

## RESOLUTION NO. 2011-176

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A NEXUS STUDY AND ESTABLISHING THE AMOUNT OF FEES RELATIVE TO THE LAGUNA RIDGE SUPPLEMENTAL PARK FEE (LRSPF)

**WHEREAS**, in 2004, the City of Elk Grove approved the Laguna Ridge Specific Plan (the "Specific Plan"); and

**WHEREAS**, the Specific Plan calls for a number of infrastructure improvements, including parks and parkways, to serve new development within the Specific Plan area; and

**WHEREAS**, on January 26, 2011, the City Council adopted Ordinance No. 3-2011 (the "LRSPF Ordinance"), amending Chapter 16.82 of the City of Elk Grove Municipal Code establishing the Laguna Ridge Supplemental Park Fee (LRSPF) to fund local, neighborhood, and community parks within the Specific Plan area; and

**WHEREAS**, the LRSPF Ordinance: 1) created the authority for imposing the LRSPF to provide funding for specified park and parkway improvements, and 2) enabled the City Council by resolution to set forth the specific amount of the fee; and

**WHEREAS**, the LRSPF Program Nexus Study dated August 31, 2011, and presented with the accompanying staff report (the "Nexus Study"), 1) established the need, costs and financing of the park and parkway improvements needed to mitigate the impacts of and to serve new development within the City, and 2) represents a reasonable basis to establish the fee under by identifying the relationship between new development, the needed public facilities to serve that new development, the estimated cost of those public facilities, and the amount of the LRSPF; and

**WHEREAS**, the LRSPF Ordinance permits imposition of the LRSPF administration fee, and the amount of this fee does not exceed the estimated reasonable costs of the collection, deposit, investment, accounting, remittance and reporting of the LRSPF; and

**WHEREAS**, in accordance with the Mitigation Fee Act (Government Code Section 66000 *et seq.*) at least one open and public hearing was held on the adoption of the LRSPF, at which written and oral presentations were made as part of a regularly scheduled City Council meeting. The date, time and place of the public hearing(s) was duly noticed in accordance with Government Code Sections 66018 and 6062a, and notice was mailed to any interested party who requested notice of adoption of new fees. A draft LRSPF Nexus Study was made available for public inspection for a period of at least ten (10) days prior to said public hearing. Background data and materials referenced therein was made available to interested parties upon request to the City Clerk's Office at least ten (10) days prior to the date of said hearing. Following receipt of written and/or oral comments from interested persons on the LRSPF, the City Council

closed the public hearing on the LRSPF, and provided direction to City staff concerning the LRSPF.

**NOW, THEREFORE BE IT RESOLVED**, the City Council of the City of Elk Grove hereby approves as follows:

- 1. Incorporation of the Nexus Study:** This Resolution adopts the Laguna Ridge Supplemental Park Fee Nexus Study, dated August 31, 2011, and presented with the accompanying staff report (the "Nexus Study"). The Nexus Study, along with the studies and reports it may reference or be based upon in whole or in part, and together with any amendments thereto and any supplemental or implementation actions pursuant thereto made after its initial adoption, establish the need, costs and financing of park and parkway improvements arising out of development within the Laguna Ridge Specific Plan area, and present a reasonable basis on which to establish the LRSPF under this Resolution. The LRSPF Nexus Study establishes the reasonable relationship between the need for the public facilities and the impacts of the various types of new development identified by the Specific Plan, for which the corresponding LRSPF is to be charged.
- 2. Laguna Ridge Supplemental Park Fee (LRSPF):** The amounts of the LRSPF established and imposed pursuant to the LRSPF Ordinance are hereby established at the levels set out in the LRSPF Nexus Study. The applicable LRSPF rates by land use category, which the City Council of the City of Elk Grove hereby adopts, are attached as Exhibit "A" and incorporated herein by this reference.
- 3. LRSPF Administrative Fee:** The amount of the LRSPF administrative fee established and imposed pursuant to the LRSPF Ordinance is hereby established at the level to off-set the actual reasonable costs for the collection, deposit, investment, accounting, and reporting of the LRSPF. The LRSPF administrative fee, which is the same for all land use categories and which the City Council hereby adopts, is included in Exhibit "A," which is attached and incorporated herein.
- 4. Adjustments:** The LRSPF development impact fees shall be adjusted each calendar year beginning on January 1, 2012. The adjustment shall be based on a factor equal to the percentage increase or decrease, if any, of the following index: The average change of the 20-City and San Francisco Construction Cost Index as published by Engineering News Record/McGraw-Hill Construction Weekly during the twelve (12) month period ending the preceding October 31st.
- 5. Construction of Resolution:** The provisions of this Resolution are subject and subordinate to the provisions of the LRSPF Ordinance and shall at all times be constructed and applied consistent therewith as the same presently exist or may from time to time hereafter be amended.

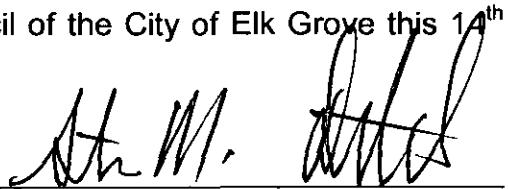
- 6. Effective Date:** This Resolution shall be effective 60 days after its adoption.
- 7. Severability:** If any section, phrase, sentence, or other portion of this Resolution for any reason is held or found to be invalid, void, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

If any fee established by this Resolution for any reason is held or found to be invalid, void, unenforceable, or unconstitutional by a court of competent jurisdiction, such fee shall be deemed a separate, distinct and independent fee, and such holding shall not affect the validity of the remaining fees established by this Resolution.

If any fee established by this Resolution is held or found to be invalid, void, unenforceable or unconstitutional by a court of competent jurisdiction based upon an insufficient nexus to a specific public facility for which the revenue generated from such fee may be expended pursuant to this Resolution, said fee as it relates to such specific public facility shall be deemed a separate, distinct and independent fee, and such holding shall not affect the validity of the fee as it relates to other public facilities.

- 8. Annual Report and Review of Fees:** No later than one hundred eighty (180) days following the end of the fiscal year that includes June 30, 2012, the City Manager, or his or her designee, shall prepare a report for the City Council in compliance with Government Code Section 66006.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of September 2011.

  
\_\_\_\_\_  
STEVEN M. DETRICK, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

**EXHIBIT "A"**

**Laguna Ridge Supplemental Park Fee**

**Zone 1**

	<b>Park Facilities Component</b>	<b>Land Acquisition Component</b>	<b>Administration</b>	<b>Total</b>
<b><u>Residential</u></b>		<i>fee per unit</i>		
Single-Family	\$8,214	\$1,914	\$203	<b>\$10,331</b>
Multifamily	\$5,477	\$1,276	\$135	<b>\$6,888</b>
Age-Restricted	\$4,694	\$1,094	\$116	<b>\$5,904</b>
<b><u>Nonresidential</u></b>		<i>fee per bldg. sq. ft.</i>		
Commercial	\$0.23	\$0.00	\$0.01	<b>\$0.24</b>
Office	\$0.38	\$0.00	\$0.01	<b>\$0.39</b>

**Zone 2**

	<b>Park Facilities Component</b>	<b>Land Acquisition Component</b>	<b>Administration</b>	<b>Total</b>
<b><u>Residential</u></b>		<i>fee per unit</i>		
Single-Family	\$8,214	\$0	\$164	<b>\$8,378</b>
Multifamily	\$5,477	\$0	\$110	<b>\$5,587</b>
Age-Restricted	\$4,694	\$0	\$94	<b>\$4,788</b>
<b><u>Nonresidential</u></b>		<i>fee per bldg. sq. ft.</i>		
Commercial	\$0.23	\$0.00	\$0.01	<b>\$0.24</b>
Office	\$0.38	\$0.00	\$0.01	<b>\$0.39</b>

**Zone 3**

	<b>Park Facilities Component</b>	<b>Land Acquisition Component</b>	<b>Administration</b>	<b>Total</b>
<b><u>Residential</u></b>		<i>fee per unit</i>		
Single-Family	\$0	\$0	\$0	<b>\$0</b>
Multifamily	\$0	\$0	\$0	<b>\$0</b>
Age-Restricted	\$0	\$0	\$0	<b>\$0</b>
<b><u>Nonresidential</u></b>		<i>fee per bldg. sq. ft.</i>		
Commercial	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Office	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-176**

**STATE OF CALIFORNIA            )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE            )**


***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 14, 2011 by the following vote:***

**AYES :            COUNCILMEMBERS:     *Detrick, Cooper, Davis***

**NOES:            COUNCILMEMBERS:     *Hume, Scherman***

**ABSTAIN :       COUNCILMEMBERS:     *None***

**ABSENT:         COUNCILMEMBERS:     *None***

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**