

ORDINANCE NO. 42-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING CHAPTER 16.82 TO THE ELK GROVE MUNICIPAL CODE ESTABLISHING THE CITY OF ELK GROVE LAGUNA RIDGE PARK FEE PROGRAM

The City Council of the City of Elk Grove does ordain as follows:

SECTION 1. PURPOSE AND AUTHORITY.

The purpose of this ordinance is to add Chapter 16.82 to the Elk Grove Municipal Code, in order to provide for development impact fees to finance park facilities for the Laguna Ridge Specific Plan area, the Elk Grove Automall, and the Lent Ranch Special Planning Area, collectively referred to as the Laguna Ridge area. The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

SECTION 2. ADDITION.

Chapter 16.82 is added to the Elk Grove Municipal Code to read in its entirety as follows:

CHAPTER 16.82

CITY OF ELK GROVE LAGUNA RIDGE PARK FEE

Sections:

16.82.010	Purpose
16.82.020	Definitions
16.82.030	Establishment of City of Elk Grove Laguna Ridge Park Facilities Fund
16.82.040	Adoption of Laguna Ridge Park Fee
16.82.050	Calculation of Laguna Ridge Park Fee
16.82.060	Payment of Development Fees
16.82.070	Fee Credits and Reimbursements
16.82.080	Compliance with Other Laws

16.82.010 PURPOSE.

a. The City's General Plan requires that areas chosen for urban expansion shall be capable of being provided within a reasonable period of time with an adequate level of public facilities, including park facilities

b. The General Plan further requires the preparation of a plan that identifies a mechanism for financing and providing for those facilities necessary to serve urban development in areas designated for urban expansion.

c. The purpose of this Chapter is to implement the General Plan requirements set forth in subdivisions (a) and (b) of this section and to use the authority in Article XI, Section 7, of the California Constitution by imposing fees to fund the cost of

capital facilities the need for which is generated by the type and level of development designated in the General Plan.

d. The City Council hereby determines that payment of the Laguna Ridge Park Fee will be collected for public facilities for which an account has been established hereby and that are included within the City's capital improvement plan.

16.82.020 DEFINITIONS.

- a. "Age-Restricted Unit" means a unit in a senior citizen housing development, as described in Section 51.3 of the California Civil Code, the age restrictions with respect to the occupancy of which are contained in recorded covenants, conditions, and restrictions, or another recorded instrument approved by the City Attorney, and provide that they remain in effect for at least forty years.
- b. "Building Permit" means the permit issued or required for the construction or improvement of additional square footage for any structure pursuant to and as defined by the City of Elk Grove Building Code.
- c. "City" means the City of Elk Grove.
- d. "City of Elk Grove Laguna Ridge Park Facilities Fund" means that special interest-bearing trust fund established pursuant to Section 16.82.030.
- e. "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility including, without limitation, the costs of land, construction, engineering, administration, and consulting fees.
- f. "Council" means the City Council of the City of Elk Grove.
- g. "Development Fee" means the Laguna Ridge Park Fee, the fee described by this Chapter to be collected upon the approval of building permits within City boundaries.
- h. "Facilities" means the facilities financed by the Laguna Ridge Park Fee.
- i. "Fee Resolution" means the resolution adopted by the City Council that adopts, levies, and establishes the amount of the Laguna Ridge Park Fee.
- j. "Finance Director" means the Finance Director for the City of Elk Grove.
- k. "Laguna Ridge area" means, collectively, the Laguna Ridge Specific Plan area, the Elk Grove Automall, and the Lent Ranch Special Planning Area,
- l. "Laguna Ridge Park Fee Program" means the program described in this Chapter of levying, collecting, and administering the Laguna Ridge Park Fee.

- m. "Land use category" means a single family, multi-family, or non-residential land use as further defined in the Fee Resolution.
- n. "Non-Residential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of construction other than single-family detached homes, single-family attached homes, duplexes, townhomes, condominiums, apartments, manufactured homes and mobilehomes.
- o. "Residential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of single-family detached homes, single-family attached homes, duplexes, townhomes, condominiums, apartments, manufactured homes and mobilehomes.

16.82.030 ESTABLISHMENT OF CITY OF ELK GROVE LAGUNA RIDGE PARK FACILITIES FUND.

The City Treasurer shall create a special interest-bearing trust fund entitled the City of Elk Grove Laguna Ridge Park Facilities Fund. The Development Fees collected shall be placed in that fund and shall be expended solely to pay the costs of City-owned park facilities and equipment or the Bartholomew Sports Park and to pay the costs of administering the Laguna Ridge Park Fee Program.

16.82.040 ADOPTION OF LAGUNA RIDGE PARK FEE.

The City Council shall adopt, levy, and establish the amount of the Laguna Ridge Park Fee by resolution. The Development Fee shall be applicable to development within the Laguna Ridge area. The Development Fee is the successor to the park facilities fee component of the Laguna South Public Facilities Fee and the park, landscape corridor, and the remaining portion of the administrative components to the interim Automall Fee Program (also referred to as the Laguna Ridge/Poppy Ridge Fee Program).

16.82.050 CALCULATION OF LAGUNA RIDGE PARK FEE.

- a. For Residential Development, the Laguna Ridge Park Fee shall be calculated by multiplying the number of units per land use category by a cost per unit factor as identified in the Fee Resolution.
- b. For Non-Residential Development, the Laguna Ridge Park Fee shall be calculated by multiplying the number of building square feet per land use category by a cost per square foot factor as identified in the Fee Resolution.
- c. For the purpose of calculating the Laguna Ridge Park Fee for land use categories not described in this Chapter or the Fee Resolution, the Finance Director is hereby authorized to determine the land use category that corresponds most directly to the land use. Alternatively, the Finance Director may determine that no land use category corresponds and determine the Laguna Ridge Park Fee.

16.82.060 PAYMENT OF DEVELOPMENT FEES.

The development fee imposed pursuant to this Chapter shall be paid by the property owner to the City, in an amount established by the Fee Resolution and calculated as further described in Section 16.82.050. The fee shall be both calculated and paid upon the issuance of building permits.

16.82.070 FEE CREDITS AND REIMBURSEMENTS.

a. General Provisions. Fee credits and reimbursements will be available for the Laguna Ridge Park Fee. The City will determine which parks and facilities will be eligible for developers to construct. Facilities must meet City standards for acquisition projects in order to be eligible for fee credits or reimbursements. All construction contracts, construction work, and requests for reimbursement must be performed in conformance with the most current "Reimbursement Policies and Procedures for Privately Constructed Public Facilities." Developers will be responsible for complying with all applicable laws, codes, and regulations relating to contracting and construction procedures for publicly-funded public works projects.

b. Timing and Amount of Fee Credits/Reimbursements

i. Fee credits and reimbursements will only be given to fully completed projects that are identified in the Capital Improvement Plan as a Laguna Ridge Park Fee Program facility. Developers may only seek fee credits or reimbursements for such projects from the Laguna Ridge Park Fee Program. In order to obtain fee credits for a single family project, a developer must enter into a credit agreement with the City. Fee credits will be proportionately allocated to lots within a final subdivision map, not a large lot map. In order to obtain fee credits for a multi-family or non-residential project, the developer must enter into a credit agreement with the City. Fee credits will be proportionately allocated to units in a multi-family project or proportionately spread over the leasable square footage in a non-residential project. Large lot maps may be used for credit allocation in multi-family or non-residential projects with mutual agreement between the developer and the City. If all criteria for receiving a fee credit are met as outlined in the credit agreement, the developer may take the credit against the Laguna Ridge Park Fee at the issuance of a building permit.

ii. Developers must enter into a reimbursement agreement with the City prior to construction if they wish to be reimbursed for a facility. The priority of the reimbursement will be determined by the Finance Director, and the reimbursement will only be paid after the City has accepted the developer-funded facility. All reimbursements will be an obligation of the Laguna Ridge Park Fee Program and not an obligation of the General Fund.

iii. Developers will be eligible for fee credits and reimbursements up to, but not exceeding, 100% of the Laguna Ridge Park Fee, excluding any administration costs.

iv. The City will reimburse the developer for acquisition or installation of the Laguna Ridge Park Fee Program improvements based on the lesser of (i) the actual construction cost of the eligible facilities, as determined in the sole discretion of

the City, through its review of the construction contract, plus an allowance for soft costs associated with the actual construction costs, as determined by the City, and (ii) the total of allowable costs, based on the cost schedules set forth in the Laguna Ridge Park Fee Program (without interest), which may escalate each January by the change in the average of the San Francisco and 20-city Construction Cost Indexes as reported in the Engineering News Record for the twelve month period ending October of the prior year.

16.82.080 COMPLIANCE WITH OTHER LAWS.

This Chapter is intended to establish a method for funding the cost of certain facilities the need for which will be generated by the level and type of development proposed in the City of Elk Grove. The provisions of this Chapter shall not be construed to limit the power of the City Council to impose any other fees or exactions or to continue to impose existing ones, on development within the City, but shall be in addition to any other requirements that the City Council is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings or other entitlements within the City pursuant to state and local laws. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and other exactions required by, but not limited to, the City of Elk Grove Department of Public Works Improvement Standards. Any credits or repayments pursuant to this Chapter shall not include the funding, construction or dedications described in this section.

SECTION 3. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of October 2006.



RICK SOARES, 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 ORDINANCE NO. 42-2006

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 ordinance was duly introduced on October 11, 2006 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 25, 2006 by the following vote:

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


NOES : COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

A summary of the ordinance was published pursuant to GC 36933(c) (1).





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