

RESOLUTION NO. 2003-80

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
IMPOSING A SPECIFIC PLAN FEE
FOR THE EAST ELK GROVE SPECIFIC PLAN AREA**

WHEREAS, prior to the City's incorporation, the County of Sacramento approved the East Elk Grove Specific Plan, the subject property of which is now within the jurisdictional boundaries of the City; and

WHEREAS, the East Elk Grove Specific Plan anticipated the adoption of a specific plan fee under the authority of Government Code section 65456 to reimburse the cost of preparation and administration of the plan and environmental review; and

WHEREAS, the costs to be reimbursed for the preparation of the East Elk Grove Specific Plan and environmental review total \$907,740 and the City has estimated the costs of administration of the East Elk Grove Specific Plan to be three percent (3%) of the amount of the costs to be reimbursed; and

WHEREAS, all property owners within the East Elk Grove Specific Plan area are equally benefited by the East Elk Grove Specific Plan in proportion to the acreage of their property;

WHEREAS, a public hearing before the City Council on the specific plan fee was held at the regular meeting of the City Council held on Wednesday, April 16, 2003, at which hearing public testimony was received and duly considered; and

WHEREAS, at least 10 days prior to the meeting, the City made available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service; and

WHEREAS, no party has filed with the City a written request for mailed notices of meetings on new or increased fees or service charges.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove:

Section 1. Recitals. The foregoing recitals are true and correct and the City Council so finds and determines.

Section 2. Establishment of Specific Plan Fees. The City Council hereby establishes the East Elk Grove Specific Plan Reimbursement Fee and the East Elk Grove Specific Plan Administrative Fee to be collected from applicants for entitlements within the East Elk Grove Specific Plan area, as provided herein:

(a) Definitions:

“Administrative Fee” shall mean the East Elk Grove Specific Plan Administrative Fee collected by the City for the costs associated with collecting and distributing the Reimbursement Fee.

“City” shall mean the City of Elk Grove.

“County” shall mean the County of Sacramento.

“East Elk Grove” shall mean that area shown on the map attached hereto as Exhibit “A”.

“Entitlements” shall mean all discretionary approvals for the development of real property, and building permits for residential, commercial or industrial uses within the East Elk Grove Specific Plan area. Permits for utilities, infrastructure, roadwork or public uses are not considered entitlements for the purpose of this fee.

“Fees” shall mean the Reimbursement Fee and the Administrative Fee.

“Plan” shall mean the East Elk Grove Specific Plan as amended from time to time.

“Reimbursement Fee” shall mean the East Elk Grove Specific Plan reimbursement Fee collected to reimburse the correct costs associated with the adoption of the plan by the County.

(b) Timing.

The City shall not accept an application for an Entitlement within the East Elk Grove Specific Plan area until the applicant has paid the Reimbursement Fee and the Administrative Fee.

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

(c) Calculation of the Fees.

The fee shall be based upon gross acreage including the fractional acreage (pro-rata). Gross acreage includes all property in the application including roads, drainage quarters, water quality basins, landscape quarters interceptor quarters, school sites and other public uses and parks.

(d) Amount of the Fees.

The reimbursement Fee is \$857 per acre. The Administrative Fee is three percent (3%) of the Reimbursement Fee. Beginning July 1, 2004, the Fee shall be adjusted automatically. The amount of the adjustment shall reflect the change in the preceding 12 months in the consumer price index and the Fee shall be updated as part of the annual City budget process.

(e) Effect of payment of the Reimbursement Fee.

Upon full payment of the Reimbursement Fee and Administrative Fee, no Reimbursement Fee shall thereafter be imposed or collected upon the 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.

(f) Accounting and Disbursement of the Fee.

All East Elk Grove Reimbursement Fees collected by the City shall be placed in a separate interest-bearing account. The City shall provide funds to the East Elk Grove Property Owners Group quarterly and will annually provide an accounting for the Reimbursement Fees collected and all distributions from this account.

(g) 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 Fees are paid.

(h) Administrative Procedures.

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

(i) Disputes.

Any individual who disputes the calculation or amount of the 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 within 15 days of the submittal of the appeal. Any individual dissatisfied with the decision of the City Manager may appeal this decision within 10 days thereof by filing a written appeal with the City Clerk with the appropriate fee which is adopted by Resolution by the City Council as defined by the Zoning Code Article 3 - APPEALS. The City Council may hold a hearing, but in any event shall render its decision within 45 days of the submittal of the appeal and payment of the appropriate fees to the City.

(j) 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.

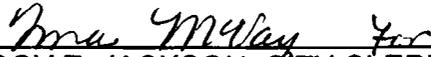
Section 3. Effective Date. Pursuant to Government Code Section 66017, this Resolution shall take effect no sooner than 60 days following the passage of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 16th day of April 2003.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective: June 15, 2003

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