AGENDA ITEM NO.
I-5

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2769

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD CONCERNING DEFERRAL OF PAYMENT OF DEVELOPMENT FEES FOR ST. PAUL BAPTIST CHURCH

WHEREAS, the first sentence of subsection (b) of section 15-173 of the City Code provides in part: "For development projects for which the city issues a building permit, development fees shall be calculated and collected at the time of issuance of the building permit, based on the development fee schedule then in effect."

WHEREAS, St. Paul Baptist Church ("Developer") has applied to the City for entitlements to construct an approximate 28,250 square foot building; and

WHEREAS, the building will provide a public benefit, increasing opportunities for public congregation in the City; and

WHEREAS, the City Council wishes to enhance Developer's ability to construct the building by deferring for four years certain development fees that the Developer will owe to the City in connection with construction of the building.

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

Part 1. As used in this ordinance, "development fees" shall mean planned drainage facilities fees imposed pursuant to section 15-185 et seq. of the City Code; planned traffic circulation facilities fees imposed pursuant to section 15-215 et seq. of the City Code; growth requirement capital fees imposed pursuant to section 15-225 of the City Code; sewer connection conveyance fees imposed pursuant to Ordinance No. 2260; sewer connection wastewater treatment plant fees imposed pursuant to Ordinance No. 2709; underground utilities fees imposed pursuant to Ordinance No. 2709; water system connection fees imposed pursuant to Resolution No. 10,273, and the Art in Public Places fees imposed pursuant to Resolution No. 12,290. As used in this ordinance, "development fees" shall not include any other fees, including fees collected on behalf of other agencies, fees collected to mitigate environmental impacts, and processing fees.

Part 2. Notwithstanding the first sentence of subsection (b) of section 15-173 of the City Code, the Director of Development Services is directed to allow Developer to defer for four years from the date of building permit issued to construct a building at 1787 Statham Boulevard, the payment of development fees owed to the City in connection with such permit, provided the permit is issued within six months from the effective date of this ordinance and further provided that the Developer does not protest the calculation of such fees, pays any fees not deferred by

this ordinance, executes documents or obtains instruments satisfactory to the Development Services Manager and City Attorney providing security for payment of deferred development fees in an amount equal to 125% of the amount of deferred fees, and enters into an Agreement to Pay Deferred Development Fees, in a form approved by the City Attorney, to pay the deferred fees within such four year period with interest at 5% per annum.

Part 3. This Ordinance shall not be included in the City Code.

Part 4. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. 2769 was first read on March 18, 2008, and finally adopted on _____, 2008 to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

_____
Dr. Thomas E. Holden, Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Gary L. Gillig, City Attorney