

RESOLUTION NO. 16-514

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA,
SETTING THE AMOUNT OF QUIMBY FEES PURSUANT TO CHAPTER 9.55 TO THE
MENIFEE MUNICIPAL CODE**

Whereas, in accordance with the provisions of Government Code Section 66477 (the "Quimby Act"), the City Council of the City of Menifee ("City Council") adopted Ordinance No. 2014-160 on December 17, 2014, establishing a formula for determining dedication of land, or payment of fees in lieu thereof ("Quimby Fees"), for park and recreation purposes for the City of Menifee; and

Whereas, Municipal Code Section 9.55.060(B) establishes the following formula for calculating Quimby Fees permitted under the Quimby Act:

Number of Dwelling Units	X	Average Number of Persons Per Dwelling Unit	X	.005 (5 Acres Per 1,000 Residents)	X	Land Acquisition Cost Per Acre	=	Total Quimby Fee
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Whereas, pursuant to Municipal Code Section 9.55.030(A) and (C), the dwelling units constructed within the City of Menifee are classified into three categories for purposes of Quimby Act land dedication and Quimby Fees, and the "average number of persons per dwelling unit" for each category of dwelling unit is based upon the average household size, as disclosed by the most recent available Federal census, which is set forth in the table below:

Dwelling Unit (DU) Type	Average Population per Dwelling Unit
Single Family DU	
Regular	3.164
Senior	2.105
Multifamily DU	
Regular	2.763
Senior	1.383
Mobile Home DU	2.773

Whereas, pursuant to Municipal Code Section 9.55.030(D), the "land acquisition cost per acre" is either based on the estimated per acre value of vacant residential land costs in the City as determined by the City Council based upon receipt sale records or appraisal, or based on an appraisal prepared by a qualified appraiser approved by the City and whose appraisal the City has found to be reasonable; and

Whereas, for purposes of calculating the "land acquisition cost per acre" under Municipal Code Sections 9.55.030(D) and 9.55.060(B), the City used recent city-wide receipt sale records averages of unimproved residential property in the City. The City

Council hereby finds and determines that the cost to provide vacant residential land acceptable to the City for dedication for park and recreational purposes for the City of Menifee as a whole shall be \$76,133 per acre.

Whereas, the Quimby Fees to be charged are reasonable and do not exceed the actual cost of parkland acquisition in the City of Menifee; and

Whereas, the City Council has determined that these fees should be established to provide for certain fees in-lieu of dedicating parkland required of certain types of new subdivisions located in or to be located within the City of Menifee; and

Whereas, notice of a public hearing before the City Council of the City of Menifee concerning the actual cost of parkland acquisition and the establishment of the Quimby Fees was given in accordance with all applicable State and local laws; and

Whereas, on June 15, 2016, the City Council of the City of Menifee conducted a duly noticed public hearing concerning establishment of the Quimby Fees; and

Whereas, the cost estimates and fee calculations applicable to the establishment of the Quimby Fees were presented to the City Council at an open and public meeting on June 15, 2016, at which members of the public were able to present written and oral comments regarding the fees, and the a report regarding the fees was available for public inspection and review ten (10) days prior to that public meeting; and

Whereas, the City Council has considered the information and public testimony presented in the public hearing and in the proposed documents and staff report, all of which are included in the public record and incorporated herein by reference.

NOW, THEREFORE, the City Council of the City of Menifee, California, does hereby RESOLVE, DETERMINE and ORDER as follows:

SECTION 1: The foregoing recitals are true and correct.

SECTION 2: After considering the proposed amended fee schedule, staff recommendations, public testimony and correspondence, and reports thereon, the City Council hereby makes the following findings with respect to the amended Quimby Fees set forth in Exhibit A, attached hereto and incorporated herein by this reference:

1. The parkland dedication and Quimby Fee requirements continue to only apply to residential developments that require the approval of a tentative map or parcel map;
2. Chapter 9.55 of the Municipal Code continues to contain definite standards for determining the proportion of a subdivision to be dedicated for parks and recreational facilities and the amount of any Quimby Fees;

3. The Open Space and Conservation Element of the City's General Plan provides policies and standards for parks and recreational facilities the dedication and fee requirements will ultimately provide;
4. Unless the City complies with the findings and public hearing requirements set forth at Government Code Section 66477(a)(3)(B), the land, fees, or combination thereof (excluding excess park and recreational facilities dedicated at the discretion of the subdivider) will only be used for the purpose of developing new or rehabilitating existing park and recreational facilities to serve the residential development for which the dedication and fee requirements are imposed;
5. There is a reasonable relationship between the amount and location of land to be dedicated and/or fees to be paid and the use of the park and recreational facilities provided by that land and/or those fees by the future inhabitants of the residential development for which the dedication and fee requirements were imposed;
6. As set forth in more detail in the Open Space and Conservation Element of the City's General Plan, the amount of existing park area in the City exceeds three acres of park area per 1,000 City residents; thus, the Quimby Act authorizes the City to require developers to provide up to five acres of park area (and/or Quimby Fees) per 1,000 subdivision residents, and the parkland dedication and Quimby Fee requirements in the proposed amendments to the Municipal Code do not exceed this limit; and
7. It continues to be in the public interest, convenience, health, welfare and safety to require five acres of park area (and/or Quimby Fees) per 1,000 subdivision residents be devoted to neighborhood and community parks as a condition of approval of a residential development requiring a tentative tract or parcel map.

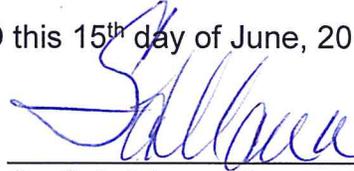
SECTION 3: The fees outlined in Section 9.55.060(B) of the Municipal Code establishing Quimby Fees are to be paid as a condition of development for each dwelling unit within the residential categories as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4: The Quimby Fees Schedule as set forth in Exhibit A to this resolution shall go into effect on the date that this resolution takes effect pursuant to the law. Until that time, the Quimby Fees Schedule approved by the City Council through the adoption of Resolution No. 15-406 on or about January 7, 2015 shall remain in effect. After the amended Park and Recreation Mitigation Fees Schedule set forth in Exhibit A to this resolution takes effect, it shall replace and supersede the Quimby Fees Schedule approved by the City Council through the adoption of Resolution No. 16-514.

SECTION 5: The City Clerk of the City of Menifee shall certify to the adoption of this Resolution.

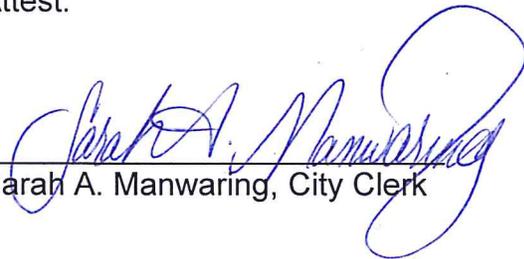
SECTION 6: If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Resolution are declared to be severable.

PASSED, APPROVED AND ADOPTED this 15th day of June, 2016.



Scott A. Mann, Mayor

Attest:



Sarah A. Manwaring, City Clerk

Approved as to form:



Jeffery Melching, City Attorney



Scott A. Mann
Mayor

Greg August
Mayor Pro Tem

John V. Denver
Councilmember

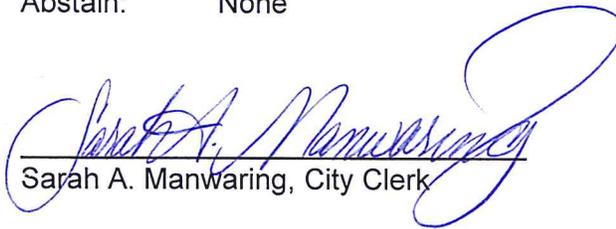
Matthew Liesemeyer
Councilmember

Lesia Sobek
Councilmember

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF MENIFEE)

I, Sarah A. Manwaring, City Clerk of the City of Meniffee, do hereby certify that the foregoing Resolution No. 16-514 was duly adopted by the City Council of the City of Meniffee at a meeting thereof held on the 15th day of June, 2016 by the following vote:

Ayes: August, Denver, Liesemeyer, Mann, Sobek
Noes: None
Absent: None
Abstain: None



Sarah A. Manwaring, City Clerk

EXHIBIT "A"
City of Menifee
Quimby Fees Per Dwelling Unit

CITY OF MENIFEE:	
Dwelling Unit (DU) Type	Quimby Fees per Dwelling Unit
Single Family DU	
Regular	\$1,204
Senior	\$801
Multifamily DU	
Regular	\$1,052
Senior	\$526
Mobile Home DU	\$1,056