

ORDINANCE NO. 1050

AN ORDINANCE OF THE CITY OF LOS BANOS AMENDING CHAPTER 2 TITLE 9 ARTICLE 6 OF THE LOS BANOS MUNICIPAL CODE RELATING TO A DEVELOPMENT IMPACT FEES FOR CAPITAL FACILITIES

The City Council of the City of Los Banos does ordain as follows:

Section 1. Purpose And Authority. The purpose of this ordinance is to amend Chapter 2 Title 9 Article 6 of the Los Banos Municipal Code relating to development impact fees in the City of Los Banos (hereinafter the "City") levied to fund a portion of the cost of certain capital facilities by adding new components to the Capital Facilities Fee. The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

Section 2. Findings. The City Council finds and determines as follows:

a. As set forth in the City's General Plan, the City shall ensure that adequate public facilities are provided to serve new growth and maintain or improve existing levels of service within the City. To finance needed public facilities within the City, the City needs to establish appropriate development impact fees pursuant to Government Code sections 66000 *et seq.* so that new development in the City pays neither more nor less than its fair share of the cost of providing these public facilities.

b. The basis for establishing the Capital Facilities Fee is identified in the General Plan, and the need for and cost of new public facilities and improvements required by new development in the City is analyzed in the "City of Los Banos Capital Facilities Fee Nexus Study" prepared by Goodwin Consulting Group, Inc. (the "Nexus Study"). The Nexus Study was made available for public review at least ten (10) days prior to the public hearing on the adoption of the revised Capital Facilities Fee, which was approved by Resolution No. 4786 adopted on October 4, 2006. By Resolution No. 4786 the City Council made findings and determined that the Nexus Study complies with Government Code section 66001, which are incorporated herein by reference.

c. In order to protect the health, safety, and welfare of the community and to ensure that adequate public facilities are provided for the residents of the City of Los Banos, levying the Capital Facilities Fee is necessary.

Section 3. The City Council of the City of Los Banos does hereby add the following sections to Title 9 of the Los Banos Municipal Code.

Section 9-2.610 Community Center Development Impact Fee.

The City hereby establishes a fee for community center facilities to serve new residential, and non residential land uses in the City and the City Council does hereby impose a community center development impact fee to be paid at the time of final inspection at the rate set forth by City Council Resolution.

Section 9-2.611 City Hall Development Impact Fee.

The City hereby establishes a fee for city hall facilities to serve new residential, and non residential land uses in the City and the City Council does hereby impose a city hall development impact fee to be paid at the time of final inspection at the rate set forth by City Council Resolution.

Section 9-2.612 Corporation Yard Development Impact Fee.

The City hereby establishes a fee for corporation yard facilities to serve new residential, and non residential land uses in the City and the City Council does hereby

impose a corporation yard development impact fee to be paid at the time of final inspection at the rate set forth by City Council Resolution.

Section 9-2.613 Capital Facilities Administration Development Impact Fee.

The City hereby establishes a fee for the cost of administration of the Capital Facilities Program to serve new residential, and non residential land uses in the City and the City Council does hereby impose a capital facilities administration impact fee to be paid at the time of final inspection at the rate set forth by City Council Resolution.

Section 4. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

Introduced by Council Member Jones and seconded by Council Member Pruitt on the 4th day of October, 2006.

Passed on the 18th day of October, 2006, by the following vote:

AYES: Council Members Brooks, Jones, McAdam, Pruitt, Mayor Amabile
NOES: None
ABSENT: None

APPROVED:

/s/ Michael S. Amabile
Michael S. Amabile, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk