

ORDINANCE NO. 2016-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING SECTIONS 14.02.040, 17.40.050, AND 17.60.090 OF THE DEVELOPMENT CODE

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council hereby finds and declares all of the following:

A. This ordinance is enacted pursuant to the Charter of the City of Vista.

B. The City Council of the Chartered City of Vista wishes to amend specific sections of the Development Code and City Council Policy No. 300-13 to allow for the deferral of certain development impact fees to final building inspection.

C. The proposed code amendment is not subject to environmental review under the California Environmental Quality Act (CEQA) because it is not considered a "project" under CEQA Guidelines section 15378.

2. Code Amendment.

A. Section 14.02.040 (Sewer Connection Fees) of Chapter 14.02 (General Sewer Regulations) of Title 14 (Sewers and Sewer Systems) is amended to read as follows:

"Section 14.02.040 Sewer Capacity Charges

A. Any sewer capacity charges and fees required by this title shall be paid prior to issuance of a building permit, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant. If the applicant chooses to defer the payment of charges prior to the request for final inspection, then the amount of the charges shall be based on the charges in effect at the time of the request for final inspection. In the event that the City fails to collect any or all charges prior to final inspection, such charges shall remain the obligation of the developer and/or property owner.

B. Sewer capacity charges ordinarily imposed by this section for the construction of any residential, commercial or industrial building or facility shall not be imposed when the construction is a replacement for a building or facility being removed from the same lot or parcel or land which had an existing sewer connection of an equal or greater number of EDUs."

B. Section 17.40.050 (Payment of Fees) of Chapter 17.40 (Drainage Fees) of Title 17 (Subdivisions) is amended to read as follows:

"Section 17.40.050 Payment of Fees

Any drainage fees required by this title shall be paid prior to issuance of a building permit, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant. Such fees shall be

assessed at the per acre rate on each parcel on which building reconstruction or remodeling occurs except where the reconstruction or remodeling is 150 percent or less of the present square footage of the building to be reconstructed or remodeled. If the applicant chooses to defer the payment of fees to prior to the request for final inspection, then the amount of the fees shall be based on the fees in effect at the time of the request for final inspection. In the event that the city fails to collect any or all fees prior to final inspection, such fees shall remain the obligation of the developer and/or property owner.”

B. Section 17.60.090 (Collection of Fees) of Chapter 17.60 (Development Impact Fees) of Title 17 (Subdivisions) is amended to read as follows:

“Section 17.60.090 Collection of Fees

Any development impact fees required by this title shall be paid prior to issuance of a building permit, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant. If the applicant chooses to defer the payment of fees to prior to the request for final inspection, then the amount of the fees shall be based on the fees in effect at the time of the request for final inspection. In the event that the city fails to collect any or all fees prior to final inspection, such fees shall remain the obligation of the developer and/or property owner.”

3. Severability. If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by any court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs, or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall, be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

4. Effective Date. This Ordinance shall be effective on the thirty-first day following the date of its adoption.

[Continued on page 3.]

5. **Adoption.** INTRODUCED AND ADOPTED at a meeting of the City Council held on August 23, 2016, by the following vote:

AYES: Mayor Ritter, Aguilera, Campbell, Rigby, Franklin

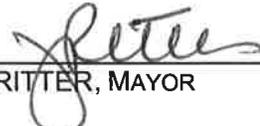
NOES: None

ABSTAIN: None

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

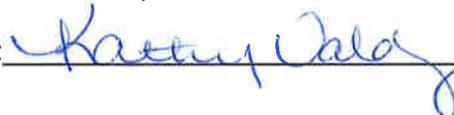
By:  _____

APPROVED
Darold Pieper
20160815141825



JUDY RITTER, MAYOR

ATTEST:
KATHY VALDEZ, CITY CLERK

By:  _____

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2016-11 to be posted on August 24, 2016, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria McClellan Adult Activity & Resource Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.



Kathy Valdez, City Clerk