

ORDINANCE NUMBER 19-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, COUNTY OF MONO, STATE OF CALIFORNIA, REPEALING AND READOPTING CHAPTER 15.16, ARTICLE II OF THE MAMMOTH LAKES MUNICIPAL CODE

WHEREAS, on July 1, 2015 the Town Council approved the Development Impact Fee Nexus Study and adopted a resolution setting Development Impact Fees in accordance with the Nexus Study; and

WHEREAS, Municipal Code Chapter 15.16, Article II describes how the Town implements the Development Impact Fee program; and

WHEREAS, Municipal Code Chapter 15.16, Article II presently includes inconsistencies with the adopted Nexus Study as well as minor spelling, grammatical, and similar errors, which this Ordinance will resolve;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Repeal and Readoption of Chapter 15.16, Article II. Based on the findings contained in this Ordinance and all other evidence in the record of proceedings in this matter, the Town Council hereby repeals and readopts Chapter 15.16, Article II of the Mammoth Lakes Municipal Code in its entirety to read as shown in Exhibit "A" attached hereto and incorporated herein by this reference. Notwithstanding the foregoing, nothing in this Ordinance shall be deemed to invalidate any fees collected or other actions taken pursuant to the repealed provisions prior to the effective date of this Ordinance.

Section 3. CEQA. The adoption of this Ordinance is not a project as defined by Public Resources Code Section 21065 and State CEQA Guidelines Section 15378(b)(4), as it relates to the implementation of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Section 4. Effective Date. This Ordinance shall become effective and enforceable thirty (30) days from and after the date of its adoption.

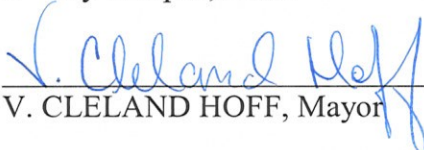
Section 5: Posting. The Town Clerk shall, within fifteen (15) days after the passage of this Ordinance, cause it to be posted at the duly designated posting places established by resolution of the Town Council, published once in a newspaper of general circulation, and entered in the Book of Ordinances of the Town.

Section 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining sections or portions of this Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance thereof irrespective of the fact that any one

or more sections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid, or ineffective.

Section 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance has been based are located at Town of Mammoth Lakes, Town Hall, 437 Old Mammoth Rd., Suite 230, Mammoth Lakes, CA 93546. The custodian for these records is Town Clerk. This information is provided pursuant to Public Resources Code section 21081.6.

ADOPTED, SIGNED and APPROVED this 3rd day of April, 2019.



V. CLELAND HOFF, Mayor

ATTEST:



JAMIE GRAY, Town Clerk

EXHIBIT A

ARTICLE II. - DEVELOPMENT IMPACT MITIGATION FEES

15.16.080 - Purpose.

In order to implement the goals and objectives of the Town of Mammoth Lakes General Plan, to maintain existing levels of service, and to mitigate the impacts on town streets and multimodal facilities, parkland and recreation, police facilities, general government facilities and equipment, and storm drainage facilities caused by anticipated new development within the town, certain public improvements must be constructed as development occurs. The Town Council has determined that a development impact fee is needed to finance these necessary public improvements and to pay a fair share of the acquisition and improvement costs necessary to implement the goals and objectives of the Town of Mammoth Lakes General Plan and to maintain levels of service consistent with levels of service now enjoyed by citizens of the Town.

15.16.081 - Definitions.

For the purposes of this chapter, certain words, phrases and terms used in this chapter shall have the meaning assigned to them by this chapter.

Commercial Use. Any development that involves retailing of merchandise, retail food services, and rendering services incidental to the sale of merchandise at a fixed point of sale.

Community and Economic Development Director. The community and economic development director of the Town of Mammoth Lakes or his/her duly authorized designee.

Development Project. "Development project" shall have the same meaning as provided in Government Code Section 66000(a), as may be amended from time to time and includes, but is not limited to, a project involving the issuance of a permit for construction or reconstruction, remodeling, or any work requiring any permit under the municipal code of the Town of Mammoth Lakes, as the same presently exists or may be amended from time to time hereafter. The term "development project" shall also include permits for erection of manufactured housing or structures, and structures moved into the town.

Estimate. The estimated cost provided for each project and described in the adopted Master Facilities Plan.

Fee. A monetary exaction, other than a tax or special assessment, which is charged by the Town of Mammoth Lakes to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of providing public facilities and services related to the development project, but does not include fees specified in Section 66477 of the California Government Code, fees for processing applications for governmental regulatory actions or approvals, or fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies which provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law, Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code.

Industrial Use. Any development that involves manufacturing, transportation, logistics, or similar uses.

Institutional Use. Certain state, federal, or local government uses, and institutional land uses. Government uses include city halls and government building complexes, police and fire stations, libraries, prisons, post offices, schools, military installations, etc. Examples of institutional land uses include colleges, churches, cemeteries, and hospitals. Facilities that are publicly owned, but would be classified more accurately in another land use category, are not included in this category.

Multi-Family Residential Unit. Any development that uses a single parcel for two or more dwelling units within one or more buildings, including duplexes, condominiums, apartments, and second dwelling units.

Office & Other Services Use. Any development that involves business activities, associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices, personal services, or similar uses.

Public facilities. Public improvements, public services, and community amenities.

Room, Lodging Room. Each separately lockable lodging room or portion of a lodging room, also known as a “key.”

Square footage/gross square footage. The sum of all areas on all floors of a building included within the outside faces of its exterior walls. For those projects in an industrial zone as defined in Chapter 17.28, square footage for the calculation of fees shall also include outdoor use areas, not including required parking.

Single Family Residential Unit. Any development that uses a single parcel for only one residential dwelling unit. “Single Family Residential Unit” also includes a development that involves one primary dwelling and one second dwelling unit on a single lot.

Unit, Dwelling Unit. One individual residence, whether in a single-family or multiple-family development that has sleeping, cooking, eating, and sanitation facilities but not more than one kitchen. A studio or one-bedroom unit shall be considered one-half unit but one household.

15.16.082 - Establishment of Development Impact Fees.

The following development impact fees are established and imposed on the issuance of building permits for development within the Town of Mammoth Lakes, except those identified in Section 15.16.092, to finance the cost of the following categories of public facilities and improvements required by new development.

The following development impact fees are established:

- A. General Facilities and Equipment. A development impact fee is established for general facilities, vehicles, equipment, and new Town administrative offices.
- B. Police. A development impact fee is hereby established for police facilities, vehicles, and equipment.

C. Storm Drainage. A development impact fee is established for storm drainage facilities.

D. Parkland and Recreation. A development impact fee is established for park land, parks, and recreation facilities.

E. Vehicle Circulation. A development impact fee is established for streets, circulation and interchange improvements.

F. Multi-Modal Circulation. A development impact fee is established for multi-modal improvements that includes municipal parking facilities, transit stops and related facilities, signage and wayfinding and capacity improvements.

G. Mono County Office of Education Facilities. A development impact fee is established by Mono County for library and childcare facilities on behalf of the Mono County Office of Education. The Mono County Office of Education has requested that the Town of Mammoth Lakes collect the fee on their behalf.

H. Fire Suppression Facilities, Vehicles, and Equipment. A development impact fee is established for fire facilities, vehicles and equipment on behalf of the Mammoth Lakes Fire Protection District. The Mammoth Lakes Fire Protection District has requested that the Town of Mammoth Lakes collect the fee on their behalf.

I. Administrative Overhead. A development impact fee is established for administrative overhead to cover the cost of general administration of this article and any resolution adopted pursuant hereto. Administrative overhead includes, but is not limited to, performance of accounting tasks associated herewith, supervision and handling of funds, preparation and/or updating of Master Facilities Plans, Capital Financing Plans, Justification Reports and special studies related to development impact fee funded projects. This fee shall be set as four percent (4%) of the fees set forth in subsections A through H, above, and is included in of each fee amount. This fee does not relate to and is not designed to cover administrative costs incurred by the Town in the case of any specific public facility constructed with the fees referenced in subsections A through H, since such project specific administrative costs are included in and shall be recovered from such fees.

15.16.083 - Imposition of development impact fee.

A. Any person who seeks to develop land within the town by applying for a building permit is required to pay the appropriate development impact fees, prior to the issuance of a building permit unless the Town approves a different fee payment schedule in writing for a specific project.

B. Notwithstanding anything to the contrary set forth in subsection (A) of this section, or in any other provision of this chapter, the development impact fees as established pursuant to Section 15.16.082, and based on analysis and study, shall apply to any development project which has heretofore received a tentative map approval or other approval from the Town.

C. Development impact fees shall also be applicable when the use of a building or parcel changes to a different use category. In these circumstances, the applicable development impact fee shall be calculated by subtracting the development impact fee for the proposed use(s) from the

development impact fee previously paid for the existing use(s). If the difference is zero or a negative number, no development impact fee is applicable and no refund is required. Fee credits are discussed further in Section 15.16.093.

15.16.084 - Annual adjustment.

Each fee imposed by this chapter can be adjusted on July 1st of each fiscal year, beginning on July 1, 2019, by a percentage equal to the change in the California Construction Cost Index as published by Engineering News-Record for the preceding twelve months, or retroactively to the last date of adjustment. The adjusted fee will be based on the cost index factor multiplied by the estimated inflation factor. For example, a development fee that is currently assessed at \$1,000, with an Engineering News-Record inflation adjustment of 2.5% would be increased to \$1,025.00.

15.16.085 – Modification of Fees by resolution.

The amount of each fee established pursuant to this article shall be more specifically set and revised periodically by resolution of the Town Council following a public hearing, with this article being considered as enabling and directive in this regard, including any Annual Adjustments described in Section 15.16.084. The Town Council shall, by resolution, set forth the specific amount of the fees, describe the benefit and impact area on which the fees are imposed, list the specific public improvements to be financed, and describe the estimated cost of these facilities.

15.16.086 - Creation of special funds.

Each fee collected pursuant to this article shall be deposited in a separate fund created to hold the revenue generated by each such fee in a manner to avoid any co-mingling of the fees with other funds or revenues. Moneys within each such fund may be expended only by appropriation by the Town Council for specific projects, which are of the same category as that for which the money was collected. In this regard, the following special funds are created and established for the purposes indicated:

- A. A General Facilities and Equipment Fund is established. The General Facilities, and Equipment Fund is a fund for payment of the actual or estimated costs of general facilities improvements, including public meeting facilities, any required acquisition of land, and for the actual or estimated costs of acquiring vehicles or equipment.
- B. A Police Fund is established. The Police Fund is a fund for payment of the actual or estimated costs of Police facilities improvements, including any required acquisition of land, and for the actual or estimated costs of acquiring vehicles or equipment.
- C. A Storm Drainage Fund is established. The Storm Drainage Fund is a fund for the costs associated with the construction of storm drainage conveyance structures.
- D. A Parkland and Recreation Fund is established. The Parkland and Recreation Fund is a fund for payment of the actual or estimated costs of constructing and improving parks and recreation facilities, including any required acquisition of land, as well as grading, irrigation and landscaping costs associated therewith.

- E. A Vehicle Circulation Fund is established. The Vehicle Circulation Fund is a fund for payment of the actual or estimated costs of the design, upgrading or improvement of the vehicular circulation improvements and intersection improvements, including any required acquisition of land.
- F. A Multi-Modal Circulation Fund is established. The Multi-Modal Circulation Fund is a fund for payment of the actual or estimated costs of the construction of municipal parking structures and spaces, transit-related facilities and improvements, as well as pedestrian and bike connections, including any required acquisition of land.
- G. Mono County Office of Education Library and Childcare funds are established on behalf of the Mono County Office of Education. The Mono County Office of Education Facilities Fund is a fund for the payment of the actual or estimated costs of constructing and improving library facilities, acquiring books, and providing child care facilities, including any required acquisition of land.
- H. A Fire Suppression Facilities, Vehicle, and Equipment Fund is established on behalf of the Mammoth Lakes Fire Protection District. The Fire Facilities, Vehicle, and Equipment Fund is a fund for payment of the actual or estimated costs of fire facilities improvements, including any required acquisition of land, and for the actual or estimated costs of acquiring vehicles or equipment.

15.16.087 - Land use to be utilized to compute fee.

The "use" of the property to be developed shall be used in the computation of the fees required to be paid with respect to any property. If a parcel contains more than one "use", then the applicable fees shall be prorated by acreage, square footage, rooms, or units, as appropriate, attributable to each "use". Properties shall be classified into a category of use between single-family, mobile home, multi-unit, lodging, commercial, office and other services, industrial, and institutional, and shall pay fees pursuant to that classification, as determined by the community and economic development director. All fees due hereunder shall be determined and calculated by the community and economic development director.

15.16.088 - Payment of fee.

- A. Payment of one hundred percent (100%) of development impact fees shall be due in one installment prior to the issuance of a building permit for all or any portion of the Development Project associated with the building permit, unless a the Town approves a different fee payment schedule in writing for a specific project. Provided however, that fees imposed on residential development shall be collected in accordance with the provisions of California Government Code Section 66007, as the same presently exists or may hereafter be amended from time to time.
- B. The term "building permit" as used herein includes any permits required under Section 105 of the California Building Code, excepting those identified in Section 15.16.092.
- C. The fees created pursuant to this article shall be calculated on the basis set forth in the resolution referenced in Section 15.16.085. All fees collected shall be promptly transferred for deposit in the appropriate fund referenced in Section 15.16.086.

- D. The fee to be paid pursuant to this article shall be those fees in effect at the time a complete building permit application has been submitted.

15.16.089 - Fee reduction, adjustment or waiver.

- A. A developer of any project subject to the fees described herein may apply to the Town Council for a reduction, adjustment, or waiver of any one or more of such fees, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee(s) charged or the type of facilities to be financed. The application for fee reduction, adjustment or waiver shall be made in writing and filed with the Town Clerk prior to the issuance of a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment. The town Council shall consider the request at a public meeting held within sixty days after the filing of the fee reduction application. The decision of the Town Council shall be final. If a reduction, adjustment or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee if such change in use would render the same inappropriate. The hearing shall be noticed and conducted in the same fashion and manner as prescribed by the laws of the Town for hearing on development permits.
- B. The Town Council may, from time to time, and as the need may arise, set forth by Council resolution, specific limitations which will apply to reductions, adjustments or waivers of development impact fees which may be made pursuant to this section.

15.16.090 - Use of funds.

- A. Funds collected from development impact fees shall be used for the purpose of paying (1) the actual or estimated costs of constructing and/or improving the public facilities within the town to which such specific fee or fees related, including any required acquisition of land or rights-of-way therefore; (2) reimbursing the Town for the development's share of those public facilities already constructed by the Town or to reimburse the Town for costs advanced, including without limitation, administrative costs incurred with respect to a specific public facility project; or (3) to reimburse other developers who have constructed public facilities described in the resolution adopted pursuant to Section 15.16.085, where those facilities were beyond that needed to mitigate the impact of such developer's project or projects and where reimbursement agreements between the developer and the Town have been executed.
- B. In the event that bonds or similar debt instruments are issued for advanced provision of public facilities for which development impact fees may be expended, impact fees may be used to pay debt service and principal on such bonds or similar debt instruments to the extent that the facilities provided are of the type to which the fees involved relate.
- C. At least once each fiscal period, the Town Manager of the Town of Mammoth Lakes (herein "Town Manager"), or his/her duly authorized designee shall present to the Town Council a proposed five-year capital improvement program for the various public facilities referenced in the resolution adopted pursuant to Section 15.16.085 assigning moneys (including any accrued interest) from the funds referenced in Section 15.16.086 to specific improvement projects and related expenses. Moneys, including any accrued interest, not assigned in any fiscal period shall be retained in the same fund until the next fiscal period except as provided by the refund provisions of Section 15.16.091.

D. Funds may be used to provide refunds as described in Section 15.16.091.

15.16.091 - Refund of fees paid.

- A. If a building permit expires without commencement of construction, then the fee payer shall be entitled to a refund, without interest of the impact fees paid as a condition for its issuance. The fee payer must submit a written request for such a refund to the community and economic development director within 30 calendar days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.
- B. For the fifth fiscal year following the first deposit into any fund established pursuant to Section 15.16.086, the Town shall make all of the findings found in California Government Code Section 66001(d) with respect to that portion of the fund remaining unexpended, whether committed or uncommitted.
- C. The unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to subsection (B) of this section, shall be refunded to the then-current record owner or owners of lots or units of the development project or projects on a prorated basis.
- D. The provisions of California Government Code Section 66001(d), (e) and (f) shall apply fully to any refund of fees remaining unexpended or uncommitted in any such Town fund for five or more years after deposit, and the provisions of subsections (B) and (C) of this section, shall be subordinate to such Government Code section and shall be applied consistent therewith.

15.16.092 - Exemptions.

Any claim of exemption with respect to any one or more of the fees referenced in Section 15.16.082 must be made no later than the time of application for a building permit. The following shall be exempted from payment of the development impact fees referenced in Section 15.16.082:

- A. Alterations, renovations, or expansion of an existing building or structure where no additional units are created for residential uses or square footage added for commercial or industrial uses and the use is not changed.
- B. Construction of accessory buildings or structures that do not create additional dwelling units.
- C. The reconstruction of any residential, commercial or industrial development project that is damaged or destroyed as a result of a natural disaster, fire, flood, earthquake, mudslide or act of God. Any reconstruction of real property, or portion thereof, which is not substantially equivalent to the damaged or destroyed property, shall be deemed new construction and only that portion which exceeds substantially equivalent construction shall be assessed a fee. The term substantially equivalent, as used in this section, shall have the same meaning as the term in subdivision (c) of Section 70 of the California Revenue and Taxation Code.

15.16.093 - Credits.

- A. All fee credits described in this Article are calculated and applied as units, rooms, or square footage. For example, a 5,000 square foot building that is demolished will receive 5,000 square feet of development impact fee credit, not the monetary amount. The intent of calculating

credits in this manner is to eliminate a situation in which there is a disparity in the amount of development impact fees due to an increase or reduction in fees over time.

- B. Parcels that have previously paid a development impact fee shall receive a permanent credit for the use (as calculated by units, rooms, or square feet). For parcels upon which land uses were legally established prior to the imposition of the development impact fee program, the use shall be “grandfathered” for the purpose of calculating development impact fees. The grandfathered credit shall be based on the last legally established use within the building or parcel. For applicants requesting fee credits, it shall be the responsibility of the applicant to provide documentation proving prior payment of fees or grandfathered status.
- C. Fee credits shall be applied for changes in land use as follows: No fee reimbursement will be issued for changes in land use that generate less demand than the current condition. If the land use changes to a more intensive land use (e.g., greater employment, more persons, greater vehicle trips), the fee will be the difference between the less intense and more intense development impact fee pursuant to the adopted fee schedule in place at the time of building permit issuance.
- D. Credit for development that was demolished and/or partially or totally destroyed (as above specified) shall be calculated by the community and economic development director as a total number of units, rooms, or square footage. Applicants that voluntarily demolish a building shall prepare plans showing the existing use, number of units, rooms, and/or square footage which shall be verified by the Building Division with an inspection.
- E. Any credits shall be applied to new development on the same site and cannot be transferred off site.

15.16.094 – Credits for Developer Construction of Facilities.

A. In-Lieu Credits for Construction of Improvements.

1. A developer that has been required by the Town to construct any facilities or improvements (or a portion thereof) described in the resolution adopted pursuant to Section 15.16.085 as a condition of approval of a development permit may request an in-lieu credit for the portion of the specific development impact fee(s) attributable to the specific project described in the resolution adopted pursuant to Section 15.16.085 involved for the same development. Upon request, an in-lieu credit of fees shall be granted for that portion of the facilities or improvements that are constructed coincidental with and mitigate all or a portion of the need therefore that is attributable to and reasonably related to the given development.
2. In-lieu credit shall only be granted against the special fund to which the facility or improvement relates.
3. Fees required under this article shall be reduced by a maximum of the estimated construction costs of the facilities or improvements that relate to such fees, as described in the resolution required pursuant to Section 15.16.085 and demonstrated by the applicant and reviewed and approved by the community and economic development director, all consistent with the provisions of subsections (A)(1) and (2) of this section,

subject to the applicable provisions of subsection (B) of this section. If the cost of the facilities or improvements is greater than required relevant fees, this article does not create an obligation on the Town to pay the applicant the excess amount.

4. An amount of in-lieu credit that is greater than the specific fee(s) of an identified project required under this article may be reserved and credited toward the fee of any subsequent phases of the same development, if determined appropriate by the community and economic development director. The community and economic development director may set a time limit for reservation of the credit.
 5. Credits shall be calculated by the community and economic development director in accordance with the fee schedule set forth in the resolution to be adopted pursuant to Section 15.16.085.
- B. Developer Construction of Facilities Exceeding Needs Related to Development Project. Whenever an applicant is required, as a condition of approval of a development permit or by contract approved by the Town Council, to construct any facility or improvement (or a portion thereof) described in the resolution adopted pursuant to Section 15.16.085, which facility or improvement is determined by the Town to exceed the need therefore attributable to and reasonably related to the given development project, a reimbursement agreement with the applicant and a credit against the special fund which would otherwise be charged pursuant to this article on the development project, shall be permitted if the applicant requests a reimbursement agreement or credit in writing. The credit shall be applied with respect to the special fund and administered and processed in accordance with and subject to the provisions of Section 15.16.093. The amount to be reimbursed or credit shall be that portion of the estimated cost of the improvement or facility as described in the master facilities plan which exceeds the need therefore attributable to and reasonably related to the given development. The reimbursement agreement or credit shall contain terms and conditions mutually agreeable to the developer and the Town, and shall be approved by the Town Council. Reimbursements may not exceed the development impact fees to be collected by this chapter. The Town's general fund will not be liable or responsible for any reimbursement payment.
- C. Project-Related Improvements. Credit shall not be given for Project-related improvements, including, but not limited to, traffic signals, right-of-way dedications or providing paved access to the property, which are specifically required by the project in order to serve it and do not constitute facilities or improvements specified in the resolution referenced in Section 15.16.085 hereof.
- D. Determination of Credit. The developer seeking credit and/or reimbursement for construction of improvements or facilities, or dedication of land or rights-of-way, shall submit such documentation, including without limitation, engineering drawings, specifications and construction cost estimates, and utilize such methods as may be appropriate and acceptable to the community and economic development director to support the request for credit or reimbursement. The community and economic development director shall determine credit for construction of improvements or facilities based upon developer supplied cost estimates. If the community and economic development director determines that such estimates submitted by the developer are either unreliable or inaccurate, the community and economic development director may rely on alternate engineering criteria and construction cost

estimates. The community and economic development director shall determine whether facilities or improvements are eligible for credit or reimbursement.

- E. Time for Making Claim for Credit. Any claim for credit must be made no later than the application for a building permit. Any claim not so made shall be deemed waived.
- F. Transferability of Credit—Council Approval. Credits shall not be transferable from one project or development to another without the approval of the Town Council.
- G. Appeal of Determinations of Community and Economic Development Director. Determinations made by the community and economic development director pursuant to the provisions of this section may be appealed to the Town Council by filing a written request with the Town Clerk within ten calendar days of the determination of the community and economic development director.

15.16.095 - Review.

- A. No earlier than six months prior to the end of each fiscal year, the Town Manager shall prepare a report for the Town Council identifying the balance of fees in the various funds established pursuant to Section 15.16.086, the facilities constructed, and the facilities to be constructed. In preparing the report, the Town Manager shall adjust the estimated costs of the public improvements in accordance with the California Construction Cost Index as published by Engineering News-Record for the elapsed time period from the previous July 1st or the date that the cost estimate was developed. The annual report shall also include a review of the administrative overhead charge.
- B. At a noticed public hearing, the Town Council shall review the report and the development impact fees to determine whether the fee amounts continue to be reasonably related to the impact of development and whether the described public facilities are still needed. The Council may revise the resolution establishing a development impact mitigation fee schedule for all development to include additional projects not previously foreseen as being needed.
- C. The report prepared by the Town Manager and its review by the Town Council, as well as any findings thereon, shall be subject to the provisions of California Government Code Section 66001(d), to the extent applicable (which shall be controlling in the event of any conflict).

15.16.096 - Controlling state law.

The provisions of this article and any resolution adopted pursuant hereto, shall at all times be subject and subordinate to the provisions of Chapter 5 (commencing with Section 66000), Division 1, of Title 7 of the California Government Code, as the same presently exist or may hereafter be amended from time to time, to the extent the same are applicable. In the event of any conflict between the provisions of this article and such state law, the latter shall control.

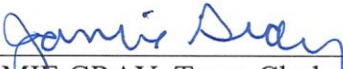
TOWN OF MAMMOTH LAKES

Notice is hereby given that on March 20, 2019 the Town Council introduced an Ordinance entitled:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, REPEALING AND READOPTING CHAPTER 15.16, ARTICLE II
OF THE MAMMOTH LAKES MUNICIPAL CODE.

A copy of the complete text of the Ordinance is posted and may be read at the Town Offices,
Minaret Mall, Old Mammoth Road, Mammoth Lakes, and/or a copy may be obtained from the
office of the Town Clerk at a nominal charge.

Dated: March 21, 2019



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

TOWN OF MAMMOTH LAKES

Notice is hereby given that on April 3, 2019 the Town Council adopted an Ordinance entitled:

ORDINANCE NO. 19-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, REPEALING AND READOPTING CHAPTER 15.16, ARTICLE II
OF THE MAMMOTH LAKES MUNICIPAL CODE.

by the following vote:

AYES: Councilmembers Salcido, Wentworth, Mayor Pro Tem Sauser, and Mayor Hoff

NOES: Councilmember Stapp

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None

A certified copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and /or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: April 4, 2019



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. 19-01, which was introduced at a meeting of the Town Council of the Town of Mammoth Lakes, California, held on March 20, 2019 by the following vote:

AYES: Councilmembers Salcido, Stapp, Wentworth, and Hoff

NOES: None

ABSENT: Mayor Pro Tem Sauser

DISQUALIFICATION: None

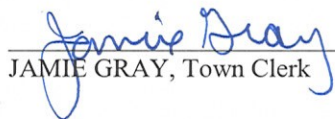
and adopted at a meeting held on April 3, 2019 by the following vote:

AYES: Councilmembers Salcido, Stapp, Wentworth, Mayor Pro Tem Sauser, and Mayor Hoff

NOES: Councilmember Stapp

ABSENT: None

DISQUALIFICATION: None


JAMIE GRAY, Town Clerk

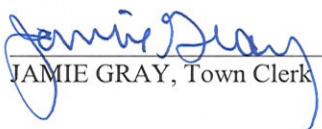
STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

AFFIDAVIT
OF PUBLISHING
AND POSTING

JAMIE GRAY, being first duly sworn, deposes and says: That she is the duly appointed Town Clerk of the Town of Mammoth Lakes; that in compliance with State laws of the State of California, Ordinance No. 19-01 being:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, REPEALING AND READOPTING CHAPTER 15.16, ARTICLE II OF THE
MAMMOTH LAKES MUNICIPAL CODE.

was published in summary in The Sheet newspaper on March 29 and April 12, 2019, and was posted at the Town Administrative Offices.


JAMIE GRAY, Town Clerk