

RESOLUTION NO. 2009-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING AND LEVYING REVISED CAPITAL FACILITIES DEVELOPMENT IMPACT FEES

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

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

WHEREAS, Chapter 16.95 of the Elk Grove Municipal Code as amended by Ordinance No. 10-2009, effective June 26, 2009, establishes a program for funding capital facilities from development impact fees (Capital Facilities Fee Program); and

WHEREAS, Economic & Planning Systems, Inc. has prepared for the City an Capital Facilities Fee Program Nexus Study – 2009 Update dated May 13, 2009 (Nexus Study) which details the relationship between the use of and the need for the proposed fees and the types of development on which the fees are imposed, the relationship between the amount of the fees and cost of the capital facilities, and has been presented to the City Council and incorporated herein; and

WHEREAS, on January 14, 2009 and February 11, 2009, the City Council held special meetings to introduce the capital facilities fee updates to the general public and receive public comment regarding the Nexus Study then under preparation; and

WHEREAS, the City Council finds that the fee schedule detailed in the attached Table 2-Capital Facilities Fee Program 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 the adoption of the capital facilities fee program update 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 levy of the Capital Facilities Fee was published in the *Elk Grove Citizen* for at least ten days prior to the date of this meeting; and

WHEREAS, a duly noticed public hearing before the City Council on the levy of the revised Capital Facilities Fee Program was held on April 22, 2009, at which public testimony was received and duly considered; and

WHEREAS, levy of revised fees for the Capital Facilities Fee Program 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 that the City Council of the City of Elk Grove hereby approves and adopts:

1) Approval of Findings. After considering the information and determinations contained in the Capital Facilities Fee Program, 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) Approval and Adoption of Revised Fees. The capital facilities fees applicable to new development in the City set forth in the attached Table 2 are hereby approved and levied.

3) Exemptions. All determinations regarding the exemptions provided in this section shall be made by the City Finance Director or her designee. The following shall be exempted from payment of the capital facilities fees:

a. Public Agencies. All federal and state agencies, public school districts, fire stations, and the City of Elk Grove will be exempt from the capital facilities fees. Other non-City public agencies shall be subject to payment of the fees; however, the City may choose to waive some or all of the fees in certain cases.

b. Replacement/Reconstruction.

i. Residential Structure. Any replacement or reconstructions (no change in use) of any residential unit that is damaged or destroyed as a result of fire, flood, explosion, wind, earthquake, riot, or other calamity, or act of God shall be exempt from the capital facilities fees. However, if the residential unit(s) replaced or reconstructed exceeds the documented total number of units of the damaged/destroyed residential structure, the excess units are subject to the fees. If a residential structure has been vacant for more than five years, the exemption will not apply.

ii. Non-Residential Structure. Any replacement or reconstructions (no change in use) of any non-residential unit that is damaged or destroyed as a result of fire, flood, explosion, wind, earthquake, riot, or other calamity, or act of God shall be exempt from the capital facilities fees. However, if the building(s) replaced or reconstructed exceeds the documented total floor area of the damaged/destroyed building(s), the excess square footage is subject to the fees. If a structure has been vacant for more than five years, the exemption will not apply.

- iii. Change in Land Use. If a residential and/or non-residential structure is replaced with an alternative land use, such as replacing an office building with a retail building, then the applicant will be subject to the incremental difference, if any, between the capital facilities fees associated with the original land use and the new land use. If this difference is negative, no refund or credit will be issued to the applicant.

c. Additions/Alterations/Modifications/Temporary Facilities

- i. Additions to single family residential structures provided no change in use occurs and a second full kitchen is not added.
- ii. Additions to multi-family residential structures that are not part of a mixed use type project provided no change in use occurs and no additional units result.
- iii. Supporting use square footage in multi-family projects, such as the office and recreation areas required to directly serve the multi-family project. The residential unit fee will provide the full mitigation require in multi-family projects.
- iv. Non-habitable residential structures such as decks, pools, poll cabanas, sheds, garages, etc.
- v. Construction of a granny unit that does not have a full kitchen.
- vi. Mobile or manufactured homes with no permanent foundation.

4) Fee Adjustments. For specialized development projects that would not fall under one of the fee categories in the fee schedule, the Finance Director, in conjunction with the City Engineer, will review the impact applicable to the specialized development and decide on an applicable fee. The Finance Director, in conjunction with the City Engineer, will also review requests for fee adjustments where redevelopment of a parcel results in a net increase in developed area or results in a change of land use. If the previously built structure has been vacant for more than five years, the parcel will be treated as if it was undeveloped, and no such adjustment will be applied.

5) Effective Date. Pursuant to Government Code section 66017(a) the revised fees authorized 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 8th day of July 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Table 2
City of Elk Grove
Capital Facilities Fee Program Update
Summary of Fee by Component - Recommended Transit Alternative

**Staff Recommended
Transit Alternative**

Land Use	Cost by Fee Component					Subtotal Cost	Admin. 2%	Total Fee
	Civic Center	Corp. Yard	Library	Police	Transit			
Residential								
	<i>Per Unit</i>							
Single Family	\$238	\$383	\$698	\$423	\$555	\$2,297	\$46	\$2,343
Single Family - TOD	\$238	\$383	\$698	\$423	\$617	\$2,359	\$47	\$2,406
Multifamily	\$157	\$252	\$461	\$279	\$469	\$1,618	\$32	\$1,650
Multifamily - TOD	\$157	\$252	\$461	\$279	\$624	\$1,773	\$35	\$1,808
Single Family Age-Restricted	\$151	\$243	\$445	\$269	\$215	\$1,323	\$26	\$1,349
Multifamily Age-Restricted	\$109	\$176	\$321	\$194	\$297	\$1,097	\$22	\$1,119
Nonresidential								
	<i>Per 1K Bldg. Sq. Ft.</i>							
Commercial								
Shopping Center/General Commercial	\$45	\$72	\$0	\$80	\$586	\$783	\$16	\$799
SC/GC - TOD	\$45	\$72	\$0	\$80	\$615	\$812	\$16	\$828
Car Sales	\$35	\$57	\$0	\$63	\$457	\$612	\$12	\$624
Hotel	\$23	\$36	\$0	\$40	\$293	\$392	\$8	\$400
Office								
Office	\$75	\$121	\$0	\$133	\$668	\$997	\$20	\$1,017
Office - TOD	\$75	\$121	\$0	\$133	\$742	\$1,071	\$21	\$1,092
Industrial								
	\$19	\$30	\$0	\$33	\$58	\$140	\$3	\$143

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Source: EPS.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-138**

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

I, Susan J. Blackston, 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 July 8, 2009 by the following vote:

AYES : COUNCILMEMBERS: *Hume, Scherman, Cooper, Davis, Detrick*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



***Susan J. Blackston, City Clerk
City of Elk Grove, California***