



Item Number: 2

City Council / Board of Directors

Public Hearing(s)

Meeting of: May 2, 2023

Submitted By:

Jenele Davidson, Deputy City Manager

Subject:

Repeal of Uncodified Ordinance No. 1460 and Resolution No. 90-158 – Storm Drainage Benefit Fee System

Recommendation:

That the Honorable City Council:

1. Open and conduct a public hearing to receive comments regarding Ordinance No. 2436, repealing Ordinance No. 1460 (an ordinance establishing a benefit fee system to finance the cost of construction of storm drainage improvements for Northern and Central Victorville) and directing the non-codification of the ordinance;
2. Find the repeal of Ordinance No. 1460 exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines;
3. Introduce Ordinance No. 2436 for adoption and first reading by title only;
4. Waive further public reading in full of proposed Ordinance No. 2436; and
5. Adopt Resolution No. 23-029, repealing Resolution No. 90-158 (requiring payment of the storm drain fee in the area of benefit established by Victorville City Council Ordinance No. 1406) and directing the recording of the resolution.

Fiscal Impact:

There is no fiscal impact associated with the recommended actions. The City's current Development Impact Fee for Regional Storm Drainage was approved on June 7, 2022, and became effective on January 1, 2023.

Strategic Plan Goal:

The City of Victorville Strategic Plan 2020-2023 identifies multi-year strategic goals and various strategies to work toward achieving those goals. Goal A is financial sustainability through long-term planning, cost control, increased revenue and cost recovery. The City accomplished a portion of this goal by evaluating and establishing a Regional Storm Drain

Development Impact Fee to fund capital facilities needed to mitigate the impacts of new development and maintain the existing level of service for the City's regional drainage system.

Background:

Development Impact Fees (DIF) are one-time fees assessed on new development to fund the cost of providing municipal facilities to serve the impact created by new development. The authorization for a local jurisdiction to collect DIF exists through the enactment of California Government Code sections 66001 through 66025 (also known as the "Mitigation Fee Act" and sometimes referred to as "AB 1600" or "AB 602"). Additionally, under V.M.C. Section 16-5.01.080, development impact fees apply to all development in the City of Victorville.

As part of the Citywide DIF study completed in June 2022, staff reviewed all ordinances and resolutions related to DIF fee establishment. During the process, it was discovered that the City previously established a Storm Drainage benefit fee system by ordinance, which was not codified, and a corresponding resolution establishing storm drainage fee parameters was recorded with the San Bernardino County Recorder's Office.

Discussion:

Uncodified Ordinance 1460 and Resolution No. 90-158, *Establishing a Benefit Fee System to Finance the Cost of Construction of Storm Drainage Improvements for Northern and Central Victorville* do not meet the fee establishment requirements currently outlined in the Mitigation Fee Act. As part of the DIF fee update last year, the City hired an independent consultant to conduct a study of regional storm drainage needs projected through 2050. The "Nexus Study" was required as part of the fee establishment guidelines outlined in the Mitigation Fee Act and was accepted and adopted as part of Resolution No. 22-045 (Attachment A) at the City Council meeting held on June 7, 2022.

The Council's subsequent adoption of Resolution No. 22-050 (Attachment B) established the City's Master Fee Schedule for all DIF and Capacity Charges, including the Regional Storm Drainage DIF, and updated the associated City Council Policy No. CP-22-01 for implementation. As part of that action the Council also found that Resolution No. 22-050 and City Council Policy No. CP-22-01 would supersede any inconsistencies with previously adopted Council policies or resolutions.

Effective January 1, 2023, the new Regional Storm Drainage DIF completely replaced and supplanted the previously established Storm Drainage benefit fee system. However, because the Storm Drainage benefit fee system was previously adopted by ordinance, these additional actions have been determined as necessary to formally repeal Ordinance No. 1460, record the nullification of Resolution No. 90-158, and eliminate any future uncertainty.

By adopting Ordinance No. 2436 (Attachment C), uncodified Ordinance No. 1460, which originally established a benefit fee system to finance Storm Drainage improvements for a portion of the city, will be formally repealed. Adopting Resolution No. 23-029 (Attachment

D) will take an additional step to repeal the requirement to pay the Storm Drainage fees that were originally established by uncodified Ordinance No. 1460. These steps will ensure that the Council's more recent adoption of Resolution No. 22-050 to establish the City's Master Fee Schedule for DIF and Capacity Charges, as well as the associated City Council Policy No. CP-22-01 for implementation of said fees, serve as the governing documents for Regional Storm Drainage DIF and related improvements going forward.

Staff is available for any questions you may have.

Attachments:

- A. Resolution No. 22-045
- B. Resolution No. 22-050
- C. Ordinance No. 2436
- D. Resolution No. 23-029