

ORDINANCE NO. 1156

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CAMARILLO, CALIFORNIA, AMENDING AND RESTATING
CHAPTER 18.30 OF THE CAMARILLO MUNICIPAL CODE
PERTAINING TO PARK LAND DEDICATION**

The City Council of the City of Camarillo ordains as follows:

SECTION 1. Findings. The City Council of the City of Camarillo finds as follows:

A. In 1984, the City adopted Chapter 18.30 of the Camarillo Municipal Code, which adopted the City's municipal code provisions for land dedication or in lieu fees for park purposes, pursuant to the authority granted to the City under Government Code section 66477 (Quimby Act).

B. The City has not amended CMC Chapter 18.30 since 1989. The State has recently updated the Quimby Act through Assembly Bill 1191, which was effective on January 1, 2016. Assembly Bill 1191 revised the standards authorizing land dedication, or in lieu fees, for park purposes.

C. This ordinance will conform CMC Chapter 18.30 to current state law and provide minor clarifications and enhancements to streamline the City's process for park land dedication and in-lieu fees.

SECTION 2. Environmental Findings. The City Council exercises its independent judgment and finds that the enactment of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under the CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically, Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, directly or indirectly. This ordinance only implements a regulatory process and any future development would be evaluated through individual environmental review in accordance with CEQA.

SECTION 3. Amendment and Restatement of Municipal Code Chapter 18.30. Chapter 18.30 (Park Land Dedication) of the CMC is amended and restated as follows:

"Chapter 18.30 - PARK LAND DEDICATION

18.30.010 - General.

The provisions of this chapter are enacted pursuant to the authority granted by Section 66477 of the Government Code of the state of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by these sections are in accordance with the definite principles and standards contained in the adopted recreation element of the general plan of the city.

18.30.020 - Requirements.

- A. As a condition of approval of a tentative subdivision map or land division, the subdivider will dedicate land, pay a fee in lieu to the Pleasant Valley Recreation and Park District ("park district"), or both, at the option of the city and after consultation with the park district, for park or recreational purposes at the time and according to the standards and formula contained in these sections. If a subdivision has less than fifty parcels, the city may only require the payment of an in lieu fee. However, if the subdivision includes more than fifty dwelling units, dedication of land may be required.
- B. Subdivisions not used for residential purposes are exempted from the requirements of this section; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

18.30.030 - General standard.

It is found and determined that the public interest, convenience, health, welfare and safety require that five net acres of property for each one thousand persons (or 217.8 square feet per person) residing within this city be devoted to local park and recreational purposes and that the amount of the existing neighborhood and community park area as calculated pursuant to this chapter exceeds that limit.

18.30.040 - Standards and formula for dedication of land.

- A. Where a park or recreational facility has been designated in the city's park and recreation element of the general plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider may dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision.
- B. The amount of land to be dedicated for parks will be 217.8 square feet for each person anticipated to be living in the development. The number of persons anticipated to be living in the development is calculated by multiplying the number of units within the development of a particular class by the average household size of such class of unit and adding the calculated figures for each class of unit within the development. There is a rebuttable presumption that the average size of each class of household is the same as that disclosed by the most recent available federal census, or census taken pursuant to Government Code Section 40200 and following.
- C. In the event the area to be dedicated is bounded or abutted by existing or proposed street frontage, the subdivider will, at the time of approval of the tentative map or land division, obligate himself by condition to the map to provide curbs, gutters, sidewalk, drainage facilities, street lighting, stoplights, street signs, pavement, six-foot high wall or decorative fence between the park and homes abutting on the park (if needed), and street trees to full city standards. In such event, the subdivider will also obligate the subdivider to stub-in requested utility line services to the parkway and to perform the initial on-site grading required for developing the park facility. The subdivider will bond to guarantee construction of such improvements as part of the land dedication.

- D. If the subdivider installs any park improvements, such as playground equipment and restrooms, the cost of park and recreational improvements will constitute a credit towards the subdivider's land dedication/in lieu fee requirement.

18.30.050 - Amount of fee in lieu of land dedication.

- A. When a fee is to be paid in lieu of land dedication, the amount of such fee will be based upon the fair market value of the amount of usable park land which would otherwise be required to be dedicated pursuant to Section 18.30.040 and will be determined according to the following formula: Number of acres of land which would otherwise be required to be dedicated multiplied by the average fair market value of an acre of usable park land within the subdivision which will be determined as of the time of filing the application of the parcel or final map to the city and which must be consistent with the zoning applicable to the land at that time. Fair market value is determined as follows:
 - 1. The fair market value will be determined by the application of accepted appraisal methods upon the advice of the Ventura County assessor; or
 - 2. The city, the parks district, and the subdivider may agree to the fair market value:
or
 - 3. If the subdivider, city, or the parks district objects to the fair market value determined in subsection (1), any party may, at the subdivider's expense, obtain an appraisal of the property by an impartial qualified real estate appraiser approved by the city, which appraisal may be considered as to the fair market value.
- B. The in-lieu fee will also include an amount sufficient to provide curbs, gutters, drainage facilities, street lights, stop-lights, street signs, sidewalks, pavement and street trees to full city standards, and for stubbing-in of utility services to the park property and initial on-site grading required for developing the park facility or rehabilitation of existing parks. The procedure for calculating the amount pursuant to this section will be as set forth by resolution of the city council.
- C. If a park is indicated on the general plan within the subdivision, the site may be reserved for purchase by the park district.
- D. If a park site is shown within or partially within the subdivision and the park site exceeds the amount of land area required to be dedicated based on this title, the additional land would be reserved on the map for purchase by the park district.

18.30.060 - Criteria for requiring both dedication and fee.

In subdivision of over fifty lots, the subdivider may be required to both dedicate land and pay a fee in lieu according to the following formula:

- A. When only a portion of the land to be subdivided is shown in the city's general plan as the site for a local park, such portion may be dedicated for local park purposes and a fee computed pursuant to the provisions of Section 18.30.050 may be paid for any additional land that would have been required to be dedicated pursuant to Section 18.30.040.
- B. When a major part of the local park or recreational site has already been acquired by the park district and only a small portion of land is needed from the subdivision to

complete the site, such remaining portion may be dedicated and a fee computed pursuant to the provisions of Section 18.30.050 may be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to Section 18.30.040, such fees to be used for the improvement of the existing park and recreation facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision.

18.30.070 - Credit for private open space.

Where usable private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the homeowner's association of the subdivision, partial credit, not to exceed thirty percent of the park land dedication requirement may be given against the requirement of land dedication or payment of fees in lieu if the city council finds that it is in the public interest to do so and that all of the following standards are met:

- A. That yards, setbacks and other open areas required to be maintained by the zoning and building provisions of this title will not be included in computing the amount of such private open space;
- B. That the private ownership and maintenance of the open space will be adequately provided for in writing;
- C. That the use of the private open space will be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the subdivision and which cannot be eliminated without the consent of the city;
- D. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, space, topography, geology, access and the location of the private open space;
- E. That the facilities proposed for private open space are in substantial compliance with the provisions of the recreation element of the city of Camarillo general plan, the requirements of the city and the park district;
- F. Before credit is given, the city council must make written findings that the above standards are met;
- G. Open space covenants for private park or recreational facilities must be submitted to the city prior to approval of the final subdivision map and must be recorded contemporaneously with the final subdivision map;
- H. Said credit may be accumulated over an entire project and allocated to various phases of a multi-phase map when the open space for an individual phase is not sufficient to meet the requirements, cash deposit will be required equal to phase requirements to guarantee future dedication or open space credit.

18.30.080 - Method of dedication of land and/or payment of fees.

The procedure for dedication of land, payment of a fee, or both, is as follows:

- A. When land dedication is required, it will be accomplished in accordance with the provisions of the Subdivision Map Act and of Section 18.30.040 of this chapter. When fees are required, they will be deposited directly with the park district, which is to receive the fee prior to recordation of the parcel or final map and will be held until such

time as the parcel or final map is approved, rejected or withdrawn by the subdivider. If the parcel or final map is rejected or withdrawn, the funds will be returned by the district. A copy of the district's receipt must be presented to the city prior to the final map being approved and recorded.

- B. In the instance of payment of the lieu fee per residence, in-lieu fee must be paid to the park district at the earlier of the city's final inspection or the city's issuance of the certificate of occupancy, in accordance with Government Code Section 53077.5. A copy of the district's receipt must be presented to the city at the time of the final inspection or the issuance of the certificate of occupancy. Nothing herein prevents the district from collecting fees at an earlier time if the conditions of Government Code Section 53077.5(b) are met.

18.30.090 - Conveyance of land.

Real property dedicated under the provisions of Section 18.30.040 and following of this title must be conveyed by grant deed in fee simple absolute to the park district by the subdivider free and clear of all encumbrances except those which will not interfere with use of the property for park and recreational purposes and which the district agrees to accept. Required deeds must be deposited with the park district prior to recordation of the parcel or final map, who will indicate their intent to accept the deeds. The deeds will be held by the park district until such time as the parcel or final map is approved, rejected or withdrawn by the subdivider. If the parcel or final map is rejected or withdrawn, the deeds will be returned to the subdivider. The subdivider must provide all fees and instruments required to convey the land plus a preliminary title report and title insurance in favor of the park district in an amount equal to the value of the property being conveyed.

18.30.100 - Time of commencement of development.

At the time the tentative map or tentative parcel map is approved, the planning commission or the city council, whichever acts last on the tentative map, upon the recommendation of the park district, will designate the time when development of the park or recreational facilities should be commenced and where the fees will be utilized for park or recreational purposes. Development of park or recreational facilities must be committed in not more than five years after payment of such fees or issuance of building permits on one-half of the lots of the subdivision created, whichever occurs later. In the event the park district does not commit the fees within the required time period, the fees will be returned in accordance with state law.

18.30.110 - Limitation on use of land and fees.

- A. The land and fees received under Sections 18.30.040 and following, of this title may be used only for the purpose of developing new or rehabilitating existing park and recreational facilities to serve the subdivision, and the amount and location of land to be dedicated, the fees to be paid in-lieu, or any combination of dedications and fees must bear a reasonable relationship to the use of park and recreational facilities by the future inhabitants of the subdivision.
- B. However, the fees may also be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located, if all of the requirements under Government Code section 66477(a)(3)(B) are met. The "specified radius" for which the fees may be used includes all areas within the city's sphere of influence. The

“legislative body” under section 66477(a)(3)(B) is the park district to which the land or fees are conveyed or paid to.

- C. Under Government Code section 66477(a)(6), the park district to which the land or fees are conveyed or paid is the local public agency that must develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision

18.30.120 – Industrial, commercial, and residential apartment condo conversion subdivisions.

The provisions of this chapter do not apply to commercial or industrial subdivisions; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.”

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance is effective 30 days after its adoption.

SECTION 6. Publication. The City Clerk is directed to cause this ordinance to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED September 26, 2018.

Charlotte Craven

Mayor

Attested to on 9/27/18.
Jeffrie Madland

City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1156 was introduced by the City Council at a meeting held August 22, 2018, and subsequently passed and adopted by the City Council at a regular meeting held September 26, 2018, by the following vote:

AYES: Councilmembers: Kildee, McDonald, Morgan, Trembley, Mayor Craven
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Jeffrie Madland

City Clerk

