

RESOLUTION NUMBER 5755

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ESTABLISHING AND ADJUSTING PARKS DEVELOPMENT IMPACT FEES APPLICABLE TO NEW DEVELOPMENT PURSUANT TO MUNICIPAL CODE CHAPTER 19.68, AND REPLACING RESOLUTION NUMBER 5141

WHEREAS, the City of Perris ("City") imposes development impact fees ("Development Impact Fees") on new residential, commercial, and industrial development projects pursuant to the Mitigation Fee Act (Government Code Section 66000, *et seq.*) and Perris Municipal Code Section 19.68.020, to fund the public improvements made necessary by such new development projects; and

WHEREAS, pursuant to Ordinance No. 1182, the City's Development Impact Fees consist of seven separate components: (1) Police; (2) Fire; (3) Community Amenities; (4) Government Services; (5) Parks; (6) Transportation; and (7) Administration (collectively, "Public Facilities"); and

WHEREAS, pursuant to Ordinance No. 1182, the City's Development Impact Fees shall be established and adjusted by resolution of the City Council from time to time in accordance with the procedures set forth in state law; and

WHEREAS, pursuant to Resolution 3586, the current Parks Development Impact Fees were established in 2006. The Parks Development Impact fee schedule did not include fees for non-residential development and failed to provide the City with sufficient funding to construct the critical infrastructure necessary for the City to accommodate the extensive new park development which is currently occurring and proposed within the City; and

WHEREAS, on July 11, 2017, the City Council adopted Resolution No. 5141, updating the Parks Development Impact Fee to adjust the rates for residential development and establish new rates to be levied for non-residential development; and

WHEREAS, Resolution No. 5141 included an annual fee escalator component that adjusts the fee every year in July for residential development only, in order to account for inflation in acquisition and construction costs based on changes in the Engineering News Record California Construction Cost Index for Los Angeles ("ENR Index"). Resolution No. 5141 did not include an annual ENR Index escalator for non-residential development; and

WHEREAS, the City Council now desires to adjust the Parks Development Impact Fee applicable to new industrial development pursuant to the ENR Index and establish an annual fee escalator without further action by the City Council equal to the change in the ENR Index for a twelve-month period of the prior fiscal year; and

WHEREAS, this matter was duly noticed and agendized for a public hearing pursuant to Government Code Sections 66016 and 66018, and all written and oral testimony received during the hearing, and the staff's report and responses to such written and oral testimony, were reviewed and considered by the City Council; and all persons appearing in favor of or in opposition of the

recommendation to adopt this Resolution were given the opportunity to be heard in connection with this matter.

THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing Recitals are true and correct and are incorporated herein as if set forth in full.

Section 2. Facilities Study and Nexus of Fees to New Development. Based on the information contained in the Facilities Study (defined below) and the oral and written testimony received during the public hearing, the City Council finds as follows:

- A. As a condition to exacting or increasing Development Impact Fees the City must establish the nexus and make certain statutory findings regarding the relationships between the types and amounts of the Development Impact Fees, the types of development projects, and the need for public facilities and infrastructure improvements pursuant to the Mitigation Fee Act. This is done to ensure that the Development Impact Fees paid by developers are proportional to the impacts caused by their development.
- B. The City retained David Taussig & Associates to prepare a nexus study to analyze the impacts of development and calculate the appropriate level of Parks Development Impact Fees. The "Parks and Recreation Facilities Development Impact Fee Justification Study City of Perris," dated June 29, 2017 ("Facilities Study"), establishes the required nexus and relationships for imposing Parks Development Impact Fees on new development projects of various types, and documents the need for Parks and Recreation facilities created by new development and the estimated cost of the new facilities which will be required.
- C. Funding from the existing development impact fees will be inadequate to fund the Public Facilities necessary to serve new development. Without an increase in the Parks Development Impact Fees, existing and known funding sources will be inadequate to provide necessary improvements for Parks and Facilities, resulting in, among other effects, a lack of adequate parks and open space to meet the City's adopted park ratio of 5,000 acres per 1,000 residents.
- D. The future development proposed in the City will substantially and adversely affect the City's ability to provide Parks and Recreational Facilities for new City residents, and that unless such development contributes to the cost of improving the Parks and Recreational Facilities, these facilities will not meet an acceptable level of service, as set forth in the Park Master Plan, Trails Master Plan and City ordinances.

- E. There is a reasonable and rational relationship between the use of the Parks Development Impact Fees and the type of development projects on which the fees are imposed because the fees will be used to construct the parks and facilities improvements that are necessary for the health, recreation, and welfare of the residential and non-residential users of the development projects on which the fees will be levied.
- F. There is a reasonable and rational relationship between the need for the improvements to the Public Facilities and the type of development projects on which the Development Impact Fee is imposed because, among other things, it will be necessary for the residential and non-residential users of such projects to have access to the Parks and Recreational Facilities at established levels of service. Such development will benefit from the Parks and Recreational Facility improvements and the burden of such development will be mitigated in part by the payment of the Parks Development Impact Fee.
- G. The cost estimates set forth in the Facilities Study are reasonable cost estimates for constructing Parks and Recreational Facilities, and the amount of the Development Impact Fees expected to be generated by new development will not exceed the total “fair share” cost to such development.
- H. New development within the City will adversely affect the ability of the City to satisfy the demand created by such new development without increasing the Parks Development Impact Fees, and there is a reasonable relationship between the amount of the Parks Development Impact Fees and the cost of the Parks and Recreational Facilities attributable to the new development upon which the fees will be imposed. This relationship is described in more detail in the Facilities Study.
- I. Current City parkland and open space cannot adequately provide services to new development within the City and, to mitigate the impacts of new development, the Parks Development Impact Fees must be adjusted to the amounts described herein.
- J. There is a reasonable relationship between the future growth in the City of Perris and the need for new Parks and Recreational Facilities. Among the factors in this conclusion are: (1) the City is expected to continue growing as a result of future new development; (2) continuing new growth without new parks and recreational area improvements will result in critical lack of available recreational facilities and significantly reduced service levels of City parks; (3) the lack of available recreational facilities and significantly reduced service levels of City parks is directly attributable to the cumulative impacts of future development in the City; (4) the Parks and Recreational Facilities that are listed in the facilities Study will be used to meet future demand for services through this fee program due to new

development; (5) but for the new development, the Parks and Recreational Facilities attributable to new development would not be needed; and (6) the estimated costs of the Parks and Recreational Facilities are proportionally attributable on a “fair share” basis to new and existing development, with the amounts of the Development Impact Fees being proportional to the impacts associated only with new development, as further described in the Facilities Study.

- K. Based on the foregoing findings, the information contained in the Facilities Study, and the oral and written testimony received during the public hearing, the Parks and Recreational Facility Development Impact Fee Justification Study City of Perris is hereby approved and adopted by the City Council. The Facilities Study is attached hereto as Exhibit “A” and incorporated herein by reference.

Section 3. Parks Development Impact Fees -- Residential. Effective September 9, 2017, the Parks Development Impact Fees for new residential development projects shall be the Fees listed in the Parks Development Impact Fee Table attached hereto as Exhibit “B” and incorporated herein by reference. All residential projects, or portions thereof, shall pay the Parks Development Impact Fees imposed by this Resolution and in effect at the time a building permit is issued. The Parks Development Impact Fees for new residential development projects shall be automatically increased annually on the first day of July without further action by the City Council equal to the change in the Engineering News Report Construction Cost Index for Los Angeles (“ENR Index”) for a twelve month period of the prior fiscal year. If the ENR Index is lower on the first day of July of the twelve month period, the residential Parks Development Impact Fees will remain the same as the twelve month period of the previous fiscal year.

Section 4. Development Impact Fees – Commercial/Industrial. Effective September 9, 2017, the Parks Development Impact Fees for new commercial and industrial development projects shall be the fees listed in the Development Impact Fee Table attached hereto as Exhibit “B” and incorporated herein by reference. All commercial and industrial projects, or portions thereof, shall pay the Parks Development Impact Fees imposed by this Resolution and in effect at the time a building permit is issued, unless otherwise expressly exempt by this Resolution. The Parks Development Impact Fees for new industrial development projects shall be automatically increased annually on the first day of July without further action by the City Council equal to the change in the Engineering News Report Construction Cost Index for Los Angeles (“ENR Index”) for a twelve month period of the prior fiscal year. If the ENR Index is lower on the first day of July of the twelve month period, the residential Parks Development Impact Fees will remain the same as the twelve month period of the previous fiscal year.

Section 5. Exemptions. The Parks Development Impact Fees imposed herein shall apply to all residential and industrial development projects for which building permits have not been issued prior to September 9, 2017, with the following expressly limited exemptions:

- A. Commercial development projects, including brick and mortar retail, office, and other similar non-residential and non-industrial land uses, but excluding e-commerce facilities.

Section 6. Use of Parks Development Impact Fees. The Parks Development Impact Fees imposed and collected by the City shall be used to fund the Park Facilities in accordance with the Mitigation Fee Act, Municipal Code Section 19.68.020, and this Resolution, and shall not be used to correct current deficiencies in park facilities or to make improvements for existing parks and open space.

Section 7. Administrative Appeal Procedures. All determinations as to whether a development project or applicant is subject to or has met the requirements of this Resolution shall be made in writing by the Development Services Director upon request, and shall be appealable to the City Manager, whose decision shall be final. A written request for a determination must be submitted in writing to the Development Services Director along with all relevant information supporting the request. The Development Services Director shall make a determination within 14 days after receiving a written request, although such time may be extended if the Development Services Director requires the submittal of additional information necessary to make a determination.

Section 8. Rescission and replacement of all Prior Parks Development Impact Fees. The adoption of this Resolution shall have the effect of rescinding and replacing the Parks Development Impact Fees established by Resolution 3586. All other provisions of Resolution 3586, including all other Development Impact Fees, shall remain in full force and effect. The adoption of this Resolution shall have the effect of rescinding and replacing Resolution No. 5141 in its entirety, and Resolution No. 5141 shall have no further force or effect.

Section 9. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 10. Certification. The City Clerk shall certify as to the passage and adoption of this Resolution and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 26th day of January, 2021

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 5755 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 26th day of January, 2021, and that it was so adopted by the following called vote:

AYES: CORONA, RABB, ROGERS, MAGAÑA, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

City Clerk, Nancy Salazar

EXHIBIT “A”

FACILITIES STUDY

[On Following Pages]

**EXHIBIT “B”
DEVELOPMENT IMPACT FEE TABLE¹**

Residential Development ² (Per Unit)		Non-Residential Development (Per Square Foot)	
Single Family	Multi-Family	Industrial ²	Commercial ³
\$7,884.41	\$6,972.93	\$0.99	\$0.94

1. Fees shown are for Fiscal Year 2019/2020 and are subject to adjustment.
2. Parks DIF for residential and industrial development shall be automatically increased annually on the first day of July without further action by the City Council equal to the change in the ENR Index for a twelve month period of the prior fiscal year, and if the ENR Index is lower on the first day of July of the twelve month period, the Parks DIF will remain the same as the twelve month period of the previous fiscal year.
3. The Parks DIF for commercial development is exempt at this time.