

ORDINANCE NUMBER 1182

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PERRIS, CALIFORNIA, AMENDING MUNICIPAL CODE
CHAPTER 19.68 REGARDING THE DEVELOPMENT
IMPACT FEES APPLICABLE TO NEW DEVELOPMENT**

WHEREAS, in 1991, the City Council of the City of Perris ("City") enacted Ordinance No. 877 to establish development impact fees ("Development Impact Fees") on residential, commercial and industrial development projects, pursuant to the Mitigation Fee Act (Government Code Section 66000, *et seq.*), to fund the public improvements made necessary by such development projects. The Development Impact Fees (referred to as "Infrastructure Fees" in Ordinance No. 877) currently consist of six separate components: (1) Community Facilities, (2) Police, (3) Fire, (4) Parks and Recreation, (5) Library, and (6) Streets; and

WHEREAS, improvements in the economy and other factors have led to a dramatic increase in the number of development projects being initiated or recommended after being put on hold during the economic slowdown of the 1990s; and

WHEREAS, the current Development Impact Fees were established in 1993 and have not been increased since then. The Development Impact Fees are outdated, inadequate and fail to provide the City with sufficient funding to construct the critical basic infrastructure necessary for the City to accommodate the extensive new development which is currently occurring and proposed within the City; and

WHEREAS, 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; and

WHEREAS, the City retained an experienced and reputable expert consultant to prepare a nexus study to analyze the impacts of development and calculate the appropriate level of Development Impact Fees; and

WHEREAS, the consultant's study, the "Development Impact Fee Justification Study City of Perris" ("Facilities Study"), establishes the required nexus and relationships for imposing updated Development Impact Fees on development projects of various types, and documents the need for facilities created by new development and the estimated cost of the new facilities which will be required; and

WHEREAS, the Facilities Study concludes that Development Impact Fees for the following categories of public facilities are necessary to offset the impact of new development on City infrastructure: (1) Police; (2) Fire; (3) Community Amenities; (4) Government Services; (5) Parks; (6) Transportation; and (7) Administration (collectively, "Public Facilities"). The Public Facilities are described in detail in the Facilities Study, which is subject to approval by the City Council after a public hearing in accordance with the Mitigation Fee Act; and

WHEREAS, the purpose of this Ordinance is to establish the fee categories described in the Facilities Study and to make certain other structural revisions to facilitate the City's Development Impact Fee program. The actual Development Impact Fees contemplated by the Facilities Study will be established and adjusted from time to time by resolution in accordance with the procedures in the Mitigation Fee Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing Recitals are incorporated herein by reference as if set forth in full.

Section 2. Section 19.68.020 of the Perris Municipal Code is hereby amended to read in its entirety as follows:

“19.68.020 DEVELOPMENT IMPACT FEES

A. Purpose and Intent

1. It is the purpose and intent of this Section to implement a unified Development Impact Fee program to fund the acquisition, design, and construction of certain public facilities necessary to serve new development within the City.
2. The public facilities to be funded by the Development Impact Fees (the “Public Facilities”) are in the following categories: (1) Police; (2) Fire; (3) Community Amenities; (4) Government Services; (5) Parks; (6) Transportation; and (7) Administration. The Public Facilities are described in detail in the Facilities Study adopted by the City Council from time to time and incorporated herein by reference.

3. The Development Impact Fees imposed under this Section are in addition to any other fees, dedications, construction requirements, or other exactions imposed as a condition of approval for a development project, or under the provisions of any state or federal law, or other provisions of this Code, or City resolutions and policies.

B. Imposition and Accounting of Development Impact Fees

1. No developer, property owner, or other person or entity shall be eligible to receive building permits, nor any occupancy permits, for any development project unless the provisions of this Section have first been complied with for that project. The requirements of this Section are hereby imposed as a condition of development approval for each development project in addition to being a requirement of this Code.
2. The Development Impact Fee amounts 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.
3. Development Impact Fees paid pursuant to this Section shall be segregated and deposited into a separate fund and used only for the purpose of acquiring, designing, constructing, and improving the applicable Public Facilities to the extent permitted by law.
4. The City may impose such additional conditions of approval as are necessary or appropriate to implement the purposes of this Section.

C. Credit and Reimbursement Policy

For qualifying Public Facilities constructed as part of a development project, the City Council may establish policies and procedures for granting credit against a Development Impact Fee or providing for reimbursement from Development Impact Fees paid by other developers. Such policies and procedures shall be established by resolution.”

Section 3. In Chapter 19.08 of the Perris Municipal Code (Definitions), the definition of “Infrastructure Improvements” is hereby revised to mean “the Public Facilities described in Chapter 19.68.”

Section 4. Rescission of Ordinances No. 877. Upon the effective date of this Ordinance and the new resolution establishing the rates for each of the categories of Development Impact Fees listed in Section 2 above: (i) such rates shall be established as the new Development Impact Fees to be collected by the City, and (ii) Ordinance 877 and all previous resolutions establishing fees thereunder, including but not limited to Resolution Nos. 2030 and 2224, shall be repealed and rescinded.

Section 5. Application. This Ordinance shall apply to all development projects for which Development Impact Fees have not been paid as of the date specified in the resolution establishing the Development Impact Fees, excepting only those development projects that are subject to an existing development agreement where such agreement expressly provides for the amount and timing of development impact fees.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after its passage. However, the current Development Impact Fees shall continue to apply until the effective date of a new resolution establishing new Development Impact Fees.

Section 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance 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 Ordinance. The City Council hereby declares that it would have adopted this Ordinance, 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 8. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and **APPROVED** this 28th day of February, 2006.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1182, introduced at a regular meeting of the City Council of the City of Perris held on the 14th day of February, 2006, was duly and regularly adopted by the City Council at a regular meeting thereof held on the 28th day of February, 2006, and that it was so adopted by the following called vote:

AYES: Landers, Motte, Yarbrough, Busch
NOES:
ABSENT: Rogers
ABSTAIN:

City Clerk, Margaret Rey