

RESOLUTION 2004-272

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE FIRE PROTECTION FACILITIES DEVELOPMENT FEE AMOUNTS
FOR THE LAGUNA SOUTH AREA**

WHEREAS, the City of Elk Grove General Plan includes a general description of the location, capacity, and types of fire protection facilities needed to serve new development in the City; and

WHEREAS, in order to protect the health, safety, and welfare of the community and to ensure that adequate capital facilities are provided and maintained for the residents of the City and so that new development in the City pays its fair share of the cost of providing these facilities, the levy of fire protection facilities fees is necessary; and

WHEREAS, Chapter 16.83 of the Elk Grove Municipal Code describes the City's program relating to development impact fees for various public facilities serving the Laguna South area, which is that area of the City west of State Route 99 and south of Elk Grove Boulevard (which includes the East Franklin Specific Plan area, the Laguna Ridge Specific Plan area, the Automall area, the Lent Ranch Special Planning area, the South Pointe Special Planning area, and the Southeast Study area), makes administrative provisions for the implementation of the Laguna South Public Facilities Fee Program, and provides that the individual fees included within the program may be periodically amended by resolution (in addition to automatic adjustments based on cost indices); and

WHEREAS, Economic and Planning Systems, Inc., has prepared and presented to the City Council a nexus study, the "Laguna South Fire Facilities Fee Program Update," dated October 18, 2004 (the "Nexus Study"), incorporated herein by this reference, which details the relationship between the use of the proposed fees and the types of development on which the fees are imposed, the relationship between the need for the public facilities and the type of development on which the fees are imposed, and the relationship between the amount of the fees and cost of the public facilities; and

WHEREAS, the City Council finds that the fee schedule detailed in Exhibit A attached hereto and the planned improvements detailed in the Nexus Study are consistent with the Elk Grove General Plan; and

WHEREAS, pursuant to Government Code section 66016, the data required to be made available to the public prior to increasing the amount of the fire protection facilities development fees by this resolution was made available for public review at least 10 days prior to the date of this meeting; and

WHEREAS, pursuant to Government Code section 66018, notice of a public hearing on the increase to the amount of the fire protection facilities development fees was published in the Elk Grove Citizen for at least ten days (in accordance with

Government Code section 6062a) prior to the date of this meeting; and

WHEREAS, a duly noticed public hearing before the City Council on the increase to the amount of the fire protection facilities development fees was held on November 3, 2004, at which hearing public testimony was received and duly considered; and

WHEREAS, the increase to the amount of the fire protection facilities development fees is not a "project" subject to the California Environmental Quality Act because it is a funding mechanism having no physical effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

1. Approval of Findings. After considering the information and determinations contained in the Nexus Study and the testimony received at the public hearing, the City Council hereby approves and expressly adopts the findings, determinations, and conclusions contained in the Nexus Study.
2. Increase in Fee Amounts. The amended fire protection facilities development fees, as set forth in the Nexus Study and attached hereto as Exhibit A and further described in the text of Chapter 16.83, are hereby approved and levied on new development in the entire Laguna South area. The fees are subject to the fee adjustments and exemptions described in the Nexus Study. In particular, the amounts shown on Exhibit A are subject to the automatic adjustment scheduled for January 2005, as provided in Section 16.83.150(e) of the Elk Grove Municipal Code.
3. Effective Date. Pursuant to Government Code section 66017(a), the increase to the amount of the fire protection facilities development fees approved by this Resolution shall become effective 60 days after the date of the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 3rd day of November 2004.



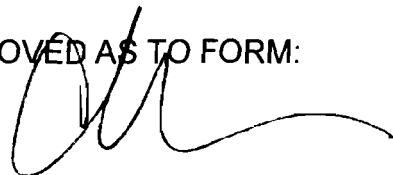
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A

Fire Protection Facilities Fee Schedule for the Laguna South Area

Land Use Category	Total Fire Fee
Residential	
Single Family (less than 3 units-included duplexes)	\$1,155
Multi-Family (3 or more units)	\$770
Age-Restricted (single family and multi-family)	\$660
Non-Residential	
Commercial	\$0.76
Office	\$0.89
Industrial	\$0.52

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-272**

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

I, Peggy E. Jackson, 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 the 3rd day of November 2004 by the following vote:

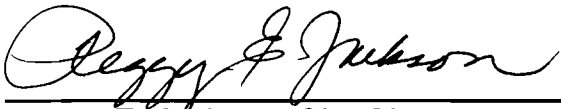
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**