

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA REPEALING
ORDINANCE NO. 2384 RELATING TO THE
ESTABLISHMENT OF THE TELEGRAPH CANYON
DRAINAGE BASIN DEVELOPMENT IMPACT FEE

WHEREAS, the City's General Plan and "Growth Management" ordinance require adequate public facilities be available to accommodate new development; and

WHEREAS, in the early 1990's, development of properties was proposed within the boundaries served by the Telegraph Canyon Drainage Basin, which handled a limited amount of surface and storm water runoff; and

WHEREAS, recognizing that additional drainage facilities would be needed to accommodate the surface and storm water runoff resulting from new development, the City Council held a public hearing on August 7, 1990 and adopted Ordinance No. 2384; and

WHEREAS, Ordinance No. 2384 approved a report entitled, "City of Chula Vista, California, Telegraph Canyon Drainage Plan," dated June 6, 1990, and on file with the City Clerk, which establishes the boundaries of the Telegraph Canyon Drainage Basin, the boundaries of the Telegraph Canyon Drainage Improvement District and the boundaries of the area of benefit of the Telegraph Canyon Drainage Improvements, the extent of the additional drainage facilities needed to accommodate new development in the Drainage District, and a proposed allocation of fees to pay for the drainage facilities; and

WHEREAS, Ordinance No. 2384 also established the Telegraph Canyon Drainage Basin Development Impact Fee in the amount of \$3,922.00 per gross benefit acre of undeveloped land identified within the Telegraph Canyon Drainage Plan; and

WHEREAS, on April 21, 1998 the City Council held a public hearing and approved Resolution 18965, which increased the per acre fee to \$4,579.00 based upon inflationary adjustments contemplated in the original ordinance, and to date, remains unchanged; and

WHEREAS, there are no remaining properties within the boundaries established by the Telegraph Canyon Drainage Plan that are subject to the Telegraph Canyon Drainage Basin Development Impact Fee; and

WHEREAS, the Telegraph Canyon Drainage Basin improvements are incomplete; and

WHEREAS, the existing balance in the Telegraph Canyon Drainage Development Impact Fee and future grant funding will be used to complete the improvements in the Telegraph Canyon Drainage Basin that are needed to protect the public's health, safety and welfare, and to assume effective implementation of the City's General Plan and "Growth Management" ordinance; and

WHEREAS, the activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. In addition, notwithstanding the foregoing, this subject action also qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain as follows:

Section I. Ordinance 2384 is repealed in its entirety.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by:

Approved as to form by:

Kelly Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney