

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN REPEALING AND RE-ENACTING
ARTICLES VI AND VII OF CHAPTER 3.16 OF THE ROCKLIN MUNICIPAL CODE REGARDING
PARKS AND RECREATION, AND PUBLIC FACILITIES DEVELOPMENT IMPACT FEES

WHEREAS, in 1999, the City Council enacted Ordinance 799 to establish a Park and Recreation Facilities Improvement Fee pursuant to the Mitigation Fee Act (Government Code section 66000 et seq.); and

WHEREAS, in 2005, the City Council enacted Ordinance 893 to establish a Public Facilities Impact Fee pursuant to the Mitigation Fee Act (Government Code section 66000 et seq.); and

WHEREAS, the Parks and Recreation Facilities Improvement Fee and the Public Facilities Impact fees are outdated, inadequate, and fail to provide the City with sufficient funding to construct infrastructure necessary to accommodate new development; and

WHEREAS, as a condition to enacting or increasing development impact fees the City must establish the nexus between the types and amounts of the development impact fees, the types of development projects, and the need for public facilities and infrastructure improvements pursuant to the Mitigation Fee Act, to ensure the fees are proportional to the impacts caused by development; and

WHEREAS, the City retained consultants with expertise in development impact fee studies to prepare a nexus study and to analyze the impacts of development and calculate the appropriate level of Development Impact Fees for parks and recreation facilities, and public facilities; and

WHEREAS, the consultants' study entitled "Final Report Development Impact Fee Study," dated October 1, 2021 (hereinafter "Fee Study") establishes the required nexus and relationships for imposing updated development impact fees for parks, trails, community and recreation facilities and public facilities, on development projects of various types, and documents the need for facilities created by new development and the estimated cost of the new facilities which will be required; and

WHEREAS, the Fee Study concludes that establishing and/or revising development impact fees for park improvements, trails, community recreation facilities and public facilities is necessary to offset the impact of new development on City infrastructure; and

WHEREAS, the purpose of this Ordinance is to update and establish the fee categories for park improvements, trails, community recreation facilities and public facilities impacts, described in the Fee Study. The amount of the development impact fees contemplated by the Fee Study will be established and adjusted from time to time by resolution in accordance with the procedures in the Mitigation Fee Act.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROCKLIN DOES ORDAIN AS FOLLOWS:

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

Section 2. Purpose. The purpose of this ordinance is to update Chapter 3.16 of the Rocklin Municipal Code to repeal and reenact Articles VI and VII pertaining to certain development impact fees.

Section 3. Authority. This ordinance is enacted under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code section 37100.

Section 4. Repeal and Re-Enact. The Rocklin Municipal Code, Chapter 3.16, Article VI is repealed and re-enacted as follows:

Article VI. Park Improvements Impact Fee, Trails Impact Fee, Community and Recreation Facilities Impact Fee

3.16.400- Purpose and Findings.

- A. The purpose of the Park Improvements Impact Fee, the Trails Impact Fee, and the Community and Recreation Facilities Impact Fee (“Fees”) is to fund construction of improvements and facilities that will be needed to mitigate the impacts of new development on City facilities, and to maintain an acceptable level of public services as the City grows.
- B. The Fees will be used to provide additional facilities to mitigate the impacts of new development in Rocklin. As provided in the Mitigation Fee Act, revenue from impact fees may also be used for temporary loans from one impact fee fund or account to another. The Fee Study dated October 1, 2021, subsequently adopted by Council (“Fee Study”) identifies facilities to be funded by the Fees.
- C. There is a reasonable relationship between the use of the Fees and the type of development on which they are imposed. As set forth in the Fee Study, Fees will be used to provide additional facilities to serve the needs of additional population associated with new residential development in Rocklin.
- D. There is a reasonable relationship between the need for the facilities and the type of development on which the Fees are imposed. As set forth in the Fee Study, residential development increases the need for park, trails, community and recreational facilities to maintain an existing level of service, and without additional facilities, the increase in population associated with new residential development would result in a reduction in the level of service provided to all residents of the City.
- E. There is a reasonable relationship between the amount of the Fees and the facility cost attributable to the development project. As set forth in the Fee Study, the amount of impact fees charged to a residential development project will depend on the increase in population associated with that project, reflecting the impact of that project on the need for the facilities.
- F. The Fees are consistent with the City’s General Plan, and the City Council has considered the effects of the Fees with respect to the City’s housing needs established in the housing element of the General Plan.

3.16.410- Park Improvement Impact Fee

A development impact fee is established on issuance of all building permits for residential development in the city of Rocklin to pay for park facility improvements.

3.16.420- Trails Impact Fee

A development impact fee is established on issuance of all building permits for residential development in the city of Rocklin to pay for trail facility improvements.

3.16.430- Community and Recreation Facilities Impact Fee.

A development impact fee is established on issuance of all building permits for residential development in the city of Rocklin to pay for community and recreation facility improvements.

3.16.440- Imposition of Fees.

- A. No developer, property owner, or other person or entity shall be eligible to receive building permits, nor occupancy permits, for any residential development project unless the provisions of this Article have been complied with for that project. These requirements are hereby imposed as a condition of development approval for each development project in addition to being a requirement of this Code.
- B. The amounts for the development impact fees imposed under this Article shall be established and adjusted by resolution of the City Council from time to time in accordance with the procedures set forth in state law.
- C. The development impact fees imposed under this Article are in addition to any other fees or charges required by law as a condition of development.
- D. The revenues raised by payment of the development impact fees imposed under this Article shall be segregated and deposited into separate funds, and used only for the purposes set forth herein.
- E. The fees imposed by this Article shall be adjusted for inflation annually by resolution of the City Council.
- F. Credit and Reimbursement Policy. For qualifying facilities constructed as part of a development project, the City Council may establish policies and procedures for granting credit against a development impact fee imposed under this Article or providing for reimbursement from development impact fees. Such policies and procedures shall be established by resolution.
- G. A developer of any project subject to the fees set forth in this Article may apply to the City Council for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the development impacts of that project and either the amount of the fee charged or the type of facilities financed. The application shall be made in writing and filed with the city clerk at the time of filing an application for a building permit, or if a discretionary planning or zoning

entitlement is required, no later than ten days prior to the hearing or entitlement. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The council shall consider the application at the public hearing on the permit application if such hearing is held by the city council or, if not, at a separate hearing held within sixty days after the filing of the fee adjustment application. The decision of the city council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee.

Section 5. Repeal and Re-Enact. The Rocklin Municipal Code, Chapter 3.16, Article VII is repealed and re-enacted as follows:

Article VII. Public Facilities Impact Fee

3.16.500- Purpose and Findings.

- A. The purpose of the Public Facilities Impact Fee ("Fee" or "Fees") is to fund construction of improvements and facilities that will be needed to mitigate the impacts of new development on City facilities, and to maintain an acceptable level of public services as the City grows.
- B. The Fee will be used to repay outstanding debt on the existing police facility, and to provide additional public facilities to mitigate the impacts of new development in Rocklin. As provided in the Mitigation Fee Act, revenue from the impact fee may also be used for temporary loans from one impact fee fund or account to another. The Fee Study dated October 1, 2021, ("Fee Study") identifies facilities to be funded by the Fee.
- C. There is a reasonable relationship between the use of the Fee and the type of development on which it is imposed. As set forth in the Fee Study, the Fee will be used to fund public facilities to serve the needs of added service population associated with new development in Rocklin.
- D. There is a reasonable relationship between the need for the facilities and the type of development on which the Fee is imposed. As set forth in the Fee Study, new development increases the need for public facilities to maintain the existing level of service, and without additional facilities, the increase in service population associated with new development could result in a reduction in the level of service provided to all residents and businesses in Rocklin.
- E. There is a reasonable relationship between the amount of the Fee and the facility cost attributable to the development project. As set forth in the Fee Study, the amount of the public facilities impact fee charged to a development project will depend on the increase in service population associated with that project, reflecting the impact of that project on the need for public facilities in the City.
- F. The Fee is consistent with the City's General Plan, and the City Council has considered the effects of the Fee with respect to the City's housing needs established in the housing element of the General Plan.

3.16.510- Public Facilities Fee

A development impact fee is established on issuance of all building permits for development in the city of Rocklin to pay for public facility improvements, including general government, police and fire facilities.

3.16.520- Imposition of Fee.

- A. No developer, property owner, or other person or entity shall be eligible to receive building permits, nor occupancy permits, for any development project unless the provisions of this Article have been complied with for that project. These requirements are hereby imposed as a condition of development approval for each development project in addition to being a requirement of this Code.
- B. The amount for the development impact fee imposed under this Article shall be established and adjusted by resolution of the City Council from time to time in accordance with the procedures set forth in state law.
- C. The development impact fee imposed under this Article is in addition to any other fees or charges required by law as a condition of development.
- D. The revenues raised by payment of the fee imposed under this Article shall be segregated and deposited into a separate fund and used only for the purposes set forth herein.
- E. The fee imposed by this Article shall be adjusted for inflation annually by resolution of the City Council.
- F. Credit and Reimbursement Policy. For qualifying facilities constructed as part of a development project, the City Council may establish policies and procedures for granting credit against a development impact fee or providing for reimbursement from development impact fees. Such policies and procedures shall be established by resolution.
- G. A development of any project subject to the fee set forth in this Article may apply to the City Council for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the development impacts of that project and either the amount of the fee charged or the type of facilities financed. The application shall be made in writing and filed with the city clerk at the time of filing an application for a building permit, or if a discretionary planning or zoning entitlement is required, no later than ten days prior to the hearing or entitlement. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The council shall consider the application at the public hearing on the permit application if such hearing is held by the city council or, if not, at a separate hearing held within sixty days after the filing of the fee adjustment application. The decision of the city council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee.

Section 6. Rescission of Ordinances Nos. 799 and 893. Upon the effective date of this Ordinance and the new resolution establishing the rates for each of the categories of development impact fees listed in Sections 4 and 5 above, Ordinance Nos. 799 and 893 shall be repealed.

Section 7. Northwest Rocklin Annexation Area Public Facilities Impact Fee. Resolution 2013-200, establishing the Northwest Rocklin Annexation Area Public Facilities Impact Fee is not impacted, altered, amended, or otherwise changed by adoption of this Ordinance.

Section 8. Application. This Ordinance shall apply to development projects for which development impact fees have not been paid as of the date specified in the resolution establishing the amount of the Park Improvement, Trails, Community and Recreation Facilities, and Public Facilities development Impact fees, excepting only: (i) those development projects that are subject to an existing development agreement, where the agreement expressly provides for the amount and timing of the development impact fees; or (ii) developments with vested tentative subdivision maps.

Section 9. Judicial Action. Any judicial action or proceeding to contest this Ordinance shall be brought within 120 days of its passage.

Section 10. Effective Date. This ordinance shall take effect 60 days after the date of its adoption. However, the current development impact fees shall continue to apply until the effective date of a new resolution establishing new Park Improvement Impact Fees, Trails Impact Fees, Community and Recreation Facilities Impact Fees and Public Facilities Impact Fees.

Section 11. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 12. Publication. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in a newspaper of general circulation. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney, shall cause a summary of the ordinance with the names of the City Councilmembers voting for and against the ordinance, to be published in a newspaper of general circulation, and posted in the office of the City Clerk. Alternatively, if a fair and adequate summary is not feasible, the City Clerk, if so directed by the City Attorney, shall publish an advertisement of at least one-quarter page, describing the general nature of, and information about the ordinance, in a newspaper of general circulation, and posted in the Office of the City Clerk. Publication of the ordinance is authorized only where the requirements of Government Code section 36933 are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on October 12, 2021, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:

ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Jill Gayaldo, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

First Reading:
Second Reading:
Effective Date: