

1 SECTION 2. Section 32B.3 is amended to delete: “(e) Park fees imposed pursuant to
2 Ordinance No. 91.10.”

3 SECTION 3. Section 32B.5 is amended to read as follows:

4 **“Sec. 32B.5. Fee rates.**

5 (a) The city council shall by resolution set forth the amount of each impact fee rate. Prior to
6 the establishment or increase of any impact fee, the city council shall hold a public hearing in
7 accordance with Government Code section 66018.

8 (b) A resolution establishing a new impact fee or increasing an existing impact fee shall take
9 effect no sooner than sixty (60) days following adoption of the resolution.

10 (c) Unless otherwise prohibited by law, the impact fees shall be automatically adjusted for
11 inflation on July 1 of each year. The inflation adjustment is the greater of two percent (2%) or
12 the percentage change in the Construction Cost Index (CCI) as most recently published by the
13 Engineering News Record (20-Cities Average) for a twelve-month period, or a similar published
14 index if the CCI is no longer available.”

15 SECTION 4. Section 32B.7(c) is amended to read as follows: “(c) The calculation of
16 impact fees due shall be based upon the impact fee schedule in effect at the time of issuance of a
17 building permit. Impact fees for non-residential development projects shall be collected at the
18 time of issuance of a building permit. Fees for residential development projects shall be collected
19 in accordance with Government Code section 66007.”

20 SECTION 5. Section 32B.7(d) is amended to read as follows: “(d) Subject to Government
21 Code section 66007, no building permit shall be issued until all impact fees due for the
22 development project have been paid.”

23 SECTION 6. Section 32B.7(e)(3) is amended to read as follows: “(3) Unless otherwise
24 prohibited by law, a request shall be accompanied by a non-refundable payment of a five hundred
25 dollars (\$500.00) processing fee, and the applicant shall be responsible for paying all costs
26 associated with recording an agreement should the request be approved.”

27 SECTION 7. Section 32B.9(b) is amended to read as follows: “(b) Impact fees shall not
28 be expended to address existing deficiencies, but may be used to refurbish existing facilities to

1 maintain the existing level of service or achieve an adopted level of service that is consistent with
2 the city's general plan."

3 SECTION 8. Section 32B.12 is amended to read as follows: "The applicant or property
4 owner may request an audit of any impact fee imposed by the city, except for water or sewer
5 connection fees or capacity charges, in order to determine: 1) whether the amount of the fee levied
6 by the city exceeds the amount reasonably necessary to finance capital improvements, the need
7 for which is attributable to new development projects; (2) when the revenue generated by a fee
8 is scheduled to be expended; or (3) when the capital improvement is scheduled to be completed.
9 After such request, the city council may retain an independent auditor to conduct an audit to
10 determine whether the impact fee is reasonable. Any costs incurred by the city in having an audit
11 conducted by an independent auditor shall be recovered from the person who requested the audit.
12 If an audit is requested, the city may require a deposit equal to the estimated cost of the audit."

13 SECTION 9. CEQA.

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

19 SECTION 10. Publication.

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

24 SECTION 11. Effective Date.

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

26 SECTION 12. Severability.

27 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
28 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby

1 declares that it would have passed this ordinance and adopted this Ordinance and each section,
2 sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,
3 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

4
5 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
6 California, held on the ___ day of _____, 2005, and, thereafter,

7 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
8 Oceanside California, held on the ___ day of _____, 2005, by the following vote:

9 AYES:

10 NAYS:

11 ABSENT:

12 ABSTAIN:

13
14 MAYOR OF THE CITY OF OCEANSIDE

15 ATTEST:

APPROVED AS TO FORM:

16
17 _____
18 CITY CLERK

19
20
21
22
23
24
25
26
27
28

CITY ATTORNEY

ASST.