

RESOLUTION NO. 2001-97

RESOLUTION ADOPTING EAST FRANKLIN SPECIFIC PLAN FEES

Recitals

WHEREAS, the City of Elk Grove has adopted various planning documents as part of planning, zoning and development documents and regulations; and

WHEREAS, the City of Elk Grove has adopted the East Franklin Specific Plan and the controlling planning document for development within the area commonly known as East Franklin; and

WHEREAS, private property owners funded over \$2,163,700 in planning and engineering studies, including environmental review for the East Franklin Specific Plan; and

WHEREAS, the City of Elk Grove, its citizens, and property owners within the East Franklin have all benefited from the comprehensive planning effort which went into the East Franklin Specific Plan; and

WHEREAS, the text of the Specific Plan explicitly contemplates the adoption of a Specific Plan Fee; and

WHEREAS, the property owners have joined together to create a single entity, the East Franklin Owners Association, which will assist the City in crediting and reimbursing the appropriate individuals responsible for funding the East Franklin Specific Plan; and

WHEREAS, the City desires to collect funds from applicants and to reimburse the East Franklin Owners Association for the costs of preparing the East Franklin Specific Plan as well as for reimbursing the City for its expenses in collecting and disbursing the Specific Plan fee,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. The foregoing recitals are true and correct.

There are hereby established the East Franklin Specific Plan Administrative Fee and the East Franklin Specific Plan Reimbursement Fees to be collected from applicants for Entitlements within the East Franklin area, as provided herein.

Definitions:

"Administrative Fee" shall mean the East Franklin Specific Plan Administrative Fee collected by the City to reimburse the City for the costs associated with collecting and disbursing the Reimbursement Fee.

"City" shall mean the City of Elk Grove.

"City Manager" shall mean the City Manager for the City of Elk Grove, or his or her designee.

"County" shall mean the County of Sacramento.

"East Franklin" shall mean that area shown on the map attached hereto as Exhibit "A."

"Entitlement" shall mean all discretionary approvals for the development of real property, and building permits for residential, commercial or industrial uses within the East Franklin area. Entitlement does not include permits for utilities, infrastructure, roadwork or public uses.

"Fees" shall mean the Reimbursement Fee and the Administrative Fee.

"Plan" shall mean the East Franklin Specific Plan as amended from time to time.

"Reimbursement Fee" shall mean the East Franklin Specific Plan Reimbursement Fee collected to reimburse the direct costs associated with the adoption of the Plan by the County.

Timing

The City shall not accept an application for an Entitlement within East Franklin until the applicant has paid the Reimbursement Fee and the Administrative Fee. Notwithstanding the foregoing sentence, a qualified applicant may be entitled to a credit against and/or a deferment of the Reimbursement Fee, as further provided in paragraphs 7 or 8. Under a deferment, the Fee is not due and payable until such time as the first public hearing on the Entitlement or before the issuance of a building permit, whichever occurs first. The City may require an applicant utilizing a deferment to acknowledge in writing that the Fee is due at a subsequent point in time in Entitlement progressing. In the event that an application was received before the effective date of this resolution, the City shall collect the Reimbursement Fee and the Administrative Fee at the time of the issuance of the Entitlement, or as soon thereafter as is legally permitted.

In the event that only a portion of the area reflected in an application is approved, the fee shall be pro-rated; and the remaining balance shall be collected upon approval of the remainder of the application or in accordance with paragraph 4A, upon re-application.

Calculation of the Fees

The Fees shall be based upon gross acreage including fractional acreage (pro-rata). Gross acreage shall include all property in the application including roads, drainage corridors, water quality basins, landscape corridors, the interceptor corridor, school sites and other public and quasi public uses and parks, but shall not include land devoted to the high school/middle school use or the sports park.

Amount of the Fees

The Reimbursement Fee is \$917.43 per acre. The Administrative Fee is 3% of the Reimbursement Fee. Beginning July 1, 2002 these Fees shall adjust automatically on July 1 of

each year. The amount of the adjustment shall reflect the change in the preceding 12 months in [index to be selected by the City]. On July 1 of each year, the City Manager: Shall certify the amount of the revised Fee.

Credits

The City may by separate agreement with third parties recognize credits against the Reimbursement Fee. The City Manager shall maintain a list of individuals entitled to credits against the Reimbursement Fee and the amounts thereof.

Deferments

The City, may by separate agreement with third parties, recognize that certain applicants are entitled to a deferment of the payment of the Reimbursement Fee. Deferment of Reimbursement Fees is limited to applicants who paid a portion of the Specific Plan costs. The City Manager shall maintain a list o applicants entitled to such Fee deferment.

Effect of Payment of the Reimbursement Fee

Upon full payment of the Reimbursement Fee, no Reimbursement Fee shall thereafter be imposed or collected upon property for which the Fee has been previously paid. Nothing in this paragraph shall limit the authority of the City to impose other Fees as may be authorized by law.

Accounting and Disbursement of the Fee

All East Franklin Reimbursement Fees collected by the City shall be placed in a separate interest-bearing account. Annually, the City shall provide an accounting for Reimbursement Fees collected, interest thereon and all distributions made from this account.

No liability upon acceptance of the Fee

No express or implied representation is made by the City with respect to the processing of an Entitlement application for which the Fees are paid.

Administrative Procedures

The Planning Department staff shall develop such forms and procedures as may be necessary to implement this resolution.

Disputes

Any individual who disputes the calculation or amount of a Fee may, within 15 days, informally appeal the decision of staff to the City Manager. The City Manager shall conduct an investigation, and render his or her decision with 15 days of the submittal of the appeal. Any individual dissatisfied with the decision of the City Manager may appeal the Manager's decision within 10 days thereof by filing a written appeal with the City Clerk. The City Council may hold

a hearing, but in any event shall render its decision within 45 days of the submittal of the appeal to the City

Effect of Partial Invalidity

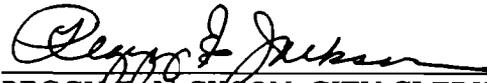
If any provision of this resolution is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the resolution shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

This resolution shall take effect 60 days following its adoption.

PASSED AND ADOPTED by the City Council of the City of Elk Grove, California, this 5th day of December 2001.


MICHAEL P. LEARY, MAYOR

ATTEST:


PEGGY E. JACKSON, CITY CLERK

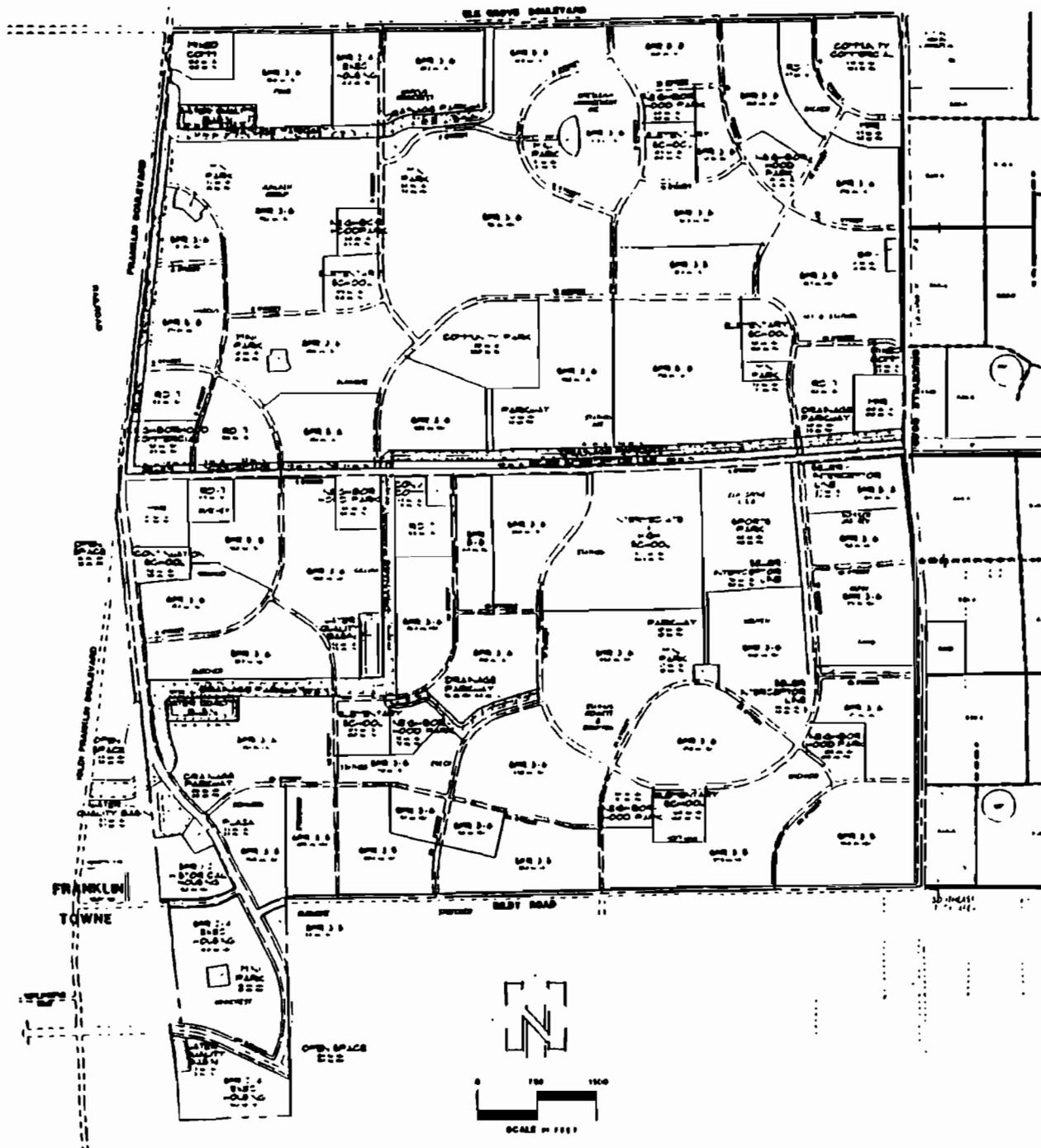
APPROVED AS TO FORM:


ANTHONY MANZANETTI,
CITY ATTORNEY

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

Effective date: February 5, 2002

Figure 2-1
Specific Plan Land Use Diagram



LEGEND

KEY	USE
C	COMMERCIAL
MFR 12-24	MULTI-FAMILY RESIDENTIAL
SFR 5-8	SINGLE FAMILY RESIDENTIAL
RD-7	RESIDENTIAL DENSITY - 7 UNITS/ACRE
SFR 3-6	SINGLE FAMILY RESIDENTIAL
SFR 3-5	SINGLE FAMILY RESIDENTIAL
SFR 2-4	SINGLE FAMILY RESIDENTIAL
SFR 1-2	HISTORICAL HOUSING
[Pattern]	SCHOOLS
[Pattern]	PARKS / PARKWAY
[Pattern]	DRAINAGE PARKWAY
[Pattern]	OPEN SPACE / WATER QUALITY BASIN

LAND USE EXHIBIT
SACRAMENTO COUNTY, CALIFORNIA APRIL 28, 2000