

**ORDINANCE NUMBER 1365**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ADDING SECTIONS 18.32.022 TO CHAPTER 18.32 OF TITLE 18 RELATING TO FEES COLLECTED TO FUND THE CONSTRUCTION OF DRAINAGE FACILITIES AS A CONDITION TO THE DIVISION AND DEVELOPMENT OF LAND WITHIN THE SAN JACINTO RIVER AREA DRAINAGE PLAN.**

**WHEREAS**, Section 66483 et seq. of the California Government Code authorizes the City of Perris to impose by local ordinance a requirement for the payment of fees for the purposes of defraying the actual and/or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas; and

**WHEREAS**, the San Jacinto River Area, which is the subject of the San Jacinto River Area Drainage Plan which are attached hereto within **Exhibit 1** and incorporated herein by this reference, have suffered flooding problems in the past, and

**WHEREAS**, drainage systems are required to safely convey storm runoff through the San Jacinto River area, respectively, and to provide for orderly development of both areas; and

**WHEREAS**, in 1988, the Riverside County Board of Supervisors adopted the San Jacinto River Area Drainage Plan and established the related drainage fees by adopting its Ordinance No. 460 and Resolution No. F86-26; and

**WHEREAS**, the City annexed the San Jacinto River area, and has been collecting the related drainage fees; and

**WHEREAS**, on September 1, 1987, the Riverside County Board of Supervisors adopted Resolution No. F86-26 and Ordinance No. 460 which created the San Jacinto River Area Drainage Plan and established the related fees; and

**WHEREAS**, in August 11, 1987, Riverside County conducted a study and analysis which justifies the drainage fees contemplated by the San Jacinto River Area Drainage Plan, which study and analysis is attached hereto and incorporated herein by this reference in **Exhibit 2**; and

**WHEREAS**, the City Council now desires to update and adopt the San Jacinto River Area Drainage Plan, as provided in **Exhibit 1** and as adopted by the Riverside County Board of Supervisors, by adopting this Ordinance.

**THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Recitals Incorporated. The City Council finds the above recitals are true and correct and incorporated herein by this reference.

**Section 2.** CEQA. Based upon its own independent judgment and substantial evidence in the record of proceedings, the City Council finds and determines that, pursuant to CEQA Guidelines, Section 15061(b)(1), 15061(b)(3), 15273, and 15378(b)(4), there is no possibility that its adoption of this Ordinance would have a significant effect upon the environment, because the Ordinance involves the creation of a government funding mechanism which does not involve any commitment to a specific project which may result in a potentially significant impact upon the environment.

**Section 3.** Findings. The City Councils makes the following findings:

(a) The fees are based upon the San Jacinto River Area Drainage Plan, including its amendments, which is attached hereto in **Exhibit 1** and incorporated herein by this reference (“ADP”).

(b) Subdivision and development of property within the San Jacinto River area will require construction of the facilities described therein because the San Jacinto River area experiences flood and drainage problems, which are more particularly described in the ADP.

(c) The fees contemplated by the ADP are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or on the need for such facilities created by the proposed subdivision and development of other property within such areas, as more particularly described in **Exhibit 1**.

(d) The fees contemplated by the ADP as to any property proposed for subdivision within the San Jacinto River area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property, as more particularly described in **Exhibit 1**.

(e) The drainage or sanitary sewer facilities contemplated by the ADP are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

**Section 4.** Adoption of San Jacinto River Area Drainage Plan. The San Jacinto River Area Drainage Plan, which is on file in the City Clerk’s office and attached hereto as **Exhibit 1**, is hereby adopted. The City Council may amend, modify, or repeal its adoption of the San Jacinto River Area Drainage Plan by resolution.

New Code Section. Section 18.32.022, “Drainage fees – San Jacinto River Area Drainage Plan,” is hereby added to Chapter 8.32, “Reservations and Fees,” of Title 18, “Subdivisions” as follows:

“Section 18.32.022 – Drainage fees - San Jacinto River Area Drainage Plan.

(a) This section is adopted pursuant to section 66483 et seq. of the Government Code, which provides for the payment of fees for the construction of drainage facilities, as a condition to the division of land.

(b) Whenever land that is proposed to be divided or developed lies within the boundaries of the San Jacinto River Area Drainage Plan ("Area Drainage Plan"), a drainage fee in the amount required by the plan for the area, as adopted or thereafter amended, shall be required as a condition of approval of the division of land in that drainage area.

(c) When fee is to be paid.

(1) Drainage fees shall be paid at the time of the filing of the final map or parcel map, or as a condition of the waiver of the filing of a parcel map; provided, however, at the option of the land divider or developer, as the case may be, the fee may be paid, in pro rata amounts, at the time of the issuance of grading permits for the approved parcels or at the time of issuance of building permits if no grading permits are issued for the parcels. The amount of the drainage fee required to be paid shall be the amount that is in effect for the area drainage plan at the time of actual payment of the fee.

(2) If the land divider or developer, as the case may be, elects to have payment at the time of issuance of a grading or building permit, the recorded final map or parcel map or certificate of compliance evidencing the waiver of the filing of a parcel map shall specifically state that payment of a drainage fee is required to be paid prior to issuance of a grading permit or building permit for the parcels that have been created by the land division. In addition, a separate instrument shall be recorded by the land divider or developer, as the case may be, in the office of the county recorder, at the time of the filing of the final map or parcel map or certificate of compliance evidencing the waiver of the parcel map, which gives notices that a drainage fee is required to be paid by any person that owns such parcels prior to issuance of a grading or building permit.

(d) If the drainage fee is paid at the time of the final map or parcel map or certificate of compliance evidencing the waiver of the parcel map, it shall be paid to the finance director. If the drainage fee is paid at the time of issuance of a grading or building permit, it shall be paid to the finance director. All fees that are collected shall thereafter be deposited into a local drainage facilities fund maintained under the jurisdiction of the county flood control and water conservation district ("District"). A separate fund shall be established by the district for the area drainage plan. Money in such funds shall be expended for construction or reimbursement for construction, including acquisition of right-of-way necessary for construction, of the drainage facilities serving the drainage area

for which the fees are collected, or to reimburse the district for the cost of engineering and administrative services to design and construct and acquire any necessary right-of-way for the facilities.

(e) In the discretion of the district, considerations such as dedication of right-of-way, actual construction, or design work by a civil engineer may be accepted in lieu of the payment of drainage fees, upon a determination that the alternative is acceptable and is equal to or greater in value than the required fee.

(f) Money may be advanced by the district to design or construct drainage facilities or to acquire necessary right-of-way within an adopted drainage area; thereafter, money so advanced may be reimbursed to the district from the fund for the local drainage area in which the facilities are located.

(g) When required for the implementation of an adopted area plan, an agreement may be entered into between a land divider or developer, as the case may be, and the district whereby the land divider or developer, as the case may be, may advance money for the construction of facilities, or design or construct facilities within a local drainage area, provided that the sole security to the land divider or developer, as the case may be, for repayment of money or other consideration advanced shall be subsequently accruing to the local drainage facilities fund for the drainage area in which the facilities are located. Reimbursement shall be for the amount agreed upon in advance only and shall not include interest or other charges. The agreement shall expire 15 years after the date it was entered into, and any subsequent money paid into the fund shall accrue to the fund without obligation to land dividers or developers, as the case may be, whose agreements have expired.

(h) The area drainage plan, the required facilities and the drainage fee in any adopted plan may be amended by the city council at any time upon a determination that it is necessary to do so in order to correctly reflect the drainage area, the required facilities or estimated cost of the facilities.”

**Section 4.** Severability. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

**Section 5.** Effective Date. This Ordinance shall take effect 30 days after its adoption.

**Section 6.** Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

**ADOPTED, SIGNED** and **APPROVED** this 12<sup>th</sup> day of June, 2018.

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MAYOR, MICHAEL M. VARGAS

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Ordinance Number 1365 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council held on the 29<sup>th</sup> day of May, 2018 and adopted by the City Council of the City of Perris at a regular meeting of said Council on the 12<sup>th</sup> day of June, 2018, and that it was so adopted by the following vote:

AYES: RABB, ROGERS, BURKE, CORONA, VARGAS  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

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City Clerk, Nancy Salazar

**Exhibit 1**

**San Jacinto River Area Drainage Plan (MAP)**

01006.0006/462022.2

01006.0001/449341.3