

ORDINANCE NO. 6108

ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, INCREASING PARK MITIGATION FEES THROUGHOUT ALL UNINCORPORATED AREAS OF SONOMA COUNTY.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. The Board of Supervisors finds and determines as follows:

(a) In April 2009, the Board approved an increase in the flat fee for park mitigation to \$3,165, effective July 1, 2009;

(b) Park mitigation fees continue to provide funds needed to acquire and develop park facilities, in conformance with Sonoma County General and Specific Plan requirements, to meet the demands caused by the increasing urbanization of Sonoma County's unincorporated areas.

(c) Whereas Sonoma County Code provisions authorize the Board to increase Park Mitigation Fees on a yearly basis, and for such increase to be based on the Cumulative Assessed Value of Residential Property ("CAVRP"), the Engineering News Record (ENR) Cost of Construction Index, or any other basis then determined by the Board, and the flat fee is to be based on the estimated costs of developing regional and community park facilities to service the County; and

(d) Whereas the cost of acquiring land and developing recreational facilities to serve newly developed areas has increased significantly; and

(e) Whereas the ENR has been used in years past as a basis for estimating the additional cost of acquiring and developing County regional and community park facilities; and

(f) Whereas the Engineering News Record Cost of Construction Index increased 16.2% between December 2008 and December 2014; and

(g) Whereas, in order to maintain the quality of life in Sonoma County, its rural underpinnings and its great natural beauty, it is necessary to maintain Park Mitigation Fees at a level that will adequately fund the development of park facilities to service the residents of the County; and

(h) Whereas, an increase of 16.2% in the flat fee is determined to be the minimum increase necessary to maintain the flat fee at an adequate level.

SECTION II. Section 25-58(r)(1) of the Sonoma County Code relating to County areas other than Larkfield-Wikiup is hereby amended to read as follows:

"Section 25-58(r)(1) Option to Pay Flat Fee.

- (1) Notwithstanding anything else contained in this section to the contrary, when a subdivider is required to pay a fee pursuant to this section, such subdivider may elect to pay a flat fee of three thousand six hundred seventy eight dollars (\$3,678) per residential unit in lieu of the fee otherwise due under this section. This flat fee is based on estimated cost of developing regional and community park facilities to service the County. Nothing in this subsection shall be construed to authorize the payment of a flat fee in those instances where the advisory agency is requiring a dedication of land."

SECTION III. Section 20-65(a) of the Sonoma County Code relating to County areas other than Larkfield-Wikiup is hereby amended to read as follows:

"Section 20-65(a) Park Fees for Residential Development--Generally.

- (a) Where a developer applies for a building permit or other discretionary approval from the County to establish one or more new residential dwelling units on property located within the County, on referral from the Planning Department, the Director of Regional Parks shall: (1) in the case of discretionary approvals, request and the appropriate decision making body shall require a condition on such development which requires the payment of a park fee in the amount of three thousand six hundred seventy eight dollars (\$3,678) per residential unit prior to the issuance of a building permit for each new residential dwelling unit; or (2) in those cases where the application is for a building permit only, collect a fee in the amount of three thousand six hundred seventy eight dollars (\$3,678) per residential unit as a condition precedent to the issuance of the building permit."

SECTION IV. Section 25-58.1(r)(1) of the Sonoma County Code relating to the Larkfield-Wikiup study area is hereby amended to read as follows:

"(r)(1) Notwithstanding anything else contained in this section to the contrary, when a subdivider is required to pay a fee pursuant to this section, such subdivider may elect to pay a flat fee of three thousand six hundred seventy eight dollars (\$3,678) per residential unit in lieu of the fee otherwise due under this section. This flat fee is based on the estimated cost of developing community parks to serve the study area."

SECTION V. Section 20.66(a) of the Sonoma County Code relating to the Larkfield-Wikiup Study Area is hereby amended to read as follows:

"(a) Where a developer seeks to obtain a discretionary approval from the County to establish one or more new residential dwelling units on a parcel located within the Larkfield-Wikiup Study area (e.g., design review approval, use permit, second-unit permit), on referral from the Planning Department, the Director of Regional Parks shall request that the appropriate decision making body place a condition on such development which requires the payment of a park fee in the amount of three thousand six hundred seventy eight dollars (\$3,678) per residential unit prior to the issuance of a building permit for each new residential dwelling. Alternatively, the developer may, at his option, elect to have the property appraised in the same manner as a subdivision, in which case the fee to be

paid shall be computed in accordance with those provisions of Chapter 25 governing in lieu of park fees for subdivisions. Fees paid pursuant to this section shall be collected, accounted for, and disbursed in the same manner as are in lieu park fees for subdivisions approved pursuant to Chapter 25 of this Code."

SECTION VI. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, cause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION VII. This ordinance shall be and the same is hereby declared to be in full force and effect from and after sixty (60) days after the date of its passage, but no earlier than July 1, 2015, and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in The Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

Introduced in regular session of the Board of Supervisors of the County of Sonoma on the 21st day of April, 2015, and finally passed and adopted on the 21st day of April, 2015, by the members of said Board by the following vote.


Supervisors:

Rabbitt: No Zane: Aye Gore: Aye Carrillo: Aye Gorin: Aye

Ayes: 4 Noes: 1 Abstain: 0 Absent: 0

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.



Chair, Board of Supervisors
County of Sonoma

ATTEST: Veronica A. Ferguson
Veronica A. Ferguson, Clerk of the Board of Supervisors
by Roxanne Epstein