

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE REPEALING AND REPLACING CHAPTER 32D
OF THE OCEANSIDE CITY CODE

WHEREAS, residential growth within the City of Oceanside creates an ever-increasing need for new parks and recreation facilities and improvements throughout the City to meet the demand of new development and continue to provide public parks and recreation amenities to persons who live and work within the City; and

WHEREAS, the City desires to ensure that new housing development projects provide a proportionate contribution for parks and recreation facilities and improvements throughout the City to mitigate the impacts of such development; and

WHEREAS, pursuant to Government Code section 66000, *et seq.* ("Mitigation Fee Act"), the City is empowered to impose fees and other exactions to provide public improvements necessary to mitigate the effects of new development in the City; and

WHEREAS, on February 27, 1991, the City Council established Chapter 32D of the Oceanside City Code concerning park land dedication and payment of fees, including fees pursuant to Section 66477 of the Subdivision Map Act, via Ordinance No. O91-10; and

WHEREAS, the City now wishes to repeal and replace Chapter 32D to remove the Subdivision Map Act park land dedication provisions and instead establish a citywide parks impact fee that shall be imposed on residential development in the City pursuant to the Mitigation Fee Act.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Findings and Determinations.

The City Council hereby finds:

A. The purpose of the Parks Impact Fee is to ensure that new housing development helps fund new parks and recreation facility capacity consistent with the service standards adopted by the City of Oceanside.

B. The Parks Impact Fee revenues will be used both to acquire land for new parks, improve and expand newly-acquired and existing parkland, and build and expand parks facilities.

1 C. There is a reasonable relationship between the Parks Impact Fee's use and the type
2 of development project on which the Parks Impact Fee is imposed, as new housing
3 development and its associated resident population will require additional parks facilities
4 consistent with the service standards adopted by the City, and the Parks Impact Fee
5 revenue will be used to expand the City's existing parks facilities capacity in order to meet
6 this need.

7 D. There is a reasonable relationship between the need for the parks facilities and the
8 type of development projects on which the Parks Impact Fee are imposed, as the need for
9 parks facilities is determined by the City's existing service level for the provision of park
10 facilities in relation to the number of City residents, and residential development increases
11 the number of City residents.

12 E. There is a reasonable relationship between the amount of the Parks Impact Fee and
13 the cost of the park facilities or portion of the park facilities attributable to the development
14 on which the Parks Impact Fee is imposed, as the Parks Impact Fee is based on the existing
15 service level for provision of park facilities and cost of providing required additional park
16 facilities to serve the increase in City residents attributable to new residential
17 development.

18 SECTION 2. Repeal and Replacement of Chapter 32D.

19 Chapter 32D of the Oceanside City Code, concerning park land dedication and payment
20 of fees, is hereby repealed in its entirety and replaced with a new Chapter 32D, Parks Impact
21 Fee, that reads as follows:

22 "Chapter 32D 23 PARKS IMPACT FEE

24 25 Sec. 32D.1. Authority.

26 This chapter and the adoption of the parks impact fee are enacted pursuant to California
27 Government Code section 66000, et seq. (Mitigation Fee Act).

28 Sec. 32D.2. Purpose.

1 The purpose of the parks impact fee is to ensure that future residential development in the
2 City of Oceanside contributes a reasonable and fair share to fund the construction and acquisition
3 of public facilities and infrastructure improvements required to provide public park and
4 recreation facilities for new residential development. The parks impact fee also ensures that
5 existing residents and developments will not bear a disproportionate share of the cost for such
6 improvements. The fees collected shall be used to fund projects identified in the City's capital
7 improvement program and related public infrastructure plans.

8 **Sec. 32D.3. Definitions.**

9 The following words, terms, and phrases, when used in the chapter, shall have the
10 following meaning:

11 “Public parks facility and infrastructure” means public park and trail improvements,
12 recreational amenities and facilities, and new parkland.

13 “Residential development” means development within the City of Oceanside by which
14 additional residential lots and/or dwelling units are created.

15 **Sec. 32D.4. Parks impact fee established.**

16 (a) A parks impact fee is hereby established as a condition of the issuance of any permit
17 for any residential development, unless expressly exempted by this chapter or state law.
18 Establishment of the parks impact fee does not replace or supersede other development fees,
19 charges, or requirements that are authorized in the City Code.

20 (b) The parks impact fee shall not apply to accessory dwelling units less than 750
21 square feet in size in accordance with Government Code Section 66324(c); government
22 buildings; or structures owned by a public agency.

23 (c) The city council shall by resolution set forth the amount of the parks impact fee. In
24 accordance with chapter 32B of the City Code, the parks impact fee authorized in this chapter
25 and adopted by resolution shall be automatically updated by the city manager or designee at the
26 beginning of each fiscal year on July 1, without further city council action necessary, by an
27 amount that is the greater of two percent (2%) or the percentage change in the Construction Cost
28 Index (CCI) as most recently published by the Engineering News Record (20-Cities Average) for

1 a twelve-month period, or a similar published index if the CCI is no longer available.

2 (d) Fees collected pursuant to this chapter shall be allocated and expended pursuant to
3 the requirements of section 32B of the City Code.”

4 SECTION 3. CEQA.

5 The City Council has reviewed the matter and hereby finds that this Ordinance will not
6 result in a direct or reasonably foreseeable indirect physical change in the environment nor have
7 a significant impact on the environment and is therefore not subject to California Environmental
8 Quality Act (“CEQA”) Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of State CEQA
9 Guidelines, California Code of Regulations, Title 14, Chapter 3.

10 SECTION 4. Publication.

11 The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or
12 the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its
13 passage in the North County Times, a newspaper of general circulation published in the City of
14 Oceanside.

15 SECTION 5. Effective Date.

16 This ordinance shall take effect and be in force on January 20, 2026.

17 SECTION 6. Severability.

18 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
19 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
20 shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby
21 declares that it would have passed this ordinance and adopted this Ordinance and each section,
22 sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,
23 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

24
25 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
26 California, held on the ____ day of _____, 2005, and, thereafter,

27 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
28 Oceanside California, held on the ____ day of _____, 2005, by the following vote:

AYES:

1 NAYS:

2 ABSENT:

3 ABSTAIN:

4 MAYOR OF THE CITY OF OCEANSIDE

5
6 ATTEST:

APPROVED AS TO FORM:

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8 CITY CLERK _____

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CITY ATTORNEY _____

ASST.