

RESOLUTION NO. 2004-81

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CONCERNING THE IMPLEMENTATION OF CHAPTERS 16.85 AND 16.86 OF THE
ELK GROVE MUNICIPAL CODE**

WHEREAS, the amount of the fees levied pursuant to Chapter 16.85 (Laguna Area Roadway Fee) and Chapter 16.86 (Laguna Stonelake Public Facilities Financing Plan Development Impact Fee Program) is intended to be proportional to the impact of the development on which the fees are imposed;

WHEREAS, the primary basis for determining the amount of the impact fees to be levied is the type of development proposed for the property, that is, whether it is to be developed for residential, commercial, or industrial use;

WHEREAS, Chapters 16.85 and 16.86 use the "land use zone" or "land use category" associated with the property to assign the property a fee factor per dwelling unit or square foot of development;

WHEREAS, the City's zoning ordinances permit development of property into uses that are not the predominant use anticipated for property in its zoning designation (e.g., property in a commercial zone may be developed into residential uses);

WHEREAS, levying fees on one type of development (e.g., residential) based on a calculation method designed for a different type of development (e.g., commercial) would result in a fee amount that is not proportional to the actual impact of the development, which would be contrary to the logic of the fee analysis underlying the City's fee programs;

WHEREAS, the adoption of this resolution neither levies a new fee nor approves an increase in any existing fee and, so may be adopted without following the procedures otherwise required by Government Code sections 66000-66018;

WHEREAS, Government Code section 66016 authorizes actions on development impact fees to be taken by resolution;

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

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

Section 2. Authorization to Implement Fee Programs in Accordance with the Intent of the Programs. The City Council hereby authorizes and directs City staff to implement Chapters 16.85 and 16.86 in a manner such that, when property is developed for a use that is not the land use anticipated by the property's zoning designation, the fee to be levied is the fee that corresponds most nearly to the type and/or density of development for the property and not on the zoning of the property.

Section 3. General Authorization. The City Manager, or the Manager's designee (City Manager) is hereby authorized and directed to do any and all things and take any and all actions that may be necessary or advisable, in their discretion, in order to effect the purposes of this resolution. All actions heretofore taken by the City Manager that are in conformity with the purposes and intent of this resolution are hereby approved, confirmed, and ratified.

Section 4. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 5th day of May 2004.



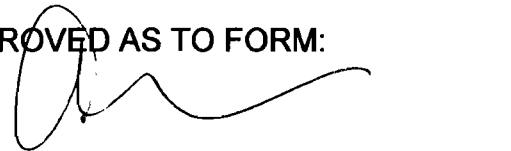
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-81**

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 5^h day of May 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

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