

ORDINANCE NO. 1726(25)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California
Adopting Portions of the March 2025 Development Impact
Fee Calculation and Nexus Report, the March 2025 Master
Facilities Plan, and Eliminating or Revising Development Impact
Fees for All Development Within the City of Lompoc**

WHEREAS, the City Council of the City of Lompoc (City) decided it was necessary and desirable to conduct a comprehensive review of the City's development impact fees to determine whether those fees should be reduced because they discourage greatly needed residential and commercial development in the City, or whether instead the fees are prudent and necessary to defray the costs of public facilities related to development projects; and

WHEREAS, the City is currently charging various impact fees based upon the last adopted impact fee nexus study report in 2003, including fees for police enforcement facilities, fire protection facilities, street signals and bridges, water system improvements, sewer collection facilities, solid waste collection, general government facilities, libraries expansion facilities, public meeting facilities, aquatic center facilities, parkland facilities development; and

WHEREAS, as just one example, current impact fees total nearly \$30,000 for development of each single-family residential unit. In April 2025, City staff and fee consultants recommended increasing that fee to up to over \$40,000 per unit. Instead, with the adoption of this Ordinance, impact fees for development of each single-family residential unit will be \$3,110 – a nearly 90% reduction from current fees; and

WHEREAS, in March 2025, Revenue Cost Specialists LLC provided a Development Impact Fee Calculation and Nexus Report (Report) that calculated maximum allowable increases and some decreases to the City's development impact fees and explains the nexus between the imposition of the fee and the estimated reasonable costs of providing the facility or service for which the fee is charged, and also provided in March 2025 a Master Facilities Plan (Plan); and

WHEREAS, in compliance with the Mitigation Fee Act (Government Code Sections 66000 et seq.), on April 15, 2025, the City Council held a duly noticed public hearing on the Report and the proposed development impact fees; and

WHEREAS, the City Council now desires to eliminate most development impact fees and adopt certain other impact fees in accordance with the nexus calculations and recommendations in the Report; and

WHEREAS, elimination of most of City's development impact fees is expected to stimulate and incentivize much-needed residential and commercial development, create jobs to reduce the City's jobs-housing imbalance, and further the statewide goal of reducing constraints to housing development and help meet the City's RHNA housing production targets; and

WHEREAS, notice of the public hearing on the proposed revision to impact fees was published in the Lompoc Record on March 12, 2025, and March 19, 2025.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Findings. The City Council finds and determines that the Report, not including Chapters 5, 6, 7, 8, 10, 12, 13, 14, and the collection vehicle cost portion of Chapter 9 (“Approved Report”), complies with California Government Code Section 66001 by establishing the basis for the imposition of fees on new development. This finding is based on the fact that the Report: 1) Identifies the purpose of each fee; 2) Identifies the use to which the fee will be put; 3) Demonstrates a reasonable relationship between the use of the fee and the type of development project on which the fee is imposed; 4) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed; 5) Demonstrates a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facilities attributable to the development on which the fee is imposed; and (6) Demonstrates rough proportionality of the fee amounts to the impacts of development. The City Council determines that the above findings cannot be made for Chapters 5, 6, 7, 8, 10, 12, 13, and 14 of the Report, and the collection vehicle cost portion of Chapter 9 of the Report.

SECTION 2: Fees for Uses Consistent with the Approved Report. The fees collected pursuant to this Ordinance shall be used to finance the public facilities described or identified in the Approved Report, or such other public facility master plans as may from time to time be adopted by the City Council.

SECTION 3: Approval of Items in the Approved Report. The City Council has considered the specific project descriptions and cost estimates identified in the Approved Report and hereby approves such project descriptions and cost estimates and finds them reasonable as the basis for calculating and imposing certain development impact fees.

SECTION 4. AB 602 Finding. Pursuant to Government Code section 66016.5(a)(5)(B), the City Council finds that fees imposed on housing development projects on a per unit basis are more appropriate than fees imposed proportionally based on square footage, and accordingly hereby makes the findings found on pages 115 to 120 in the Report.

SECTION 5: Consistency With General Plan. The City Council finds that the projects and fee methodology identified in the Approved Report are consistent with the City's General Plan.

SECTION 6: Differentiation Among Fees. The City Council finds that the Development Impact Fees recommended in the Report are separate and different from other fees the City may impose as a condition of building permit issuance, tentative subdivision map approval, parcel map approval, or final map approval, pursuant to its authority under the Subdivision Map Act, the Quimby Act, and the City's implementing ordinances, as may be amended from time to time, for, among other projects, the acquisition of parkland. In no event, however, shall a developer be required to pay for both a fee imposed pursuant to the Subdivision Map Act and/or

the Quimby Act and a Development Impact Fee, or portion thereof, as specified in this Ordinance that would be used to fund the same type of facility as the fee imposed pursuant to the Subdivision Map Act and/or the Quimby Act. This Ordinance shall not be deemed to affect the imposition or collection of the water and sewer connection fees authorized by Lompoc Municipal Code Sections 13.08.010 and 13.16.410.

SECTION 7: CEQA Finding. The adoption of the Approved Report and the Development Impact Fees are categorically exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines. The intent of the Report, and the Development Impact Fees approved pursuant to the Approved Report, is to provide one way to fund projects that have been identified in environmental analyses of other planning efforts, including the General Plan EIR, and various City master plans, among others.

SECTION 8: Adoption of Approved Report and Plan. The Development Impact Fee Calculation and Nexus Report for the City of Lompoc (Exhibit A to this Ordinance) not including Chapters 5, 6, 7, 8, 10, 12, 13, 14, and the collection vehicle cost portion of Chapter 9 ("Approved Report"), and the Master Facilities Plan (Exhibit B to this Ordinance) not including the sections on circulation, water, wastewater, general facilities, public use facilities, aquatic facilities, parks/open space, and side loader refuse collection trucks ("Approved Master Facilities Plan"), both dated March 2025, are hereby adopted and, by this reference, incorporated in this Ordinance as if fully set forth.

SECTION 9: Adoption of Fees. The City Council hereby approves and adopts the Law Enforcement Facilities, Fire Protection Facilities, and Library Expansion Facilities Development Impact Fees, and the Collection Barrel Impact Fees (\$80/\$500 per barrel) in Exhibit C attached hereto, all of which are incorporated herein by this reference. Beginning in 2029, the amount of the Development Impact Fees shall be modified annually each July 1 based on the change in the Engineering News Record's construction cost index as reported for the twelve-month period ending in April of each year.

SECTION 10: Determination of Fee by Type of Use.

- A. Residential: Development Impact Fees for residential development shall be based upon the type of unit constructed. The development impact fee categories as shown in Exhibit C generally correspond to the City's land use designations in the Land Use Element of the City's General Plan, as more specifically explained in Schedule 2.1 of the Report.
- B. Unspecified Uses: In the event that there are land uses not specified in Exhibit A, the Development Impact Fee for any such use shall be calculated by the City's Management Services Director, or his or her designee, who shall determine such fee based on an analysis of the public service impacts of the proposed use in relation to other uses shown in Exhibit C.

SECTION 11: Use of Fee. Development Impact Fees shall be used solely for the purposes described in the Approved Report; for reimbursement of the City for a development's fair share of those capital improvements already constructed by the City; and for reimbursement of any

developer who has already constructed public facilities described in the Approved Report, the Approved Master Facilities Plan, or other facility master plans adopted from time to time by the City Council.

SECTION 12: Imposition and Payment of Fee.

- (a) Imposition of Fees. Development Impact Fees shall be imposed upon the issuance of any development permit. A “development permit” means any permit or approval from the City, including, but not limited to, a development plan, conditional use permit, tentative subdivision map, parcel map, building permit, or other permit for construction or reconstruction.
- (b) Payment of Fees for Residential Development Projects. Development impact fees for residential projects shall be paid on or before the date the certificate of occupancy is issued for the project, or the date of the final inspection of the project if no certificate of occupancy is required. If there are multiple dwelling units in the project, then development impact fees shall be paid on a pro rata basis for each dwelling unit on or before the date the certificate of occupancy is issued for each unit, or the date of the final inspection of each unit in the project if no certificate of occupancy is required. Notwithstanding any other provision herein, requirements for the payment of development impact fees for residential projects shall be consistent with Government Code Section 66007, as may be amended.
- (c) Payment of Fees for Non-Residential Development Projects. Development impact fees for non-residential projects shall be paid on or before the date the certificate of occupancy is issued for the project, or the date of the final inspection of the project if no certificate of occupancy is required. If there are multiple sections or phases in the project, development impact fees shall be paid on a pro rata basis for each section or phase on or before the date the certificate of occupancy is issued for each section or phase of the project, or the date of the final inspection of each section or phase of the project if no certificate of occupancy is required.
- (d) Earliest Date for Payment. Development impact fees may not be paid prior to the date that a building permit is issued for the project.
- (e) Calculation of Fee. As a requirement for deferring payment of development impact fees beyond the date that building permits are issued, and as a condition of receiving a building permit without paying development impact fees that would otherwise be required for issuance of such permit, the building permit applicant shall enter into an agreement, in a form approved by the City Attorney and executed by the City Manager, obligating the applicant to pay the development impact fees within the time specified in this Section. The agreement shall be recorded against the property or properties for which the building permit is issued, and shall constitute a lien for the payment of the development impact fees, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The City shall record a release of the obligation, containing a legal description of the property, in

the event the obligation is paid in full, or a partial release in the event the fee is prorated. The agreement may require the property owner or lessee to provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and to provide in the escrow instructions that the fee be paid to the City from the sale proceeds in escrow prior to disbursing proceeds to the seller.

SECTION 13: Application of Fee to Pending Projects. The Development Impact Fees adopted by this Ordinance shall become effective 60 days after the date this Ordinance takes effect ("Fees Effective Date"). Any project applicant that has already paid development impact fees as of the Fees Effective Date, but has not received a certificate of occupancy as of the Fees Effective Date (or final inspection if no certificate of occupancy is required), shall receive a refund of any development impact fees paid that are not required to be paid by this Ordinance.

SECTION 14: Credit for Developer Construction. When a developer is required, as a condition of approval of a development permit, to construct a public facility, and such facility is determined by the City to have size, length, or capacity exceeding that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer or a credit against the fee which would otherwise be charged on the project pursuant to this Ordinance shall be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the impacts or the burdens created by the development.

SECTION 15: Appeal of Fee Imposition. An applicant for a development project may request a City Council appeal hearing to contend that, for his or her particular project, the required legal nexus or rough proportionality for imposition of the fee does not exist, and that the fee charged to his or her development project must therefore be reduced or eliminated. A request for appeal hearing must be in writing and submitted to the City Clerk's Office within 30 days after the applicant's receipt of notice of the final calculation of impact fees for his or her project. The written request for appeal hearing must state with specificity the basis for the appeal and any facts or analysis supporting the appeal. The City Council shall conduct the appeal hearing and decide the appeal within 90 days after the filing of the appeal. If an appeal is filed, the date of the City's mailing of the City Council's written appeal decision to the applicant shall constitute the date of the imposition of the fees for purposes of Government Code section 66020(d).

SECTION 16: Prior Resolutions and Ordinances Superseded. Upon the effective date of this Ordinance, the Development Impact Fees hereby approved and adopted shall supersede previously adopted Resolutions setting Development Impact Fees, including but not limited to Resolution No. 3957(90) for Water Impact Fees; Resolution No. 3958(90) for Wastewater Impact Fees; Resolution No. 3960(90) for Police Impact Fees; Resolution No. 3795(89) for Fire Impact Fees; Resolution No. 4474(95) for Refuse Container Impact Fees; Resolution No. 4157(92) for Signal Impact Fees; and Resolution No. 5136(03) for Development Impact Fees. Any impact fees or impact fee categories adopted by prior resolutions or ordinances shall no longer be imposed or collected if not adopted by this Ordinance. Any nexus study or master facilities / capital projects plan adopted for impact fee purposes by a prior resolution or ordinance shall be void and no longer in effect. Notwithstanding any other provision in this

Section, the provisions of Resolution No. 6611(23) shall remain in effect as reflected by Section 12 of this Ordinance.

SECTION 17: Severability. If any action, subsection, sentence, clause or phrase of this Ordinance or the imposition of a Development Impact Fee for any project described in the Approved Report or the application thereof to any person or circumstance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance and other fees levied by this Ordinance that can be given effect without the invalid provisions or application of fees.

SECTION 18. Effective Date. This Ordinance shall take effect 30 days after its adoption. The fees adopted by this Ordinance shall take effect 60 days after this Ordinance takes effect.


The foregoing Ordinance was introduced on May 6, 2025, and duly adopted by the City Council of the City of Lompoc at its regular meeting on May 20, 2025, by the following electronic vote:

PASSED AND ADOPTED this 20th day of May 2025, by the following electronic vote:

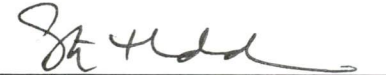
AYES: Council Member(s): Jeremy Ball, Steve Bridge, Dirk Starbuck, Victor Vega, and Mayor James Mosby.

NOES: Council Member(s): None

ABSENT: Council Member(s): None


James Mosby, Mayor
City of Lompoc

ATTEST:


Stacey Haddon, City Clerk
City of Lompoc

Attachments: Exhibit A: Development Impact Fee Calculation and Nexus Report
Exhibit B: Master Facilities Plan
Exhibit C: Development Impact Fees

City of Lompoc

Summary of Development Impact Fees By Type of Fee
 (Fees per Residential Type Dwelling Unit, or Business Type Square Foot)
 Calculations for Fiscal Year 2025-26 effective August 5, 2025 (1)

Inflation Factor Index used:

ENR Construction Cost Index as published for April of each year
 Apr-25 N/A for first year
 Apr-26 TBD

Factor used to adjust prior year amounts to current: N/A for first year

Summary of Impact Fees Calculated in Revenue & Cost Specialists Report (Non-Residential Fees Shown per Square Foot of Building Area)

Land-use Category Development Type	(2)	Library Expansion Facilities	Law Enforcement Facilities	Fire Protection Facilities	(3)	(4)
	Development Units				Refuse Containers	Development Impact Fee Total Per Unit or Per Square Foot
Detached Dwelling Units	DU	\$ 283	\$ 1,102	\$ 1,485	\$ 240	\$ 3,110
Attached Dwelling Units	DU	\$ 270	\$ 1,706	\$ 1,819	Varies	\$ 3,795
Mobile Home Dwelling Units	DU	\$ 199	\$ 1,228	\$ 529	Varies	\$ 1,956
Commercial Lodging Units	DU	No Fee	\$ 2,449	\$ 718	Varies	\$ 3,167
Retail/Service/Office Uses	SF	No Fee	\$ 0.613	\$ 0.197	Varies	\$ 0.810
Self Storage Facilities Uses	SF	No Fee	\$ 0.559	\$ 0.102	Varies	\$ 0.661
Business Park Uses	SF	No Fee	\$ 0.393	\$ 0.013	Varies	\$ 0.406
Industrial Uses	SF	No Fee	\$ 0.661	\$ 0.016	Varies	\$ 0.677
Institutional Use	SF	No Fee	\$ 0.014	\$ 0.039	Varies	\$ 0.053

(3)		
Refuse Containers		
\$ 80	65/95-Gallon	Garbage
\$ 80	65/95-Gallon	Mixed Recycling
\$ 80	65/95-Gallon	Green Waste
\$ 240		
\$ 500	300/450-gallon	

(1) Effective Date is 60 days after Ordinance No. 1726(25) takes effect.

(2) Development Units: DU = Dwelling Unit SF = Square Foot

(3) Refuse impact fees for each single-family unit are \$80 per container. Each household requires a refuse, greenwaste, and recycling container for a total of three containers multiplied by \$80 per container. The fee for other development units, i.e., commercial and industrial is dependent on the number of containers required for that development.

(4) Total amount is for illustration purposes only. Individual fee components may be based on the individual development's characteristics identified in notes 1 and 2.