

RESOLUTION NO. 4240

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, REDUCING DEVELOPMENT IMPACT FEES APPLICABLE TO NEW COMMERCIAL AND INDUSTRIAL DEVELOPMENT PURSUANT TO MUNICIPAL CODE CHAPTER 19.68

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, the current Development Impact Fees were established on May 1, 2006 and adjusted on May 1, 2008; and

WHEREAS, 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, the City's Development Impact Fees may 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, in order to stimulate new development in Perris, the City Council now desires to temporarily reduce existing rates levied for each component of the Development Impact Fee schedule; and

WHEREAS, a reduction in a governmental funding mechanism, which does not involve any commitment to any specific project, is not a "project" pursuant to the terms of the California Environmental Quality Act; and

WHEREAS, this matter was duly agendized and considered by City Council in accordance with Government Code Sections 66016 and 66018, all written and oral testimony received at the meeting and the staff report was 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.

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

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

Section 2. California Environmental Quality Act. The City Council has reviewed and considered the environmental consequences of this project prior to taking action on the applications. Based on the analysis and the accompanying environmental information, the Council finds that:

- A. Reduction of a governmental funding mechanism, which does not involve any commitment to any specific project, is not a “project” pursuant to the terms of the California Environmental Quality Act.
- B. Reducing the existing Development Impact Fees would not result in a significant effect on the environment.
- C. Determinations of the City Council reflect the independent judgment of the City.

Section 3. Development Impact Fees – Commercial/Industrial. Effective July 14, 2009, the Development Impact Fees for new commercial and industrial development projects shall be the fees listed in the Commercial/Industrial Development Impact Fee Table attached hereto as Exhibit “A” and incorporated herein by reference. The Development Impact Fees for new commercial and industrial development shall be automatically increased without further action by the City on July 1, 2010, and again on January 1, 2011, as shown in the Commercial/Industrial Development Impact Fee Table.

Section 4. Use of Development Impact Fees. The Development Impact Fees imposed and collected by the City shall be used to fund the Public 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 public facilities or to make improvements for existing development.

Section 5. Application of fees. The reduced Development Impact Fees imposed herein shall apply to commercial and industrial development projects for which building permits have not been issued prior to July 14, 2009, provided that such reductions shall not apply to any properties located within an approved Road and Bridge Benefit District.

Section 6. Pre-Payment of Development Impact Fees. Property owners, developers, contractors, and their representatives have the option of prepaying Development Impact Fees under the terms enumerated herein, provided that such prepayment does not extend the term of any development entitlement, nor shall such prepayment be refunded at any time.

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

ADOPTED, SIGNED and APPROVED this 14th day of July, 2009.

Mayor, Daryl R. Busch

Attest:

City Clerk, Judy L. Haughney

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

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 4240 was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 14th day of July, 2009, and that it was so adopted by the following vote:

AYES:	COUNCILMEMBERS:	Landers, Evans, Rogers, Busch
NOES:	COUNCILMEMBERS:	Yarbrough
ABSENT:	COUNCILMEMBERS:	None

City Clerk, Judy L. Haughney