

RESOLUTION NO. 2003-235

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
LEVYING INTERIM DEVELOPMENT IMPACT FEES FOR THE
PROVISION OF ROADWAY FACILITIES**

WHEREAS, on December 1, 2003, the City Council of the City of Elk Grove adopted Ordinance No. 43-2003, relating to development impact fees for roadway facilities (the "Roadway Fee Program"); and

WHEREAS, on September 3, 2003, the City Council adopted Resolution No. 2003-170 levying interim development impact fees on residential, office, and industrial development projects in order to fund roadway facilities and, on October 1, 2003, the City Council adopted Resolution No. 2003-189, which extended that interim authority for two additional 30-day periods; and

WHEREAS, on October 1, 2003, the City Council adopted Resolution No. 2003-193 levying interim development impact fees on commercial development projects in order to fund roadway facilities; and

WHEREAS, 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, amendment of the interim Roadway Fee Program fee schedule is necessary; and

WHEREAS, pursuant to Government Code section 66016, the data required to be made available to the public 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 fees 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 fees for the Roadway Fee Program was held on December 1, 2003, at which hearing public testimony was received and duly considered; and

WHEREAS, levy of fees for the Roadway 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 by the City Council of the City of Elk Grove:

1. Findings:
 - a. The General Plan of the City of Elk Grove (hereinafter "General Plan") includes a description of the general location, capacity, and types of public

facilities planned to accommodate development anticipated to occur in the City.

- b. As stated in the 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 in the City, the City needs to establish an appropriate schedule of development impact fees in accordance with Government Code sections 66000 *et seq.* so that new development in the City pays no more nor less than its fair share of the cost of providing these public facilities.
- c. The basis for establishment of the facilities fees the amounts of which are approved by this Resolution is identified in the General Plan, and the need for and cost of the new public facilities and improvements required by new development in the City to be funded by these fees has been analyzed by the City's staff and consultants.
- d. The fee schedule detailed in Exhibit A attached hereto and the planned improvements detailed in the capital improvement program for the Roadway Fee Program are consistent with the Elk Grove General Plan.
- e. New development in the City places increasing demands on existing City roadways. By 2020, the City's population is projected to increase by more than 115% from its July 2000 level.
- f. The City's current roadway capacity will need to be expanded as the City's population increases. In addition, a lack of adequate roadway capacity represents a major traffic concern and safety issue. As the City continues to grow, demand on roads will increase. Based on this expected increase, the City will need to construct new and expand existing roads to ease traffic congestion and improve public safety.
- g. Based upon the following, together with the above findings, and, in order to protect the public's health, welfare, and safety, the City Council finds there is an urgent need that this Resolution be effective immediately upon its adoption:
 - (1) Development occurring and anticipated to occur within the City will result in an increased demand for public infrastructure and facilities, which over-extend the City's ability to adequately protect the public health, welfare, and safety within the City.
 - (2) The City inherited a road fee program that if not updated immediately would put the City behind in its quest to implement the transportation model desired by the City to meet the needs of its citizens and future development. This program is needed to establish roadway fees at adequate levels. Any delay in securing adequate funding will result in a deterioration of the City's level of

services and will threaten the City's ability to keep pace with development demand and will create an immediate harm.

- (3) The facilities funded by this fee program protect the public health, welfare, and safety of the persons residing, working, or visiting the City and protect businesses within the City.
- (4) The City Council finds that the imposition of interim fees as an urgency measure is required for the immediate preservation of the public health, safety, and welfare.
- (5) Funding for the public infrastructure necessitated by new development must come from new development in order for it to bear its fair share of such facilities, which was a goal of the City's incorporation.
- (6) Aside from development impact fees, there are limited sources available to finance public infrastructure. Development impact fees are an appropriate source of funding for new development's fair share of the costs of required infrastructure. Allowing new development to proceed without adequate funding for public infrastructure would degrade City services and/or drain other City resources.
- (7) It is necessary for and in the interests of the public health, safety, and welfare that this Resolution be effective immediately upon its adoption in order to provide the public infrastructure needed by new development, as well as to achieve a degree of certainty to allow for the orderly development in the City. Such certainty should also allow for greater efficiency on the part of City staff processing and evaluating development applications, thereby making best use of the limited resources of the City government in addressing the needs of its citizens.
- (8) The extremely high volume of past, existing, and anticipated building permit applications, tract map activity, inquiries by developers and development in the City indicate an immediate need to assure increased public infrastructure in the City and to provide certainty in the amount and implementation of the development impact fees that will affect property within the City.
- (9) If this Resolution were not effective immediately upon adoption, developers desiring to develop their property and the City may have to resort to voluntary agreements requiring the payment of fees at such time as this Resolution becomes effective, which agreements would be inefficient to administer, cause complications with lenders

and title companies, and raise enforcement and other problems detrimental to the public interest and the conduct of City business.

2. Approval of Fees. The public facilities fees applicable to new development in the City that are set forth in Exhibit A attached hereto are hereby approved and levied. Notwithstanding the foregoing, the roadway fees applicable to development projects classified in the commercial land use category that have as of October 1, 2003, submitted Improvement Plans and an application for a Building Permit for the entire project or any portion of the project, shall be the roadway fees in effect on September 30, 2003.

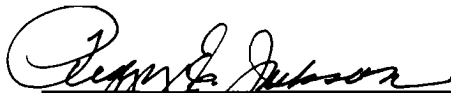
3. In Lieu Levy. The payment of the fees authorized pursuant to this Resolution will be in lieu of the fees levied pursuant to Resolutions Nos. 2003-170, 2003-189, and 2003-193.

4. Interim Authorization. Pursuant to Government Code section 66017(b) and the findings in Section 1 above, the fees authorized by this Resolution shall take effect immediately, and this interim authorization is hereby extended for an additional 30 days.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 1st day of December 2003.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A

CITY OF ELK GROVE ROADWAY FEE PROGRAM	
ROADWAY FEE BY LAND USE	
<i>Land Use Category</i>	<i>Calendar Years 2003 and 2004 Roadway Fee</i>
Single Family (less than 3 units)	\$8,750 per unit
Multi-Family (3 or more units)	\$ 6,037 per unit
Age Restricted	\$ 2,625 per unit
Commercial Shopping Center/General Commercial Restaurant (without a drive-through) Restaurant (with a drive-through) Car Sales Supermarket Gas Station	 \$ 10.59 per sq. ft. \$ 24.41 per sq. ft. \$ 37.80 per sq. ft. \$ 11.29 per sq. ft. \$ 15.31 per sq. ft. \$ 11,462 per vehicle fueling position
Office	\$ 9.27 per sq. ft.
Industrial Industrial and Manufacturing Warehouse	 \$ 5.86 per sq. ft. \$ 3.59 per sq. ft.
Hotel/motel	\$ 5,075 per room

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2003-235**

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

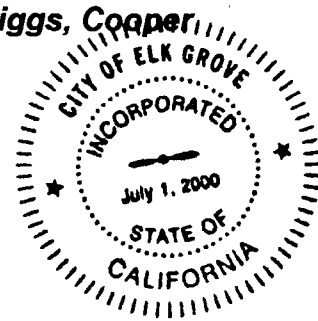
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at an adjourned meeting of said Council held on the 1st day of December 2003 by the following vote:

AYES 4: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper,

NOES 1: COUNCILMEMBERS: Leary

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:



A handwritten signature in cursive script, appearing to read "Peggy E. Jackson".

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