



ORDINANCE No. 2460

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING SECTION L-IX 1.2 OF ARTICLE 1 OF CHAPTER IX OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE REGARDING PARK AND RECREATION FACILITIES MITIGATION FEES

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

The Board of Supervisors hereby finds and determines as follows:

1. The County of Nevada adopted its General Plan in 1996 and has updated it on a regular basis as needed. That the proposed amendment is consistent with and furthers the goals, objectives, policies, programs and implementation measures of the General Plan.
2. The County of Nevada adopted Resolution 97-528 approving a Park and Recreation Capital Impact Fee Study and the imposition of recreation development fees on December 9, 1997.
3. Park and recreational facilities include, but are not limited to, land area used for active or passive recreational purposes including organized play areas such as softball, football, baseball and soccer fields, tennis and basketball courts, various forms of children's play equipment, pedestrian and equestrian trails and passive use wildlife or open space areas when under restrictive conservation easements or similar encumbrances under the control of a public or nonprofit entity.
4. The Board of Supervisors adopted Resolution 17-085 on February 14, 2017, outlining the Board's 2017 priorities which included the direction to review current AB1600 Recreation Impact Fees and commission a new study for the purpose of providing funding and meeting the needs for recreational improvements to serve new development.
5. The Planning Department contracted with Economic Planning Systems, Inc. (EPS) to complete a Parks and Recreation Facilities Fee Nexus Study (hereinafter referred to as the "Study").
6. The Oak Tree Community Park and Recreation District was formed by approval of the voters on the November 2, 2010 Election after the formation of the Twin Ridges Recreation Benefit Zone as identified in the Park and Recreation Capital Impact Fee Study adopted by the Board of Supervisors via Resolution 97-528.
7. The Study proposes to amend the Twin Ridges Recreation Benefit Zone to establish the Oak Tree Recreation Benefit Zone thereby reflecting the jurisdictional boundaries of the Oak Tree Community Park and Recreation District with the Twin Ridges Recreation Benefit Zone remaining the same less the Oak Tree Recreational Benefit Zone jurisdictional area.

8. The Mitigation Fee Act (Gov. Code §66000, et seq.) provides for the imposition of a development fee as a condition of development and a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development established.
9. The purpose of the proposed recreation fee includes costs for land acquisition and recreation facility development to serve Western County residents. This includes a trail development component, as identified in the Study.
10. The fee reductions afforded to smaller units to help meet the affordable housing objectives, and the phasing-in of fee increases, may result in those fees being supplemented by other, non-impact fee funding sources, as determined by the Board of Supervisors.

SECTION II:

Section L-IX 1.2 of Article 1 of Chapter IX of the Land Use and Development Code of the County of Nevada, is hereby amended to read as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION III:

If any section, 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 shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION IV:

This Ordinance shall take effect and be in full force sixty (60) days from and after introduction and adoption, and it shall become operative on the 9th day of March, 2019, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.


PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 8th day of January, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.
 Noes: None.
 Absent: None.
 Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
 Clerk of the Board of Supervisors

By: 


 Richard Anderson, Chair

1/8/2019 cc: GIS*
 Union*
 COB*
 CoCo*
 QC*
 Planning*

EXHIBIT A

“Sec. L-IX 1.2 Park and Recreation Facilities Mitigation Fees for the Unincorporated Areas of Nevada County (Lying Outside of the Truckee-Donner Recreation and Park District)

A. All single-family and multi-family residential development within the unincorporated areas of Nevada County and which are outside of the boundaries of the Truckee-Donner Recreation and Park District shall pay to the County of Nevada the following sums at the time of building permit issuance that shall be phased in over time starting from the date of adoption. The final fee amount shall be collected each year thereafter.

| Western County Recreation Benefit Zone | Single Family Dwelling - Year 1 | Single Family Dwelling - Year 2 | Single Family Dwelling - Year 3 | Multi-Family Dwelling - Year 1 | Multi-Family Dwelling - Year 2 | Multi-Family Dwelling - Year 3 |
|---|---------------------------------|---------------------------------|---------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Grass Valley and Nevada City Recreation Benefit Zone | | | | | | |
| ≥ 2,500 Square Feet | \$ 1,410 | \$ 2,096 | \$ 2,782 | \$ 1,410 | \$ 2,096 | \$ 2,355 |
| 750 - 2,499 Square Feet | \$ 1,128 | \$ 1,677 | \$ 2,226 | \$ 1,128 | \$ 1,677 | \$ 2,226 |
| < 750 Square Feet | \$ 846 | \$ 1,258 | \$ 1,669 | \$ 846 | \$ 1,258 | \$ 1,669 |
| Twin Ridges Recreation Benefit Zone | | | | | | |
| ≥ 2,500 Square Feet | \$ 1,410 | \$ 2,096 | \$ 2,782 | \$ 1,410 | \$ 2,096 | \$ 2,355 |
| 750 - 2,499 Square Feet | \$ 1,128 | \$ 1,677 | \$ 2,226 | \$ 1,128 | \$ 1,677 | \$ 2,226 |
| < 750 Square Feet | \$ 846 | \$ 1,258 | \$ 1,669 | \$ 846 | \$ 1,258 | \$ 1,669 |
| Oak Tree Recreation Benefit Zone | | | | | | |
| ≥ 2,500 Square Feet | \$ 1,410 | \$ 2,096 | \$ 2,782 | \$ 1,410 | \$ 2,096 | \$ 2,355 |
| 750 - 2,499 Square Feet | \$ 1,128 | \$ 1,677 | \$ 2,226 | \$ 1,128 | \$ 1,677 | \$ 2,226 |
| < 750 Square Feet | \$ 846 | \$ 1,258 | \$ 1,669 | \$ 846 | \$ 1,258 | \$ 1,669 |
| Bear River Recreation Benefit Zone | | | | | | |
| Lake of the Pines | | | | | | |
| ≥ 2,500 Square Feet | \$ 674 | \$ 1,003 | \$ 1,331 | \$ 674 | \$ 1,003 | \$ 1,127 |
| 750 - 2,499 Square Feet | \$ 539 | \$ 802 | \$ 1,065 | \$ 539 | \$ 802 | \$ 1,065 |
| < 750 Square Feet | \$ 404 | \$ 602 | \$ 799 | \$ 404 | \$ 602 | \$ 799 |

| | | | | | | |
|--|----------|----------|----------|----------|----------|----------|
| Remaining Development Area | | | | | | |
| ≥ 2,500 Square Feet | \$ 1,410 | \$ 2,096 | \$ 2,782 | \$ 1,410 | \$ 2,096 | \$ 2,355 |
| 750 - 2,499 Square Feet | \$ 1,128 | \$ 1,677 | \$ 2,226 | \$ 1,128 | \$ 1,677 | \$ 2,226 |
| < 750 Square Feet | \$ 846 | \$ 1,258 | \$ 1,669 | \$ 846 | \$ 1,258 | \$ 1,669 |
| Western Gateway Recreation Benefit Zone | | | | | | |
| Lake Wildwood | | | | | | |
| ≥ 2,500 Square Feet | \$ 413 | \$ 478 | \$ 542 | \$ 413 | \$ 478 | \$ 458 |
| 750 - 2,499 Square Feet | \$ 330 | \$ 383 | \$ 434 | \$ 330 | \$ 383 | \$ 434 |
| < 750 Square Feet | \$ 248 | \$ 287 | \$ 325 | \$ 248 | \$ 287 | \$ 325 |
| Remaining Development Area | | | | | | |
| ≥ 2,500 Square Feet | \$ 1,410 | \$ 2,096 | \$ 2,782 | \$ 1,410 | \$ 2,096 | \$ 2,355 |
| 750 - 2,499 Square Feet | \$ 1,128 | \$ 1,677 | \$ 2,226 | \$ 1,128 | \$ 1,677 | \$ 2,226 |
| < 750 Square Feet | \$ 846 | \$ 1,258 | \$ 1,669 | \$ 846 | \$ 1,258 | \$ 1,669 |

The above referenced Recreation benefit Zones shall mean those zones as such identified in the Nevada County Park and Recreation Facilities Fee Nexus Study.

- B. The Park and Recreation Facilities Mitigation Fee Schedule shall be automatically adjusted annually for the inflation of construction and acquisition costs. The Fee Schedule will be adjusted annually on July 1 of each year beginning in Year 2 (fiscal year 20/21) from the date of adoption. The adjustment will be based on the 20-City Construction Index as reported in the Engineering News-Record (ENR) for the 12-month period ending in March of the year of the adjustment.
- C. Fees will be collected from new residential development in the unincorporated Western County; use of these funds, however, may need to wait until a sufficient fund balance can be accrued. According to Government Code Section 66006, the County is required to deposit, invest, account for, and expend the fees in a prescribed manner. The fifth fiscal year following the first deposit into the fee account or fund, and every 5 years thereafter, the County is required to make all of the following findings with respect to that portion of the account or fund remaining unexpended:
1. Identify the purpose for which the fee is to be put.
 2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
 3. Identify all sources and amounts of funding anticipated to complete financing of incomplete facility improvements.
 4. Designate the approximate dates on which the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

The County must refund the unexpended or uncommitted revenue portion of the fee for which a need could not be demonstrated in the above findings, unless the administrative costs exceed the amount of the refund.

D. The following types of development specifically are exempt from the Park and Recreation Facilities Mitigation Fee:

1. All federal and state agencies, public school districts, special districts, and the County will be exempt from the fee program, unless other arrangements or agreements are established with the County.
2. Any replacement or reconstruction of any structure that is damaged or destroyed as a result of fire, flood, explosion, wind, earthquake, riot, or other calamity, or act of God. If the building replaced or reconstructed exceeds the documented total floor area of the damaged/destroyed building, the excess square footage is subject to the Recreation Development Fee. If a structure is replaced with an alternative land use, such as replacing a commercial building with residential units, no exemption shall apply.
3. Residential accessory structures that do not increase covered building square footage such as open decks and pools.”