

ORDINANCE NO. 18-OR0479-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 32B OF THE OCEANSIDE CITY CODE BY THE ADDITION OF SUBSECTION 32B.7(e) TO ESTABLISH A DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM

WHEREAS, the City of Oceanside (CITY) imposes development impact fees as a condition of development approval for the purpose of financing capital improvements to address the impacts of new development;

WHEREAS, pursuant to Oceanside City Code §32B.7(c), impact fees are calculated and collected at the time of issuance of a building permit for all development projects;

WHEREAS, pursuant to Oceanside City Code §32B.7(d), no building permit may be issued until all impact fees due for the development project have been paid;

WHEREAS, pursuant to Oceanside City Code § 29.11.1 and Ordinance No. 15-OR0479-1, the City Council established Wastewater System Buy-in Fees;

WHEREAS, pursuant to Oceanside City Code §37.56.1 and Ordinance No. 15-OR0480-1, the City Council established Water System Buy-In Fees;

WHEREAS, pursuant to the Water, Sewer, and Recycled Water Design & Construction Manual Section 1.1.J., the Water Utilities Director is authorized to approve a public recycled water system in-lieu fee as a condition of approval of a development project;

WHEREAS, pursuant to Ordinance No. 91-09 and Resolution No. 15-R0638-1, the City Council established Public Facilities Fees;

WHEREAS, pursuant to Ordinance No. 87-19 and Ordinance No. 83-01 and Resolution No. 16-R0324-1, the City Council established Thoroughfare and Traffic Signal Fees;

WHEREAS, pursuant to Ordinance No. 91-10 and Resolution No. 15-R0638-1, the City Council established Parkland Dedication Fees;

WHEREAS, pursuant to Ordinance No. 85-23 and Resolution No. 16-R0324-1, the City Council established Drainage Fees;

1 WHEREAS, pursuant to Chapter 14C of the City Code, the City Council established
2 inclusionary housing in-lieu fees for residential projects only;

3 WHEREAS, the City recognizes that the payment of fees represents a substantial
4 financial commitment for many projects;

5 WHEREAS, the City Council desires to establish a fee-deferral program to allow for the
6 consideration of deferring fees when fiscally appropriate.

7 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

8 SECTION 1. Chapter 32B of the Oceanside City Code is amended to add Subsection
9 32B.7(e) as follows:

10 (e) Notwithstanding the provisions of subsections (c) and (d) above; requests for the
11 deferral of development impact fees may be submitted to the City Engineer under the following
12 procedures:

13 (i) A written request shall be made no later than 45 days prior to issuance of a
14 building permit.

15 (ii) A request shall be made only for a residential or non-residential development
16 project that has received final discretionary action by the City and that is in compliance with all
17 environmental requirements due prior to issuance of a building permit.

18 (iii) A request shall be accompanied by a non-refundable payment of a \$500
19 processing fee, and the applicant shall be responsible for paying all costs associated with
20 recording an agreement should the request be approved.

21 (iv) If a request for deferral of development impact fees is approved, the
22 applicant, and the owner of the project property, if different, shall enter into a "Fee Deferral
23 Agreement" with the City, in a form acceptable to the City Attorney, agreeing to a payment plan
24 for the approved deferred fees. The applicant's obligations under the Fee Deferral Agreement
25 shall be secured by either a lien on the project property or an irrevocable letter of credit.

26 (1) Subject to subsection 32B.7(e)(iv)(2), below, the Fee Deferral Agreement
27 shall constitute a lien on the project property. The City Manager is authorized to execute the
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1 agreement on behalf of the City and to cause the agreement to be recorded with the San Diego
2 County Recorder's Office. The lien may be released when the obligation is paid in full.

3 (2) As an alternative to recording the Fee Deferral Agreement that constitutes a
4 lien on the project property, the applicant may, prior to and as a condition of issuance of the
5 building permit, provide an irrevocable letter of credit pursuant to procedures established by the
6 City Engineer. The amount of the letter of credit shall be calculated per the fees in effect at the
7 time of execution of the agreement with the City; however, the City may require that the amount
8 of the letter of credit be increased if there is an increase in fees during the time the agreement is
9 in effect.

10 (v) The amount of any deferred fees shall be calculated according to the
11 applicable fee schedule set by Resolution of the City Council in effect at time of payment. All
12 fees subject to the payment plan agreement shall be paid in full by the earlier of: (1) the date of
13 the final inspection, or (2) the date the certificate of occupancy or temporary occupancy is
14 issued. A utility release and installation of a water meter(s) to serve the development shall only
15 be made after payment in full of Water System Buy-in Fees and Wastewater System Buy-in
16 Fees.

17 (vi) The City's approval of a fee deferral is not transferrable to any other project.

18 SECTION 2. California Environmental Quality Act (CEQA).

19 The City Planner has determined that the proposed Ordinance is not a "Project" as
20 defined under Section 15378 of the CEQA guidelines; therefore, pursuant to Section
21 15060(c)(3) of the CEQA guidelines the activity is not subject to CEQA review.

22 SECTION 3. Definitions.

23 "Applicant" means the owner of the real property or the developer with an approved
24 development project who seeks a development impact fee payment plan pursuant to this
25 Ordinance.

26 SECTION 4. Development Impact Fees Subject to Payment Plan.

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1 Notwithstanding the provisions of Chapter 32B.7 of the Oceanside City Code and the
2 Ordinances listed below, the provisions of this Ordinance shall apply only to the following
3 development impact fees:

- 4 (a) The Wastewater System Buy-in Fee codified in the Oceanside City Code §29.11.1.
- 5 (b) The Water System Buy-in Fee codified in Oceanside City Code § 37.56.1.
- 6 (c) The Public Recycled Water System in-lieu fee as authorized in the Water, Sewer, and
7 Recycled Water Design & Construction Manual Section 1.1.J.
- 8 (d) The Public Facilities Fee established pursuant to Ordinance No. 91-09.
- 9 (e) The Thoroughfare and Traffic Signal Fee established pursuant to Ordinance No. 87-
10 19 and Ordinance No. 83-01.
- 11 (f) The Parkland Dedication Fee established pursuant to Ordinance No. 91-10.
- 12 (g) The Drainage Fee established pursuant to Ordinance No. 85-23.
- 13 (h) The Inclusionary Housing in-lieu fee for residential projects codified in Chapter 14C
14 of the Oceanside City Code.

15 SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance is
16 for any reason held to be invalid or unconstitutional by a decision of any court of competent
17 jurisdiction, such decision shall not affect the validity of the remaining portions of this
18 Ordinance. The City Council hereby declares that it would have passed this Ordinance and
19 adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the
20 fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid
21 or unconstitutional.

22 SECTION 6. The City Clerk of the City of Oceanside is hereby directed to publish this
23 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
24 days after its passage in a newspaper of general circulation published in the City of Oceanside.

25 SECTION 7. This Ordinance shall take effect and be in force on the thirtieth (30th) day
26 from and after its final passage.

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1 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
2 California, held on the 5th day of September, 2018, and, thereafter,

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
4 Oceanside California, held on the 19th day of September, 2018, by the following vote:

5 AYES: WEISS, FELLER, KERN, LOWERY, SANCHEZ

6 NAYS: NONE

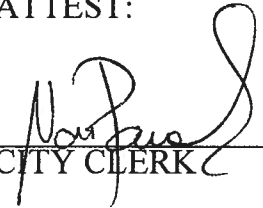

7 ABSENT: NONE

8 ABSTAIN: NONE

9 
MAYOR OF THE CITY OF OCEANSIDE

10
11 ATTEST:

APPROVED AS TO FORM:

12 
13 CITY CLERK 

14 
CITY ATTORNEY

