

ORDINANCE NO. 3402

ORDINANCE OF THE CITY OF CHULA VISTA REPEALING
ORDINANCE NO. 2533, RELATING TO THE
ESTABLISHMENT OF THE TELEGRAPH CANYON SEWER
BASIN DEVELOPMENT IMPACT FEE

WHEREAS, the City's General Plan and "Growth Management" ordinance require adequate, safe sewer facilities to be available to accommodate the increased flow created by new development; and

WHEREAS, the City Council determined that potential delays in the construction of improvements to the Telegraph Canyon Sewer Basin (Basin) would adversely impact the City's ability to accommodate said increased flows; and

WHEREAS, on January 23, 1990 the City Council passed Resolution No. 15449, which approved the Telegraph Canyon Sewer Basin Monitoring and Gravity Basin Usage Agreement, requiring the City to prepare the Telegraph Canyon Sewer Basin Improvement and Financing Plan (Basin Plan); and

WHEREAS, the Basin Plan, entitled "Telegraph Canyon Sewer Basin Improvement and Financing Plan" was prepared and dated July 31, 1992, with a subsequent addendum entitled "Addendum to Telegraph Canyon Sewer Basin Plan" dated September 25, 1992; and

WHEREAS, the Basin Plan determined that sewage expected to be generated from new development within the Basin would exceed the capacity of the existing sewer system to handle the additional sewage, which would need to be mitigated by financing and constructing certain sewer facilities; and

WHEREAS, the Basin Plan justified sewer improvements in the Basin and a fee levied on all new development discharging into the Basin; and

WHEREAS, on September 22, 1992, the City Council passed Resolution No. 16819, setting a hearing to approve the Telegraph Canyon Sewer Basin Plan and establish the Telegraph Canyon Sewer Basin Development Impact Fee (DIF); and

WHEREAS, on October 20, 1992, the City Council held a public hearing and determined that the sewer facilities DIF would be necessary on all developments for which building permits had not yet been issued within the Basin service area east of Interstate 805; and

WHEREAS, the City Council also determined that the amount of the fee levied by Ordinance No. 2533 would not exceed the estimated cost of providing improvements to Basin facilities; and

WHEREAS, on November 10, 1992, the City Council adopted Ordinance No. 2533, which established the Telegraph Canyon Sewer Basin DIF to fund improvements to the Basin necessitated by additional development; and

WHEREAS, the Telegraph Canyon Sewer Basin improvements are complete, and collecting the fees from the Telegraph Canyon Sewer Basin DIF is no longer needed to protect the public's health, safety and welfare or to assume effective implementation of the City's General Plan or "Growth Management" ordinance.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain that Ordinance No. 2533 is hereby repealed in its entirety.

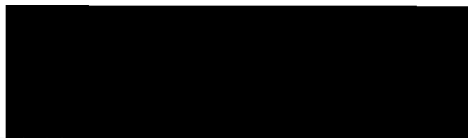
Section I. Effective Date

This ordinance shall take effect and be in full force 30 days after its adoption.

Section II. 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



Kelly G. Broughton, FASLA
Director of Development Services

Approved as to form by



Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 16th day of May 2017, by the following vote:

AYES: Councilmembers: Aguilar, McCann, Padilla, and Salas

NAYS: Councilmembers: None

ABSENT: Councilmembers: Diaz

[Redacted Signature]

Mary Salas, Mayor

ATTEST:

[Redacted Signature]

Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3402 had its first reading at a regular meeting held on the 9th day of May 2017 and its second reading and adoption at a regular meeting of said City Council held on the 16th day of May 2017; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

May 31, 2017
Dated

[Redacted Signature]

Donna R. Norris, CMC, City Clerk