

ORDINANCE #2015- 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING CHAPTER 15.12 OF THE AMERICAN CANYON MUNICIPAL CODE (TRAFFIC IMPACT MITIGATION FEES) TO PROVIDE FOR FUTURE INCREASES OF TRAFFIC IMPACT FEES TO BE ADOPTED ANNUALLY BY RESOLUTION OF THE CITY COUNCIL

WHEREAS, in response to anticipated development, the City adopted its current Traffic Impact Fee (TIF) program in 1999; and

WHEREAS, over the last 15 years, much of the anticipated development occurred and many of the capital improvements required to accommodate the additional traffic generated by that development are complete; and

WHEREAS, an update to the TIF program in anticipation of the next generation of development is needed; and

WHEREAS, a new Traffic Impact Fee Nexus Study, dated February 3, 2015, has been developed to determine the cost of improvements needed to accommodate the traffic generated by future development and the appropriate share of those costs to be borne by the new development within the City; and

WHEREAS, said Study satisfies the requirements of Government Code Section 66000 *et seq.* (i.e. Mitigation Fee Act); and

WHEREAS, said Study and the TIF program have been approved by Resolution of the City Council; and

WHEREAS, City Council, may by resolution, adopt annual increases to the traffic mitigation impact fees to account for the increased due to inflation; and

WHEREAS, City Council, from time to time and at its sole discretion, may by resolution, adopt updated traffic mitigation impact fees based on a revised Traffic Impact Mitigation Fee Nexus Study pursuant to the Mitigation Fee Act; and

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 15.12.030, Subsection B is amended to read: "Traffic improvements" mean those roadway and intersection improvements identified in the Circulation Element of the General Plan, the current City Traffic Impact Mitigation Fee Nexus Study, and the City Capital Improvement Program".

SECTION 2: Section 15.12.030, Subsection C is amended to read: "'Traffic mitigation fee" or "traffic impact fee" or "traffic development impact fee" means that fee for traffic mitigation identified in the most recent traffic impact fee nexus study."

SECTION 3: Section 15.12.030, Subsection D is added to read as follows: ""Traffic Impact Mitigation Fee Nexus Study" or "Traffic Development Impact Fee Study" or "Fee Study" the most recent study, adopted by resolution of the City Council pursuant to Government Code 66000 *et seq.* (Mitigation Fee Act"), of the nexus between traffic impact mitigation fees and traffic improvements needed to serve new development in American Canyon".

SECTION 4: Section 15.12.050, Subsection A is amended to read: "A traffic impact fee is imposed on new construction as set forth in this chapter. The fee shall be in accordance with the most recent Traffic Impact Mitigation Fee Nexus Study."

SECTION 5: Section 15.12.050, Subsection C is added: "The City, at its sole discretion, may adopt revised traffic mitigation impact fees based on a revised Traffic Impact Mitigation Fee Nexus Study adopted by resolution of the City Council pursuant to the Mitigation Fee Act."

SECTION 6: Section 15.12.070, Subsection A is amended to read: "The traffic impact fee set forth in this chapter may be reduced by a credit given for construction by a developer of all or a portion of the traffic improvement identified in this chapter subject to recommendation by the City Engineer and approval by the City Council."

SECTION 7: Section 15.12.070, Subsection B is repealed.

SECTION 8: Section 15.12.090 is amended to read: "The alternative commercial rate program recognizes the diversity of commercial uses and the potential differences in traffic generation rates and peak hour characteristics. The City Council may consider the findings of an independent traffic study, prepared under the direction of the City Engineer and funded by the applicant, justifying a lesser traffic impact fee."

SECTION 9: Section 15.12.110 is amended to read: "The fees collected pursuant to this chapter shall be held in separate accounts as deemed appropriate by the City Manager and expended solely on the traffic improvements identified in this chapter."

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 20th day of January, 2015, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, by the following vote:

MAYOR GARCIA:
VICE MAYOR LEARY:
COUNCIL MEMBER BENNETT:
COUNCIL MEMBER RAMOS:
COUNCIL MEMBER JOSEPH:

yes
yes
yes
yes
yes

Leon Garcia

Leon Garcia, Mayor

ATTEST:

Maryann for
Rebekah Barr

Rebekah Barr, MMC, City Clerk

APPROVED AS TO FORM:

William D. Ross

William D. Ross, City Attorney