

CHAPTER 6AAA Development Impact Fees

Sections

6AAA-1	General Findings.
6AAA-2	Purpose and Applicability.
6AAA-3	Definitions.
6AAA-4	Animal Control Facilities, Vehicles and Equipment - Findings.
6AAA-5	Fire Suppression Facilities, Vehicles and Equipment - Findings.
6AAA-6	Circulation (Streets, Signals and Bridges) System - Findings.
6AAA-7	Storm Drainage Collection Facilities - Findings.
6AAA-8	Water Source, Storage and Distribution System - Findings.
6AAA-9	Wastewater Collection System - Findings.
6AAA-10	Wastewater Treatment Facilities - Findings.
6AAA-11	Electricity Transmission and Distribution System - Findings.
6AAA-12	General Facilities, Vehicles and Equipment - Findings.
6AAA-13	Public Use (Community Center) Facilities - Findings.
6AAA-14	Aquatics Center Facilities - Findings.
6AAA-15	Park Land Acquisition and Facilities Development - Findings.
6AAA-16	Imposition and Payment of Fees.
6AAA-17	Accounting and Disbursement of Fees.
6AAA-18	Development Fee Credits.
6AAA-19	Reimbursement.
6AAA-20	Administrative Review.
6AAA-21	Deferrals, Waivers and Reductions.
6AAA-22	Application of Subsequently Annexed Land.

Sec. 6AAA-1. General Findings. The City Council of the City of Needles, California, finds as follows:

A. The provisions of new and expanded facilities and infrastructure is a necessary to protect and promote the health, safety and welfare of all the citizens of the City of Needles by reducing the adverse effects of urbanization and development.

B. It is necessary to enact and implement certain development impact fees to assure that all new development within the City pays its fair share of the costs of providing necessary public facilities and infrastructure to accommodate such new development.

C. A proper funding source for the costs associated with new development is a specific development of facilities fee for each type of facility related to the specific need created by the development and reasonably related to the relative cost of providing such necessary public facilities.

D. The Development Impact Report, and the Addendum thereto, justify the imposition of each development fee on new construction by analyzing the Master Facility Plan, and the Addendum thereto, as defined herein, assigning the costs on a fair-share basis to the various types of new development, and assigning the resulting fee per dwelling unit and/or commercial/industrial square footage, based on the anticipated burden of such new dwelling unit and/or commercial/industrial area on City facilities and

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infrastructure and the need related by such dwelling unit and/or commercial/industrial area for new and expanded facilities and infrastructure.

E. The primary purpose of the fees is to mitigate the impact on City facilities and infrastructure caused by increased demand for facilities and infrastructure from person generated by new development.

F. The fees will be used to finance public facilities and infrastructure, specifically animal control; fire suppression; circulation (streets/signals/bridges); storm drains; water source, storage and distribution; wastewater collection and treatment; electric transmission and distribution; general facilities; public use facilities; aquatics center; and parkland acquisition and improvements.

G. The use of the fees to fund such public facilities and infrastructure is reasonably related to the impacts of residential development and other development on the City as more fully described in the Development Impact Report and the Addendum thereto.

H. The need for development impact fees to fund such public facilities and infrastructure is reasonably related to impacts on the City of residential development and other development as more fully described in the Development Impact Report and the Addendum thereto.

I. To assure fair and legally sound implementation of the development impact fees established in this Ordinance, such fees shall be reviewed from time to time, but not more than one annually, and shall be set by resolution of the City Council following due notice and hearing.

J. To assure fair implementation of the development impact fees established in this Chapter, the City must have the latitude to defer or waive such fees in special cases, after notice and hearing, where better or fairer financing arrangements would result from such deferral, or where imposition of such fees would cause inequities.

K. To assure fair implementation of the development impact fees established by this Ordinance, provisions must be made for extending such fees to subsequently annexed land that benefit from the public facilities funded by these fees.

L. The provisions of this Chapter are in addition to all other provisions of the Needles Municipal Code and all new residential and other development, as defined in this Chapter, and shall be subject to the provisions of this Chapter and to all other provisions of the Needles Municipal Code.

Sec. 6AAA-2. Purpose and Applicability.

A. The City Council declares the purpose of this Chapter is to provide for the means to finance adequate infrastructure and other public improvements and facilities made necessary by the impacts created by new development in the City of Needles in order to promote the health, safety and welfare of the citizens of the City. This Chapter shall apply solely to construction of new dwelling units and/or commercial/industrial square footage, as applicable, within the City (i.e., the "Affected Territory" as defined herein).

B. The following are specifically exempt from the provisions of this Chapter:

1. Additions or improvements to dwelling units after construction is complete, unless such additions or improvements (a) increase the number of Dwelling Units on the property, as defined herein.

2. In order to promote and encourage residential in-fill, any vacant residential lot within the City that was previously served with a City utility (water,

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wastewater or electric) and the owner applies for a building permit for a similar residential use of the property, that lot is exempt from payment of the development impact fees for any such utility(ies) previously connected. If, however, the building permit application is for a residential use that has a higher impact than the previous residential, the property will be charged the appropriate development impact fee for each such utility, minus the applicable credit as established by resolution of the City Council for each applicable utility service(s) and use of the property.

Sec. 6AAA-3. Definitions.

A. The "Addendum" is the "Master Facilities Plan & Development Impact Fee Calculation and Nexus Report for Needles - Staff Amended". This document, dated May, 2006, was prepared by Revenue & Cost Specialists and summarizes the needed facilities mentioned herein, their estimated costs and sets forth the required nexus findings.

B. "Affected Territory" means the corporate boundaries of the City of Needles as these may be changed from time to time.

C. "Commercial Lodging" means the construction of new or additional square footage of building are intended to provide temporary housing for travelers/visitors to the Affected Territory for short term use. Development impact fees for commercial lodging shall be assessed on a per unit/room basis.

D. "Commercial/Office Development" means the construction of new or additional gross square footage of building area for commercial purposes.

E. "Development Impact Report" is the "Development Impact Fee Calculation and Nexus Report for the City of Needles". This document dated April 7, 2006, was prepared by Revenue & Cost Specialists and summarizes the needed facilities mentioned herein, their estimated costs and sets forth the required nexus findings.

F. "Dwelling Unit" means and includes:

1. Detached dwelling which is a building or portion thereof constructed exclusively for residential occupancy not connected to any other residence. This category includes any manufactured home constructed on a permanent foundation on a separate lot.

2. Attached dwelling which is an apartment, condominium or townhouse constructed exclusively for residential occupancy.

3. Mobile home (in parks) which is a mobile home used exclusively for residential occupancy located in a designated mobile home park.

G. "Effective Date" means the date that the fees in this Chapter are eligible for collection, that date being thirty (30) days after the adoption of this Ordinance.

H. "Exemption(s)" means those specific exemptions set forth in Sec. 6AAA-2.B.

I. "Industrial Development" means the construction of new or additional gross square footage of building area for industrial purposes.

J. "Master Facilities Plan" describes each of the facilities mentioned herein and their estimated costs. This document, dated March, 2006, was prepared by Revenue & Cost Specialists.

K. "New Development" and/or "New Construction" means and includes:

1. New construction of dwelling unit(s), commercial lodging unit(s), recreational vehicle pad unit(s), commercial/office use square footage, and industrial use square footage; and/or

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2. New connection(s) to one or more City water, wastewater, or electric utility system facility(ies) where such utility service(s) has (have) not previously been provided, as applicable, within the Affected Territory, subject to the exemption set forth in Sec. 6AAA-2.B.2.

L. "Recreational Vehicle Pads" means a space, lot or pad within a designated recreational vehicle (RV) park intended to provide temporary parking of a recreational vehicle for travelers/visitors to the Affected Territory for short term use.

M. "Residential Development" means construction of one or more dwelling units.

Sec. 6AAA-4. Animal Control Facilities, Vehicles and Equipment - Findings.

The City Council finds as follows:

A. The development of property in the Affected Territory will generate increased calls for animal control services. As a result, new facilities, vehicles and equipment will be needed to maintain current levels of service and to provide for the increase in services required.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provisions for new facilities, vehicles and equipment are identified in the Animal Control Facilities, Vehicles and Equipment section of the Master Facilities Plan and are necessary to provide adequate animal control services within the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the number of calls for eservice that a dwelling unit generates, the expanded animal control facilities required to service new development in the Affected Territory, and estimates of the costs of those facilities, vehicles and equipment.

E. The entire Affected Territory will derive benefit from the additional animal control facilities, vehicles and equipment and should be assessed per the provisions of this Ordinance and pay a fair share of the costs thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that new residential development in the Affected Territory will create impacts on the animal control facilities, vehicles and equipment which the acquisition and/or construction of new facilities, vehicles and equipment funded by this Ordinance will offset.

G. The City Council also finds that the costs for the additional animal control facilities, vehicles and equipment collected pursuant to this Chapter are apportioned relative to the anticipated impacts created by new residential development within the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such facilities, vehicles and equipment created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities, vehicles and equipment and the needs created by the types of new residential development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Fee Impact Report and the Addendum thereto.

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I. The City Council also finds that the cost estimates for animal control facilities, vehicles and equipment as set forth in the Development Impact Fee Report and Addendum thereto are reasonable and the fees collected from new residential development will not exceed the reasonably estimated total of these costs.

J. The animal control fees collected pursuant to this Chapter shall be used only to finance animal control facilities, vehicles and equipment described or identified in the Animal Control Facilities, Vehicles and Equipment section of the Master Facilities Plan.

Sec. 6AAA-5. Fire Suppression Facilities, Vehicles and Equipment - Findings.

The City Council finds as follows:

A. The development of property in the Affected Territory will generate increased calls for fire suppression services. As a result, new vehicles, equipment and construction of new facilities to house additional fire fighters and equipment will be needed to provide for new development within the Affected Territory.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provisions for new vehicles, equipment and construction of new fire suppression facilities are identified in the Fire Suppression Facilities, Vehicles and Equipment section of the Master Facilities Plan and are necessary to provide adequate fire suppression services within the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the number of calls for service generated by dwelling unit, commercial lodging, recreational vehicle pad, commercial/office and industrial development of the property, the expanded fire suppression facilities, vehicles and equipment required to service new development, and estimates of the costs of those facilities, vehicles and equipment.

E. The entire Affected Territory will derive benefit from the new vehicles, equipment and construction of new fire station facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that residential and other new development in the Affected Territory will create fire suppression needs that the construction and acquisition of the public improvements funded by this Ordinance will meet.

G. The City Council also finds that the cost estimates for the vehicles, equipment and construction of new fire suppression facilities collected pursuant to this Chapter are apportioned relative to the anticipated impacts created by new development within the Affected Territory, and that the fees are fairly apportioned on dwelling units, commercial lodging units, recreational vehicle pad units, commercial/office use square footage, and industrial use square footage throughout the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such facilities, vehicles and equipment created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of residential and other new development on which the fee will be imposed, and that there

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is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Impact Fee Report and the Addendum thereto.

I. The City Council also finds that the cost estimates set forth in the Development Impact Fee Report and Addendum thereto are reasonable and the fees collected from residential and other new development will not exceed the reasonably estimated total of these costs.

J. The fire suppression fees collected pursuant to this Chapter shall be used only to finance the fire suppression facilities, vehicles and equipment described or identified in the Fire Suppression Facilities, Vehicles and Equipment section of the Master Facilities Plan.

Sec. 6AAA-6. Circulation (Streets, Signals and Bridges) System - Findings.

The City Council finds as follows:

A. The development of property in the Affected Territory will generate additional vehicle travel. This traffic will create a need for expansion or existing streets and bridges to accommodate increased traffic from residential and other new development. Additionally, traffic signals and related facilities will need to be installed and maintained to accommodate the increased level of service on new and existing roadways.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Pursuant to Section 66484 of the Government Code and the City's police powers, the City may require payment of fees under Section 66484 only when the streets are in addition to, or a reconstruction of, any existing streets serving the area at the time of the adoption of the boundaries of the area of benefit (the Affected Territory). In addition, it is hereby determined that:

1. The construction or reconstruction of these streets and bridges is in compliance with the circulation element of the City's general plan and is for the primary purpose of carrying through traffic in and around the City in a safe, orderly and efficient manner; and

2. The Master Facilities Plan establishes the entire Affected Territory as the boundaries of the area of benefit, the costs and a fair method for the allocation of costs and fee apportionment; and

3. The method of apportionment does not provide for higher fees on land which abuts the proposed improvement; and

4. The apportioned fees are applicable to all property within the Affected Territory and shall be payable as a condition to the issuance of a building permit.

D. Provisions for expanded streets and bridges, as well as traffic signals and related facilities, are identified in the Circulation (Streets, Signals and Bridges) System section of the Master Facilities Plan and is necessary to provide adequate street services and traffic flow within the Affected Territory.

E. The general plan of the City includes in the circulation element and the transportation provision thereof, among other things, streets and bridges within the Affected Territory with the primary purpose of carrying through traffic in and around the Affected Territory in a safe, orderly and efficient manner.

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F. The Development Impact Fee Report and Addendum describe in detail the additional vehicle trips generated by a dwelling unit, commercial lodging, recreational vehicle pad, commercial/office, and industrial development, the streets, bridges, traffic signals and related facilities required to service new development, and estimates of the costs for those facilities.

G. The entire Affected Territory will derive benefit from the construction or reconstruction of streets, bridges, and the installation of traffic signals and related facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

H. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that residential and other new development in the Affected Territory will create street and roadway needs that the construction and acquisition of the public improvements funded by this Ordinance will meet and further, that the residential and other new development will create traffic impacts which the installation of traffic signals and related facilities funded by this Ordinance will offset.

I. The City Council also finds that the cost estimates for the streets, signals and bridges collected pursuant to this Chapter is apportioned relative to the anticipated contribution to traffic created by new development in the Affected Territory, and that the fees are fairly apportioned on dwelling units, commercial lodging units, recreational vehicle pad units, commercial/office use square footage, and industrial use square footage throughout the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such streets, signals and bridges created by such new development.

J. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of residential and other new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Fee Impact Report and the Addendum thereto.

K. The City Council also finds that the cost estimates set forth in the Development Impact Fee Report and Addendum thereto are reasonable for constructing or reconstructing the street proposed therein and for installation of traffic signals and related facilities and the fees collected from residential and other new development will not exceed the reasonably estimated total of these costs.

L. The circulation (streets, signals and bridges) system fees collected pursuant to this Chapter shall be used only to finance the streets, bridges, traffic signals and related facilities described or identified in the Circulation (Streets, Signals and Bridges) System section of the Master Facilities Plan.

Sec. 6AAA-7. Storm Drainage Collection Facilities - Findings. The City Council finds as follows:

A. The development of property in the Affected Territory will generate the need for additional storm drainage structures and improvements to handle runoff from surface and

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storm waters. As a result, the addition of storm drainage collection facilities will be needed to maintain the current level of service.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measure that protect the health, safety and welfare of its citizens.

C. Provisions for storm drainage collection facilities is identified in the Storm Drainage Collection Facilities section of the Master Facilities Plan and is necessary to provide adequate storm drainage collection facilities within the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the additional storm drainage collection facilities needed for new development in the Affected Territory and estimates of the costs for those facilities.

E. The entire Affected Territory will derive benefit from the additional storm drainage collection facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that residential and other new development in the Affected Territory will create storm drainage impacts which the installation of storm drainage collected facilities funded by this Ordinance will offset.

G. The City Council also finds that the cost estimates for the additional storm drainage collection facilities collected pursuant to this Chapter are apportioned relative to the anticipated impacts created by new development within the Affected Territory, and that the fees are fairly apportioned on dwelling units, commercial lodging units, recreational vehicle pad units, commercial/office use square footage, and industrial square use footage throughout the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such facilities created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of residential and other new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Fee Impact Report and the Addendum thereto.

I. The City Council also finds that the cost estimates for storm drainage collection facilities as set forth in the Development Impact Gee Report and the Addendum thereto are reasonable and the fees collected from residential and other new development will not exceed the reasonably estimated total of these costs.

J. The storm drainage collection facilities fees collected pursuant to this Chapter shall be used only to finance the storm drainage collection facilities described or identified in the Storm Drainage Collection Facilities section of the Master Facilities Plan.

Sec. 6AAA-8. Water Source, Storage and Distribution System - Findings.

The City Council finds as follows:

A. The development of any property in the Affected Territory will general the need for additional waters source, storage and distribution system capacity. Without such additional system capacity, new development will be adversely impacted in the Affected

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Territory. As a result, additional water facilities will be needed to accommodate new development.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provisions for water source, storage and distribution system are identified in the Water Source, Storage and Distribution System section of the Master Facilities Plan and are necessary to provide adequate water system facilities with the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the additional water source, storage and distribution system facilities needed for the Affected Territory and estimates of the costs for those facilities.

E. The entire Affected Territory will derive benefit from the additional water source, storage and distribution system facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that residential and other new development in the Affected Territory will create water system impacts which the acquisition and/or installation of additional water source, storage and distribution system facilities funded by this Ordinance will offset.

G. The City Council also finds that the cost for the additional water source, storage and distribution system facilities funded pursuant to this Chapter are apportioned relative to the anticipated impacts created by new development within the Affected Territory, and that the fees are fairly apportioned on dwelling units, commercial lodging units, recreational vehicle pad units, commercial/office use square footage, and industrial use square footage, throughout the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such facilities created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Fee Impact Report and the Addendum thereto.

I. The City Council also finds that the cost estimates for water source, storage and distribution system as set forth in the Development Impact Fee Report and the Addendum thereto are reasonable and the fees collected from residential and other new development will not exceed the reasonably estimated total of these costs.

J. The water source, storage and distribution system fees collected pursuant to this Chapter shall be used only to finance such systems described or identified in the Water Source, Storage and Distribution System section of the Master Facilities Plan.

Sec. 6AAA-9. Wastewater Collection System - Findings.

The City Council finds as follows:

A. As with water source, storage and distribution systems, the development of any property in the Affected Territory will generate the need for additional wastewater

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collection system and mandated connection to that system. Without such additional wastewater collection system capacity, new development will be adversely impacted in the Affected Territory. As a result, additional wastewater collection facilities will be needed to accommodate new development.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provisions for wastewater collection system are identified in the Wastewater Collection System section of the Master Facilities Plan and are necessary to provide adequate wastewater system facilities within the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the additional wastewater collection system facilities needed for the Affected Territory and estimates of the costs for those facilities.

E. The entire Affected Territory will derive benefit from the additional wastewater collection system facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that residential and other new development in the Affected Territory will create wastewater system impacts which the acquisition and/or installation of additional wastewater collection system facilities funded by this Ordinance will offset.

G. The City Council also finds that the cost for the additional wastewater collection system facilities funded pursuant to this Chapter are apportioned relative to the anticipated impacts created by new development within the Affected Territory, and that the fees are fairly apportioned on dwelling units, commercial lodging units, recreational vehicle pad units, commercial/office use square footage, and industrial use square footage throughout the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such facilities created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Fee Impact Report and the Addendum thereto.

I. The City Council also finds that the cost estimates for wastewater collection system as set forth in the Development Impact Fee Report and the Addendum thereto are reasonable and the fees collected from residential and other new development will not exceed the reasonably estimated total of these costs.

J. The wastewater collection system fees collected pursuant to this Chapter shall be used only to finance such systems described or identified in the Wastewater Collection System section of the Master Facilities Plan.

Sec. 6AAA-10. Wastewater Treatment Facilities - Findings. The City Council finds as follows:

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A. As with water source, storage and distribution systems and the wastewater collection system, the development of any property in the Affected Territory will generate the need for additional wastewater treatment facilities. Without such additional wastewater treatment facilities to handle the flow from the wastewater collection system, new development will be adversely impacted in the Affected Territory. As a result, additional wastewater treatment facilities will be needed to accommodate new development.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provisions for wastewater treatment facilities are identified in the Wastewater Treatment Facilities section of the Master Facilities Plan and are necessary to provide adequate wastewater treatment facilities within the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the additional wastewater treatment facilities needed for the Affected Territory and estimates of the costs for those facilities.

E. The entire Affected Territory will derive benefit from the additional wastewater treatment facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that residential and other new development in the Affected Territory will create wastewater treatment facilities impacts which the acquisition and/or construction of additional wastewater treatment facilities funded by this Ordinance will offset.

G. The City Council also finds that the cost for the additional wastewater treatment facilities funded pursuant to this Chapter are apportioned relative to the anticipated impacts created by new development within the Affected Territory, and that the fees are fairly apportioned on dwelling units, commercial lodging units, recreational vehicle pad units, commercial/office use square footage, and industrial use square footage throughout the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such facilities created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Fee Impact Report and the Addendum thereto.

I. The City Council also finds that the cost estimates for wastewater treatment facilities as set forth in the Development Impact Fee Report and the Addendum thereto are reasonable and the fees collected from residential and other new development will not exceed the reasonably estimated total of these costs.

J. The wastewater treatment facilities fees collected pursuant to this Chapter shall be used only to finance such systems described or identified in the Wastewater Treatment Facilities section of the Master Facilities Plan.

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Sec. 6AAA-11. Electricity Transmission and Distribution System - Findings. The City Council finds as follows:

A. The development of any property in the Affected Territory will generate the need for new, extended and upgraded electric transmission and distribution system capacity. Without such additional electric system capacity, new development will be adversely impacted in the Affected Territory. As a result, additional electric facilities will be needed to accommodate new development.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provisions for electricity transmission and distribution system are identified in the Electricity Transmission and Distribution System section of the Master Facilities Plan and are necessary to provide adequate electricity transmission and distribution system facilities within the Affected Territory.

D. The Development Impact Fee Report and Addendum thereto describe in detail the additional electric transmission and distribution system facilities needed for the Affected Territory and estimates of the costs for those facilities.

E. The entire Affected Territory will derive benefit from the additional electric transmission and distribution system facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that residential and other new development in the Affected Territory will create electric transmission and distribution system impacts which the improvement, upgrade and/or construction of additional electric transmission and distribution system facilities funded by this Ordinance will offset.

G. The City Council also finds that the cost estimates for the additional electric transmission and distribution system facilities funded pursuant to this Chapter are apportioned relative to the anticipated impacts created by new development within the Affected Territory, and that the fees are fairly apportioned on dwelling units, commercial lodging units, recreational vehicle pad units, commercial/office use square footage, and industrial use square footage throughout the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such facilities created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Fee Impact Report and the Addendum thereto.

I. The City Council also finds that the cost estimates for electric transmission and distribution system set forth in the Development Impact Fee Report and Addendum thereto are reasonable and the fees collected from residential and other new development will not exceed the reasonably estimated total of these costs.

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J. The electric transmission and distribution system fees collected pursuant to this Chapter shall be used only to finance such systems described or identified in the Electricity Transmission and Distribution System section of the Master Facilities Plan.

Sec. 6AAA-12. General Facilities, Vehicles and Equipment - Findings. The City Council finds as follows:

A. General facilities, vehicles and equipment are limited to general office or work buildings and equipment used by City staff to undertake their daily duties. Such general facilities, vehicles and equipment include city administrative facilities, city yard and garage, electronic equipment, and pool and maintenance vehicles. As the City increases in both population and new business, the general facilities, vehicles and equipment will become inadequate and/or overcrowd for their intended use, thus requiring construction and/or purchase of additional general facilities, vehicles and equipment.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provisions for general facilities, vehicles and equipment are identified in the General Facilities, Vehicles and Equipment section of the Master Facilities Plan and are necessary to provide adequate general facilities, vehicles and equipment within the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the additional general facilities, vehicles and equipment needed for the Affected Territory and estimates of the costs for those facilities.

E. The entire Affected Territory will derive benefit from the additional general facilities, vehicles and equipment and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that residential and other new development in the Affected Territory will create general facilities, vehicles and equipment impacts which the construction and/or purchase of additional general facilities, vehicles and equipment funded by this Ordinance will offset.

G. The City Council also finds that the costs for the general facilities, vehicles and equipment funded pursuant to this Chapter are apportioned relative to the anticipated impacts created by new development within the Affected Territory, and that the fees are fairly apportioned on dwelling units, commercial lodging units, recreational vehicle pad units, commercial/office use square footage, and industrial use square footage throughout the Affected Territory on the basis of benefits conferred on property proposed for new development and the need for such facilities created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities, vehicles and equipment and the needs created by the types of new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the Development Fee Impact Report and the Addendum thereto.

I. The City Council also finds that the cost estimates for general facilities, vehicles and equipment as set forth in the Development Impact Fee Report and the Addendum

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thereto are reasonable and the fees collected from residential and other new development will not exceed the reasonably estimated total of these costs.

J. The general facilities, vehicles and equipment fees collected pursuant to this Chapter shall be used only to finance such facilities, vehicles and equipment systems described or identified in the General Facilities, Vehicles and Equipment section of the Master Facilities Plan.

Sec. 6AAA-13. Public Use (Community Center) Facilities - Findings. The City Council finds as follows:

A. The development of residential property in the Affected Territory will generate a need for additional community (public use) facilities. As a result, additional public use facilities will be needed to maintain the current level of service.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provisions for public use (community center) facilities are identified in the Public Use (Community Center) Facilities section of the Master Facilities Plan and are necessary to provide adequate community (public use) facilities within the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the current City standard for number of public use facilities per person, the number of persons a detached dwelling, attached dwelling or mobile home park residence generates, the public use facilities required to service such new development, and estimates of the costs of public use facilities to maintain the current level of service.

E. The entire Affected Territory will derive benefit from the additional public use (community center) facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Affected Territory will create needs for additional public use (community center) facilities which the acquisition and/or installation of such public use facilities funded by this Ordinance will meet.

G. The City Council also finds that the costs for additional public use (community center) facilities funded pursuant to this Chapter are apportioned relative to the anticipated impacts created by new residential development within the Affected Territory, and that the fees are fairly apportioned on dwelling units throughout the Affected Territory on the basis of benefits conferred on property proposed for new residential development and the need for such facilities created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of new development for which the fee is charged. This reasonable relationship is described in more detail in the Development Impact Fee Report and the Addendum thereto.

I. The City Council also finds that the cost estimates or public use (community center) facilities as set forth in the Development Impact Fee Report and the Addendum thereto are reasonable and the fees collected from the new residential development will not exceed the reasonably estimated total of these costs.

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J. The public use (community center) facilities fees collected pursuant to this Chapter shall be used only to finance such public use facilities described or identified in the Public Use (Community Center) Facilities section of the Master Facilities Plan.

Sec. 6AAA-14. Aquatics Center Facilities - Findings. The City Council finds as follows:

A. The development of residential property in the Affected Territory will create a need for additional aquatics center facilities. As a result, additional aquatics center facilities will be needed to maintain the current level of service.

B. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

C. Provision for aquatics center facilities are identified in the Aquatics Center Facilities section of the Master Facilities Plan and are necessary to provide adequate aquatics center facilities within the Affected Territory.

D. The Development Impact Fee Report and the Addendum thereto describe in detail the current City standard for aquatics center facilities per person, the number of persons a detached dwelling, attached dwelling or mobile home park residence generates, the aquatics center facilities required to service such development, and estimates of the costs for aquatics center facilities to maintain the current level of service.

E. The entire Affected Territory will derive benefit from the additional aquatics center facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

F. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that new residential development in the Affected Territory will create needs for additional aquatics center facilities which the acquisition and/or installation of such aquatics center improvements funded by this Ordinance will meet.

G. The City Council also finds that the costs for additional aquatics center facilities collected pursuant to this Chapter are apportioned relative to the anticipated impacts created by new residential development within the Affected Territory, and that the fees are fairly apportioned on dwelling units throughout the Affected Territory on the basis of benefits conferred on property proposed for new residential development and the need for such facilities created by such new development.

H. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of new development for which the fee is charged. This reasonable relationship described in more detail in the Development Impact Fee Report and the addendum thereto.

I. The City Council also finds that the cost estimates for aquatics center facilities as set forth in the Development Impact Fee Report and the Addendum thereto are reasonable and the fees collected from new residential development will not exceed the reasonably estimated total of these costs.

J. The aquatics center facilities fees collected pursuant to this Chapter shall be used only to finance additions to such facilities described or identified in the Aquatics Center Facilities section of the Master Facilities Plan.

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Sec. 6AAA-15. Park Land Acquisition and Facilities Development - Findings. The City Council finds as follows:

A. The development of residential property in the Affected Territory will generate a need for additional park land acquisition and facilities development to maintain the current level of service.

B. Pursuant to Section 66000, et seq., of the Government Code and the City's police powers, the City may impose by ordinance a requirement for the payment of fees to pay for the actual or estimated costs of acquiring and constructing park and recreation facilities.

C. Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety and welfare of its citizens.

D. Additional park and recreation facilities are essential for the City of Needles to mitigate the negative effects of increasing urban development and to promote the health and welfare of the citizens.

E. Provisions for additional park and recreation facilities are identified in the Park Land Acquisition and Facilities Development section of the Master Facilities Plan and are necessary to provide adequate park and recreation facilities within the Affected Territory.

F. The Development Impact Fee Report and the Addendum thereto describe in detail the current City standards for park and recreation facilities, the cost for park and recreation facilities construction, and the cost thereof per detached dwelling, attached dwelling or mobile home park residential unit.

G. The entire Affected Territory will derive benefit from the additional park and recreation facilities and should be assessed per the provisions of this Ordinance and pay a fair share of the cost thereof based on the benefit derived therefrom.

H. After consideration of the Development Impact Fee Report and the Addendum thereto and testimony at a public hearing duly held, the City Council hereby approves the Development Impact Fee Report and the Addendum thereto, and based thereon finds that new residential development within the Affected Territory will create needs for park and recreation facilities that the acquisition and/or construction of such park and recreation improvements funded by this Ordinance will meet.

I. The City Council finds that the costs for additional park and recreation facilities funded by this chapter are apportioned relative to the anticipated impacts created by new residential development within the Affected territory, and that the fees are fairly apportioned on dwelling units throughout the Affected Territory, and that the fees and fairly apportioned on dwelling units throughout the Affected Territory on the basis of benefits conferred on property proposed for new residential development and the need for such facilities created by such new development.

J. The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of new development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of new development for which the fee is charged. This reasonable relationship is described in more detail in the Development Impact Fee Report and the Addendum thereto.

K. The City Council also finds that the cost estimates for park land acquisition and facilities development as set forth in the Development Impact Fee Report and the

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Addendum thereto are reasonable and the fees collected from new residential development will not exceed the reasonably estimated total of these costs.

L. The park land acquisition and facilities development impact fees collected pursuant to this Chapter shall be used only to finance the park and recreation facilities described or identified in the Park Land Acquisition and Facilities Development section of the Master Facilities Plan.

Sec. 6AAA-16. Imposition and Payment of Fees.

A. Each owner of a lot or parcel of property within the Affected Territory shall pay to the City proper to the issuance of a certificate of occupancy and/of final building department inspection and approval, as applicable, for the construction or use of any residential dwelling unit, commercial lodging unit, recreational vehicle pad unit, commercial/office use square footage, and industrial use square footage development project as defined herein, the following fees:

1. The Animal Control Facilities, Vehicles and Equipment fee, as established by resolution of the City Council, to fund the cost of new facilities, vehicles and equipment to maintain current levels of service and to provide for the increase in services required as described in the Master Facilities Plan.

2. The Fire Suppression Facilities, Vehicles and Equipment fee, as established by resolution of the City Council, to fund the cost to construct new fire stations to house personnel and equipment described in the Master Facilities Plan.

3. The Circulation (Streets, Signals and Bridges) System fee, as established by resolution of the City Council, to fund the cost of additional street, roadway, signal and bridge improvements as described in the Master Facilities Plan.

4. The Storm Drainage Collection Facilities fee, as established by resolution of the City Council, to fund additional storm drainage facilities described in the Master Facilities Plan.

5. The Water Source, Storage and Distribution System fee, as established by resolution of the City Council, to fund the cost to provide for new water source, storage and distribution systems to handle increased new development as described in the Master Facilities Plan.

6. The Wastewater Collected System fee, as established by resolution of the City Council, to fund the cost to provide for new wastewater collection systems to handle increased new development as described in the Master Facilities Plan.

7. The Wastewater Treatment Facilities fee, as established by resolution of the City Council, to fund the cost to provide for new wastewater treatment facilities to handle increased new development as described in the Master Facilities Plan.

8. The Electricity Transmission and Distribution System fee, as established by resolution of the City Council, to fund the cost to provide for new electric transmission and distribution systems to handle increased new development as described in the Master Facilities Plan.

9. The General Facilities, Vehicles and Equipment fee, as established by resolution of the City Council, to fund the cost of construction and/or purchase of general facilities, vehicles and equipment, including city administrative facilities, city yard and garage, electronic equipment, and pool maintenance vehicles as described in the Master Facilities Plan.

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10. The Public Use (Community Center) Facilities fee, as established by resolution of the City Council, to fund the costs of additional community facilities and related equipment as described in the Master Facilities Plan.

11. The Aquatics Center Facilities fee, as established by resolution of the City Council, to fund additional aquatic facilities and equipment described in the Master Facilities Plan.

12. The Park Land Acquisition and Facilities Development fee, as established by resolution of the City Council, to fund the cost of additional parks, recreation areas, open space and related improvements described in the Master Facilities Plan.

B. The fees authorized by this section shall be cumulative such that each owner of a lot or property shall be charged each applicable fee, subject to the exemptions set forth in Sec. 6AAA.2.B. Moreover, the amount of each of these fees shall not exceed the fair share of the estimated cost of constructing and/or acquiring the corresponding facilities described in the Development Impact Fee Report. The amount of each fee shall be reviewed and revised by resolution of the City Council.

Sec. 6AAA-17. Accounting and Disbursement of Fees.

A. Each of the fees paid pursuant to Section 6AAA-16 shall be placed in a separate fund, each of which may be further segregated by specific projects. These funds shall be known, respectively, as:

1. The Animal Control Facilities, Vehicles and Equipment Fee Fund
2. The Fire Suppression Facilities, Vehicles and Equipment Fee Fund
3. The Circulation (Streets, Signals and Bridges) System Fee Fund
4. The Storm Drainage Collection Facilities Fee Fund
5. The Water Source, Storage and Distribution System Fee Fund
6. The Wastewater Collection System Fee Fund
7. The Wastewater Treatment Facilities Fee Fund
8. The Electricity Transmission and Distribution System Fee Fund
9. The General Facilities, Vehicles and Equipment Fee Fund
10. The Public Use (Community Center) Facilities Fee Fund
11. The Aquatics Center Facilities Fee Fund
12. The Park Land Acquisition and Facilities Development Fee Fund

B. These funds, and interest earned thereon, shall be expended solely for construction and/or acquisition of the corresponding public facilities as shown in the Master Facilities Plan, or for reimbursement for construction and/or acquisition of those public facilities.

Sec. 6AAA-18. Development Impact Fee Credits.

A. The owner of a parcel of property otherwise required to pay a fee under Sec. 6AAA.16 shall receive a credit for the corresponding development impact fee when that owner constructs or donates a facility, vehicle or equipment, or a portion thereof, identified in the Master Facilities Plan, regardless of how it may be financed, that serves the owner's parcel or parcels. The development impact fee credit shall offset, on a proportionate basis, without interest, the corresponding development impact fee to be paid pursuant to

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this Chapter. The facility must be built in compliance with all applicable laws governing the construction of public improvements and/or the vehicle or equipment must meet or exceed minimum requirements of the City.

B. The amount of the development impact fee credit shall equal the City's most recent estimated cost of constructing and/or furnishing the facility, or the portion of the facility actually completed or purchased, by contract or utilizing City forces. The amount of the development impact fee credit for a donated vehicle or equipment shall equal the actual cost of such vehicle or equipment purchased.

C. The owner of a parcel of property may be further entitled to a development impact fee credit where the City determines, on a case-by-case basis, that the construction of the facility, or a portion thereof, will be necessary to provide basic services to the entire Affected Territory even though it does not directly serve the owner's project or is of greater capacity than that required to serve the owner's project adequately.

D. The amount of the development impact fee credit shall be determined after inspection and acceptance of the facility at the time of payment of the corresponding development impact fee.

E. To the extent that an owner is granted a development fee credit, such owner shall not be entitled to a future reimbursement for such facility except as provided in Sec. 6AAA-19.

F. A development impact fee credit is an obligation of the City that runs with the land and inures to the benefit of each successor in interest of the original landowner until full credit has been received.

G. A developer may also be entitled to a credit if the City and developer have executed an agreement which specifically exempts the developer from the payment of one or more of the fees enacted under this Chapter. The availability of the credit and its amount shall be determined by the City on a case-by-case basis based on the provisions of the applicable agreement.

Sec. 6AAA-19. Reimbursement.

A. The owner of a parcel of property otherwise required to pay a development impact fee under Section 6AAA.16 will be entitled to enter into a reimbursement agreement to be reimbursed from subsequently collected development impact fees the direct and verifiable costs of installing or furnishing public improvements, or portions thereof, identified in the appropriate Master Facilities Plan where all of the following conditions are satisfied:

1. The owner has constructed a public improvement, or portion thereof, that is identified in the appropriate Master Facilities Plan.

2. The City required that the public improvement be constructed to contain supplemental size, capacity, number or length for the benefit of property not within the owner's project.

3. The City approved, prior to construction or furnishing, the proposed budget for the project and finds any change to that budget is fair and reasonable.

4. The public improvement, or portion thereof, has been dedicated to the city for public use.

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5. The public improvement, or portion thereof, has been built in compliance with all applicable laws governing the construction of public works or public improvements.

B. The City shall not reimburse the owner for costs related to financing any public facility.

C. An owner shall only be entitled to reimbursement to the extent that any public facility project benefits property not within the owner's project. Thus, an owner may receive a development impact fee credit as provided in Section 6AAA-18 for the portion of a public facility that serves the owner's project and reimbursement for the oversized or extra-capacity or extended portion of a public facility that benefits subsequently developed property.

D. In no event shall an owner receive a development fee impact credit and/or reimbursement in excess of the City's most recent estimated cost of constructing the facility, or the portion of the facility actually completed, by contract or by utilizing City forces.

E. Any reimbursement agreement entered into under this Section shall require the City, for a period of up to fifteen years, to reimburse the owner from the proceeds of the development impact fees collected from new projects that directly benefit from the facilities financed by the development impact fee or fees and which are the subject of the reimbursement agreement. Reimbursement shall only be made from fees collected to fund improvements which are the same type as the improvement constructed by the owner, and from not other source. The terms of the reimbursement shall be set forth in the reimbursement agreement.

Sec. 6AAA-20. Administrative Review.

A. The Planning Commission is empowered to implement Section 6AAA.18. Findings regarding credits must be based on evidence submitted by the property owner substantiating the owner's contention that a credit should be given.

B. The Planning Director shall prescribe the form and scope of applications under this Section and the necessary accompanying data.

C. The Planning Commission may adopt rules to implement procedures to carry out its responsibilities under this section. The City Council may establish, by resolution, processing fees to carry out the provisions of this section.

D. Appeals of decisions by the Planning Commission shall be made to the City Council pursuant to the procedures set forth in Part III, Article V, Sec. 95.00(b) of the Needles Municipal Code. An appeal shall be accompanied by the filing fee established by City Council resolution.

Sec. 6AAA-21. Deferrals, Waivers and Reductions.

The City Council is empowered to grant deferral, waiver or reduction of any fee imposed by this Chapter upon request. Such deferral, waiver or reduction may only be granted after notice and hearing if, in the opinion of the City Council, properly supported by specific findings, deferral would allow a better or fairer financing arrangement to be developed and imposed, or where waiver or reduction is required because imposition of such fee or fees in full would cause inequities. Findings must be based on written and other evidence submitted by the property owner substantiating the owner's contention

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that the fee should be deferred, waived or reduced. For deferrals, findings must include facts supporting such deferral including, without limitation, findings that (1) other properties to be benefited by any fee will not be burdened by the review and delay in fee imposition, or, (2) alternative financing methods involving more than one owner have been proposed for review, or (3) delay will result in a more fair funding arrangement. In the case of waiver or reduction, findings must include facts supporting, including, without limitation, that the owner will receive insufficient or not benefit from the fee imposed and would therefore be required, if the fee were imposed in full, to pay more than his fair share for the benefit received.

Sec. 6AAA-22. Application to Subsequently Annexed Land.

As areas not presently situated within the City boundaries seek to annex to the City, the City Council shall determine the benefit to such land areas of the public facilities and infrastructure funded by this Chapter. The City Council shall impose development impact fees, in whole or in part, as established by this Chapter, upon such annexed areas to the extent necessary to assure that such areas pay their fair share of the actual costs of all necessary public facilities and infrastructure benefiting their projects, unless the City Council determines that such an imposition would cause inequities or that better or fairer financing arrangement can and should be developed and imposed.