

ORDINANCE NO. 05-206

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT ESTABLISHING CONDITIONS AND SPECIFICATIONS GOVERNING THE USE OF DISTRICT FACILITIES FOR PRIVATE PROPERTY REMODELING PROJECTS.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. Replacing Old Ordinance

Ordinance No. 206 is hereby repealed

2. Statement of Policy and Necessity

WHEREAS, section 61621.5(a) of the Government Code provides that a Community Services District may adopt by ordinance regulations to govern the use of its facilities and property, including regulations imposing reasonable charges for the use thereof; and

WHEREAS, the District owns certain facilities and property which are used by residents and property owners within the District, including but not limited to Beach Road, drainage structures, curbs, and gutters; and

WHEREAS, improvements to private property within the District often involve the use of heavy trucks and other construction equipment, increased traffic, and other physical activities, which damage and cause additional wear and tear to District property and facilities well beyond what is incurred due to normal daily use, and cause additional burdens on District staff and security personnel; and

WHEREAS, it is necessary to impose a user fee on private property owners who engage in private property development and/or remodeling projects in order to permit the District to recover money to repair cumulative damages to its property and facilities caused by such projects.

3. Definitions

For the purpose of this ordinance, "private property development and/or remodeling project" shall mean any construction project occurring on private property within District boundaries which requires the issuance of a building permit from the City of Dana Point.

4. Fee Required

Any person desiring to use District property or facilities for a private property development and/or remodeling project, including but not limited to District-owned roads, curbs, gutters, storm drains, walkways, and appurtenances, shall pay a fee for such use. The amount of fee shall be in accordance with the schedule attached hereto as Exhibit "A." A penalty of a reasonable rate of interest based on the applicable federal rate (November 2004 – 2.37% annual), not to exceed 6% and never less than 2% annually, shall be incurred for failure to pay this fee prior to construction and/or remodeling.

5. Penalties for Violation

Pursuant to Government Code Section 61621.5(a), any person found violating this ordinance relating to the use of a road is guilty of a misdemeanor and is subject to imprisonment in county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1000) or both.

6. Notice

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a public notice in the legal section under the classified ads of the local Orange County Register newspaper.

Passed, approved and adopted on the 31st day of May, 2005 by the following vote:

AYES: Martinez, Jahnke, Dunn, Southwick, Brady

NOES:

ABSENT:

ABSTAIN:

Alex J. Martinez, President
Capistrano Bay Community Services District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF ORANGE)SS
CAPISTRANO BAY DISTRICT)

(DISTRICT SEAL)

I, DONAL S. RUSSELL, hereby certify that the above foregoing is a true and correct copy of Ordinance No. 05-206 adopted by the Board of Directors of the Capistrano Bay District at a regular meeting held on May 31st, 2005.

Donal S. Russell, District Manager
Capistrano Bay Community Services District

**ORDINANCE NO. 05-206
CBD DEVELOPMENT IMPACT FEE**

EXHIBIT “A”

Development (in \$) between	Development (in ft²)	Admin Fee	Supervision Fee	Estimated Direct Impact on Infrastructure	Traffic Control Fee	Contingency Fee (20% of traffic control fee)
\$1,001 and \$2,500	Minor repairs requiring city permit	\$30 or 2% of cost whichever is greater	N/A	N/A	N/A	N/A
\$2,501 and \$10,000	Structural repair (w/permit) only of an area up to 100 ft ²	\$55	N/A	\$125 PLUS 5.00% of cost greater than \$2,501	N/A	N/A
\$10,001 and 50,000	Repair or remodel of area up to 200 ft ²	\$75	N/A	\$500 PLUS 3.50% of cost greater than \$10,001	N/A	N/A
\$50,001 and 100,000	Remodel between 200 and 350 ft ²	\$110	\$65	\$1,900 PLUS the greater of either 1.20% of remodel cost greater than \$50,001 or \$4.00 per ft ² greater than 200 ft ²	N/A	N/A
\$100,001 and 500,000	Remodel and/or new construction between 350 and 2000 ft ²	\$165	\$100	\$2,500 PLUS the greater of either 0.87% of cost greater than \$100,001 or \$2.12 per ft ² new construction greater than 350 ft ²	\$45	\$9
\$500,001 and \$1,000,000	New construction on single lot up to 4000 ft ²	\$165	\$100	\$6,000 PLUS the greater of either 0.70% of cost over \$500,001 or \$1.75 per ft ² greater than 2,000 ft ²	\$90	\$18
\$1,000,001 and 2,000,000	Construction greater than 4000 ft ² on a single lot or construction on more than single lot up to 7500 ft ²	\$165	\$135	\$9,500 PLUS the greater of either 0.54% of cost over \$1,000,001 or \$1.53 per ft ² greater than 4,000 ft ²	\$120	\$24
\$2,000,001 and above	Construction on more than one lot exceeding 7500 ft ²	\$165	\$170	\$14,850 PLUS the greater of either 0.50% of cost over 2,000,001 or \$1.50 per ft ² greater than 7500 ft ²	\$150	\$30