

ORDINANCE NO. 1038

AN ORDINANCE OF THE CITY OF RANCHO CUCAMONGA, ADDING CHAPTER 3.80 TO THE RANCHO CUCAMONGA MUNICIPAL CODE, ESTABLISHING A DEVELOPMENT IMPACT FEE FOR FIRE IMPACTS OF RESIDENTIAL AND BUSINESS DEVELOPMENT, AMENDING CHAPTER 3.68 TO REMOVE REFERENCES TO QUIMBY ACT IN LIEU FEES, AND MAKING A DETERMINATION OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

I. Recitals.

A. The Mitigation Fee Act contained in Government Code 66000 et seq., permits the City to impose development impact fees on new development for the purposes of funding the public facilities necessary to serve that new development.

B. The City desires to update existing impact fees and expand the categories of fees that the City seeks to impose on new development to more fully and appropriately fund the costs associated with increased demand for certain public facilities throughout the City.

C. Rancho Cucamonga has a park impact fee, authorized by Rancho Cucamonga Municipal Code ("RCMC") Chapter 3.68. Chapter 3.68 contains outdated references to an in-lieu fee for land dedications for subdivisions, which are authorized under the Quimby Act (Government Code Section 66477) but not imposed by the City, see RCMC 16.28.020 and Chapter 16.32. The City therefore desires to remove the references to Quimby Act in lieu fees in Chapter 3.68. This change is an administrative clean up and in no way impacts the authorized park facilities development impact fee.

D. Rancho Cucamonga does not have an existing fire impact fee. The City therefore desires to establish an impact fee for fire protection and emergency response facilities, apparatus and equipment provided by the Rancho Cucamonga Fire Protection District (RCFPD) to all development in the City.

E. NBS Government Finance Group has prepared the City of Rancho Cucamonga Development Impact Fee Nexus Study dated February 20, 2025 ("NBS Nexus Study"). The NBS Nexus Study covers the Park Impact Fees, Community and Recreation Center Impact Fee, Library Impact Fee, Animal Center Impact Fee, Police Impact Fee, and a new Fire Impact Fee. A copy of the NBS Nexus Study shall be on file with the City Clerk and available during regular City business hours for public inspection.

F. The NBS Nexus Study identifies the purpose of the Fire Impact Fee, the use to which the Fire Impact fee will be put, demonstrates a reasonable relationship between the fee's use and the type of development project on which the fee will be imposed and provides how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

G. The City has complied with the notice and hearing requirements of state law and the Mitigation Fee Act prior to adopting this Ordinance, and a notice of public hearing on the development impact fees was mailed as required by law to any interested party who filed a written request with the City Clerk for mailed notice of a meeting on new or increased fees.

H. The City Council held a duly noticed public hearing at the April 2, 2025, Regular Council meeting to consider the NBS Nexus Study, Capital Improvement Plan, and establishment of updated development impact fees, including establishment of the fire impact fee.

I. The City Council finds that the record of these proceedings, including the NBS Nexus Study, the City's General Plan, ordinances and resolutions, the staff report, written correspondence received by the City, and the testimony received at the hearing prior to the adoption of this Ordinance contain substantial evidence to support the imposition and collection of the development impact fee established herein.

J. The City Council has reviewed and considered the fire impact fee established herein and finds that the fee will mitigate some of the impacts associated with additional capital and infrastructure needs necessitated by new residential and business development in the City.

II. Findings.

A. The City Council hereby specifically finds that all the facts set forth in the Recitals, Part I, of this Ordinance, are true and correct.

B. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA"). This action is not a project within the meaning of the CEQA Guidelines Section 15378(b)(4) and 15061(b)(3) as it has no potential for physical effects on the environment because it involves an adoption of certain fees and/or charges imposed by the City, does not commit the City to any specific project, and said fees and/or charges are applicable to future development projects and/or activities, each of which future projects and/or activities will be fully evaluated in full compliance with CEQA when sufficient physical details regarding said projects and/or activities are available to permit meaningful CEQA review (see CEQA Guidelines, Section 15004(b)(1)). Pursuant to CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause significant effect on the environment, is not defined as a "project" under CEQA. Therefore, approval of the fees and/or charges is not a "project" for purposes of CEQA, pursuant to CEQA Guidelines, Section 15378(b)(4); and, even if considered a "project" under CEQA, is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that approval of the fees and/or charges may have a significant effect on the environment.

C. The City Council by separate Resolution No. 1038 adopted the NBS Nexus Fee Study, and the findings contained therein with respect to the adoption of a Fire Impact Fee which are included below. As provided on pages 8-11 to 8-12 of the NBS Nexus Study:

- i. Purpose of the Fee: The purpose of the impact fees calculated in this chapter is to mitigate the impact of new development in the City on the need for facilities, apparatus and equipment provided by the Rancho Cucamonga Fire Protection District (RCFPD).

- ii. Use of the Fee. Impact fees calculated in this chapter will be used to provide additional facilities, apparatus and equipment to mitigate the impact of new development in the City on the need for those facilities.
- iii. Reasonable Relationship between the Use of the Fee and the Development Type on Which It Is Imposed. The impact fees calculated in this chapter will be used to provide additional facilities, apparatus and equipment to serve the added demand for fire protection and other emergency services associated with new development in the City of Rancho Cucamonga.
- iv. Reasonable Relationship between the Need for the Facilities and the Type of Development on Which the Fee Is Imposed. New development in the City increases the demand for fire protection and other emergency services provided by the Cucamonga Fire Protection District. Without additional facilities, apparatus and equipment, the increase in demand associated with new development would negatively impact the ability of RCFPD to provide services efficiently and effectively to all development in the City.
- v. Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to the Development Project. The amount of the fire impact fees charged to a development project will depend on the increase in calls for service associated with that project. The fees per square foot for residential development and the fees per unit of non-residential development calculated in this chapter for each type of development are based on the estimated calls for service per unit per year associated with that type of development in the Rancho Cucamonga Fire Protection District. Thus, the fee charged to a development project reflects the impact of that project on the overall need for facilities, apparatus and equipment used by RCFPD to serve development in the City.

D. The City Council by separate Resolution No. 1038 adopted the fee amount for the Fire Impact Fee, as supported by the NBS Nexus Study, in accordance with proposed Municipal Code section 3.80.050.

III. Ordinance.

The City Council of the City of Rancho Cucamonga does ordain as follows:

SECTION 1. Chapter 3.80 is hereby added to Title 3 ("Revenue and Finance") of the Rancho Cucamonga Municipal Code to read as set forth in Exhibit A, attached hereto.

SECTION 2. Chapter 3.68 of Title 3 ("Revenue and Finance") of the Rancho Cucamonga Municipal Code is hereby amended to remove references to in lieu fees or land dedication requirements for certain residential subdivisions authorized by the Quimby Act but not imposed by the City and to make other revisions to read as set forth in Exhibit B, attached hereto.

SECTION 3. All impact fees within the City shall be charged in accordance with applicable law in effect at the time the fee is imposed. As of the time of this ordinance's adoption, an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units of 750 square feet or less shall not be charged development impact fees by the City.

SECTION 4. The City Manager is hereby authorized and directed to take other actions on behalf of City, which are not expressly and specifically reserved for the City Council, to implement and effectuate this ordinance. The City Clerk is directed to codify this ordinance in a manner which best reflects the legislative intent of the City Council in enacting this ordinance. The City Clerk is directed to resolve any numbering conflicts accordingly.

SECTION 5. The City Council declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance for any reason be held invalid or unconstitutional by the 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 declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. This ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published or posted as required by law.

SECTION 7. The City Clerk shall certify to the adoption of this ordinance and shall cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2025.

L. Dennis Michael
Mayor

I, KIM SEVY, City Clerk of the City of Rancho Cucamonga, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Rancho Cucamonga held on the ____ day of _____, 2025, and was finally passed at a regular meeting of the City Council of the City of Rancho Cucamonga held on the ____ day of _____, 2025, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAINED: COUNCILMEMBERS:

ATTEST: _____
City Clerk