

ORDINANCE NO. 2006-10

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF AMERICAN CANYON
APPROVING REVISIONS TO MUNICIPAL CODE, TITLE 15, CHAPTER 15.12
ADOPTING INTERIM INCREASES TO THE CITY'S
TRAFFIC MITIGATION IMPACT FEES**

WHEREAS, pursuant to Section 66000 of the Government Code, the American Canyon City Council in 1999 adopted Ordinance 99-07 to amend the Municipal Code and establish a Traffic Mitigation Impact Fee Program to recover costs associated with projected impacts that development will have on the City's transportation infrastructure and services; and

WHEREAS, in accordance with the regulations established in the Government Code, adjustments to impact fees may be made from time to time to ensure that the fees reflect accurate capital costs; and

WHEREAS, it is common practice and equitable to increase the City's development impact fees to meet the actual or estimated capital costs when it becomes apparent that those costs differ from the estimates originally used to develop the impact fees; and

WHEREAS, in order to ensure that the City's development impact fees are keeping pace with current capital costs, the City's fees now need to be increased to provide for the necessary transportation improvements to serve new development, and

WHEREAS, the actual cost of some projects already completed has been well in excess of the costs anticipated in the original Traffic Impact Fee Program, upon which the original fees were calculated, attached to the summary agenda report for May 4, 2006, relating to this Ordinance; and

WHEREAS, the City of American Canyon did retain professional engineering consultants to provide updated cost estimates for the capital projects anticipated in the Traffic Impact Fee Program, which resulted in an updated list of project costs, resulting in an update to Exhibits A and B attached to the summary agenda report for May 4, 2006, relating to this Ordinance; and

WHEREAS, on February 2, 2006, the City Council of the City of American Canyon did adopt Resolution 2006-24, Authorizing Notice of Initiation of Proceedings Regarding Proposed Increases in Development Impact Fees; and

WHEREAS, the notice authorized by said Resolution 2006-24 was duly posted by the City Clerk; and

WHEREAS, in accordance with Section 66016 of the Government Code the City of American Canyon has held a duly noticed Public Hearing to consider the cost, or estimated cost, required to provide transportation capital requirements to serve new development with the revenue sources anticipated to provide capital funding, including the General Fund; and

WHEREAS, the City Council considered testimony given at a Public Hearing on September 5, 2006, regarding a proposed Ordinance to amend Section 15.12 of the City of American Canyon Municipal Code;

WHEREAS, the City Council finds it necessary to retain the 50% fee discount for retail, office, restaurant and industrial uses. To receive the 50% discount on traffic impact fees, developers of retail/office, restaurant, and hotel/motel projects shall prepare an economic impact analysis. The report shall compare the economic development benefits against the costs to the public and shall be submitted with the plans submitted for building plan check. If the City Manager finds that the benefits do not justify granting a 50% discount on traffic impact fees, the matter will be placed on the City Council agenda for a final determination.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon does find that the proposed Traffic Mitigation Impact Fees have a reasonable relationship to the capital costs required to serve the development projects which will pay the fees; and

BE IT FURTHER RESOLVED that the City Council of the City of American Canyon does hereby ordain the following:

Section 1: Title 15.12 of the American Canyon Municipal Code is amended to incorporate the following fees by land-use category:

Fees by Land Use Category	Unit	Fee
Single Family	DU	\$3,954
Multi-Family	DU	\$2,600
Retail/Office (includes any commercial not listed below)	Sq. Ft.	\$3.51
Restaurant	Seat	\$312
Motel/Hotel	Room	\$735
Industrial (includes warehousing and distribution uses)	Sq. Ft.	\$2.02

DU = Dwelling Unit

Sq. Ft. = Square Foot of building space

Special Industrial Incentive Program

A 15% reduction in Traffic Mitigation Fees may be allowed if an industrial program will produce significant new jobs or tax revenues. Determination shall be made by City Council. Generally, warehousing or distribution facilities are not eligible.

Residential Units

Fees for proposed residential projects may be based on estimated trip generation per unit rather than the flat rate per dwelling unit established in this ordinance at the sole, unfettered discretion of the City Council at the time of tentative map or other discretionary planning approvals

Section 2: Title 15.12.030, Section (b) of the American Canyon Municipal Code is amended to read as follows:

“Traffic Improvements” shall mean those roadway and intersection improvements identified in the Circulation Element of the General Plan and as set forth below:

No.	Traffic Improvements
1	Flosden Rd. and American Canyon Rd, traffic signal
2	Flosden Rd, widen to two lanes – American Canyon Rd to Vallejo city limits
3	Broadway (SR29) & American Canyon Rd, traffic signal road imp. & bridgework
4	Broadway (SR29) & Eucalyptus, realignment and traffic signal
5	Broadway (SR29) & Donaldson Way, realignment, traffic signal & land acquisition
6	Newell Dr. Extension, 2 lanes from American Canyon Rd to Donaldson Way
7	Donaldson Way, 2lanes from Broadway (SR29) to Newell Dr (w/at-grade RR crossing)
8	Newell Dr. Extension, 2 lanes from Donaldson Way to South Napa Junction Rd
9	South Napa Junction Road, 2 lanes from Broadway to Newell Dr. (w/at-grade RR crossing)
10	American Canyon Rd, add 2 lanes from Broadway (SR29) to Silver Oak Trail
11	Broadway (SR29) & American Canyon Rd, intersection improvements.
12	Green Island Rd, add 2 lanes from Paoli Loop to Commerce Blvd
13	Paoli Loop Upgrade (widen shoulders, redesign SW loop radius)
14	Wetlands Edge Rd, Sunset Meadows portion (w/bridge but no trail)
15	Wetlands Edge Rd, Waterton portion (w/o trail)
16	Eucalyptus Dr. improvements west of Oceanview subdivision
17	Eucalyptus Dr. improvements east of Oceanview subdivison
18	Commerce Blvd, No. Slough to Eucalyptus (bridge and emergency access road)
19	Hanna Extension, bridge crossing and related utilities
20	Traffic Enhancements
21	Future Traffic Studies

Section 3: **Effective Date.** In accordance with Government Code 66017, this Ordinance shall take effect sixty (60) days after its adoption.

Section 4: **Severability.** This Ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any provision or clause of this Ordinance or application thereof to any person or circumstance is held

invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable and are intended to have independent validity.

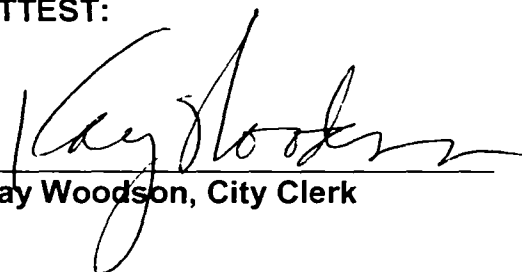
The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 5th day of September, 2006, and was approved and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 19th day of October, 2006, by the following vote:

AYES: Shaver, Garcia, Anderson, Bennett, Coffey
NOES: None
ABSTAIN: None
ABSENT: None




Cecil Shaver, Mayor

ATTEST:



Kay Woodson, City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney