

**CHAPTER 16.24**  
**SUBDIVISION IMPROVEMENT REQUIREMENTS**

Sections

16.24.010 Purpose

~~16.24.0120 Designated~~Required improvements.

~~16.24.0230 Exemptions~~ Development Impact Fees.

~~16.24.0340 Guarantee of work~~ Improvement agreement and financial security.

~~16.24.0450 Subdivider payments to city~~ for improvement materials.

~~16.24.050 [Reserved]~~

~~16.24.060 [Reserved]~~ Fair share cost of construction of future improvement

~~16.24.070 [Reserved]~~ Release of financial security

16.24.080 City Manager authority

~~16.24.080 [Reserved]~~

~~—16.24.090 [Reserved]~~

~~—16.24.100 [Reserved]~~

~~—16.24.110 [Reserved]~~

~~—16.24.120 [Reserved]~~

~~—16.24.122 [Reserved]~~

~~—16.24.130 [Reserved]~~

~~—16.24.140 [Reserved]~~

~~—16.24.150 Planned drainage facilities—Findings.~~

~~—16.24.152 Planned drainage facilities—Fees.~~

~~—16.24.154 Planned drainage facilities—Use of fees.~~

~~—16.24.156 Planned drainage facilities—Other fees.~~

~~—16.24.158 Planned drainage facilities—Deferral of payment of fees.~~

~~—16.24.160 Bridges and thoroughfares—Findings.~~

~~—16.24.162 Bridges and thoroughfares—Hearing.~~

~~—16.24.164 Bridges and thoroughfares—Payment of fees—Disposition.~~

~~16.24.166 Bridges and thoroughfares—Deferral of payment of fees.~~

~~16.24.167 Fees for traffic signalization for subdivisions of land and commercial and industrial developments subject to Specific Plan 81-2.~~

~~16.24.170 Recreation facilities fee—Findings.~~

~~16.24.180 Recreation facilities fee—Purpose and applicability.~~

~~16.24.190 Recreation facilities fee—Imposition and payment of fee.~~

~~16.24.200 Recreation facilities fee—Accounting and disbursement of fees.~~

### **16.24.010 Purpose.**

The purpose of this chapter is to implement the improvement and security requirements for subdivisions allowed by the Subdivision Map Act.

### **16.24.0120 Designated Required improvements.**

The subdivider shall construct or ~~provide~~ agree to construct all improvements, both onsite and offsite, streets, highways, alleys, ways, easements or other improvements in the subdivision ~~that are required~~ as a condition precedent to approval and acceptance ~~thereof and approval~~ of the final map. ~~Such~~ All improvements shall be constructed to the satisfaction of the City Engineer in accordance with standard engineering specifications of the city and other approved city standards. ~~installed at lines and grades and in accordance with~~ Subdivider shall submit improvement plans city standard plans and specifications to the City for review and as approved by the City Engineer ~~and that~~ shall include the following as required by the conditions of approval for the subdivision:

(A) Grading, drainage, and erosion control, along with pertinent ~~such~~ structures ~~therefor~~, including retaining walls, as are deemed necessary for proper uses in the subdivision, for the public safety and for prevention of sedimentation and damage to off-site property;

(B) Portland cement concrete curb, gutter, sidewalk, driveway and driveway approaches; street structural section; alley structural section with Portland cement concrete gutter;

(C) Domestic water, including all master plan facilities;

(D) Relocation of existing waterlines to city standard plans and specifications;

(E) Replacement of all waterlines lying under streets or alleys to be constructed in the subdivision, and any waterline to be relocated as required in the preceding subsection, with new pipe constructed of ~~asbestos cement, cast iron or cement lined steel~~ ductile iron;

(F) Sanitary sewer facilities and connections for each lot where a mainline sewer is reasonably available. The facilities and connections shall be made available for each lot in such manner ~~that~~ as will obviate avoid the necessity for disturbing the street pavement, gutter, curb and sidewalk when service connections are made;

(G) Electric distribution facilities in accordance with the city Utilities Department standards and service requirements, if applicable;

(GH) Connections to electric and telephone public utilities supplying service to the city;

(IH) Street trees with irrigation systems meeting city standard plans and specifications;

(JH) Street light system meeting city standard plans and specifications;

(KJ) Permanent subdivision survey monuments tied to suitable reference points. A complete record of monument locations shall be furnished to the City Engineer. Subdivision survey monuments shall include all corners and angle points on the perimeter of the subdivision and all streets, centerline intersections, lot corners, angle points and other points of control as required by the City Engineer;

(LK) Fire protection facilities;

(ML) Storm drain systems;

(NM) ~~Dedication of~~ Land to be dedicated for ~~streets, alleys, floodways, and~~ local transit facilities, and streets according to the ~~with~~ major, collector, and secondary streets of and local streets as shown in the ~~e~~Circulation ~~e~~Element of the General Plan, and the city standard street sections for local streets;

(O) Land to be dedicated for trails in accordance with the Trails Master Plan or as required by a condition of approval of the subdivision.

(PN) Improvements described in subsections (N) and (O) above as required by a condition of approval of the subdivision.

(Q) Temporary improvements required to be made prior to or concurrent with permanent improvements.

(~~NR~~) In addition to the improvement requirements designated in ~~required by~~ this section, the Planning and Housing Commission shall ~~may~~ recommend and the City Council may require such that subdivider construct additional improvements if as special conditions may cause the Planning and Housing Commission to make special finding of need determines that the additional improvement is in the interest of the public health and safety and is necessary for the orderly development of the subdivision. ~~therefor. Instead of the provisions of division (D), a subdivision located within those portions of development areas 2A and 2B (as designated in the land use element of the General Plan) which are included within the A zone, or within a specific area plan, may be served by a safe and adequate domestic water supply to city standards. Instead of the provisions of division (F), a subdivision located within those portions of development areas 2A and 2B (as designated in the land use element of the General Plan) which are included within the A zone, or within a specific area plan, may be served by group or individual wastewater treatment systems acceptable to the city. Further, the requirements of divisions (A), (B), (G), (H), (I) and K shall not apply to such subdivision. However, notwithstanding the above, all improvement requirements set forth in divisions (A) through (N) shall be required of nonresidential subdivisions within specific area plans and of all subdivisions abutting Ontario Avenue which are within specific area plans.~~

#### **16.24.0230 Exemptions. Development impact fees.**

~~—Instead of the provisions of § 16.24.010(F), a subdivision located within those portions of development areas 2A and 2B (as designated in the land use element of the General Plan) which are included within the “A” zone may be served by group or individual wastewater treatment systems acceptable to the city. Further, the requirements of § 16.24.010(A), (B), (G), (H) and (I) shall not apply to such a subdivision.~~

The subdivider shall pay the applicable development impact fees in accordance with Chapter 16.23 of the Corona Municipal Code.

#### **16.24.0340 Guarantee of work Improvement agreement and financial security.**

~~(A) **Improvement agreement.** If any of the improvements designated in § 16.24.010 are not completed in a good and workmanlike manner before the final map is approved, the subdivider, as a prerequisite to final map approval, The subdivider, as a condition precedent to the approval of the final map, shall enter into an improvement agreement and post financial security with the city to for the construction of provide such improvements, and shall thereafter complete the improvements either at the subdivider’s expense or by special assessment proceedings and within the time specified by the city Director as set forth in the improvement agreement. The improvement agreement shall be in writing and shall be in a standard form approved by the Director and the City Attorney. Performance of this agreement shall be guaranteed by the security required by the Subdivision Map Act. The amount of such security shall be:~~

(B) **Security amount.** Subdivider shall provide financial security in the following amounts:

(1) 100% of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of such act or agreement;

(2) 50% of the total estimated cost of the improvement or of the act to be performed, securing payment for labor, materials and equipment; and

(3) 25% of the total estimated cost of the improvement or of the act to be performed, guaranteeing the work for one year after acceptance against defective workmanship or materials for one year after acceptance; and

(4) 100% of the total estimated cost to set the subdivision survey monuments.

(C) **Form of security.** The form of security required by this section shall be one or the a combination of the following, subject to the discretion of the City Engineer:

(1) Surety bond issued by one or more duly authorized corporate sureties.

(2) A cash deposit, either with the city or a responsible escrow agent or trust company, at the option of the City Engineer.

(3) Letter of credit, in a form approved by the City Engineer and the City Attorney, from one or more local financial institutions subject to regulation by the state or federal government.

(4) Any other form of security authorized by the Subdivision Map Act.

(D) Time to submit. The improvement agreement shall be complete, fully executed, and on file with the City Clerk before the final map or parcel map is accepted for approval.

#### **16.24.0450 Subdivider payments to city for improvement materials.**

The subdivider shall pay the city in advance for any materials which may be furnished to the subdivider by the city ~~for~~in the construction of ~~all required public~~required by this chapter within the subdivision, and ~~in~~an amount equal to the estimated costs of engineering and inspection services to be furnished by the city to the subdivider for such materials. ~~Any excess of either of these amounts remaining upon acceptance of the subdivision shall be refunded by the city. Subdivider shall pay Any amount thereof due to the city in excess of the deposit shall be paid by the subdivider prior to acceptance of the subdivision improvement. City shall refund any excess of amounts provided by subdivider under this section that are not expended upon acceptance of the improvement.~~

#### **16.24.060 Fair share cost of construction of future improvement**

When the City Engineer has determined that the construction of an improvement otherwise required by this chapter or the conditions of approval for the subdivision is not warranted at the time of completion of the subdivision, the subdivider shall pay a fair share cost of the construction of the future improvement that is proportionate to the impacts of the subdivision related to the improvement, as determined by the City Engineer.

#### **16.24.070 Release of financial security**

(A) Partial release. Upon application by the subdivider, the City Manager may release of a portion of the security provided by subdivider for a portion of the improvements that have been accepted by the City Engineer as complete; provided that the security required by §16.24.040(B)(3) shall not be released and ~~in no case shall the security be reduced to an amount below the amount required by §16.24.040(B)(1) and (2) for the improvements remaining to be completed under the improvement agreement.~~

(B) Full Release. Upon full completion of the improvements required by an improvement agreement and the City Engineer's acceptance thereof, the City Manager shall release the financial security as follows:

(1) Subject to §16.24.070(B)(3), security given for the faithful performance of any act or improvement pursuant to §16.24.040(B)(1) shall be released upon the performance of the act or final completion and acceptance of the required work or improvement by the City Engineer.

(2) ~~The city shall retain the labor and materials security for six months beyond the acceptance of the improvements and automatically release the security unless claims are filed.~~ Security given to guarantee payment for labor, materials and equipment pursuant to §16.24.040(B)(2) shall, six months after final completion and acceptance of the improvement by the City Engineer, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given to the city, plus an amount reasonably determined by the City Manager

to be required to assure the performance of any other obligations secured by the security. If no claims of lien have been recorded, the security shall be released in full six months after final completion and acceptance of the improvement by the City Engineer.

(3) To guarantee and warrant the work or improvement for a period of one year pursuant to §16.24.040(B)(3), the City shall retain 25% of the security given pursuant to §16.24.040(B)(1) for the faithful performance of any act or improvement. Said security shall be released if no claims of defective work or improvement have been received or discovered by the city in that time period. In the event of defective work or improvement, the city shall retain the security until all work or improvement is considered satisfactory and is accepted as complete by the City Engineer.

(43) The security given for the survey monumentation pursuant to §16.24.040(B)(4) shall be released following receipt of notice that the final monuments were set and evidence that the engineer or surveyor has been paid for the setting of the final monuments.

#### **16.24.080 City Manager authority.**

(A) **Improvement agreements.** As permitted by Government Code Section 66462(d), the City Manager is authorized to review and approve any improvement agreements between the city and a subdivider required by this chapter and to accept financial security provided by the subdivider that complies with the requirements of this chapter. The City Council shall periodically review this delegation of authority provided to the City Manager

(B) **Release of security.** As permitted by Government Code Section 66499.7(j), the City Manager is authorized to reduce or release the security provided by a subdivider pursuant to the requirements of this chapter upon a determination that the provisions of § 16.24.070 have been satisfied.

**~~16.24.050 through 16.24.140 Reserved.~~**

#### **16.24.150 Planned drainage facilities—Findings.**

~~—The City Council finds as follows:~~

~~—(A) The subdivision and development of property within the area subject to Specific Plan SP-812 approved by this City Council on January 20, 1982, by the adoption of Resolution No. 82-5, will require construction of drainage facilities for the removal of surface and storm waters.~~

~~—(B) The required drainage facilities are described in detail in the report of Neste, Brudin & Stone, Incorporated, the Engineer of Work for Proposed Assessment District No. 79-2 (Northeast Area), entitled ‘Engineer’s Report Under Resolution of Intention’ and dated August 25, 1982, and in the plans and specifications for such drainage facilities which are also a part of said report. The report of the said Engineer of Work was approved by this City Council on August 25, 1982, by the adoption of Resolution No. 82-86, and shall serve, insofar as it relates to the drainage facilities, as the adopted local plan for drainage facilities for the area subject to Specific Plan SP-81-2 (the ‘Specific Plan Area’). (The drainage facilities are hereinafter referred to as the ‘Drainage Facilities.’)~~



~~—(C) Pursuant to Cal. Gov't Code § 66483, this City Council may impose by ordinance a requirement for the payment of fees for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters for local or neighborhood drainage areas.~~

~~—(D) In the report the Engineer of Work has determined the benefit which will be conferred on each separate parcel of property in the Specific Plan Area by the construction of the drainage facilities and has set forth a method of determining the pro rata amount which should be assessed against each such parcel based on such benefit.~~

~~—(E) The City Council has confirmed the assessment for Assessment District No. 79-2 as set forth in the assessment roll therefor by adoption of Resolution No. 83-24 on March 23, 1983. As a result of such confirmation, the assessments on individual parcels of property within the assessment district have become liens on the parcels. Included in the amount of the assessment on each such parcel is an amount for the construction of the drainage facilities determined and based on the method developed by the Engineer of Work and referred to above.~~

~~—(F) Certain parcels of property which were originally proposed for inclusion in Assessment District No. 79-2 and which would have been assessed for the drainage facilities have at the request of the owners thereof been excluded therefrom by the adoption by the City Council of Resolution No. 82-33 on March 23, 1983 and have not been assessed for the drainage facilities although such parcels will benefit from the construction thereof, in that such construction will enable the owners of the parcels to subdivide and develop their property.~~

~~—(G) All property which will derive benefit from the construction of the drainage facility should be assessed and pay a pro rata share of the cost thereof based on the benefit derived therefrom. The hereinbefore mentioned method developed by the Engineer of Work for assessing property in Assessment District No. 79-2 and approved by the City Council is the most equitable means of determining the pro rata share of the cost of the construction of the drainage facilities of all such parcels.~~

~~—(H) A map attached to Ordinance No. 1673 on file with the City Clerk shows the boundaries of the area which will derive benefit from the construction of the drainage facilities and also shows the location of the drainage facilities.~~

~~—(I) The actual cost of the construction of the drainage facilities based on the lowest bid received therefor and including the cost of design and incidental costs associated therewith and costs associated with the sale of bonds for Assessment District No. 79-2 will be \$6,668,650.~~

~~—(J) The fee as to any parcel of property proposed for subdivision within the area shown on the map attached to Ordinance No. 1673 on file with the City Clerk determined on the basis herein above found by the City Council to be proper will not exceed the pro rata share of the amount of the actual cost of the drainage facilities which would be assessable on any such parcel if such costs were apportioned uniformly on a per acre basis. The fees for all such parcels, as so determined, will be fairly apportioned thereto on the basis of benefits conferred thereon by the construction of the drainage facilities.~~

~~—(K) Notwithstanding the exclusion of certain parcels of property from Assessment District No. 79-2, the drainage facilities as proposed in the report of the Engineer of Work are required~~

~~for the subdivision and development of the parcels of property which have been included in the assessment district and which have been assessed through proceedings for the assessment district to pay the cost of the construction thereof.~~

~~—(L) Neither the County of Riverside nor the Riverside County Flood Control and Water Conservation District has a county-wide general drainage plan. Therefore, neither the county nor the district need make findings pursuant to Cal. Gov't Code § 66485(e).~~

#### **~~16.24.152 Planned drainage facilities—Fees.~~**

~~—(A) Each owner of a parcel of property within the area shown on the map attached to Ordinance No. 1673 on file with the City Clerk shall pay to the city as a condition to the recordation of a final subdivision map or parcel map a fee representing his/her/its/their pro rata share of the actual cost of the construction of the drainage facilities based on the benefits conferred thereby on each such parcel.~~

~~—(B) The requirements of this section for the payment of such fees shall be satisfied as to all parcels included within Assessment District No. 79-2 by the assessment which has been levied thereon upon the confirmation by the City Council of the assessment therefor.~~

~~—(C) The fees which shall be paid by the owners of the parcels of property shown on the said map which are not included in Assessment District No. 79-2 and assessed therein shall be as shown on Exhibit B attached to Ordinance No. 1673 on file with the City Clerk.~~

#### **~~16.24.154 Planned drainage facilities—Use of fees.~~**

~~—Pursuant to Cal. Gov't Code § 66483, the fees paid by the owners of the parcels of property identified on Exhibit B to Ordinance No. 1673 (hereinafter the 'excluded parcels') shall be utilized for the reimbursement of the costs of the construction of the drainage facilities as follows.~~

~~—(A) Each person who has paid an installment on an assessment on any parcel in Assessment District No. 79-2 which was assessed for the cost of the construction of the drainage facilities (hereinafter the 'drainage assessment(s)') and the drainage assessment for which has been increased as a result of the exclusion of the excluded parcels from the assessment district (the parcels with such increases being hereinafter referred to as the 'increased assessment parcels') shall receive a pro rata refund in an amount representing the portion of each such installment which relates to the increase in the drainage assessment thereon, as determined by the city.~~

~~—(B) The balance, if any, of each such fee remaining after the refunds provided for in division (A) of this section have been made shall be deposited to the redemption fund for Assessment District No. 79-2 and utilized for the payment of principal and interest on the bonds of the assessment district. At the time of each such deposit to the redemption fund, a pro rata portion of the amount thereof shall be credited on the drainage assessment of each increased assessment parcel.~~



~~—(C)—The pro rata refunds and credits provided for in divisions (A) and (B), respectively, shall be made based on the percentage which the increase in the drainage assessment on each increased assessment parcel is of the total of the increases in the drainage assessments on all such parcels.~~

~~—(D)—Notwithstanding the preceding provisions of this section, when the total amount of the refunds and credits provided for in divisions (A) and (B) are equal to the total amount of the increases in the drainage assessments on all of the increased assessments parcels, all fees thereafter paid to the city by owners of excluded parcels shall be deposited to the redemption fund for Assessment District No. 79-2 and utilized for the payment of principal and interest on the bonds of said assessment district. At the time of each such deposit to the redemption fund, a pro rata portion of the amount thereof shall be credited on the assessment on each parcel of property within the assessment district which was assessed a drainage assessment. The pro rata credits shall be made based on the respective amounts of the drainage assessments on all such parcels, without taking into consideration any increase in the drainage assessment on any such parcel resulting from the exclusion from the assessment district of the excluded parcels.~~

~~—(E)—Further notwithstanding the preceding provisions of this section, when an increased assessment parcel or any parcel of property within Assessment District No. 79-2 is subdivided through the recordation of a final subdivision map or parcel therefor and the remaining balance of the assessment levied thereon is apportioned, pursuant to the Improvement Bond Act of 1915, Streets and Highways Code Division 10, to the individual lots in the subdivision and said lots or any of them are sold for occupancy of a residence or industrial or commercial structure thereon, the provisions of divisions (A) and (B) of this section shall no longer be applicable with respect to the individual lots in the subdivision except as to installments on the assessment thereon which were paid prior to the date of the recordation of the grant deed transferring title thereto, and thereafter the city shall only make credits on the remaining balances of the assessments on said lots or parcels pursuant to division (D) of this section.~~

~~—(F)—Further notwithstanding the preceding provisions of this section, if the amount of any fee paid pursuant to this chapter by the owner of any excluded parcel to the city is, in the opinion of the City Treasurer, insufficient in amount to warrant a refund, the Treasurer may, pursuant to Cal. Gov't Code § 66483(f), accumulate the fees in a 'planned local drainage facilities fund' until he or she determines that there is a sufficient amount on deposit in the fund to warrant such a refund and a transfer of the remaining balance of the fees to the redemption fund for the assessment district.~~

~~—(G)—When the bonds for Assessment District No. 79-2 have been fully retired, the amount of any such fees which may be paid thereafter shall be retained in the said planned local drainage facilities fund and utilized as provided in Cal. Gov't Code §§ 66483.1 and 6683.2.~~

#### **~~16.24.156 Planned drainage facilities—Other fees.~~**

~~—Fees collected by the city pursuant to § 16.24.152 shall be credited against the fees provided for by any resolution adopted by the City Council pursuant to § 16.16.130 of the Corona Municipal Code for the purpose of defraying the cost of constructing drainage facilities.~~

#### **~~16.24.158 Planned drainage facilities—Deferral of payment of fees.~~**

~~—(A) Notwithstanding the provisions of § 16.24.152, the owner of an excluded parcel may defer the payment of the fee required thereby for all or any part of the excluded parcel from the time of the approval of a final subdivision map or final parcel map therefor until the time of the issuance of building permits for the excluded parcel or a portion thereof by entering into a written agreement with the city at the time the owner presents such a final map to the city for approval for recordation, agreeing to the amount of the fee which is owing for the excluded parcel, or if the final map relates only to a portion of the excluded parcel, such portion, and to pay such fee at the time of application for the issuance of building permits for the development of the portion of the excluded parcel to which the agreement relates based on the number of building permits and the type of buildings for which application is made. The agreements shall be and are hereinafter referred to as ‘Fee Deferment Agreement.’ The term ‘development’ as used herein means the preparation of an excluded parcel or any portion thereof by the owner thereof or an agent or contractor of the owner for construction thereon of residential units, including single family residences (detached or attached), condominiums and apartment buildings or commercial or industrial buildings or any combination thereof for sale or lease.~~

~~—(B) The payment of the fee under each such Fee Deferment Agreement shall be secured by a deed of trust on the excluded parcel or the portion thereof to which the agreement relates, naming the city as beneficiary, and reciting in an addendum thereto that the amount of the fee secured thereby is payable as a condition to the issuance of building permits for the development of the property encumbered thereby.~~

~~—(C) Upon entering into a Fee Deferment Agreement and the recordation of the deed of trust securing payment of the fee thereunder, the owner of the excluded parcel or the portion thereof to which the agreement relates shall be allowed to record a final subdivision map or a final parcel map for the portion of the excluded parcel to which the agreement relates without paying the fee therefor.~~

~~—(D) The amount of the fee which shall be set forth in a Fee Deferment Agreement which relates to only a portion of an excluded parcel shall be based on the number of residential units and the square footage of the floor space of commercial and industrial buildings, if any, which is/are allowed therefor in Specific Plan SP-81-2 or proposed by the owner thereof on the final subdivision or parcel map therefor, whichever is greater, and the criteria and methodology developed and employed by the Engineer of Work for Assessment District No. 79-2 in determining the amount of the fees set forth in Exhibit ‘B’ to Ordinance No. 1673.~~

~~—(E) At the time of making application for the issuance of building permits for the development of a portion of an excluded parcel which is the subject of a Fee Deferment Agreement, the owner thereof shall pursuant to such agreement pay the fee in the full amount provided in said agreement, or if application is made for less than all of the buildings allowed for the portion of the excluded parcel which is the subject of such agreement, a proportionate amount of said full amount based on the number of permits and the type of buildings for which application is made, as a condition to the issuance of the building permits for which application is made, and no such permits shall be issued until the appropriate amount of said fee is paid.~~

~~—(F) Upon the payment by the owner of an excluded parcel to the city of the total amount of the fee provided for in a Fee Deferment Agreement, the city shall deliver to the owner a full reconveyance of the deed of trust securing the payment of such fee; and provided further that, if the owner of an excluded parcel which, or a portion of which, is subject to a Fee Deferment Agreement pays a portion of the fee set forth therein for certain lots or parcels on a final subdivision or parcel map of the excluded parcel or such a portion thereof, the city shall deliver to the owner a partial reconveyance of the deed of trust relating to said agreement as to the lots or parcels for which payment has been made. The city shall subordinate any such deed of trust to the lien of any subsequent deed of trust given by the owner of an excluded parcel to secure a loan for the development of the excluded parcel or any part thereof.~~

~~—(G) Notwithstanding the preceding provisions of this section, the owner of an excluded parcel who has entered into a Fee Deferment Agreement may apply for and shall be issued grading permits and other similar preliminary or incidental permits relating to the preparation of the portion of the excluded parcel to which the Fee Deferment Agreement relates for development without being required to pay the fee provided for in the agreement; and provided further that an owner of an excluded parcel, whether or not he or she has entered into a Fee Deferment Agreement, may apply for and shall be issued building permits for the construction of location on the excluded parcel or any portion thereof of a building or buildings which will be used solely by the owner in connection with its use and enjoyment of the excluded parcel, such as a single family residence, a garage, a storage building or a utility building or temporary buildings to be used by the owner or its agents or contractors in connection with the preparation of an excluded parcel or a portion thereof which is subject to a Fee Deferment Agreement for development, without being required to pay the fee for the excluded parcel or any portion thereof.~~

~~—(H) If after having entered into a Fee Deferment Agreement with respect to an excluded parcel or a portion thereof, the owner thereof makes application to the city for the recordation of a final subdivision map or a final parcel map for a portion of the excluded parcel or the portion thereof (the larger portion thereof) which is subject to the Fee Deferment Agreement, the fee for the portion of the excluded parcel to which the final subdivision map or parcel map for which application is made relates shall be determined as herein above provided and the owner shall either pay such fee or enter into a Fee Deferment Agreement for such portion, and the amount of such fee shall, in either event, be deducted from the fee provided for in the Fee Deferment Agreement first entered into with respect to the excluded parcel or the larger portion thereof.~~

#### **16.24.160 Bridges and thoroughfares—Findings.**

~~—The City Council finds as follows.~~

~~—(A) The subdivision and development of property within the area subject to Specific Plan SP-812 approved by the City Council on January 20, 1982 (the “Specific Plan”), by the adoption of Resolution No. 82-5, will require construction of bridges and major thoroughfares whose primary purpose will be to carry through traffic and provide a network connecting to the state highway system.~~

~~—(B) The required bridges and thoroughfares are described in detail in the report of Neste, Brudin & Stone, Incorporated, the Engineer of Work for proposed Assessment District No. 79-2~~

~~(Northeast Area), entitled ‘Engineer’s Report under Resolution of Intention’ and dated August 25, 1982, and in the plans and specifications for such bridges and thoroughfares which are also a part of the report. The report of the Engineer of Work was approved by the City Council on August 25, 1982, by the adoption of Resolution No. 82-86. The bridges and thoroughfares are also described in the Specific Plan and shown on the Circulation Plan thereof, Exhibit L thereto.~~

~~—(C) The General Plan of the city has been amended as to the area subject to the Specific Plan to include and identify in the circulation element and the transportation provision thereof, among other things, railways, freeways and streams for which bridge crossings are required and General Plan or local roads and major thoroughfares whose primary purpose will be to carry through traffic and provide a network connecting to the state highway system. The General Plan amendments which so amend the General Plan and the dates thereof are: GPA 79-1, September 5, 1979; GPA 79-2, December 19, 1979; GPA 79-3, May 7, 1980; GPA 80-1, June 4, 1980; GPA 81-1, February 24, 1981; and GPA 82-1, July 7, 1982.~~

~~—(D) The bridge crossings which will be required are:~~

~~—(1) The bridge over State Highway 91 where the street designated as Goldfield Avenue will cross the highway;~~

~~—(2) The bridge over the Arlington Channel where Goldfield Avenue will cross the channel; and~~

~~—(3) The addition to the existing bridge which carries McKinley Street over State Highway 91. (The bridge crossings or bridges are hereinafter collectively referred to as the “bridges”).~~

~~—(E) The major thoroughfares which will be required are Buchanan Street, Goldfield Avenue, McKinley Street, Ridge Court and the freeway interchange at the intersection of McKinley Street and State Highway 91. (The thoroughfares are hereinafter collectively referred to as the “thoroughfares.”)~~

~~—(F) The territory which will benefit from the construction of the bridges and thoroughfares is the area subject to the Specific Plan and which is within the exterior boundaries of Assessment District No. 79-2 (the “Area of Benefit”). A map showing the Area of Benefit is attached to Ordinance No. 1674 on file with the City Clerk.~~

~~—(G) The City Council has confirmed the assessment for Assessment District No. 79-2 as set forth in the assessment roll therefor by adoption of Resolution No. 83-24 on March 23, 1983. As a result of such confirmation, the assessments on individual parcels of property within the assessment district have become liens on the parcels. Included in the amount of the assessment on each such parcel is an amount for the construction of the bridges and thoroughfares.~~

~~—(H) Certain parcels of property which were originally proposed for inclusion in Assessment District No. 79-2 and which would have been assessed for the construction of the bridges and thoroughfares have, at the request of the owners thereof, been excluded therefrom by the adoption by the City Council of Resolution No. 83-22 on March 23, 1983 and have not been assessed for the bridges and thoroughfares although such parcels will benefit from the construction thereof in that such construction will enable the owners of the parcels to subdivide and develop their property. (The excluded parcels are hereinafter referred to as the “excluded parcels.”)~~

~~—(I) All property which will derive benefit from the construction of the bridges and thoroughfares should be assessed and pay a pro rata share of the cost thereof based on the benefit derived therefrom. The parcels of property in Assessment District No. 79-2 and which have been assessed upon the confirmation of the assessment therefor will pay a pro rata share of the cost of the construction of the bridges and thoroughfares based on the benefit derived therefrom.~~

~~—(J) Pursuant to Cal. Gov't Code § 66484, the City Council may adopt an ordinance requiring the payment of fees as a condition of approval of a final map for purposes of defraying the actual or estimated cost of constructing bridges and major thoroughfares.~~

~~—(K) Notwithstanding the exclusion of the excluded parcels from Assessment District No. 79-2, the bridges and thoroughfares must be constructed to their originally intended design and capacity to carry through traffic which will be generated within the assessment district upon the development of the parcels therein which have been assessed therefor and to provide a network connecting to the state highway system.~~

~~—(L) The bridges and thoroughfares will be constructed along with other improvements as improvement projects of Assessment District No. 79-2 and the cost of such construction will be totally funded from payments on assessments against individual parcels of property within the assessment district and the proceeds from the sale of the bonds for the assessment district.~~

~~—(M) The excluded parcels should participate in the cost of the construction of the bridges and thoroughfares through payment of fees pursuant to Cal. Gov't Code § 66484 based on the benefit which they will derive from the construction of the bridges and thoroughfares.~~

~~—(N) The method of allocating the cost of the construction of the bridges and thoroughfares shall be the method developed by the Engineer of Work for Assessment District No. 79-2 which is set forth in the aforementioned report of the Engineer of Work. The method of apportionment as it relates to the thoroughfares does not provide for higher fees on land which abuts the thoroughfares except where the abutting land is provided direct usable access thereto.~~

~~—(O) The parcels of property which will be subject to the payment of such fees as a condition of the recordation of a final subdivision map or parcel map are the excluded parcels. The excluded parcels are identified on Exhibit B of Ordinance No. 1674 on file with the City Clerk and the amounts of the fees to be paid by the owner of each such parcel for the construction of the bridges and thoroughfares are set forth on said exhibit opposite the description of each such parcel.~~

~~—(P) The estimated cost of the construction of the bridges, including design and incidental costs and costs associated with the sale of the bonds of Assessment District No. 79-2, is \$4,149,637.~~

~~—(Q) The estimated cost of the construction of the thoroughfares, including design and incidental costs and costs associated with the sale of the bonds of Assessment District No. 79-2, is \$12,913,383.~~

#### **~~16.24.162 Bridges and thoroughfares—Hearing.~~**

~~—(A)—The City Council hereby sets and designates 7:00 p.m. on April 20, 1983, and the City Council Chambers of the City of Corona, 815 West Sixth, Corona, California, as the time and place of hearing on the fees to be paid by the owners of the excluded parcels as a condition of approval of a final subdivision map or final parcel map for the purpose of defraying the cost of the construction of the bridges and thoroughfares.~~

~~—(B)—Mailed notice of the time and place of the hearing shall be given by the City Clerk as provided in Cal. Gov't Code § 65905. The notice shall contain preliminary information related to the boundaries of the Area of Benefit, estimated cost and the method of fee apportionment. The City Clerk shall mail the notice to the owner of each excluded parcel as the owners' names and addresses appear on the last equalized assessment roll not later than ten days before the date of the hearing. The provisions of § 65905 with respect to notice by publication and posting shall not be applicable.~~

~~—(C)—At such public hearing, the boundaries of the Area of Benefit, the estimated costs of the construction of the bridges and thoroughfares and a fair method of allocating the cost to the Area of Benefit and apportioning the fees will be established. A description of the boundaries of the Area of Benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution to be adopted by the City Council. A certified copy of the resolution shall be recorded by the City Clerk with the County Recorder of the County of Riverside.~~

~~—(D)—Such apportioned fees when so established shall be applicable to all parcels of property in the Area of Benefit except parcels of property which are within the boundaries of Assessment District No. 79-2 and have been assessed for the cost of the construction of the bridges and thoroughfares. The payment of the assessments by the owners of the said parcels of property which have been so assessed shall be in lieu of the payment of fees hereunder or pursuant to the resolution. The assessments, which are security for the payment of principal and interest on the bonds of Assessment District No. 79-2 shall be and are accepted as consideration in lieu of the payment of fees hereunder and pursuant to the resolution.~~

~~—(E) (1) The payment of fees pursuant to the resolution shall not be required unless:~~

~~——(a) The thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the Area of Benefit at the time of the adoption of the boundaries of the Area of Benefit; or~~

~~——(b) The bridges are original bridges serving the Area of Benefit or an addition to an existing bridge facility serving the area at the time of the adoption of the boundaries of the Area of Benefit.~~

~~——(2) The City Council specifically finds that the thoroughfares are an addition to major thoroughfares serving the Area of Benefit and that the bridges will be original bridges serving the Area of Benefit or an addition to an existing bridge facility serving the Area of Benefit.~~

~~—(F)—Written protests to the establishment of such fees may be filed with the City Clerk up to the time of the commencement of the hearing. If within the time there is a written protest filed with the City Clerk by the owners of more than one half of the area of the property to be benefitted by the construction of the bridges and thoroughfares, and sufficient protests are not~~



~~withdrawn so as to reduce the area represented to less than one-half of that to be benefitted, then the proposed proceedings shall be abandoned, and the City Council shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same bridges or thoroughfares. Any protest may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of the hearing.~~

#### **~~16.24.164 Bridges and thoroughfares—Payment of fees—Disposition.~~**

~~—(A) The fees provided in §§ 16.24.160 and 16.24.162 and which are established by the resolution of the City Council to be adopted following the hearing provided for in § 16.24.162 and a certified copy of which is recorded with the County Recorder shall be paid by the owner of a parcel subject thereto as a condition to the approval of a final subdivision map or final parcel map therefor.~~

~~—(B) All fees collected by the city pursuant to division (A) of this section and the resolution shall be deposited in a planned bridge facility or major thoroughfare fund, whichever is appropriate.~~

~~—(C) Fees collected pursuant to division (A) of this section and the resolution shall be utilized for the reimbursement of the costs of the construction of the bridges and the thoroughfares as follows:~~

~~—(1) Each person who has paid an installment on an assessment on any parcel in Assessment District No. 79-2 which was assessed for the cost of the construction of any of the bridges or any of the thoroughfares or any segment thereof and the assessment for which has been increased for the construction of the bridges or the thoroughfares or both as a result of the exclusion from the assessment district of the excluded parcels (the parcels with such increases being hereinafter referred to as the “increased assessment parcels”) shall receive a pro rata refund in an amount which relates to the increase in the assessment thereon for the construction of the bridges (the “bridge assessment”) or the thoroughfares (the “thoroughfare assessment”), depending on whether the fees collected are for the construction of the bridges or the thoroughfares, as determined by the city;~~

~~—(2) The balance, if any, of each such fee remaining after the refunds provided for in subsection (C)(1) has been made shall be transferred to the redemption fund for Assessment District No. 79-2 and utilized for the payment of principal and interest on the bonds of the assessment district. At the time of each such deposit to the redemption fund, the appropriate pro rata portion of the amount thereof shall be credited on the bridge assessment or thoroughfare assessment on each increased assessment parcel, depending on whether the fees so deposited are for the construction of the bridges or the thoroughfares;~~

~~—(3) The pro rata refunds and credits provided for in subsections (1) and (2), respectively, of this subsection shall be made based on the percentage which the increase in the bridges assessment or the thoroughfare assessment, depending on whether the fees collected are for the construction of the bridges or the thoroughfares, as determined by the city, on each increased assessment parcel is of the total of the increases in said assessment on all such parcels;~~

~~—(4) Notwithstanding the preceding provisions of this subsection, when the total amount of the refunds and credits provided for in subsections (1) and (2) hereof are equal to the total amount of the increases in the bridge assessments or thoroughfare assessments, respectively, on all of the increased assessment parcels, all fees thereafter paid to the city by the owners of the excluded parcels for the construction of the bridges or the construction of the thoroughfares shall be deposited to the redemption fund for Assessment District No. 79-2 and utilized for the payment of principal and interest on the bonds of said assessment district. At the time of each such deposit to the redemption fund, a pro rata portion of the amount thereof shall be credited on the assessment on each parcel of property within the assessment district which was assessed a bridge assessment or a thoroughfare assessment, depending on whether the fees so deposited are for the construction of the bridges or the thoroughfares. The pro rata credits shall be made based on the respective amounts of the bridge assessments or the thoroughfare assessments on all such parcels, without taking into consideration any increase in either of the assessments on any said parcel resulting from the exclusion from the assessment district of the excluded parcels;~~

~~—(5) Notwithstanding the preceding provisions of this subsection, if the amount of any fee paid by the owner of any such parcel to the city is, in the opinion of the City Treasurer, insufficient in amount to warrant a refund, the City Treasurer may accumulate the fees in the aforementioned planned bridge facility fund or major thoroughfare fund, whichever is appropriate, until he or she determines that there is a sufficient amount on deposit in the fund to warrant such a refund and a transfer of the remaining balance of the fees to the redemption fund for the assessment district;~~

~~—(6) Further notwithstanding the preceding provisions of this subsection, when an increased assessment parcel or any parcel of property within Assessment District No. 79-2 is subdivided through the recordation of a final subdivision map or parcel map therefor and the remaining balance of the assessment levied thereon is apportioned, pursuant to the Improvement Bond Act of 1915, Streets and Highways Code Division 10, to the individual lots in the subdivision and said lots or any of them are sold for occupancy of a residence or an industrial or commercial structure thereon, the provisions of subsections (1) and (2) shall no longer be applicable with respect to the individual lots in the subdivision except as to installments on the assessment thereon which were paid prior to the date of the recordation of the grant deed transferring title thereto, and thereafter the city shall only make credits on the remaining balances of the assessments on said lots or parcels pursuant to subsection (4) of this division.~~

#### **16.24.166 Bridges and thoroughfares—Deferral of payment of fees.**

~~—(A) Notwithstanding the provisions of § 16.24.162, the owner of an excluded parcel may defer the payment of the fees for all or any part of the excluded parcel from the time of the approval of a final subdivision map or final parcel map therefor until the time of the issuance of building permits for the excluded parcel or a portion thereof by entering into a written agreement with the city at the time the owner presents such a final map to the city for approval for recordation, agreeing to the amount of the fees which are owing for the excluded parcel, or if the final map relates only to a portion of the excluded parcel, such portion, and to pay such fees at the time of application for the issuance of building permits for the development of the portion of the excluded parcel to which the agreement relates based on the number of building permits and~~

~~the type of buildings for which application is made. The agreements shall be and are hereinafter referred to as "Fee Deferment Agreement." The term "development" as used herein means the preparation of an excluded parcel or any portion thereof by the owner thereof or an agent or contractor of the owner for construction thereon of residential units, including single family residences (detached or attached), condominiums and apartment buildings or commercial or industrial buildings or any combination thereof for sale or lease.~~

~~—(B) The payment of the fees under each such Fee Deferment Agreement shall be secured by a deed of trust on the excluded parcel or the portion thereof to which the agreement relates, naming the city as beneficiary, and reciting in an addendum thereto that the amount of the fees secured thereby is payable as a condition to the issuance of building permits for the development of the property encumbered thereby.~~

~~—(C) Upon entering into a Fee Deferment Agreement and the recordation of the deed of trust securing payment of the fees thereunder, the owner of the excluded parcel or the portion thereof to which the agreement relates shall be allowed to record a final subdivision map or a final parcel map for the portion of the excluded parcel to which the agreement relates without paying the fees therefor.~~

~~—(D) The amount of the fees which shall be set forth in a Fee Deferment Agreement which relates to only a portion of an excluded parcel shall be based on the number of residential units and the square footage of the floor space of commercial and industrial buildings, if any, which is/are allowed therefor in Specific Plan SP 81-2 or proposed by the owner thereof on the final subdivision or parcel map therefor, whichever is greater, and the criteria and methodology developed and employed by the Engineer of Work for Assessment District No. 79-2 in determining the amount of the fees set forth in Exhibit B to Ordinance No. 1674.~~

~~—(E) At the time of making application for the issuance of building permits for the development of a portion of an excluded parcel which is the subject of a Fee Deferment Agreement, the owner thereof shall pursuant to such agreement pay the fees in the full amount provided in the agreement, or if application is made for less than all of the buildings allowed for the portion of the excluded parcel which is the subject of such agreement, a proportionate amount of said full amount based on the number of permits and the type of buildings for which application is made, as a condition to the issuance of the building permits for which application is made, and no such permits shall be issued until the appropriate amount of the fees is paid.~~

~~—(F) Upon the payment by the owner of an excluded parcel to the city of the total amount of the fees provided for in a Fee Deferment Agreement, the city shall deliver to the owner a full reconveyance of the deed of trust securing the payment of such fees; and provided further that, if the owner of an excluded parcel which, or a portion of which, is subject to a Fee Deferment Agreement pays a portion of the fees set forth therein for certain lots or parcels on a final subdivision or parcel map of the excluded parcel or such a portion thereof, the city shall deliver to the owner a partial reconveyance of the deed of trust relating to the agreement as to the lots or parcels for which payment has been made. The city shall subordinate any such deed of trust to the lien of any subsequent deed of trust given by the owner of an excluded parcel to secure a loan for the development of the excluded parcel or any part thereof.~~

~~—(G) Notwithstanding the preceding provisions of this section, the owner of an excluded parcel who has entered into a Fee Deferment Agreement may apply for and shall be issued grading~~

~~permits and other similar preliminary or incidental permits relating to the preparation of the portion of the excluded parcel to which the Fee Deferment Agreement relates for development without being required to pay the fees provided for in the agreement; and provided further that an owner of an excluded parcel, whether or not he or she has entered into a Fee Deferment Agreement, may apply for and shall be issued building permits for the construction of location on the excluded parcel or any portion thereof of a building or buildings which will be used solely by the owner in connection with its use and enjoyment of the excluded parcel, such as a single family residence, a garage, a storage building or a utility building or temporary buildings to be used by the owner or its agents or contractors in connection with the preparation of an excluded parcel or a portion thereof which is subject to a Fee Deferment Agreement for development, without being required to pay the fees for the excluded parcel or any portion thereof.~~

~~—(H) If after having entered into a Fee Deferment Agreement with respect to an excluded parcel or a portion thereof, the owner thereof makes application to the city for the recordation of a final subdivision map or a final parcel map for a portion of the excluded parcel or the portion thereof (the larger portion thereof) which is subject to the Fee Deferment Agreement, the fees for the portion of the excluded parcel to which the final subdivision map or parcel map for which application is made relates shall be determined as herein above provided and the owner shall either pay such fees or enter into a Fee Deferment Agreement for such portion, and the amount of such fees shall, in either event, be deducted from the fees provided for in the Fee Deferment Agreement first entered into with respect to the excluded parcel or the larger portion thereof.~~

#### **~~16.24.167 Fees for traffic signalization for subdivisions of land and commercial and industrial developments subject to Specific Plan 81-2.~~**

~~—(A) Subdividers and developers of land subject to Specific Plan 81-2 and Specific Plan 85-3 shall pay at the time of and as a condition to the issuance of building permits for construction of residential, commercial and industrial structures on such land a fee for the provision of master-planned traffic signalization within the areas subject to said specific plans determined on the basis of the principal land use or uses of the lot or parcel of land where any such structure is to be constructed and whichever of the following schedules is applicable thereto:~~

~~-~~

##### ~~—RESIDENTIAL SCHEDULE~~

##### ~~—Principal Land Use~~

##### ~~—Fee Per Dwelling Unit~~

~~SP 81-2 — SP 85-3~~

##### ~~Single Family Residential~~

~~\$115 — \$184~~

##### ~~Medium Density Residential~~

~~\$100 — \$168~~

High-Density Residential

\$65 ——— \$108

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~~—COMMERCIAL AND INDUSTRIAL SCHEDULE~~

~~—Principal Land Use~~

~~—Fee Per Acre~~

~~SP 81 2 SP 85 3~~

Regional Shopping Center

\$3,375 ——— N/A

Support Commercial

\$2,250 ——— \$5,600

Manufacturing District

\$640 ——— N/A

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~~—(B) The total amount of the fee to be paid for a residential subdivision or a commercial or industrial development shall be based on the number of dwelling units to be constructed within such a residential subdivision or the number of acres within such a commercial or industrial development.~~

**16.24.170 Recreation facilities fee—Findings.**

~~—The City Council finds as follows:~~

~~—(A) The subdivision and development of property annexed to the city subsequent to the date upon which this chapter is adopted by the City Council and not within the South Corona area (the "subsequently annexed areas") will create a public need for and will require the construction of recreation, parks and open space facilities to serve the residents and users of such development ("recreation facilities").~~

~~—(B) Pursuant to Cal. Gov't Code §§ 66000 et seq. and the city's police powers, the city may impose by ordinance a requirement for the payment of fees to cover the actual or estimated costs of constructing planned recreation facilities.~~

~~—(C) The Comprehensive Parks, Recreation and Open Space Master Plan, dated January 18, 1989, along with reports from city staff presented in conjunction with the adoption of this fee (collectively referred to as the "Master Plan and Reports") set forth in detail the types of~~

recreation facilities which are required to serve the subsequently annexed areas and contain an estimate of the costs of designing and constructing the types of facilities identified in the Master Plan and Reports.

~~—(D) The Master Plan and Reports demonstrate that costs of the recreation facilities funded by the fees established in §§ 16.24.170 through 16.24.200 are apportioned relative to the anticipated impact on city recreation facilities of new development within the subsequently annexed areas, both on the basis of benefits conferred by the recreation facilities, and on the basis of the need for such facilities created by new development.~~

~~—(E) The fee for any property proposed for development within the subsequently annexed areas represents and does not exceed the fair share of the actual estimated costs of the recreation facilities serving the subsequently annexed areas.~~

~~—(F) The information presented to the City Council in conjunction with the adoption of this fee establishes that there is a reasonable relationship between the need for the recreation facilities and the impacts of the types of development on which the fee will be imposed and that there is a reasonable relationship between the fee's use and the type of development upon which the fee will be imposed. This reasonable relationship is described in more detail in the Master Plan and Reports.~~

~~—(G) The cost estimates set forth in the Master Plan and Reports are reasonable cost estimates for constructing the types of recreation facilities identified therein and the fees expected to be generated by new development are not expected to exceed the total of those costs.~~

~~—(H) The purpose and use of the fee will be to finance the public facilities described or identified in the Master Plan and Reports.~~

#### **16.24.180 Recreation facilities fee—Purpose and applicability.**

~~—The City Council declares that the purpose of §§ 16.24.170 through 16.24.200 is to assure the acquisition and improvement of adequate recreation facilities to serve the subsequently annexed areas in order to promote the health, safety and welfare of the citizens of Corona and to comply with the law. §§ 16.24.170 through 16.24.200 shall apply to the construction of new dwelling units and to additions or improvements to existing units if such improvements or additions increase habitable living space by 25%. Further, §§ 16.24.170 through 16.24.200 shall apply only to areas annexed to the city subsequent to the date upon which this chapter is adopted by the City Council and not located within the South Corona area as defined in § 16.25.020(A) of this code.~~

#### **16.24.190 Recreation facilities fee—Imposition and payment of fee.**

~~—Each owner of a lot or parcel of residential property within the subsequently annexed areas shall pay to the city as a condition to the issuance of a building permit for any improvement on land for which no recreation facilities fee has been paid as provided by this section, a recreation facilities fee to fund the estimated cost of the construction of recreation facilities serving the~~



~~subsequently annexed areas as identified in the Master Plan and Reports. The amount of the fee shall be initially determined and may be adjusted from time to time by noncodified ordinance or resolution of the City Council.~~

**~~16.24.200 Recreation facilities fee—Accounting and disbursement of fees.~~**

~~—Fees paid pursuant to § 16.24.190 shall be placed in a special fund which may be further segregated by specific recreation facility. This fund, and interest earned thereon, shall be expended solely for the design and construction or reimbursement for construction of recreation facilities in accordance with the standard established in the Master Plan and Reports as adopted or subsequently amended.~~