

**ORDINANCE NO. 98-03**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF AMERICAN CANYON, STATE OF CALIFORNIA,  
ADOPTING DEVELOPMENT IMPACT FEES FOR PARKS, CIVIC FACILITIES, AND  
PERIODIC UPDATES OF THE GENERAL PLAN**

**WHEREAS**, most communities that anticipate future growth adopt Impact Fees, to make sure growth pays for its fair share of the roads, parks and other civic facilities triggered by that growth. American Canyon currently has fees for sewer and water (referred to as Connection Fees), and for park improvement. No fees exist to help fund the acquisition of needed parks and civic facilities such as our own library, community center, police station, or park land; and

**WHEREAS**, the City of American Canyon currently collects Park & Recreation fees under Resolution No. 600 and Ordinance No. 21 as they pertain to residential, mobile home, and commercial/industrial development. Funds collected pursuant to these provisions do not fully fund land acquisition needs and, as such, they are primarily devoted to construction of facilities for parks and recreation purposes such as picnic areas and playground equipment; and

**WHEREAS**, in order to accurately identify the Parks and Civic Facilities necessary to support the City of American Canyon at build-out, the City Council commissioned the Hausrath Economics Group in 1995 and 1997 to identify the community needs, estimate the total costs for acquiring land and installing improvements, and recommend an equitable distribution of the costs; and

**WHEREAS**, attached and incorporated herein by reference is Exhibit A, the projects, cost estimates, and fee calculations for Parks and Civic Facilities Impact Fees, including a small amount to recover the cost of future General Plan Updates; and

**WHEREAS**, it is necessary to equitably allocate the costs of the Civic facilities that will be used by current residents and future citizens alike between existing and new development. Generally, new development will pay for 46-48% of the costs of these new buildings, which equates to the remaining amount of land available for development to achieve build out. The "existing deficiency" of \$5.4 million will be recouped over time, primarily from General Fund Reserves, operating revenues, grants and fund raisers; and

**WHEREAS**, no Park Impact Fee is proposed for retail, office or industrial uses, which is a savings compared to the current fee structure; and

**WHEREAS**, the City Council held public hearings on the proposed Parks and Civic Facilities Fees on April 2, 1998, and April 16, 1998, at which time all those in attendance were given an opportunity to speak or submit written comments; and

**WHEREAS**, this Ordinance is adopted pursuant to the authority granted in Government Code Section 66447.

**IT IS HEREBY ORDAINED** by the City Council of the City of American Canyon to adopt a new Municipal Code Chapter 15.08, Parks and Civic Facilities Development Impact Fees, as follows:

**Chapter 15.08**

**Parks and Civic Facilities Development Impact Fees**

<b>Section 15.08.010</b>	<b>Purpose</b>
<b>Section 15.08.020</b>	<b>Findings</b>
<b>Section 15.08.030</b>	<b>Definitions</b>
<b>Section 15.08.040</b>	<b>Exemptions</b>
<b>Section 15.08.050</b>	<b>Development Impact Fees</b>
<b>Section 15.08.060</b>	<b>Collection of Fees.</b>
<b>Section 15.08.070</b>	<b>In Lieu Contributions</b>
<b>Section 15.08.080</b>	<b>Change of Use</b>
<b>Section 15.08.090</b>	<b>Disposition of Revenues</b>
<b>Section 15.08.100</b>	<b>Refunds</b>
<b>Section 15.08.110</b>	<b>Supplementary Provisions</b>

**15.08.010 Purpose.** This Chapter has been enacted for the purpose of establishing development impact fees for parks and civic facilities fees to defray the actual costs of constructing improvements to mitigate impacts resulting from proposed new development identified in the American Canyon General Plan.

**15.08.020 Findings.**

- A. The American Canyon General Plan Land Use Element identifies projected build out for the City of American Canyon; and
- B. The Parks and Recreation Element of the General Plan identifies the park facility needs of the community at build-out; and
- C. A portion of the land necessary will be dedicated by developers as conditions of subdivision approval while other developers may not have land of sufficient size, configuration, or quality for dedication. Where the payment of a fee is proposed in-lieu of dedicating land, it is necessary to have an equitable fee structure in place; and
- D. The Public Services and Facilities Element of the General Plan identifies the need for a police station, library, and other public facilities necessary to provide the range of services desired by existing and future residents; and

- E. It is the intent of the City Council to adopt by this ordinance a fair and equitable method of securing the revenues necessary to fund the construction and implementation of necessary parks, civic facilities, and the future General Plan update.

**15.08.030 Definitions.**

- A. "Civic Facilities" shall include, but not necessarily be limited to a city hall, a police station, a corporation yard, a public library, or similar facilities designed to serve the public as more fully described in Exhibit A hereto.
- B. "Civic Facilities Fee" shall mean the fee contributed by each land use category as more fully described in Exhibit A hereto.
- C. "Construction" shall mean the original construction of a new single family residence, duplex, condominium, townhouse, apartment, restaurant, motel or hotel, industrial use, retail use, commercial use, office use, institutional use, or any other use allowed under the General Plan or Zoning Ordinance..
- D. "Parks" shall include active and passive public recreation facilities, and can include land, trails, and or buildings or other similar and related improvements.

**15.08.040 Exemptions.** The following projects are exempt from the provisions of this Chapter:

- A. Development for which a vesting tentative map application has been accepted as complete or has been approved prior to the effective date of this amended Ordinance.
- B. Capital improvements/buildings related to the operation of the City of American Canyon governmental operations.
- C. Temporary uses less than 12 months in duration.
- D. Replacement development on a one to one basis for residential construction.
- E. Additions to residential units unless a new bedroom is constructed or created as a part of the proposed addition, in which case the fee shall be 20% of the adopted fee.
- F. Replacement of commercial units destroyed by fire or natural disaster provided the floor area is not increased.

**15.08.050 Development Impact Fees.**

- A. A Parks and Civic Facilities Fee is hereby imposed on new construction as set forth herein. The fee shall be in accordance with the cost per unit (e.g. dwelling unit, square feet, hotel/motel rooms, etc.) as identified in Exhibit A and defined herein.
- B. To provide for construction cost increases due to inflation, on July 1st of each year, beginning July 1, 1999, the fees shall be increased on the basis of the percentage annual increase shown by the Construction Cost Index (CCI) in the San Francisco area published in the Engineering News Record (ENR) by the McGraw Hill Publication Company.

**15.08.060 Collection of Fees.** The Development Impact Fees set forth in this Chapter shall be collected from new construction prior to issuance of a building permit, and for subdivisions prior to approval of a final map, unless other provisions are adopted as a part of an approved Development Agreement.

**15.08.070 In Lieu Contributions.**

- A. The Parks Fee set forth by this Chapter may be reduced by a credit given for construction by a developer of all or a portion of the improvements identified in Exhibit A hereto and/or other on-site and/or off-site park lands dedicated in excess of the requirements of the City's Subdivision Ordinance, subject to the approval by the City Council in each case.
- B. The amount of the credit for Parks Fees shall be approved by the City Council on recommendation by the Community Services Director.
- C. The Civic Facilities Fee set forth by this Chapter may be reduced by a credit given for construction by a developer of all or a portion of the improvements identified in Exhibit A hereto and/or other on-site and/or off-site civic facilities, subject to the approval by the City Council in each case.
- D. The amount of the credit for civic facilities fees shall be approved by the City Council, based upon the recommendation of the City Manager.

**15.08.080 Change of Use.** In the event of change of use in a development for which Parks and Civic Facilities Fees were paid in accordance with this Chapter, the City Council may require the payment of the difference between the Parks and Civic Facilities Fees originally paid and the amount required by this Chapter for the new use. The Planning Director and City Engineer shall forward a recommendation to the City Council in each case.

**15.08.090 Disposition of Revenues.** The fees collected pursuant to this Chapter shall be held in separate accounts as deemed appropriate by the Finance Director and expended solely on the Parks and Civic Facilities identified herein and the future general Plan update.

**15.08.100 Refunds.** Where a building permit has expired and no extension has been granted, a refund of fees paid may be given, provided the claim for refund is made within one (1) year after the expiration date of the building permit.

**15.08.110 Supplementary Provisions.** The fees required by this Ordinance shall be supplementary to the fees, dedications or conditions imposed on a development of new construction pursuant to City approval, or as may be imposed by existing State or local law.

**Section 1. Effective Date.** A summary of this ordinance shall be published once in the Vallejo Times Herald, a newspaper of general circulation serving the City of American Canyon, within fifteen (15) days after its passage and shall become effective sixty (60) days after the date of its adoption.

**Section 2. Severability.** The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal or invalid, the remainder shall survive and remain effective and enforceable.

\* \* \* \* \*

The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd and 16th days of April, 1998, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 17<sup>th</sup> day of June, 1998, by the following vote:

<b>AYES:</b>	Cypher, Maples, Colcleaser, Anderson, Kudrna
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

  
Roger Cypher, Mayor

**ATTEST:**

  
Mark Joseph, City Clerk

**APPROVED AS TO FORM:**

  
William D. Ross, City Attorney

Parks and Civic Facilities Impact Fees, City of American Canyon, Spring 1998

Prj. No.	Type of Fee/(Residential's Share)	Total Cost	Existing Deficiency	Growth's Cost	Residential Share	Non-Res. Share	Resid. Per Unit	Comm'l Per SqFt	Office Per SqFt	Industrial Per SqFt
<b>Parks &amp; Recreation</b>										
1	Parkland Acquisition/100% 38 acres at \$85,000/acre	3,230,000	0	3,230,000	3,230,000	0	\$1,203	\$0.00	\$0.00	\$0.00
2	Parkland Development/100% 38 acres at \$96,600/acre	3,670,800	0	3,670,800	3,670,800	0	\$1,367	\$0.00	\$0.00	\$0.00
3	Community Gym (w/Debt)/100%	2,750,000	1,485,000	1,265,000	1,265,000	0	\$471	\$0.00	\$0.00	\$0.00
4	Aquatic Center/Pool (w/Debt)/100%	935,000	504,900	430,100	430,100	0	\$160	\$0.00	\$0.00	\$0.00
5	Aquatic Ctr.-Slide & Receiving Pool/100%	200,000	108,000	92,000	92,000	0	\$34	\$0.00	\$0.00	\$0.00
	<b>Subtotal</b>	<b>10,785,800</b>	<b>2,097,900</b>	<b>8,687,900</b>	<b>8,687,900</b>	<b>0</b>	<b>\$3,235</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Civic Facilities</b>										
6	City Hall Expansion/70% 10,000 sq ft at 125/sq ft.	1,250,000	650,000	600,000	420,000	180,000	\$156	\$0.08	\$0.16	\$0.06
7	Police Station/70% 2500 sq ft at 150/sq ft.	375,000	195,000	180,000	126,000	54,000	\$47	\$0.02	\$0.05	\$0.02
8	Aquatic Center/Offices (w/Debt)/90%	900,000	468,000	432,000	388,800	43,200	\$145	\$0.02	\$0.04	\$0.01
9	American Canyon Library/90% Const. - 12,500 @ 175/sf	3,405,000	1,770,600	1,634,400	1,470,960	163,440	\$548	\$0.08	\$0.14	\$0.05
	Offsite Improvements 650,000									
	Contingency (at 20%) 567,500									
10	Corporation Yard Expansion/80% <b>Subtotal</b>	<b>300,000</b>	<b>156,000</b>	<b>144,000</b>	<b>115,200</b>	<b>28,800</b>	<b>\$43</b>	<b>\$0.01</b>	<b>\$0.02</b>	<b>\$0.01</b>
	<b>General Plan Updates</b>									
11	Four @ \$75,000 per update/75%	300,000	100,000	200,000	150,000	50,000	\$50	\$ 0.01	\$ 0.01	\$ 0.01
	<b>Grand Totals</b>	<b>17,315,800</b>	<b>5,437,500</b>	<b>11,878,300</b>	<b>11,358,860</b>	<b>519,440</b>	<b>\$4,224</b>	<b>\$0.23</b>	<b>\$0.41</b>	<b>\$0.16</b>

**Notes:**

- 1 Existing Deficiency for Park Fees, where appropriate, calculated at 54% of total cost; for Civic Facilities, the ratio was 52%.
- 2 No allocation of Park Fees are assigned to Non-residential; the amount allocated to Civic Facilities varies between 10-30 percent.
- 3 Residential rates were based on future population growth of 7,600; multiplied by 2.83 per household.
- 4 Nonresidential rates were based on future job growth of 4,070; divided by 534 sq ft/employee (Commercial); 285 (office); or 794 (industrial).  
Commercial includes hotels and restaurants.
- 5 Parkland Acquisition fee based on average developed-lot costs, and will be used if actual land value is not available, for purposes of calculating an In-Lieu fee.

**Estimated Funding Sources for Existing Deficiency:**

<i>Existing Deficiency (from previous page)</i>	5,437,500
Grants, Foundation Support & Fundraising	2,862,000
General Fund (GF) Reserves-Library	558,000
Existing GF Reserves-Other Projects	165,000
GF support for General Plan Updates	100,000
GF's share of Gym/Pool Debt/outstanding balance*	1,752,500
<i>Total</i>	5,437,500

\* Annualized over a 20 year debt service term equals 87,625