

RESOLUTION NO. 16-516

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA,
SETTING THE AMOUNT OF PARK AND RECREATION MITIGATION ACT FEES
PURSUANT TO CHAPTER 9.56 TO THE MENIFEE MUNICIPAL CODE**

Whereas, in accordance with the provisions of Government Code Section 66000 et seq. (the "Mitigation Fee Act"), the City Council of the City of Menifee ("City Council") adopted Ordinance No. 2014-161 on December 17, 2014, establishing a formula for determining dedication of land, or payment of fees in lieu thereof ("Park and Recreation Mitigation Fees"), for park and recreation purposes for the City of Menifee; and

Whereas, Municipal Code Section 9.56.050(B) establishes the following formula for calculating Park and Recreation Mitigation Fees permitted under the Mitigation Fee 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 Park and Recreation Mitigation Fee
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Whereas, pursuant to Municipal Code Section 9.56.030(A) and (E), the dwelling units constructed within the City of Menifee are classified into three categories for purposes of Park and Recreation Mitigation 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 9.56.030(F), 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 9.56.030(F) and 9.56.050(B), the City has 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 Park and Recreation Mitigation 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 the City's future acquisition and construction of parkland and improvements at least partially allocable to new development within the City; and

Whereas, the use of the Park and Recreation Mitigation Fees is acquisition and construction of parkland and improvements required to serve the growing population in the City and to maintain the General Plan standard of five (5) acres of parkland per 1,000 residents; and

Whereas, the relationship between the use of the Park and Recreation Mitigation Fees and the type of development is that the fees will be used to acquire and construct new park land, facilities, and equipment to meet the demands of the residents of new residential development; and

Whereas, the relationship between the need for the parks and recreation facilities and the Park and Recreation Mitigation Fees is that each new residential development project will generate demands on park and recreation facilities and the associated new park facilities and equipment are needed to provide those services; and

Whereas, the relationship between the amount of the fee and the cost of the portion of parks and recreation facilities attributed to new residential development is that the amount of fee collected is directly attributable to the projected number of residents in any new development project; and

Whereas, the Park and Recreation Mitigation Fees are derived from, are based upon, and do not exceed the costs of the public facilities necessitated by new developments for which the fees are imposed; and

Whereas, the Park and Recreation Mitigation Fees shall be imposed as a condition of approval at building permit issuance and shall be collected by the City on the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first, unless payment at a different time is mandated or authorized by Government Code section 66007; 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 Park and

Recreation Mitigation Fees was given in accordance with all applicable State and local laws; and

Whereas, pursuant to Government Code sections 66016, 66017 and 66018, the City has: (a) mailed notice at least fourteen (14) days prior to this meeting to all interested parties that have requested notice of new or increased fees or service charges; (b) published notice pursuant to the requirements of Government Code section 6062a; and (c) held a duly noticed, regularly scheduled public hearing at which oral and written testimony was received regarding the proposed fees; and

Whereas, on June 15, 2016, the City Council of the City of Menifee conducted a duly noticed public hearing concerning amendment of the Park and Recreation Mitigation Fees; and

Whereas, the cost estimates and fee calculations applicable to the amendment of the Park and Recreation Mitigation 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 report regarding the fees was available for public inspection and review ten (10) days prior to that public meeting. The Park and Recreation Mitigation Fees established herein are based on that report, which is incorporated herein by this reference; 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 Parks and Recreation Mitigation Fees set forth in Exhibit A, attached hereto and incorporated herein by this reference:

1. **Purpose of the Fee.** The purpose of the fee is to provide funding to achieve the City's goal of maintaining park service levels and to provide adequate recreational services for Menifee residents and employees, as established in the City's General Plan. The Parks and Recreation Mitigation Fees are solely for the purpose of developing new or rehabilitating existing park or recreational facilities associated with residential development not subject to the Quimby Act (Gov. Code § 66477) and the City's Quimby Ordinance (Chapter 9.55 of the Menifee Municipal Code). In other words, the Parks and Recreation Mitigation Fees do not apply to projects to which Quimby

Fees can already be assessed through a condition of approval on a subdivision map.

Assessing a Parks and Recreation Mitigation Fee on those developments not subject to the Quimby Act is consistent with the City's General Plan. The Open Space and Park Element of the General Plan establishes standards and requirements for the development of a minimum of five (5) acres per 1,000 population of new parks to provide for the needs of future population growth. All new residential developments — not just those subject to the Quimby Act — contribute to the City's increased growth. Accordingly, in order to comply with the five (5) acre per 1,000 residents requirement, the City will continue to need to provide more facilities for parks and recreation than are currently in place. Without assessing the Parks and Recreation Mitigation Fee on those developments not subject to the Quimby Act, there will be insufficient revenue from the new residential developments to remain consistent with the General Plan.

2. Use of the Fee. The proceeds from the fees will be used for the purpose of acquiring and developing new or rehabilitating existing park or recreational facilities. The Parks and Recreation Mitigation Fee collects a proportionate fee from residential development projects that are not subject to the Quimby Act. The Parks and Recreation Mitigation Fee for residential development projects that are not subject to the Quimby Act is based on the same dedication/in lieu fee standard for residential units that are covered by the Quimby Act.

New residential developments result in increased demands on the City's park and recreation facilities. The ongoing need to plan and provide for population increases, and the impact on the City's park and recreation facilities, is demonstrated through the Open Space and Conservation Element of the City's General Plan.

The Parks and Recreation Mitigation Fee is not used to overcome the current deficiency, but it may be used for additional facilities and parks necessary to meet projected future need from new development. Revenues from the proposed Parks and Recreation Mitigation Fee are anticipated to be used, among other things, to offset costs associated with park and recreation facilities uses.

3. Relationship Between the Fee's Use and the Type of Development Project on Which the Fee is Imposed. The fee will continue to be applied to residential development projects. New residential development place additional burdens on the Citywide community and recreation facilities. Based upon the current use and service levels for the City's park and recreation facilities, these new developments impose a need for expanded or additional facilities. However, because certain developments do not fall

within the Quimby Act's scope, those projects are not required to pay Quimby Act fees for parks and recreation facilities. Residents who will occupy future residential units that are not subject to the Quimby Act will nonetheless create demand for park facilities.

Accordingly, the Parks and Recreation Mitigation Fees are used to acquire and construct new parkland, facilities, and equipment to meet the demands of new residential development. The parkland acquired and the park and recreation facilities constructed with the proceeds of the fee will address and mitigate the additional impacts and demands created by these residential development projects.

4. Relationship Between the Need for the Facility and the Type of Project. Each new residential development project generates demands on park and recreation facilities through the resulting increase in residential population in the City, and the associated new park facilities and equipment are needed to provide those services. Current park facilities are only adequate for the existing residents. The City needs to acquire new park facilities and equipment to meet the demands of new residential development, and the parks developed with the proceeds of the Parks and Recreation Mitigation Fees address and mitigate the additional impacts and demands created by residential development projects.
5. Relationship Between the Amount of the Fee and the Cost of the Facility or Portion of the Facility Attributed to the Project. The fee was calculated by apportioning the cost of parkland acquisition and development of facilities to the number of residents generated by each type of new residential unit at the rate of 5 acres per 1,000 population, which is consistent with the Quimby Act's apportionment of cost for cities, like the City of Menifee, where the amount of existing park area exceeds 3 acres per 1,000 residents. The Parks and Recreation Mitigation Fee, like the Quimby Act fee, is based upon a recent appraisal of the value of vacant residential land in the City and the current federal census numbers. The amount of fee collected in aggregate is directly attributable to the projected number of residents in any new development project and does not exceed the amount estimated for providing those facilities.

SECTION 3: The fees outlined in Section 9.56.050(B) of the Municipal Code establishing Park and Recreation Mitigation Fees are to be paid as a condition of development for each dwelling unit within the residential categories as set forth in Exhibit AB, attached hereto and incorporated herein by this reference.

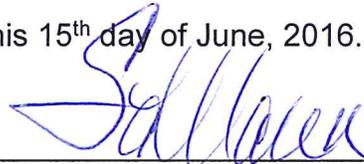
SECTION 4: This resolution was reviewed at a duly noticed public hearing, for which the resolution and the associated Staff Report were available to the general public for a period of not less than fourteen (14) days prior to the public hearing.

SECTION 5: In accordance with Government Code Section 66017(a), the amended Park and Recreation Mitigation Fees Schedule set forth in Exhibit A shall go into effect sixty (60) days after the adoption of this Resolution. Until that time, the Park and Recreation Mitigation Fees Schedule approved by the City Council through the adoption of Resolution No. 15-413 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 Park and Recreation Mitigation Fees Schedule approved by the City Council through the adoption of Resolution No. 16-516.

SECTION 6: The City Clerk of the City of Menifee shall certify to the adoption of this Resolution.

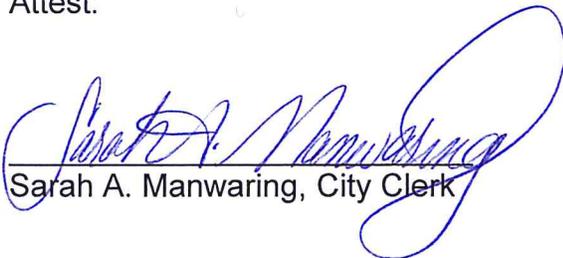
SECTION 7: If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Resolution are declared to be severable.

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



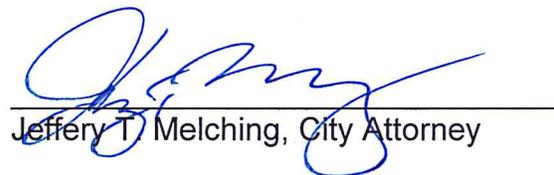
Scott A. Mann, Mayor

Attest:



Sarah A. Manwaring, City Clerk

Approved as to form:



Jeffery T. Melching, City Attorney



Scott A. Mann
Mayor

Greg August
Mayor Pro Tem
District 1

Matthew Liesemeyer
Councilmember
District 2

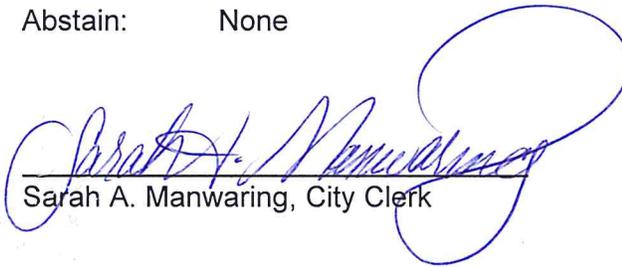
Les Sobek
Councilmember
District 3

John V. Denver
Councilmember
District 4

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

I, Sarah A. Manwaring, City Clerk of the City of Menifee, do hereby certify that the foregoing Resolution No. 16-516 was duly adopted by the City Council of the City of Menifee 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
Park and Recreation Mitigation Fees Per Dwelling Unit

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