

ORDINANCE NO. 1551

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, UPDATING THE CITY'S DEVELOPMENT IMPACT FEE PROGRAM, AMENDING THE BANNING MUNICIPAL CODE, MAKING FINDINGS PURSUANT TO CEQA, AND REPEALING PROVISIONS OF ORDINANCE NOS. 1320 AND 1321 ESTABLISHING OR MODIFYING CERTAIN DEVELOPMENT IMPACT FEES

The City Council of the City of Banning does hereby ordain as follows:

Section 1. The City Council makes the following findings in connection with the adoption of this Ordinance:

A. On September 10, 2019, the City Council held a duly noticed open and public meeting regarding the proposed adoption of the proposed updated Development Impact Fee program, as required by Government Code Section 66016.

B. On September 10, 2019, the City Council held a duly noticed public hearing regarding the adoption of the proposed updated Development Impact Fee program, as required by Government Code Section 66018. Following the receipt of all staff reports, public testimony and other evidence, the public hearing was closed.

C. All other prerequisites to the adoption of this Ordinance, the approval of the *Development Impact Fee Update Study* prepared by Willdan Financial Services and dated August 7, 2019, the *Update of [the] Traffic Fee Component of the Development Fee Program* prepared by LSA Associates, Inc. and dated May 2019, and the proposed updated fire protection, police, general city, traffic control, parkland and park, wastewater, and water facilities development impact fees, as specified by the Mitigation Fee Act (Cal. Gov. Code, § 66000 *et seq.*) and other applicable laws, have been satisfied.

Section 2. The City Council makes the following California Environmental Quality Act findings in connection with the adoption of this Ordinance:

A. City staff has evaluated the potential environmental impacts of the adoption of this Ordinance, the approval of the *Development Impact Fee Update Study* prepared by Willdan Financial Services and dated August 7, 2019, the *Update of [the] Traffic Fee Component of the Development Fee Program* prepared by LSA Associates, Inc. and dated May 2019, and the proposed updated fire protection, police, general city, traffic control, parkland and park, wastewater, and water facilities development impact fees pursuant to the California Environmental Quality Act ("CEQA"). City staff has determined that these actions do not constitute a "project" under CEQA pursuant to State CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, City Staff has determined that these actions are statutorily

exempt from CEQA under CEQA Guidelines Section 15273(a)(4) because these actions and documents are merely establishing a fee to obtain funds for those capital projects necessary to maintain service within existing service areas and these actions do not provide for the creation of new service areas. The capital projects described in the *Development Impact Fee Update Study* and the *Update of [the] Traffic Fee Component of the Development Fee Program* will maintain the level of service currently provided by the City's existing fire protection, police, general city, traffic control, parkland and park, wastewater, and water facilities systems by ensuring that the impacts of new development will not negatively impact existing service levels.

B. The City Council concurs with City staff's determination that the adoption of this Ordinance, the approval of the *Development Impact Fee Update Study* and the *Update of [the] Traffic Fee Component of the Development Fee Program*, and the adoption of the proposed updated fire protection, police, general city, traffic control, parkland and park, wastewater, and water facilities development impact fees do not constitute a project under CEQA pursuant to CEQA Guidelines Section 15378(b)(4). The City Council additionally concurs with City staff's determination that the adoption of this Ordinance, the approval of the *Development Impact Fee Update Study* and the *Update of [the] Traffic Fee Component of the Development Fee Program*, and the adoption of the proposed updated fire protection, police, general city, traffic control, parkland and park, wastewater, and water facilities development impact fees are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273(a)(4).

C. The City Council hereby directs City staff to prepare and file a Notice of Exemption with the County Clerk pursuant to CEQA Guidelines Section 15062 within five (5) days of the date that this Ordinance is adopted.

Section 3. The definition of "Multispecies habitat conservation plan fee" in Section 3.36.020 (Definitions) of Chapter 3.36 (Fee and Service Charge Revenue/Cost Comparison) of Title 3 (Revenue and Finance) of the Banning Municipal Code is hereby amended to read as follows:

"'Multispecies habitat conservation plan fee' means the impact fee imposed and levied under Ordinance 1305, as codified in Chapter 15.72 of this Code adopting the "Multispecies Habitat Conservation Plan" (MSHCP). The MSHCP establishes a fee known as the MSHCP fee, the purpose of which is to mitigate the incidental take of listed, threatened, and protected species and their habitats within areas of Western Riverside County, including the City of Banning. The city has decided to participate in the MSHCP through the adoption of Ordinance No. 1305, as codified in Chapter 15.72."

Section 4. Chapter 12.08 (Bridge and Major Thoroughfare Fees) of Title 12 (Streets, Sidewalks and Public Places) of the Banning Municipal Code is hereby deleted in its entirety and amended to read as follows:

"Chapter 12.08 - RESERVED".

Section 5. Sections 13.08.050 (Water System Connection Fee) and 13.08.060 (Sewer System Connection Fee) of Article II (Water and Sewer Rates and Fees) of Chapter 13.08 (Water, Sewer and Electricity Rates) of Title 13 (Public Services) of the Banning Municipal Code are hereby deleted in their entirety.

Section 6. Section 13.08.070 (Wastewater Rate Schedule) of Article II (Water and Sewer Rates and Fees) of Chapter 13.08 (Water, Sewer and Electricity Rates) of Title 13 (Public Services) of the Banning Municipal Code is hereby renumbered Section 13.08.050.

Section 7. Chapter 15.68 (Open Space and Park Fees) of Title 15 (Buildings and Construction) of the Banning Municipal Code is hereby deleted in its entirety.

Section 8. A new Chapter 15.68 (Development Impact Fees) is hereby added to Title 15 (Buildings and Construction) of the Banning Municipal Code to read as follows:

“Chapter 15.68

DEVELOPMENT IMPACT FEES

Sections:

- 15.68.010 Fire protection facilities development impact fee.**
- 15.68.020 Police facilities development impact fee.**
- 15.68.030 General city facilities development impact fee.**
- 15.68.040 Traffic control facilities development impact fee.**
- 15.68.050 Parkland and park facilities development impact fee.**
- 15.68.060 Wastewater facilities development impact fee.**
- 15.68.070 Water facilities development impact fee.**

15.68.010 Fire protection facilities development impact fee.

A. Findings and Intent.

1. New residential and non-residential development in the city has attracted and will continue to attract employees and residents to the city, and there is a causal connection between such development projects and the increased need for fire protection facilities.

2. Failure to enhance the ability of the city's fire protection facilities system to accommodate additional service calls will make it more difficult for residents, employers, and employees to obtain the fire services they need.

3. Sources of city revenue other than fire protection facilities development impact fees, including tax revenues that will be paid by new residential and non-residential

development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on fire facilities created by new development.

4. It is the intent of the city to require every person or organization that develops land to mitigate the impacts of that development on the city's fire facilities system. The city may therefore require developers to mitigate fire protection facilities impacts caused by their development and to pay a fire protection facilities development impact fee that will be used to mitigate those impacts by constructing fire facilities pursuant to the most current fire facilities plan, the most current capital improvement plan, or the annual budget process, as applicable.

5. The amount of fire protection facilities development impact fees collected pursuant to this section shall be limited to the cost of fire protection facilities necessary to mitigate the impact attributable to new development. The amount of fire protection facilities development impact fees collected shall not include the cost of fire protection facilities necessary to address the impacts of existing development.

B. Residential Fire Protection Facilities Fee Required.

1. Except as provided in subsection D of this section, the required fire protection facilities development impact fee for a residential building shall be paid in an amount established by resolution of the city council. The required fire protection facilities development impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the fire protection facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the fire protection facilities development impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection B, "final building inspection" shall mean the physical inspection of the building by the Building and Safety Division of the Community Development Department of the city for compliance with all applicable building codes and the issuance by all applicable city, county, regional, state, and federal agencies of their respective clearances for occupancy.

4. For the purposes of this subsection B, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of this Code, ordinances, and conditions of approval.

C. Nonresidential Fire Protection Facilities Fee Required.

1. Except as provided in subsection D of this section, the required fire protection facilities development impact fee for a nonresidential development shall be paid in an amount established by resolution of the city council. The required fire protection facilities development impact fee shall be due and paid on a lump-sum basis upon issuance of the building permit.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the fire protection facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the fire protection facilities development impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection C, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, this Code, and conditions of approval.

D. Fire Protection Facilities Fee - Exemption or Reduction.

1. The following uses and types of developments may be exempted from the payment of fire protection facilities development impact fees:

a. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.

b. Accessory dwelling units and second units as defined in Section 17.04.070.

c. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following:

i. Increase the square footage of the structure by more than 50 percent above that of the previously existing structure;

ii. Change the use to which the property or structure is to be put; or

iii. Increase the average daily trips generated from the property above the amount generated by the prior use of the property.

d. Publicly owned facilities, including, without limitation, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.

e. Facilities serving the health and safety of the public, including, without limitation, hospitals, police, fire, and safety facilities.

2. A developer may be exempted or allowed a reduction in fees from the fire protection facilities development impact fee requirements of subsections B and C of this section if the developer enters into a development agreement with the city pursuant to which fire protection facilities development impact fees are assessed to the developer, or equivalent or comparable fire protection facilities improvements are implemented by the developer.

3. A developer may be entitled to a reduction in the amount of the fire protection facilities development impact fee required by subsections B and C of this section if the developer constructs fire protection facilities improvements pursuant to the most current fire facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The fire protection facilities development impact fee may be reduced by the amount of fire protection facilities improvement costs that would be reasonably incurred by the city in building those same fire protection facilities improvements. The amount of such reduction shall be subject to the approval of the Community Development Director, with concurrence from the fire chief, prior to construction of the fire protection facilities improvement.

4. A developer may be entitled to a reduction in the amount of the fire protection facilities development impact fee required by subsections B and C of this section if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current fire facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The fire protection facilities development impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of fire protection facilities improvements. The amount of such reduction shall not exceed the amount of the fire protection facilities development impact fee required by subsections B and C of this section.

5. If a fee exemption or a fee reduction is granted pursuant to this subsection D, any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the fire protection facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

E. Appeals.

1. A developer subject to the fire protection facilities development impact fee required by this section for a particular project may apply to the city manager, or his or her designee, for: (a) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the fire protection facilities level of service; or (b) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the city manager, or his or her designee, prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the

time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

2. The city manager, or his or her designee, shall make a decision on the application for adjustment within thirty (30) calendar days after the application has been filed. Notice of the city manager's, or his or her designee's, decision shall be mailed to the applicant.

3. The decision of the city manager, or his or her designee, may be appealed to the city council by filing an application for appeal with the city clerk. The application must be filed within fifteen (15) calendar days after notice of the city manager's, or his or her designee's, decision has been mailed to the applicant.

4. The city council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. The decision of the city council shall be final. The decision of the city council shall be in writing and shall be mailed to the applicant.

5. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this subsection E., any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the fire protection facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

6. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this subsection E., then upon the payment of the required fees, the city shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the 90-day protest period has begun.

F. Use of Funds. Pursuant to California Government Code Section 66006, all fire protection facilities development impact fees paid and collected pursuant to this section shall be placed into one (1) or more separate account(s) established for such fee and used solely for the purpose of constructing fire protection facilities improvements pursuant to the most current fire facilities plan, the most current capital improvement plan, or the annual budget process, as applicable; provided, however, that if the Community Development Director authorizes minor alterations, with the concurrence of the fire chief, to such plans or budget, then those alterations shall not affect the ability of the city to use fire protection facilities development impact fees collected pursuant to this section for the purpose of constructing fire protection facilities improvements in accordance with the most current fire facilities plan, the most current capital improvement plan, or the annual budget process, as applicable, and as altered or amended.

G. Fee Amount Applicable to Pending Projects. Except as may otherwise be provided in the resolution that adopts the fire protection facilities development impact fee amount, an applicant subject to the payment of fire protection facilities development impact fees required by subsections B or C of this section must pay the amount of the fee that is in effect when the fee becomes due as provided in subsection B.1. of this section for residential fire protection facilities development impact fees or subsection C.1. of this section for non-residential fire facilities development impact fees. The amount of the fee is the amount specified by resolution of the city council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

H. Periodic Adjustment to Fee Amount. The amount of the fire protection facilities development impact fee may be adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): Riverside-San Bernardino-Ontario (or any successor index), as specified in the resolution that adopts the fee amount or by the periodic preparation of a new fire facilities plan, capital improvement plan, or city budget, as applicable, and required studies prepared and adopted pursuant to the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*).

15.68.020 Police facilities development impact fee.

A. Findings and Intent.

1. New residential and non-residential development in the city has attracted and will continue to attract employees and residents to the city, and there is a causal connection between such development projects and the increased need for police facilities.

2. Failure to enhance the ability of the city's police facilities system to accommodate additional service calls will make it more difficult for residents, employers, and employees to obtain the police services they need.

3. Sources of city revenue other than police facilities development impact fees, including tax revenues that will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on police facilities created by new development.

4. It is the intent of the city to require every person or organization that develops land to mitigate the impacts of that development on the city's police facilities system. The city may therefore require developers to mitigate police facilities impacts caused by their development and to pay a police facilities development impact fee that will be used to mitigate those impacts by constructing police facilities pursuant to the most current police facilities plan, the most current capital improvement plan, or the annual budget process, as applicable.

5. The amount of police facilities development impact fees collected pursuant to this section shall be limited to the cost of police facilities necessary to mitigate the impact attributable to new development. The amount of police facilities development impact fees collected shall not include the cost of police facilities necessary to address the impacts of existing development.

B. Residential Police Facilities Fee Required.

1. Except as provided in subsection D of this section, the required police facilities development impact fee for a residential building shall be paid in an amount established by resolution of the city council. The required police facilities development impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the police facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the police facilities development impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection B, “final building inspection” shall mean the physical inspection of the building by the Building and Safety Division of the Community Development Department of the city for compliance with all applicable building codes and the issuance by all applicable city, county, regional, state, and federal agencies of their respective clearances for occupancy.

4. For the purposes of this subsection B, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of this Code, ordinances, and conditions of approval.

C. Nonresidential Police Facilities Fee Required.

1. Except as provided in subsection D of this section, the required police facilities development impact fee for a nonresidential development shall be paid in an amount established by resolution of the city council. The required police facilities development impact fee shall be due and paid on a lump-sum basis upon issuance of the building permit.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the police facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the police facilities development impact fee. In calculating such fee, the Community Development Director

shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection C, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, this Code, and conditions of approval.

D. Police Facilities Fee - Exemption or Reduction.

1. The following uses and types of developments may be exempted from the payment of police facilities development impact fees:

a. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.

b. Accessory dwelling units and second units as defined in Section 17.04.070.

c. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following:

i. Increase the square footage of the structure by more than 50 percent above that of the previously existing structure;

ii. Change the use to which the property or structure is to be put; or

iii. Increase the average daily trips generated from the property above the amount generated by the prior use of the property.

d. Publicly owned facilities, including, without limitation, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.

e. Facilities serving the health and safety of the public, including, without limitation, hospitals, police, fire, and safety facilities.

2. A developer may be exempted or allowed a reduction in fees from the police facilities development impact fee requirements of subsections B and C of this section if the developer enters into a development agreement with the city pursuant to which police facilities development impact fees are assessed to the developer, or equivalent or comparable police facilities improvements are implemented by the developer.

3. A developer may be entitled to a reduction in the amount of the police facilities development impact fee required by subsections B and C of this section if the developer constructs police facilities improvements pursuant to the most current police facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The police facilities development impact fee may be reduced by the amount of police facilities improvement costs that would be reasonably incurred by the city in

building those same police facilities improvements. The amount of such reduction shall be subject to the approval of the Community Development Director, with concurrence from the police chief, prior to construction of the police facilities improvement.

4. A developer may be entitled to a reduction in the amount of the police facilities development impact fee required by subsections B and C of this section if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current police facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The police facilities development impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of police facilities improvements. The amount of such reduction shall not exceed the amount of the police facilities development impact fee required by subsections B and C of this section.

5. If a fee exemption or a fee reduction is granted pursuant to this subsection D, any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the police facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

E. Appeals.

1. A developer subject to the police facilities development impact fee required by this section for a particular project may apply to the city manager, or his or her designee, for: (a) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the police facilities level of service; or (b) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the city manager, or his or her designee, prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

2. The city manager, or his or her designee, shall make a decision on the application for adjustment within thirty (30) calendar days after the application has been filed. Notice of the city manager's, or his or her designee's, decision shall be mailed to the applicant.

3. The decision of the city manager, or his or her designee, may be appealed to the city council by filing an application for appeal with the city clerk. The application must be filed within fifteen (15) calendar days after notice of the city manager's, or his or her designee's, decision has been mailed to the applicant.

4. The city council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. The decision of the

city council shall be final. The decision of the city council shall be in writing and shall be mailed to the applicant.

5. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this subsection E., any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the police facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

6. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this subsection E., then upon the payment of the required fees, the city shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the 90-day protest period has begun.

F. Use of Funds. Pursuant to California Government Code Section 66006, all police facilities development impact fees paid and collected pursuant to this section shall be placed into one (1) or more separate account(s) established for such fee and used solely for the purpose of constructing police facilities improvements pursuant to the most current police facilities plan, the most current capital improvement plan, or the annual budget process, as applicable; provided, however, that if the Community Development Director authorizes, with concurrence from the police chief, minor alterations to such plans or budget, then those alterations shall not affect the ability of the city to use police facilities development impact fees collected pursuant to this section for the purpose of constructing police facilities improvements in accordance with the most current police facilities plan, the most current capital improvement plan, or the annual budget process, as applicable, and as altered or amended.

G. Fee Amount Applicable to Pending Projects. Except as may otherwise be provided in the resolution that adopts the police facilities development impact fee amount, an applicant subject to the payment of police facilities development impact fees required by subsections B or C of this section must pay the amount of the fee that is in effect when the fee becomes due as provided in subsection B.1. of this section for residential police facilities development impact fees or subsection C.1. of this section for non-residential police facilities development impact fees. The amount of the fee is the amount specified by resolution of the city council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

H. Periodic Adjustment to Fee Amount. The amount of the police facilities development impact fee may be adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-

U): Riverside-San Bernardino-Ontario (or any successor index), as specified in the resolution that adopts the fee amount or by the periodic preparation of a new police facilities plan, capital improvement plan, or city budget, as applicable, and required studies prepared and adopted pursuant to the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*).

15.68.030 General city facilities development impact fee.

A. Findings and Intent.

1. New residential and non-residential development in the city has attracted and will continue to attract employees and residents to the city, and there is a causal connection between such development projects and the increased need for general city facilities.

2. Failure to enhance the ability of the city's general city facilities system to accommodate additional service calls will make it more difficult for residents, employers, and employees to obtain the general city services they need.

3. Sources of city revenue other than general city facilities development impact fees, including tax revenues that will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on general city facilities created by new development.

4. It is the intent of the city to require every person or organization that develops land to mitigate the impacts of that development on the city's general city facilities system. The city may therefore require developers to mitigate general city facilities impacts caused by their development and to pay a general city facilities development impact fee that will be used to mitigate those impacts by constructing general city facilities pursuant to the most current general city facilities plan, the most current capital improvement plan, or the annual budget process, as applicable.

5. The amount of general city facilities development impact fees collected pursuant to this section shall be limited to the cost of general city facilities necessary to mitigate the impact attributable to new development. The amount of general city facilities development impact fees collected shall not include the cost of general city facilities necessary to address the impacts of existing development.

B. Residential General City Facilities Fee Required.

1. Except as provided in subsection D of this section, the required general city facilities development impact fee for a residential building shall be paid in an amount established by resolution of the city council. The required general city facilities development impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the general city facilities development impact

fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the general city facilities development impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection B, “final building inspection” shall mean the physical inspection of the building by the Building and Safety Division of the Community Development Department of the city for compliance with all applicable building codes and the issuance by all applicable city, county, regional, state, and federal agencies of their respective clearances for occupancy.

4. For the purposes of this subsection B, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of this Code, ordinances, and conditions of approval.

C. Nonresidential General City Facilities Fee Required.

1. Except as provided in subsection D of this section, the required general city facilities development impact fee for a nonresidential development shall be paid in an amount established by resolution of the city council. The required general city facilities development impact fee shall be due and paid on a lump-sum basis upon issuance of the building permit.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the general city facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the general city facilities development impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection C, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, this Code, and conditions of approval.

D. General City Facilities Fee - Exemption or Reduction.

1. The following uses and types of developments may be exempted from the payment of general city facilities development impact fees:

a. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.

b. Accessory dwelling units and second units as defined in Section 17.04.070.

c. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following:

i. Increase the square footage of the structure by more than 50 percent above that of the previously existing structure;

ii. Change the use to which the property or structure is to be put; or

iii. Increase the average daily trips generated from the property above the amount generated by the prior use of the property.

d. Publicly owned facilities, including, without limitation, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.

e. Facilities serving the health and safety of the public, including, without limitation, hospitals, police, fire, and safety facilities.

2. A developer may be exempted or allowed a reduction in fees from the general city facilities development impact fee requirements of subsections B and C of this section if the developer enters into a development agreement with the city pursuant to which general city facilities development impact fees are assessed to the developer, or equivalent or comparable general city facilities improvements are implemented by the developer.

3. A developer may be entitled to a reduction in the amount of the general city facilities development impact fee required by subsections B and C of this section if the developer constructs general city facilities improvements pursuant to the most current general city facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The general city facilities development impact fee may be reduced by the amount of general city facilities improvement costs that would be reasonably incurred by the city in building those same general city facilities improvements. The amount of such reduction shall be subject to the approval of the Community Development Director, with concurrence from the public works director, prior to construction of the general city facilities improvement.

4. A developer may be entitled to a reduction in the amount of the general city facilities development impact fee required by subsections B and C of this section if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current general city facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The general city facilities development impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of general city facilities improvements. The amount of such reduction shall not exceed the amount of the general city facilities development impact fee required by subsections B and C of this section.

5. If a fee exemption or a fee reduction is granted pursuant to this subsection D, any subsequent change or intensification of the use or uses of the property or any

expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the general city facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

E. Appeals.

1. A developer subject to the general city facilities development impact fee required by this section for a particular project may apply to the city manager, or his or her designee, for: (a) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the general city facilities level of service; or (b) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the city manager, or his or her designee, prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

2. The city manager, or his or her designee, shall make a decision on the application for adjustment within thirty (30) calendar days after the application has been filed. Notice of the city manager's, or his or her designee's, decision shall be mailed to the applicant.

3. The decision of the city manager, or his or her designee, may be appealed to the city council by filing an application for appeal with the city clerk. The application must be filed within fifteen (15) calendar days after notice of the city manager's, or his or her designee's, decision has been mailed to the applicant.

4. The city council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. The decision of the city council shall be final. The decision of the city council shall be in writing and shall be mailed to the applicant.

5. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this subsection E., any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the general city facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

6. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this subsection E., then upon the payment of the required fees, the city shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or

other exactions, and shall also provide notification that the 90-day protest period has begun.

F. Use of Funds. Pursuant to California Government Code Section 66006, all general city facilities development impact fees paid and collected pursuant to this section shall be placed into one (1) or more separate account(s) established for such fee and used solely for the purpose of constructing general city facilities improvements pursuant to the most current general city facilities plan, the most current capital improvement plan, or the annual budget process, as applicable; provided, however, that if the Community Development Director authorizes minor alterations to such plans or budget, with the concurrence of the public works director, then those alterations shall not affect the ability of the city to use general city facilities development impact fees collected pursuant to this section for the purpose of constructing general city facilities improvements in accordance with the most current general city facilities plan, the most current capital improvement plan, or the annual budget process, as applicable, and as altered or amended.

G. Fee Amount Applicable to Pending Projects. Except as may otherwise be provided in the resolution that adopts the general city facilities development impact fee amount, an applicant subject to the payment of general city facilities development impact fees required by subsections B or C of this section must pay the amount of the fee that is in effect when the fee becomes due as provided in subsection B.1. of this section for residential general city facilities development impact fees or subsection C.1. of this section for non-residential general city facilities development impact fees. The amount of the fee is the amount specified by resolution of the city council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

H. Periodic Adjustment to Fee Amount. The amount of the general city facilities development impact fee may be adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): Riverside-San Bernardino-Ontario (or any successor index), as specified in the resolution that adopts the fee amount or by the periodic preparation of a new general city facilities plan, capital improvement plan, or city budget, as applicable, and required studies prepared and adopted pursuant to the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*).

15.68.040 Traffic control facilities development impact fee.

A. Findings and Intent.

1. New residential and non-residential development in the city has attracted and will continue to attract employees and residents to the city, and there is a causal connection between such development projects and the increased need for traffic control facilities.

2. Failure to enhance the ability of the city's traffic control facilities system to accommodate increased traffic will make it more difficult for residents, employers, and employees to access residences and places of employment and could cause unacceptable harm to the quality of life in the city.

3. Sources of city revenue other than traffic control facilities development impact fees, including tax revenues that will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on traffic control facilities created by new development.

4. It is the intent of the city to require every person or organization that develops land to mitigate the impacts of that development on the city's traffic control facilities system. The city may therefore require developers to mitigate traffic control facilities impacts caused by their development and to pay a traffic control facilities development impact fee that will be used to mitigate those impacts by constructing traffic control facilities pursuant to the most current traffic control facilities plan.

5. The amount of traffic control facilities development impact fees collected pursuant to this section shall be limited to the cost of traffic control facilities necessary to mitigate the impact attributable to new development. The amount of traffic control facilities development impact fees collected shall not include the cost of traffic control facilities necessary to address the impacts of existing development.

B. Residential Traffic Control Facilities Fee Required.

1. Except as provided in subsection D of this section, the required traffic control facilities development impact fee for a residential building shall be paid in an amount established by resolution of the city council. The required traffic control facilities development impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the traffic control facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the traffic control facilities development impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection B, "final building inspection" shall mean the physical inspection of the building by the Building and Safety Division of the Community Development Department of the city for compliance with all applicable building codes and the issuance by all applicable city, county, regional, state, and federal agencies of their respective clearances for occupancy.

4. For the purposes of this subsection B, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building

and certifying that the structure, building or development conforms with all the applicable provisions of this Code, ordinances, and conditions of approval.

C. Nonresidential Traffic Control Facilities Fee Required.

1. Except as provided in subsection D of this section, the required traffic control facilities development impact fee for a nonresidential development shall be paid in an amount established by resolution of the city council. The required traffic control facilities development impact fee shall be due and paid on a lump-sum basis upon issuance of the building permit.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the traffic control facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the traffic control facilities development impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection C, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, this Code, and conditions of approval.

D. Traffic Control Facilities Fee - Exemption or Reduction.

1. The following uses and types of developments may be exempted from the payment of traffic control facilities development impact fees:

a. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.

b. Accessory dwelling units and second units as defined in Section 17.04.070.

c. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following:

i. Increase the square footage of the structure by more than 50 percent above that of the previously existing structure;

ii. Change the use to which the property or structure is to be put; or

iii. Increase the average daily trips generated from the property above the amount generated by the prior use of the property.

d. Publicly owned facilities, including, without limitation, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.

e. Facilities serving the health and safety of the public, including, without limitation, hospitals, police, fire, and safety facilities.

2. A developer may be exempted or allowed a reduction in fees from the traffic control facilities development impact fee requirements of subsections B and C of this section if the developer enters into a development agreement with the city pursuant to which traffic control facilities development impact fees are assessed to the developer, or equivalent or comparable traffic control facilities improvements are implemented by the developer.

3. A developer may be entitled to a reduction in the amount of the traffic control facilities development impact fee required by subsections B and C of this section if the developer constructs traffic control facilities improvements pursuant to the most current traffic control facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The traffic control facilities development impact fee may be reduced by the amount of traffic control facilities improvement costs that would be reasonably incurred by the city in building those same traffic control facilities improvements. The amount of such reduction shall be subject to the approval of the Community Development Director, with concurrence from the public works director, prior to construction of the traffic control facilities improvement.

4. A developer may be entitled to a reduction in the amount of the traffic control facilities development impact fee required by subsections B and C of this section if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current traffic control facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The traffic control facilities development impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of traffic control facilities improvements. The amount of such reduction shall not exceed the amount of the traffic control facilities development impact fee required by subsections B and C of this section.

5. If a fee exemption or a fee reduction is granted pursuant to this subsection D, any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the traffic control facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

E. Appeals.

1. A developer subject to the traffic control facilities development impact fee required by this section for a particular project may apply to the city manager, or his or her designee, for: (a) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the traffic control facilities level of service; or (b) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be

made in writing and filed with the city manager, or his or her designee, prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

2. The city manager, or his or her designee, shall make a decision on the application for adjustment within thirty (30) calendar days after the application has been filed. Notice of the city manager's, or his or her designee's, decision shall be mailed to the applicant.

3. The decision of the city manager, or his or her designee, may be appealed to the city council by filing an application for appeal with the city clerk. The application must be filed within fifteen (15) calendar days after notice of the city manager's, or his or her designee's, decision has been mailed to the applicant.

4. The city council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. The decision of the city council shall be final. The decision of the city council shall be in writing and shall be mailed to the applicant.

5. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this subsection E., any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the traffic control facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

6. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this subsection E., then upon the payment of the required fees, the city shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the 90-day protest period has begun.

F. Use of Funds. Pursuant to California Government Code Section 66006, all traffic control facilities development impact fees paid and collected pursuant to this section shall be placed into one (1) or more separate account(s) established for such fee and used solely for the purpose of constructing traffic control facilities improvements pursuant to the most current traffic control facilities plan, the most current capital improvement plan, or the annual budget process, as applicable; provided, however, that if the Community Development Director authorizes, with the concurrence from the public works director, minor alterations to such plans or budget, then those alterations shall not affect the ability of the city to use traffic control facilities development impact fees collected pursuant to this section for the purpose of constructing traffic control facilities improvements in accordance with the most current traffic control facilities plan, the most

current capital improvement plan, or the annual budget process, as applicable, and as altered or amended.

G. Fee Amount Applicable to Pending Projects. Except as may otherwise be provided in the resolution that adopts the traffic control facilities development impact fee amount, an applicant subject to the payment of traffic control facilities development impact fees required by subsections B or C of this section must pay the amount of the fee that is in effect when the fee becomes due as provided in subsection B.1. of this section for residential traffic control facilities development impact fees or subsection C.1. of this section for non-residential traffic control facilities development impact fees. The amount of the fee is the amount specified by resolution of the city council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

H. Periodic Adjustment to Fee Amount. The amount of the traffic control facilities development impact fee may be adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): Riverside-San Bernardino-Ontario (or any successor index), as specified in the resolution that adopts the fee amount or by the periodic preparation of a new traffic control facilities plan, capital improvement plan, or budget, as applicable, and required studies prepared and adopted pursuant to the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*).

15.68.050 Parkland and park facilities development impact fee.

A. Findings and Intent.

1. New residential development in the city has attracted and will continue to attract residents to the city, and there is a causal connection between such development projects and the increased need for parkland and park facilities.

2. Failure to enhance the ability of the city's parkland and park facilities system to accommodate increases in residents will make it more difficult for residents to access parks and could cause unacceptable harm to the quality of life in the city.

3. Sources of city revenue other than parkland and park facilities development impact fees, including tax revenues that will be paid by new residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on parkland and park facilities created by new development.

4. It is the intent of the city to require every person or organization that develops land to mitigate the impacts of that development on the city's parkland and park facilities system. The city may therefore require developers to mitigate parkland and park facilities impacts caused by their development and to pay a parkland and park facilities development impact fee that will be used to mitigate those impacts by constructing parkland and park facilities pursuant to the most current parkland and park facilities

plan, the most current capital improvement plan, or the annual budget process, as applicable.

5. The amount of parkland and park facilities development impact fees collected pursuant to this section shall be limited to the cost of parkland and park facilities necessary to mitigate the impact attributable to new development. The amount of parkland and park facilities development impact fees collected shall not include the cost of parkland and park facilities necessary to address the impacts of existing development.

B. Residential Parkland and Park Facilities Fee Required.

1. Except as provided in subsection C of this section, the required parkland and park facilities development impact fee for a residential building shall be paid in an amount established by resolution of the city council. The required parkland and park facilities development impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

2. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the parkland and park facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the parkland and park facilities development impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection B, “final building inspection” shall mean the physical inspection of the building by the Building and Safety Division of the Community Development Department of the city for compliance with all applicable building codes and the issuance by all applicable city, county, regional, state, and federal agencies of their respective clearances for occupancy.

4. For the purposes of this subsection B, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of this Code, ordinances, and conditions of approval.

C. Parkland and park facilities Fee - Exemption or Reduction.

1. The following uses and types of developments may be exempted from the payment of parkland and park facilities development impact fees:

a. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.

b. Accessory dwelling units and second units as defined in Section 17.04.070.

c. Publicly owned facilities, including, without limitation, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.

d. Facilities serving the health and safety of the public, including, without limitation, hospitals, police, fire, and safety facilities.

2. A developer may be exempted or allowed a reduction in fees from the parkland and park facilities development impact fee requirements of subsection B of this section if the developer enters into a development agreement with the city pursuant to which parkland and park facilities development impact fees are assessed to the developer, or equivalent or comparable parkland and park facilities improvements are implemented by the developer.

3. A developer may be entitled to a reduction in the amount of the parkland and park facilities development impact fee required by subsection B of this section if the developer constructs parkland and park facilities improvements pursuant to the most current parkland and park facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The parkland and park facilities development impact fee may be reduced by the amount of parkland and park facilities improvement costs that would be reasonably incurred by the city in building those same parkland and park facilities improvements. The amount of such reduction shall be subject to the approval of the Community Development Director, with concurrence from the parks and recreation director, prior to construction of the parkland and park facilities improvement.

4. A developer may be entitled to a reduction in the amount of the parkland and park facilities development impact fee required by subsection B of this section if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current parkland and park facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The parkland and park facilities development impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of parkland and park facilities improvements. The amount of such reduction shall not exceed the amount of the parkland and park facilities development impact fee required by subsection B of this section.

5. If a fee exemption or a fee reduction is granted pursuant to this subsection D, any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the parkland and park facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

D. Appeals.

1. A developer subject to the parkland and park facilities development impact fee required by this section for a particular project may apply to the city manager, or his or her designee, for: (a) a fee adjustment based upon a showing of substantial evidence of

a lesser impact upon the parkland and park facilities level of service; or (b) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the city manager, or his or her designee, prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

2. The city manager, or his or her designee, shall make a decision on the application for adjustment within thirty (30) calendar days after the application has been filed. Notice of the city manager's, or his or her designee's, decision shall be mailed to the applicant.

3. The decision of the city manager, or his or her designee, may be appealed to the city council by filing an application for appeal with the city clerk. The application must be filed within fifteen (15) calendar days after notice of the city manager's, or his or her designee's, decision has been mailed to the applicant.

4. The city council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. The decision of the city council shall be final. The decision of the city council shall be in writing and shall be mailed to the applicant.

5. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this subsection D., any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the parkland and park facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

6. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this subsection D., then upon the payment of the required fees, the city shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the 90-day protest period has begun.

E. Use of Funds. Pursuant to California Government Code Section 66006, all parkland and park facilities development impact fees paid and collected pursuant to this section shall be placed into one (1) or more separate account(s) established for such fee and used solely for the purpose of constructing parkland and park facilities improvements pursuant to the most current parkland and park facilities plan, the most current capital improvement plan, or the annual budget process, as applicable; provided, however, that if the Community Development Director, with concurrence from the parks and recreation director, authorizes minor alterations to such plans or budget,

then those alterations shall not affect the ability of the city to use parkland and park facilities development impact fees collected pursuant to this section for the purpose of constructing parkland and park facilities improvements in accordance with the most current parkland and park facilities plan, the most current capital improvement plan, or the annual budget process, as applicable, and as altered or amended.

G. Fee Amount Applicable to Pending Projects. Except as may otherwise be provided in the resolution that adopts the parkland and park facilities development impact fee amount, an applicant subject to the payment of parkland and park facilities development impact fees required by subsection B of this section must pay the amount of the fee that is in effect when the fee becomes due as provided in subsection B.1. of this section for residential parkland and park facilities development impact fees. The amount of the fee is the amount specified by resolution of the city council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

H. Periodic Adjustment to Fee Amount. The amount of the parkland and park facilities development impact fee may be adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): Riverside-San Bernardino-Ontario (or any successor index), as specified in the resolution that adopts the fee amount or by the periodic preparation of a new parkland and park facilities plan, capital improvement plan, or city budget, as applicable, and required studies prepared and adopted pursuant to the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*).

15.68.060 Wastewater facilities development impact fee.

A. Findings and Intent.

1. New residential and non-residential development in the city has attracted and will continue to attract employees and residents to the city, and there is a causal connection between such development projects and the increased need for wastewater facilities.

2. Failure to enhance the ability of the city's wastewater facilities system to accommodate additional service calls will make it more difficult for residents, employers, and employees to obtain the wastewater services they need.

3. Sources of city revenue other than wastewater facilities development impact fees, including tax revenues that will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on wastewater facilities created by new development.

4. It is the intent of the city to require every person or organization that develops land to mitigate the impacts of that development on the city's wastewater facilities system. The city may therefore require developers to mitigate wastewater facilities impacts caused by their development and to pay a wastewater facilities development

impact fee that will be used to mitigate those impacts by constructing wastewater facilities pursuant to the most current wastewater facilities plan, the most current capital improvement plan, or the annual budget process, as applicable.

5. The amount of wastewater facilities development impact fees collected pursuant to this section shall be limited to the cost of wastewater facilities necessary to mitigate the impact attributable to new development. The amount of wastewater facilities development impact fees collected shall not include the cost of wastewater facilities necessary to address the impacts of existing development.

B. Residential Wastewater Facilities Fee Required.

1. Except as provided in subsection D of this section, the required wastewater facilities development impact fee for a residential building shall be paid in an amount established by resolution of the city council. The required wastewater facilities development impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

2. The public works director, or his or her designee, shall be responsible for calculating the amount of the wastewater facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the wastewater facilities development impact fee. In calculating such fee, the public works director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection B, “final building inspection” shall mean the physical inspection of the building by the Building and Safety Division of the Community Development Department of the city for compliance with all applicable building codes and the issuance by all applicable city, county, regional, state, and federal agencies of their respective clearances for occupancy.

4. For the purposes of this subsection B, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of this Code, ordinances, and conditions of approval.

C. Nonresidential Wastewater Facilities Fee Required.

1. Except as provided in subsection D of this section, the required wastewater facilities development impact fee for a nonresidential development shall be paid in an amount established by resolution of the city council. The required wastewater facilities development impact fee shall be due and paid on a lump-sum basis upon issuance of the building permit.

2. The public works director, or his or her designee, shall be responsible for calculating the amount of the wastewater facilities development impact fee required for

each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the wastewater facilities development impact fee. In calculating such fee, the public works director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection C, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, this Code, and conditions of approval.

D. Wastewater Facilities Fee - Exemption or Reduction.

1. The following uses and types of developments may be exempted from the payment of wastewater facilities development impact fees:

a. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.

b. Accessory dwelling units and second units as defined in Section 17.04.070.

c. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following:

i. Increase the square footage of the structure by more than 50 percent above that of the previously existing structure;

ii. Change the use to which the property or structure is to be put; or

iii. Increase the average daily trips generated from the property above the amount generated by the prior use of the property.

d. Publicly owned facilities, including, without limitation, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.

e. Facilities serving the health and safety of the public, including, without limitation, hospitals, police, fire, and safety facilities.

2. A developer may be exempted or allowed a reduction in fees from the wastewater facilities development impact fee requirements of subsections B and C of this section if the developer enters into a development agreement with the city pursuant to which wastewater facilities development impact fees are assessed to the developer, or equivalent or comparable wastewater facilities improvements are implemented by the developer.

3. A developer may be entitled to a reduction in the amount of the wastewater facilities development impact fee required by subsections B and C of this section if the

developer constructs wastewater facilities improvements pursuant to the most current wastewater facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The wastewater facilities development impact fee may be reduced by the amount of wastewater facilities improvement costs that would be reasonably incurred by the city in building those same wastewater facilities improvements. The amount of such reduction shall be subject to the approval of the public works director prior to construction of the wastewater facilities improvement.

4. A developer may be entitled to a reduction in the amount of the wastewater facilities development impact fee required by subsections B and C of this section if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current wastewater facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The wastewater facilities development impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of wastewater facilities improvements. The amount of such reduction shall not exceed the amount of the wastewater facilities development impact fee required by subsections B and C of this section.

5. If a fee exemption or a fee reduction is granted pursuant to this subsection D, any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the wastewater facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

E. Appeals.

1. A developer subject to the wastewater facilities development impact fee required by this section for a particular project may apply to the city manager, or his or her designee, for: (a) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the wastewater facilities level of service; or (b) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the city manager, or his or her designee, prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

2. The city manager, or his or her designee, shall make a decision on the application for adjustment within thirty (30) calendar days after the application has been filed. Notice of the city manager's, or his or her designee's, decision shall be mailed to the applicant.

3. The decision of the city manager, or his or her designee, may be appealed to the city council by filing an application for appeal with the city clerk. The application must

be filed within fifteen (15) calendar days after notice of the city manager's, or his or her designee's, decision has been mailed to the applicant.

4. The city council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. The decision of the city council shall be final. The decision of the city council shall be in writing and shall be mailed to the applicant.

5. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this subsection E., any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the wastewater facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

6. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this subsection E., then upon the payment of the required fees, the city shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the 90-day protest period has begun.

F. Use of Funds. Pursuant to California Government Code Section 66006, all wastewater facilities development impact fees paid and collected pursuant to this section shall be placed into one (1) or more separate account(s) established for such fee and used solely for the purpose of constructing wastewater facilities improvements pursuant to the most current wastewater facilities plan, the most current capital improvement plan, or the annual budget process, as applicable; provided, however, that if the public works director authorizes minor alterations to such plans or budget, then those alterations shall not affect the ability of the city to use wastewater facilities development impact fees collected pursuant to this section for the purpose of constructing wastewater facilities improvements in accordance with the most current wastewater facilities plan, the most current capital improvement plan, or the annual budget process, as applicable, and as altered or amended.

G. Fee Amount Applicable to Pending Projects. Except as may otherwise be provided in the resolution that adopts the wastewater facilities development impact fee amount, an applicant subject to the payment of wastewater facilities development impact fees required by subsections B or C of this section must pay the amount of the fee that is in effect when the fee becomes due as provided in subsection B.1. of this section for residential wastewater facilities development impact fees or subsection C.1. of this section for non-residential wastewater facilities development impact fees. The amount of the fee is the amount specified by resolution of the city council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in

effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

H. Periodic Adjustment to Fee Amount. The amount of the wastewater facilities development impact fee may be adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): Riverside-San Bernardino-Ontario (or any successor index), as specified in the resolution that adopts the fee amount or by the periodic preparation of a new wastewater facilities plan, capital improvement plan, or city budget, as applicable and required studies prepared and adopted pursuant to the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*).

15.68.070 Water facilities development impact fee.

A. Findings and Intent.

1. New residential and non-residential development in the city has attracted and will continue to attract employees and residents to the city, and there is a causal connection between such development projects and the increased need for water facilities.

2. Failure to enhance the ability of the city's water facilities system to accommodate additional service connections will make it more difficult for residents, employers, and employees to obtain the water services they need.

3. Sources of city revenue other than water facilities development impact fees, including tax revenues that will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on water facilities created by new development.

4. It is the intent of the city to require every person or organization that develops land to mitigate the impacts of that development on the city's water facilities system. The city may therefore require developers to mitigate water facilities impacts caused by their development and to pay a water facilities development impact fee that will be used to mitigate those impacts by constructing water facilities pursuant to the most current water facilities plan, the most current capital improvement plan, or the annual budget process, as applicable.

5. The amount of water facilities development impact fees collected pursuant to this section shall be limited to the cost of water facilities necessary to mitigate the impact attributable to new development. The amount of water facilities development impact fees collected shall not include the cost of water facilities necessary to address the impacts of existing development.

B. Residential Water Facilities Fee Required.

1. Except as provided in subsection D of this section, the required water facilities development impact fee for a residential building shall be paid in an amount established by resolution of the city council. The required water facilities development impact fee

shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

2. The public works director, or his or her designee, shall be responsible for calculating the amount of the water facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the water facilities development impact fee. In calculating such fee, the public works director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection B, “final building inspection” shall mean the physical inspection of the building by the Building and Safety Division of the Community Development Department of the city for compliance with all applicable building codes and the issuance by all applicable city, county, regional, state, and federal agencies of their respective clearances for occupancy.

4. For the purposes of this subsection B, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of this Code, ordinances, and conditions of approval.

C. Nonresidential Water Facilities Fee Required.

1. Except as provided in subsection D of this section, the required water facilities development impact fee for a nonresidential development shall be paid in an amount established by resolution of the city council. The required water facilities development impact fee shall be due and paid on a lump-sum basis upon issuance of the building permit.

2. The public works director, or his or her designee, shall be responsible for calculating the amount of the water facilities development impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution that adopts the water facilities development impact fee. In calculating such fee, the public works director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

3. For the purposes of this subsection C, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, this Code, and conditions of approval.

D. Water Facilities Fee - Exemption or Reduction.

1. The following uses and types of developments may be exempted from the payment of water facilities development impact fees:

a. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.

b. Accessory dwelling units and second units as defined in Section 17.04.070.

c. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following:

i. Increase the square footage of the structure by more than 50 percent above that of the previously existing structure;

ii. Change the use to which the property or structure is to be put; or

iii. Increase the average daily trips generated from the property above the amount generated by the prior use of the property.

c. Publicly owned facilities, including, without limitation, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.

d. Facilities serving the health and safety of the public, including, without limitation, hospitals, police, fire, and safety facilities.

2. A developer may be exempted or allowed a reduction in fees from the water facilities development impact fee requirements of subsections B and C of this section if the developer enters into a development agreement with the city pursuant to which water facilities development impact fees are assessed to the developer, or equivalent or comparable water facilities improvements are implemented by the developer.

3. A developer may be entitled to a reduction in the amount of the water facilities development impact fee required by subsections B and C of this section if the developer constructs water facilities improvements pursuant to the most current water facilities plan, , the most current capital improvement plan, or the annual budget process, as applicable. The water facilities development impact fee may be reduced by the amount of water facilities improvement costs that would be reasonably incurred by the city in building those same water facilities improvements. The amount of such reduction shall be subject to the approval of the public works director prior to construction of the water facilities improvement.

4. A developer may be entitled to a reduction in the amount of the water facilities development impact fee required by subsections B and C of this section if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current water facilities plan, the most current capital improvement plan, or the annual budget process, as applicable. The water facilities development impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of water facilities improvements. The amount of such reduction shall not exceed the amount of the water facilities development impact fee required by subsections B and C of this section.

5. If a fee exemption or a fee reduction is granted pursuant to this subsection D, any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the water facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

E. Appeals.

1. A developer subject to the water facilities development impact fee required by this section for a particular project may apply to the city manager, or his or her designee, for: (a) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the water facilities level of service; or (b) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the city manager, or his or her designee, prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

2. The city manager, or his or her designee, shall make a decision on the application for adjustment within thirty (30) calendar days after the application has been filed. Notice of the city manager's, or his or her designee's, decision shall be mailed to the applicant.

3. The decision of the city manager, or his or her designee, may be appealed to the city council by filing an application for appeal with the city clerk. The application must be filed within fifteen (15) calendar days after notice of the city manager's, or his or her designee's, decision has been mailed to the applicant.

4. The city council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. The decision of the city council shall be final. The decision of the city council shall be in writing and shall be mailed to the applicant.

5. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this subsection E., any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the water facilities development impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

6. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this subsection E., then upon the payment of the required fees, the city shall, pursuant to Government Code Section 66020, provide the applicant a written

notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the 90-day protest period has begun.

F. Use of Funds. Pursuant to California Government Code Section 66006, all water facilities development impact fees paid and collected pursuant to this section shall be placed into one (1) or more separate account(s) established for such fee and used solely for the purpose of constructing water facilities improvements pursuant to the most current water facilities plan, the most current capital improvement plan, or the annual budget process, as applicable; provided, however, that if the public works director authorizes minor alterations to such plans or budget, then those alterations shall not affect the ability of the city to use water facilities development impact fees collected pursuant to this section for the purpose of constructing water facilities improvements in accordance with the most current water facilities plan, the most current capital improvement plan, or the annual budget process, as applicable, and as altered or amended.

G. Fee Amount Applicable to Pending Projects. Except as may otherwise be provided in the resolution that adopts the water facilities development impact fee amount, an applicant subject to the payment of water facilities development impact fees required by subsections B or C of this section must pay the amount of the fee that is in effect when the fee becomes due as provided in subsection B.1. of this section for residential water facilities development impact fees or subsection C.1. of this section for non-residential water facilities development impact fees. The amount of the fee is the amount specified by resolution of the city council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

H. Periodic Adjustment to Fee Amount. The amount of the water facilities development impact fee may be adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): Riverside-San Bernardino-Ontario (or any successor index), as specified in the resolution that adopts the fee amount or by the periodic preparation of a new water facilities plan, capital improvement plan, or city budget, as applicable and required studies prepared and adopted pursuant to the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*)."

Section 9. Chapter 15.72 (Miscellaneous Development Fees) of Title 15 (Buildings and Construction) of the Banning Municipal Code is hereby deleted in its entirety.

Section 10. Chapter 12.52 (Western Riverside County Multiple Species Habitat Conservation Plan) and Sections 12.52.010 through 12.52.050 of Article I of Chapter 12.52 and Sections 12.52.060 through 12.52.150 of Article II of Chapter 12.52 are hereby renumbered as Chapter 15.72 and Sections 15.72.010 through 15.72.050 of

Article I of Chapter 15.72 and Sections 15.72.060 through 15.72.150 of Article II of Chapter 15.72, respectively, and is amended to read as follows:

“Chapter 12.52 - Reserved.”

Section 11. The definition of “Ordinance” in Section 15.72.020 (Definitions) of Article I (Title) of Chapter 15.72 (Western Riverside County Multiple Species Habitat Conservation Plan) of Title 15 (Buildings and Construction) of the Banning Municipal Code is hereby amended to read as follows:

“‘Ordinance’ means chapter 15.72 of title 15, of this Code.”

Section 12. Section 15.72.030 (Application of Regulations) of Article I (Title) of Chapter 15.72 (Western Riverside County Multiple Species Habitat Conservation Plan) of Title 15 (Buildings and Construction) of the Banning Municipal Code is hereby amended to read as follows:

“15.72.030 Application of regulations.

Except as provided in Section 15.72.040, this chapter shall apply to all land within the city shown on the MSHCP plan map, attached to the ordinance codified in this chapter as Exhibit 1. Upon application to the city for a development project, an applicant shall be required to comply with the procedures set forth in this chapter. Upon the city's initiation of a project that is subject to CEQA, the city shall be required to comply with the procedures set forth in this chapter. No project requiring a discretionary, or certain ministerial permits or approvals that could have adverse impacts to species covered under the MSHCP, shall be approved by the city, and no city-initiated public project shall be undertaken, unless the project is consistent with the MSHCP and this chapter.”

Section 13. The definition of “Credit” in Section 15.72.070 (Definitions) of Article II (MSHCP Mitigation Fee) of Chapter 15.72 (Western Riverside County Multiple Species Habitat Conservation Plan) of Title 15 (Buildings and Construction) of the Banning Municipal Code is hereby amended to read as follows:

“‘Credit’ means a credit allowed pursuant to Section 15.72.080 of this article, which may be applied against the development impact fee paid.”

Section 14. Repeal of Prior Development Impact Fees Adopted by Ordinance Nos. 1320 and 1321, and Conflicting Ordinances. Any and all provisions of Ordinances Nos. 1320 and 1321 and any other prior ordinances establishing or modifying development impact fees in the categories established in the *Development Impact Fee Update Study* dated August 7, 2019 prepared by Willdan Financial Services and the *Update of [the] Traffic Fee Component of the Development Fee Program* dated May 2019 prepared by LSA Associates, Inc., and set forth in Exhibit A to City Council Resolution No. 2019-112, which duplicate or conflict with the provisions of Resolution No. 2019-112 and its Exhibit A, are hereby repealed and replaced with the fees set forth in Exhibit A to Resolution No. 2019-112, and the terms and conditions established by

Resolution No. 2019-112 upon the effective date of the new development impact fees as provided for in Section 6 of Resolution No. 2019-112.

Section 15. Publication, Effective Date. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute order of the passage and adoption thereof in the records and the proceeding of the City Council at which time the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) calendar days after its final passage, the City Clerk shall publish, or cause a summary of this Ordinance to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California. The City Clerk shall cause the Ordinance to be printed, published, and circulated.

PASSED, APPROVED AND ADOPTED this 24th day of September, 2019.

Arthur L. Welch, Mayor
City of Banning

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

APPROVED AS TO FORM:

Kevin Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1551 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 24th day of September, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California