

ORDINANCE O2026-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA STATE OF CALIFORNIA REPEALING AND REPLACING CHAPTER 3.20 OF THE MANTECA MUNICIPAL CODE, ENTITLED “PARK ACQUISITION AND IMPROVEMENT FEES”, AND ADDING CHAPTER 3.21 OF THE MANTECA MUNICIPAL CODE ENTITLED “PARK DEDICATION AND IN-LIEU FEES”

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

DIVISION 1. FINDINGS.

WHEREAS, the City of Manteca (“City”) desires to update the Manteca Municipal Code provisions regarding the City’s Park Acquisition and Improvement Fee and to add provisions for Park Dedication and In-Lieu Fees; and

WHEREAS, the Mitigation Fee Act, contained in Government Code section 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; and

WHEREAS, California Government Code section 66477 (the “Quimby Act”) allows legislative bodies of cities to adopt an ordinance requiring the dedication of land or imposing fees in lieu thereof, or a combination of both, for park or recreation purposes, as a condition of approval of a tentative map or parcel map; and

WHEREAS, the City Council desires to amend the City’s existing Park Acquisition and Improvement Fee ordinance to update and clarify provisions and to incorporate new Park Dedication and In-Lieu Fee requirements consistent with state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

DIVISION 2. Chapter 3.20 of Title 3 of the Municipal Code of the City of Manteca is hereby amended to read in its entirety as follows.

Chapter 3.20 – PARK ACQUISITION AND IMPROVEMENT FEES

Section 3.20.010 – Findings and intent.

The City Council hereby finds and declares that:

- A. New development increases demand on existing park facilities and creates the need for expanded or new facilities to serve new development. The

purpose of this chapter is to enable the collection of mitigation fees to be used for the purpose of acquiring park land and developing new or expanding existing park facilities.

- B. It is the City's intent and desire to require that new development contribute its fair share toward the purchase, development and/or improvement of park land and facilities.
- C. The imposition of impact fees is one of the customary methods of ensuring that development bears a proportionate share of the cost of public facilities necessary to accommodate such development in order to promote and protect the public health, safety and welfare.
- D. The provisions of this chapter are consistent with the City's general plan and enacted pursuant to Section 66000 *et seq.* of the California Government Code (the "Mitigation Fee Act").
- E. This fee shall be known as the "Park Acquisition and Improvement Fee"

Section 3.20.020 – Purpose.

The purpose of the Park Acquisition and Improvement Fee is to fund the purchase of park land and the creation, improvement, and expansion of park and recreation facilities, including, but not limited to, the planning, designing, developing, and improving of existing and newly acquired park and recreation facilities related to new development.

Section 3.20.030 – Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

"Building permit" includes full structural building permits as well as partial permits such as foundation-only permits or tenant improvements.

"Certificate of occupancy" and "final inspection" as used in this chapter, have the same meanings as in California Government Code Section 66007, as amended.

"Dwelling unit" means each single dwelling and each unit of an apartment, duplex or multiple-family structure designed as a separate habitation for one or more persons

"New development" shall mean the construction of new residential dwelling units.

"Park Acquisition and Improvement Fee" shall mean the mitigation fee imposed on new development for the purpose of funding park and recreational facilities related to new development, including funding projects on the Park Acquisition and Improvement Fee Project List.

“Park Fee Project List” shall mean a list of the park facilities funded in part or in whole by the Park Acquisition and Improvement Fee. The Park Fee Project List shall be adopted by resolution of the City Council and may be amended from time to time pursuant to Government Code section 66002.

“Park facilities” shall mean any public improvements deemed necessary by the City to develop, improve or expand land and facilities for park and recreational purposes. Such improvements may include, but are not limited to: grading; landscaped areas for active and passive recreational use, trails and sports fields; irrigation and drainage systems; lawn, shrubs and trees; facilities for recreational community gardening; walkways; bicycle facilities and park lighting; playground or other recreational equipment; picnic facilities; community center or other buildings, swimming pools; volleyball, basketball, tennis, racquetball and other courts; vehicle driveways and parking areas and any other facilities which may hereafter be authorized by state law or approved by the City.

Section 3.20.040 – Establishment of a Park Acquisition and Improvement Fee.

Except as otherwise provided in this chapter, developers of new development shall pay a Park Acquisition and Improvement Fee in an amount established by resolution of the City Council in accordance with a nexus study that demonstrates the reasonable relationship between the fee’s use and the type of development project on which the fee will be imposed and demonstrates the reasonable relationship between the need for park facilities and the type of development projects on which the fee will be imposed.

Section 3.20.050 – Exemptions.

The following types of development shall not be required to pay a Park Acquisition and Improvement Fee:

- A. Alterations, renovations or expansion of an existing building or structure that do not add new dwelling units.
- B. Replacement of dwelling units on the same lot that does not add dwelling units.
- C. The replacement of a destroyed or partially destroyed or damaged building or structure that does not add new dwelling units.
- D. Nonresidential development.
- E. New development that dedicates land or pays a fee in-lieu thereof pursuant to Chapter 3.21 of the Manteca Municipal Code shall be exempt from paying the portion of the Park Acquisition and Improvement Fee associated with the acquisition of park land.

Section 3.20.060 – Determination of required fees.

- A. The Parks Planning and Development Manager, or the City Manager's designee, shall be responsible for determining the fees required by this chapter. This determination shall be made at the time of application for the building permit, unless otherwise required by law.
- B. The Park Acquisition and Improvement Fee may be modified automatically on an annual basis on July 1, in accordance with the change in the Engineering News-Record ("ENR") Construction Cost Index for the San Francisco area. This adjustment shall not require any action of the City Council.

Section 3.20.070 – Payment of fees.

- A. Unless otherwise required by law, the fees required by this chapter from new development shall be paid at the time the City issues each building permit for each new development project. Unless otherwise required by law, the amount of the fees to be paid under this chapter shall be in the amount of the fee in effect at the time the fee is paid.
- B. If the required fee is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, shall execute an agreement to pay the fee or charge, or applicable portion thereof, within the time specified above. The contract shall be recorded with the San Joaquin County recorder and shall constitute a lien for the payment of the fee. No final inspection for a dwelling unit within a residential development subject to this chapter will be conducted unless and until the fees are paid in full.
- C. If new development adds dwelling units to an existing building, which requires the payment of a new or additional Park Acquisition and Improvement Fee, the fee amount associated with the existing use on the project site shall be credited against the new total fee due, as determined by the Parks Planning and Development Manager or City Manager's designee; provided, however, that in no event shall the City refund the fees previously paid.

Section 3.20.080 – Park Acquisition and Improvement Fee Fund and Accounting.

- A. Park Acquisition and Improvement Fee Fund. Fees collected pursuant to this chapter shall be deposited in the Park Acquisition and Improvement Fee Fund and shall be segregated and used and expended for the acquisition, improvement and expansion of public parks and recreation facilities as outlined in the Park Fee Project List. Any interest accrued by the account shall be used solely for the purpose of funding park facilities.

- B. **Park Acquisition and Improvement Fee Accounting.** The City shall maintain accounts and prepare reports in accordance with California Government Code Section 66001 *et seq.*

Section 3.20.090 – Fee adjustments.

Any person subject to a fee required by this chapter may apply to the Parks Planning and Development Manager, or the City Manager's designee, for a reduction, adjustment or waiver of that fee based upon the applicant's contention that (1) the amount of the fee is not reasonably related to the impacts of the applicant's development project on park and recreation facilities; (2) the fee is not roughly proportionate to the development's impact on the need for park and recreation facilities; and/or (3) the fee requires the developer to pay more than is necessary to address the impacts of the new development on park and recreation facilities.

- A. **Application:** An applicant shall file a written request to adjust fees with the Parks Planning and Development Manager, not later than ten days after the City notifies the developer of the amount of the fee to be charged. Additional time, as determined by the Parks Planning and Development Manager, or the City Manager's designee, will be allowed when significant additional information is required of the developer. The application shall provide evidence illustrating that the payment of the fee authorized by this chapter and imposed by implementing resolution bears no reasonable relationship or nexus with the impact of the development on the need for park facilities within the City and state in detail the factual basis for the request for reduction, adjustment or waiver. If an applicant desires to receive a building permit prior to the completion of the appeal process, applicant shall deposit the fee being appealed with the application. Such fee or portion thereof will be refunded if the appeal is successful.
- B. **Decision of the Parks Planning and Development Manager:** The Parks Planning and Development Manager or the City Manager's designee shall issue a decision on the application within thirty days after the application is filed. The Parks Planning and Development Manager, or the City Manager's designee's, decision shall state his or her determination regarding the amount of the Park Acquisition and Improvement Fee that may reasonably be imposed on the new development and include a brief description of the basis for the Manager's decision.
- C. **Appeal of the Decision of the Parks Planning and Development Manager:** Decisions of the Parks Planning and Development Manager, or the City Manager's designee, may be appealed to the City Manager. Appeals must be filed within ten days of the Parks Planning and Development Manager's, or the City Manager's designee's, decision. The City Manager shall review the application and evidence

presented to the Parks Planning and Development Manager or the City Manager's designee and issue a decision within fifteen days. The decision of the City Manager is final and may be protested pursuant to Government Code Section 66020.

Section 3.20.100 – Fee refunds.

Upon application, fees collected by the City pursuant to this chapter shall be refunded under the following circumstances:

- A. Fees collected pursuant to this chapter are erroneously or illegally collected.
- B. The building permit expires, and no extension has been granted, for the development project upon which fees were imposed pursuant to this chapter. An application for refund pursuant to this subsection shall be filed with the Parks Planning and Development Manager no later than ninety days after expiration of the building permit. The amount of the refund shall be reduced by an amount to cover the cost to the City for processing the refund.

Section 3.20.110 - Credit for dedication of land of construction of park improvements.

At the option of the Parks Planning and Development Manager or the City Council, land and/or parks and recreation facilities may be dedicated to the City for park purposes in lieu of the fees designated in this chapter. The amount of land to be dedicated and the amount of credit to be given, if any, shall be determined by the Parks Planning and Development Manager. The credit to be provided shall be equal to the amounts listed in the Parks Impact Fee Project List for the type and amount of land and facilities provided, unless the land or facilities is not included on the Parks Impact Fee Project List, in which case the Parks Planning and Development Manager shall determine the amount of the credit based on the City's costs to acquire the dedicated land or construct the dedicated facilities. The dedication of land and facilities will only be accepted in lieu of payment of the fees required by this chapter if the land and facilities meet current standards and specifications for landscape development. Any dedicated park land must include a minimum of twenty-five percent (25%) of the land located upland of the remaining dedicated acreage and not located in a floodplain. Additionally, any dedicated park land must include a minimum of one acre of land located upland of the remaining dedicated acreage and not located in a floodplain.

DIVISION 2. Chapter 3.21 of the Municipal Code of the City of Manteca is hereby added to read in its entirety as follows.

Chapter 3.21 - PARK DEDICATION AND IN-LIEU FEES

Section 3.21.010 – Findings and intent.

The City Council hereby finds and declares that:

- A. The public interest, convenience, health, welfare and safety require that new residential subdivision developments provide park land to serve the subdivision.
- B. The standards set forth in this Chapter are consistent with the general plan of the city.

Section 3.21.020 – Purpose.

This chapter is enacted pursuant to Section 66477 of the Subdivision Map Act (“Quimby Act”) and the general police power of the City of Manteca. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are consistent with the recreation element of the City’s general plan.

Section 3.21.030– Dedication Requirements.

- A. **Dedication of Park Land:** As a condition of approval of a tentative or final subdivision map or parcel map, the subdivider shall dedicate land for park or recreational purposes, pay a fee for such purposes, or both, according to the standards and formulas contained in this chapter and as established by City Council resolution.
- B. **Purpose of Land Dedication:** Land dedicated to the City for park or recreational purposes shall advance the goals and objectives of the recreation element of the General Plan and be improved to all applicable local, state, and federal standards.
- C. **Amount and Standard for Parkland Dedication:** The City Council shall, by resolution, establish the requirement for parkland dedication in accordance with the following standards:
 - 1. The amount of land dedicated shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household and shall be subject to the following. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4, at the time the standard is adopted.
 - 2. The requirement for dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision at the time the standard is adopted by City Council resolution, exceeds that limit, in which case the City Council may

adopt the calculated amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this chapter.

3. The park area per 1,000 members of the population of the city, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the city, county, or local public agency as shown in the most recent available federal census at the time the standard is adopted. The amount of neighborhood and community park acreage shall be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available federal census at the time the standard is adopted.
 4. The requirement for dedication of land, or the payment of fees, or both, shall not exceed the limits prescribed by the Quimby Act, as it may be updated from time to time.
- D. Amount of Fee Required. Where a fee is required or proposed to be paid in lieu of land dedication, the amount of the fee shall be established by City Council resolution and shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated. Once adopted, the fee may be modified automatically on an annual basis on July 1, in accordance with the change in the Engineering News-Record ("ENR") Construction Cost Index for the San Francisco area. This adjustment shall not require any action of the City Council.

Section 3.21.040– Determination of Dedication of Land or Payment of Fee.

- A. **Procedure:** The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:
1. **Subdivider:**
 - a. At the time of filing a tentative map for approval, the owner of the property shall, as a part of the filing, indicate whether the owner desires to dedicate property for park and recreational purposes or desires to pay a fee in lieu of dedication.
 - b. If the owner desires to dedicate land for this purpose, the owner, with the concurrence of the Parks Planning and Development Manager, or the City Manager's Designee, shall designate the area on the tentative map as filed.
 2. **Action of City:** If dedication of land is proposed, the tentative map will be referred to the City Council for approval, conditional approval or denial. The City Council shall consider the land dedication as part of the public hearing on the tentative map and shall determine whether to require a dedication of land

within the subdivision, payment of a fee in lieu of dedication, or a combination of both.

3. Prerequisites for Approval of Final Map:

- a. Where dedication is required, it shall be accomplished in compliance with Government Code Section 66477.
- b. Where fees are required, the same shall be deposited with the City before building permit issuance, unless otherwise required by law.
- c. Open space covenants for private park or recreational facilities shall be submitted to the City before approval of the final map and shall be recorded concurrently with the final map.

B. Determination:

1. Whether the City Council accepts the land dedication or elects to require the payment of a fee in lieu of dedication, or a combination of both, shall be determined by consideration of the following factors:
 - a. The compatibility of the land dedication with the general plan and the City's adopted Parks and Recreation Master Plan;
 - b. The natural features, access, and location of land in the subdivision available for dedication;
 - c. Utility locations and storm drainage capacity as they relate to park impacts.
 - d. The size and shape of the subdivision and land available for dedication;
 - e. The feasibility of dedication;
 - f. The location of and proximity to existing and proposed park sites and trailways; and
 - g. Whether the land proposed for dedication is located in the floodplain.
2. The determination of the City Council as to whether land shall be dedicated or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.
3. On subdivisions involving 50 parcels or fewer, only the payment of fees shall be required; however, land may be accepted upon agreement of the subdivider and the City Council.
 - a. This limitation does not apply to condominium projects, stock cooperative, or community apartment projects, as those terms are defined in Sections 4105, 4125, and 4190 of the Civil Code, when such projects exceed 50 dwelling units even though the number of parcels may be less than 50.

C. Requirements for Dedicated Land. The subdivider shall, without credit:

1. Provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, street trees, and sidewalks to land which is dedicated pursuant to this section;
2. Provide for fencing/masonry walls along the property line of that portion of the subdivision contiguous to the dedicated land;

3. Provide improved drainage through the dedicated land; and
 4. Provide other minimal improvements including, but not limited to removal of debris, clearing of the site and temporary hydro-seeding, which the Parks Director determines to be essential to the acceptance of the land for recreational purposes.
- D. The location, size and configuration of the land to be dedicated and the improvements to be made pursuant to this section shall be reviewed and approved by the Parks Planning and Development Manager. The dedication of land and/or facilities will only be accepted in lieu of payment of the fees required by this chapter if the land and facilities meet current standards and specifications for landscape development. Any dedicated park land must include a minimum of twenty-five percent (25%) of the land located upland of the remaining dedicated acreage and not located in a floodplain. Additionally, any dedicated park land must include a minimum of one acre of land located upland of the remaining dedicated acreage and not located in a floodplain.
- E. Limitations on the Use of Land and Fees. Unless otherwise authorized by Government Code Section 66477, the land and fees received in compliance with this section shall be used only for the purpose of providing park and recreational facilities to serve the subdivision for which received, and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

Section 3.21.050– Credit for private recreation facility.

Common interest developments, as defined in Section 4100 of the Civil Code, shall be eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

Section 3.21.060 – Disposition of fees.

- (a) Fees determined pursuant to Section 3.21.030(D) and by City Council resolution shall be paid to the City and shall be deposited into the Park Dedication In-Lieu Fee Fund, which is a successor fund to the neighborhood park in-lieu fee fund. Money in the fund, including accrued interest, shall be expended solely for acquisition, development, or rehabilitation of park land, or improvements related thereto.
- (b) The City shall develop and maintain a schedule specifying where, when and how it will use the dedicated land, in-lieu fees or both to develop park and recreational facilities to serve the residents of the subdivision.

- (c) Collected fees shall be committed within five (5) years of receipt of payments or within five (5) years after the issuance of building permits on one half of the lots created by the subdivision, whichever occurs later.

Section 3.21.070 – Exemptions.

The following are exempted from the provisions of this chapter:

- (a) Subdivisions containing four (4) or fewer parcels or lots that are not used for residential purposes; provided, however, that a condition shall be placed on the approval of such tentative map that if a building permit is requested for construction of a residential structure or dwelling units on one or more of the parcels or lots within four years, the in-lieu fee shall be required to be paid by the property owner of each such parcel or lot, as a condition to the issuance of such permit;
- (b) Commercial or industrial subdivision development projects;
- (c) Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old and no new dwelling units are added.

Section 3.21.080 – Subdivider provided park and recreation improvements.

- A. The value of any park and recreational improvements to the dedicated land shall be credited against the fees and/or dedication of land required by this chapter provided that:
 - 1. The subdivider shall apply to the Parks Planning and Development Manager for permission to construct such improvements;
 - 2. If permission is granted, the Parks Planning and Development Manager, in consultation with the Engineering Department, shall determine the appropriate credit. The credit to be provided shall be equal to the amounts listed in the Parks Impact Fee Project List, as defined in Section 3.20.030 of the Manteca Municipal Code, for the type and amount of facilities provided, unless the land or facilities is not included on the Parks Impact Fee Project List, in which case the Parks Planning and Development Manager shall determine the amount of the credit based on the City's costs to acquire the dedicated land or construct the dedicated facilities.
 - 3. No credit for park and recreation facilities or improvements shall be provided pursuant to this section if the project is also subject to the Park Acquisition and Improvement Fee set forth in Chapter 3.20 of the Manteca Municipal Code. If the project is subject to the Park Acquisition and Improvement Fee, any credit will be provided against that fee obligation pursuant to Section 3.20.110.

- B. Any construction of park improvements proposed by the subdivider shall comply with the guidelines set forth in the Standards and Specifications for Landscape Development.

Section 3.21.090 – Access.

All land offered for dedication for public park or recreational purposes, shall have access to at least one existing or proposed public street. This requirement may be waived by the City Council if the City Council determines that public street access is unnecessary for the maintenance of the park area or use thereof by residents.

Section 3.21.100 – Development agreement.

Except as expressly prohibited by Section 66477 of the Subdivision Map Act, the terms and procedures contained in this chapter may be waived or modified by a development agreement adopted pursuant to Section 65864 *et seq.* of the California Government Code.

Section 3.21.110 – Adjustments

Any person subject to a dedication requirement or fee in lieu thereof, as required by this chapter, may apply to the Parks Planning and Development Manager, or the City Manager's designee, for a reduction, adjustment or waiver of that dedication requirement or in lieu fee based upon the applicant's contention that (1) the amount of the requirement or fee is not reasonably related to the impacts of the applicant's development project on park and recreation facilities; (2) the dedication requirement or fee is not roughly proportionate to the development's impact on the need for park and recreation facilities; and/or (3) the dedication requirement or fee requires the developer to pay more than is necessary to address the impacts of the new development on park and recreation facilities. The applicant shall follow the process for applying for an adjustment set forth in Section 3.20.090 of the Manteca Municipal Code. The deadline for filing an application shall run from the City's determination of the land required for dedication or fees required in lieu thereof.

DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to 14 CCR Section 15061(b)(3) of the State CEQA Guidelines, because it can be seen with certainty that there is no possibility that the adoption of this Ordinance or its implementation would have a significant effect on the environment.

DIVISION 4. SEVERABILITY.

ATTACHMENT 5

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Manteca hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 5. EFFECTIVE DATE.

This ordinance shall become effective January 1, 2027.

City of Manteca, a municipal corporation

MAYOR: _____
GARY SINGH

ATTEST: _____
CASSANDRA CANDINI-TILTON
CITY CLERK