

ORDINANCE NO. 8-2004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING CHAPTER 16.91 TO THE ELK GROVE MUNICIPAL CODE RELATING TO PARK AND FIRE FACILITIES DEVELOPMENT IMPACT FEES IN EASTERN ELK GROVE

The City Council of the City of Elk Grove does ordain as follows:

SECTION 1 PURPOSE AND AUTHORITY.

The purpose of this ordinance is to add Chapter 16.91 of the Municipal Code relating to development impact fees in the City of Elk Grove (hereinafter "City") levied for the provision of park and fire protection facilities in the area of the City east of State Route 99 (the "Eastern Elk Grove Park and Fire Facilities Fee"). The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

SECTION 2. FINDINGS.

The City Council finds and determines as follows:

a. As stated in the City's General Plan, the City shall ensure that adequate public facilities are provided to serve new growth and maintain or improve existing levels of service within the City. To finance needed public facilities within the City, the City needs to establish an appropriate schedule of development impact fees pursuant to Government Code section 66000, et seq., so that new development in the City pays neither more nor less than its fair share of the cost of providing these public facilities.

b. The basis for establishing the Eastern Elk Grove Park and Fire Facilities Fee is identified in the General Plan, and the need for and cost of new public facilities and improvements required by new development in the area of the City east of State Route 99 is analyzed in the Elk Grove Community Services District Eastern Elk Grove Park and Fire Facilities Fee Nexus Study, dated March 26, 2004, prepared by Economic and Planning Systems, Inc. (the "Nexus Study"). The Nexus Study was made available for public review at least ten (10) days prior to the public hearing on the adoption of the Eastern Elk Grove Park and Fire Facilities Fee, which was approved by resolution adopted on April 7, 2004.

c. In order to protect the health, safety, and welfare of the community and to ensure that adequate public facilities are provided for the residents of the City of Elk Grove, levying the Eastern Elk Grove Park and Fire Facilities Fee is necessary.

SECTION 3. ADDITIONS.

Chapter 16.91 is hereby added to the Elk Grove Municipal Code, to read in its entirety as follows:

CHAPTER 16.91

EASTERN ELK GROVE PARK AND FIRE FACILITIES FEE

Sections:

- 16.91.010 Purpose
- 16.91.020 Definitions
- 16.91.030 Establishment of Eastern Elk Grove Park Facilities Fund
- 16.91.040 Establishment of Eastern Elk Grove Fire Facilities Fund
- 16.91.050 Establishment of Eastern Elk Grove Park and Fire Facilities Fee Program Administration Fund.
- 16.91.060 Adoption of Eastern Elk Grove Park and Fire Facilities Fee
- 16.91.070 Development Fee Components
- 16.91.080 Calculation of Fee Components
- 16.91.090 Payment of Development Fees
- 16.91.100 Fee Credits and Reimbursements
- 16.91.110 Compliance with Other Laws

16.91.010 PURPOSE.

- a. The City's General Plan requires that areas chosen for urban expansion shall be capable of being provided within a reasonable period of time with an adequate level of public facilities.
- b. The General Plan further requires the preparation of a plan that identifies a mechanism for financing and providing for those facilities necessary to serve urban development in areas designated for urban expansion.
- c. The purpose of this Chapter is to implement the General Plan requirements set forth in subdivisions (a) and (b) of this section and to use the authority in Article XI, Section 7 of the California Constitution by imposing fees to fund the cost of certain park and fire protection facilities the need for which is generated by the type and level of development designated in the General Plan.
- d. The Eastern Elk Grove Park and Fire Facilities Fee will apply only to all territory located in the area of the City east of State Route 99.
- e. The City Council hereby determines that payment of the Eastern Elk Grove Park and Fire Facilities Fee will be collected for public facilities for which an account has been established hereby and that are included within the capital improvement plan of the Elk Grove Community Services District as described in the Nexus Study.

16.91.020 DEFINITIONS.

- a. "Administrative Services Director" means the Director of Administrative Services for the City of Elk Grove.

- b. **“Building Permit”** means the permit issued or required for the construction or improvement of additional square footage for any structure pursuant to and as defined by the City of Elk Grove Building Code.
- c. **“City”** means the City of Elk Grove.
- d. **“Costs”** means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility including, without limitation, the costs of land, construction, engineering, administration, and consulting fees.
- e. **“Council”** means the City Council of the City of Elk Grove.
- f. **“Department”** means the City of Elk Grove Public Works Department.
- g. **“Development Fee”** means the Eastern Elk Grove Park and Fire Facilities Fee, the fee described in this Chapter to be collected upon the approval of building permits within areas of the City east of State Route 99.
- h. **“Director”** means the Director of the City of Elk Grove Public Works Department.
- i. **“Eastern Elk Grove Park Facilities Fund”** means that special interest-bearing trust fund established pursuant to Section 16.91.030.
- j. **“Eastern Elk Grove Fire Facilities Fund”** means that special interest-bearing trust fund established pursuant to Section 16.91.040.
- k. **“EGCSD”** means the Elk Grove Community Services District.
- l. **“Engineer”** means the City Engineer of the City of Elk Grove.
- m. **“Facilities”** means the facilities financed by the Development Fee.
- n. **“Fee Resolution”** means the resolution adopted by the City Council that adopts, levies, and establishes the amount of the Development Fee.
- o. **“Land use category”** means a single family, multi-family, or non-residential land use as further defined in the Fee Resolution.
- p. **“Non-Residential Development”** means a subdivision map, parcel map, or permit for the original construction, grading or installation of construction other than single-family detached homes, single-family attached homes, duplexes, townhomes, condominiums, apartments, manufactured homes and mobilehomes.

- q. "Eastern Elk Grove Park and Fire Facilities Fee Program" means the program described in this Chapter of levying, collecting, and administering of the Development Fee.
- r. "Residential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of single-family detached homes, single-family attached homes, duplexes, townhomes, condominiums, apartments, manufactured homes and mobilehomes.

16.91.030 ESTABLISHMENT OF EASTERN ELK GROVE PARK FACILITIES FUND.

There is hereby created by the office of the City Treasurer, a special interest-bearing trust fund entitled the Eastern Elk Grove Park Facilities Fund. That component of the Development Fee that is collected for park facilities shall be placed in said fund. The City shall disburse amounts in the fund quarterly to EGCS D. The funds shall be expended by the Elk Grove Community Services District, or its successor agency, solely to pay the costs of park facilities identified in the Nexus Study.

16.91.040 ESTABLISHMENT OF EASTERN ELK GROVE FIRE FACILITIES FUND.

There is hereby created by the office of the City Treasurer, a special interest-bearing trust fund entitled the Eastern Elk Grove Fire Facilities Fund. That component of the Development Fee that is collected for fire protection facilities shall be placed in said fund. The City shall disburse amounts in the fund quarterly to EGCS D. The funds shall be expended by the Elk Grove Community Services District, or its successor agency, solely to pay the costs of fire protection facilities identified in the Nexus Study.

16.91.050 ESTABLISHMENT OF EASTERN ELK GROVE PARK AND FIRE FACILITIES FEE PROGRAM ADMINISTRATION FUND.

There is hereby created by the office of the City Treasurer a special interest-bearing trust fund entitled the Eastern Elk Grove Park and Fire Facilities Fee Program Administration Fund. That component of the Development Fee that is collected for administration costs shall be deposited in said fund. The City shall disburse to EGCS D quarterly one-half of the amounts so collected. All such amounts shall be expended by the City and EGCS D solely to pay the costs of administering the program.

16.91.060 ADOPTION OF EASTERN ELK GROVE PARK AND FIRE FACILITIES FEE.

The City Council shall adopt, levy, and establish the amount of the Development Fee by resolution.

16.91.070 DEVELOPMENT FEE COMPONENTS.

The Development Fee comprises components for the following uses:

- (1) Park facilities;
- (2) Fire facilities;
- (3) Program administrative costs.

16.91.080 CALCULATION OF FEE COMPONENTS.

- a. For Residential Development, the park and fire facilities fee components of the Development Fee shall be calculated by multiplying the number of units per land use category by a cost per unit factor as identified in the Fee Resolution.
- b. For Non-Residential Development, the park and fire facilities fee components of the Development Fee shall be calculated by multiplying the number of building square feet per land use category by a cost per square foot factor as identified in the Fee Resolution.
- c. In January of each calendar year, the components of the Development Fee levied for park and fire facilities shall be automatically adjusted by average of the change in the San Francisco Construction Cost Index (CCI) and the change in the 20-City CCI as reported in the Engineering News Record for the 12 month period ending October of the prior year.

16.91.090 PAYMENT OF DEVELOPMENT FEES.

The development fees imposed pursuant to this Chapter shall be paid by the property owner to the City, in an amount established by the Fee Resolution and calculated as further described in Section 16.91.090. The fees shall be both calculated and paid upon the issuance of building permits.

16.91.100 FEE CREDITS AND REIMBURSEMENTS.

The EGCS D shall have the responsibility for allocating fee credits and entering into reimbursement agreements as described in the Nexus Study. The EGCS D shall inform the City of any fee credits that it has so allocated.

16.91.110 COMPLIANCE WITH OTHER LAWS.

This Chapter is intended to establish a method for funding the cost of certain facilities the need for which will be generated by the level and type of development proposed in the City of Elk Grove. The provisions of this Chapter shall not be construed to limit the power of the City Council to impose any other fees or exactions or to continue to impose existing ones, on development within the City area, but shall be in addition to any other requirements that the City Council is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings or other entitlements within the City area pursuant to state and local laws. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements,

public facilities and other exactions required by, but not limited to: The City of Elk Grove Department of Public Works Improvement Standards. Any credits or repayments pursuant to this Chapter shall not include the funding, construction or dedications described in this section.

SECTION 4. IN LIEU LEVY.

The payment and administration of the component of the Development Fee that is levied for fire protection facilities as described in this Chapter will be in lieu of all other fire facilities fees administered pursuant to sections 16.82.050 and 16.82.120 of the Elk Grove Municipal Code.

The payment and administration of the component of the Development Fee that is levied for park facilities as described in this Chapter will be in lieu of all other park facilities fees administered pursuant to sections 16.82.060, 16.82.062, and 16.82.120 of the Elk Grove Municipal Code.

SECTION 5 EFFECTIVE DATE.

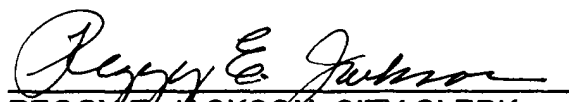
This ordinance shall take effect in thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to a fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1) from and after its passage and publication.

PASSED AND ADOPTED by the City Council this 21st day of April 2004.



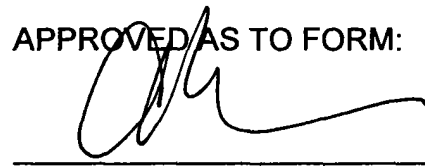
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: May 21, 2004

AYES: Scherman, Soares, Cooper
NOES: None
ABSTAIN: None
ABSENT: Briggs, Leary