projects for which the district has received a land dedication or in-lieu fees under Chapter 18.30.
- B. A structure owned by a governmental agency.
- C. An accessory dwelling unit.

- D. Any remodeling and/or expansion of a single-family dwelling unit, if the unit remains a single-family dwelling unit.
- E. Any residential unit for lower income households as defined in Section 50079.5 of the California Health and Safety Code.
- F. Projects with active entitlements issued prior to the effective date of the original adoption of this chapter. When entitlements granted prior to the effective date of this chapter expire, the project will not be eligible for any fee exemption.
- G. Council modifications. The city council may, upon written request from the developer, modify the fee for residential units for moderate income households as defined in Section 50093(b) of the California Health and Safety Code. The city may require the developer or applicant to enter into an appropriate agreement with the city, guaranteeing the affordability and use of the units.

16.52.090 – Memorandum of Understanding.

The city will impose the fees and the district will collect and administer the fees pursuant to a written memorandum of understanding between the city and the district. The memorandum of understanding must clearly define the rights and duties of each party and must provide for the district to defend, indemnify and hold the city, its officers, agents and employees harmless from and against any and all liability, loss, damage, claims, judgments, costs, staff time, losses, expenses and any other costs of defense arising out of, resulting from, or related to the creation, establishment, modification, and imposition of such fees or any other obligation of district or city under the agreement impose such fees in compliance with the Mitigation Fee Act. The district must ensure that all fees collected or expended will comply with the requirements of the Mitigation Fee Act.”

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance takes effect 30 days from the date of its adoption.

SECTION 6. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED June 23, 2021.



Mayor

Attested to on 6/23/21

jamadland
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1180 was introduced by the City Council at a meeting held June 9, 2021, and subsequently passed and adopted by the City Council at a regular meeting held June 23, 2021, by the following vote:

YES: Councilmembers: Kildee, Mulchay, Santangelo, Trembley, Mayor Craven
NO: Councilmembers: None
ABSENT: Councilmembers: None

jamadland
City Clerk

