

Ordinance Update to Chapter 20 and Chapter 24 Of the El Centro City Code

Proposed amendments will be considered by the Planning Commission on Tuesday, September 2, 2008 at their regular Planning Commission meeting scheduled to start at 5:30 p.m. in the Council Chambers, located at 1275 W. Main Street.

Note: Text with a strikethrough is proposed for deletion and text with an underline is proposed to be added.

Chapter 20, Article V, Section 20-102 is hereby amended to read as follows:

“Sec. 20-102. Development impact fee established; annual review.

A development impact fee is hereby established in issuance of all building permits for development in the City of El Centro, California, to pay for municipally owned public facilities, including, but not limited to, library, police department, fire department, streets, ~~recreational/cultural facilities~~ and other city-owned public facilities (e.g., city hall, city yard, city parking lots). The city council shall, in a council resolution, set forth the specific amount of the fee, describe the development for which facilities are needed, list the specific public improvements required to accommodate said development, set forth the estimated cost of the improvements, describe the reasonable relationship between this fee and the various types of new developments and set forth time for payment. On an annual basis, the city council shall review this fee to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public facilities are still needed.

Development Impact Fees for Parks and Recreation are described in Chapter 24, Article V”.

Chapter 24, Article V, Sections 24-35 through 24-42 are hereby amended to read as follows:

“Sec. 24-35. Authority.

This chapter is enacted pursuant to the authority granted by Section 66000 and 66477 of the Government Code (the Mitigation Fee Act and the Subdivision Map Act, respectively). The park and recreational facilities for which dedication of land and/or payment of a fee are required by this chapter are in accordance with the general plan and growth management plan of the city.

~~Sec. 24-26. Requirement to dedicate land, pay fee or both.~~ Sec. 24-36. Parks and recreation impact fee established.

(a) A park and recreation impact fee is hereby established in issuance of all building permits for development in the City of El Centro, California, to pay for municipally owned parks, open-space, recreation and cultural facilities. The city council shall, in a council resolution, set forth

the specific amount of the fee, describe the development for which facilities are needed, list the specific public improvements required to accommodate said development, set forth the estimated cost of the improvements, describe the reasonable relationship between this fee and the various types of new developments and set forth time for payment. Provisions related to annual review, payment of fee, limited use of fee and adjustments of the fee shall be consistent with Chapter 20, Article V.

At the time of the annual review of the park and recreation impact fee, the city council shall also review and update the park acreage standard described in section 24-37, below.

(b) As a condition of approval of a tentative map, the subdivider shall dedicate land, pay a fee in lieu thereof, or a combination of both for park, ~~and~~ recreation, open space and cultural facility purposes according to the standards and formula contained in this chapter. Dedication of land shall not satisfy the subdividers' responsibility for paying the portion of the park and recreation impact fee associated with the cultural facilities as described in the city council resolution adopted pursuant to the above paragraph (a).

(a1) With respect to subdivisions of fifty (50) or fewer residential parcels, only the payment of a fee shall be required, unless the subdivider offers to dedicate land in lieu thereof. In this event, the approving body may decide to accept the dedication of land, require the payment of a fee or a combination of both. The approving body shall consider the factors listed following paragraph (b2) of this section in making their decision.

(b2) With respect to subdivisions of more than fifty (50) residential lots, the approving body shall decide whether to require the dedication of land, payment of a fee or a combination of both. The approving body shall consider the factors listed below in making their decision:

- a. ~~(1)~~ Public facilities element of the city's general plan;
- b. ~~(2)~~ Topography, geology, access and location of land in the subdivision available for dedication;
- c. ~~(3)~~ Size and shape of the subdivision and land available for dedication;
- d. ~~(4)~~ The feasibility of dedication;
- e. ~~(5)~~ Compatibility of dedication with the general plan; and
- f. ~~(6)~~ Availability of previously acquired park property.

Sec. 24-37. Standard for land dedication.

The amount of land to be dedicated shall be determined pursuant to the following standards and formula based on the current park acreage standard in the city. The park acreage standard is defined as the total acreage of developed parks (including facilities that are used jointly with the other public agencies) divided by the population of the city, expressed in 1,000 persons. At no point shall the park acreage standard exceed 5 acres/1,000 population.

(a) The formula for determining acreage per dwelling unit to be dedicated shall be as follows:

Average Number of		<u>Park Acreage Standard</u>
Persons/Unit	×	1,000 Population

(Example for Single-Family DU using the 2008 park acreage standard)

3.23 persons per		<u>3.0508 acres</u>		<u>.0105099 acres</u>
dwelling unit	×	1,000 persons	=	dwelling unit

(b) The average number of persons per unit used to calculate land dedication requirements shall be as follows set forth in the most recent version of the general plan.

Land Dedication Table

Dwelling Type	Zoning District	Assumed Density	Standard Acres/DU
Single family	R-1	3.5 persons/DU	.0105 ac/DU
Duplex, low density apartments	R-2	3.0 persons/DU	.0090 ac/DU
Medium density apartments	R-3	2.5 persons/DU	.0075 ac./DU

Sec. 24-38. Standard for a fee in lieu of dedication.

(a) If, in lieu of dedicating land, payment of a fee is required, the fee shall be equal to the ~~fair market value (FMV) of the land required for dedication in Section 24-37 hereof.~~ most recent park and recreation development impact fee approved by the city council. (b) ~~The FMV shall be determined by the city at the time of filing the tentative map. If the subdivider disagrees with the FMV as park and recreation development impact fee determined by the city, the subdivider and city shall agree upon a disinterested appraiser to reach an agreed upon FMV. The subdivider shall pay the appraisal costs.~~ may apply for a fee adjustment in accordance with section 20-106 found in Chapter 20, Article V.

Sec. 24-39. Standard for both dedication of land and payment of fee.

If both dedication of land and payment of a fee is required, it shall be done in accordance with the following: When only a portion of land to be subdivided is required as the site for a park, such portion shall be dedicated for park and recreation purposes and a fee, computed pursuant to the provisions of section 24-38 hereof, shall be paid for any additional land that would have been required to be dedicated pursuant to section 24-37 hereof.

Sec. 24-40. Subdivisions not within the city limits.

Where the proposed subdivision lies within the sphere of influence, designated jointly by the city and the county, and is part of the general plan, the subdivider shall dedicate land, pay a fee in lieu thereof or a combination of both, in accordance with the adopted park and recreational principles and standards of the city general plan and in accordance with the provisions of this chapter.

Sec. 24-41. Credit for private open space.

(a) *Partial credit.* Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by an association of all future owners of the subdivided property, partial credit, not to exceed fifty (50) percent, may be given against the requirement of land dedication or payment of fees in lieu thereof if the city council finds that it is in the public interest to do so and that all the following standards are met:

- (1) Yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space.
- (2) The private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions.
- (3) The use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the city or its successor.
- (4) The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.
- (5) Facilities proposed for the open space are in substantial accordance with the provisions of the public facilities element of the general plan.
- (6) The open space for which credit is given is a minimum of three (3) acres and provides all of the local park basic elements listed below or a combination of such and other recreational improvements that will meet the specific recreation needs of the future residents of the subdivision:

		Acres		
a.	Children's play apparatus area.....	.50	to	.75
b.	Landscape park-like and quiet areas.....	.50	to	1.00
c.	Family picnic areas.....	.25	to	.75
d.	Game court area.....	.25	to	.50
e.	Turf playfield.....	1.00	to	3.00

(b) *Prerequisite findings.* Before credit is given, the city council shall find that the above standards are met and that the remaining land dedication or in lieu fees are adequate to provide park facilities for the general public use.

Sec. 24-42. Procedure.

(a) The amount of land to be dedicated and/or fees to be paid by the subdivider shall be determined pursuant to section 24-37 hereof at the time of approval of the tentative map.

(b) At the time of the filing of the final map, the subdivider shall dedicate the land as previously determined by the city council.

(c) If payment of a fee is required in lieu of, or in addition to, the dedication of land, said fee shall be due and payable prior to building permit issuance ~~for any dwelling unit to be constructed on any lot of the tentative map~~. In lieu fee payment may be made on a lot-by-lot basis concurrent with building permit issuance unless an alternative fee payment schedule is required as a condition of the tentative map or a subdivision agreement.

(d) Open space covenants for private park or recreational facilities shall be submitted to the city prior to approval of the final map and shall be recorded concurrently with the final map.