

RESOLUTION NO. 2005-21

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

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, Chapter 16.95 of the Elk Grove Municipal Code establishes a program for funding roadway facilities from development impact fees (the "Roadway Fee Program") in order to protect the health, safety and welfare of the community and to ensure that adequate public roadways are provided and maintained for the residents of the City; and

WHEREAS, the City has updated its roadway capital improvement program (the "CIP") and Goodwin Consulting Group, Inc., has prepared an "Update of the Roadway Fee Program Nexus Study" dated December 13, 2004 (the "Updated Study"), which has been presented to the City Council and is incorporated herein by this reference; and

WHEREAS, the Updated Study incorporates the updated CIP and new information concerning revenues expected by the City from outside sources such as Measure A revenues from the Sacramento Transportation Authority; and

WHEREAS, the City intends to extend the Roadway Fee Program to all parts of the City, including areas annexed in December 2003; and

WHEREAS, the Updated Study details the relationship between the use of the proposed fees and the types of development on which the fees are imposed, the relationship between the need for the public facilities and the type of development on which the fees are imposed, and the relationship between the amount of the fees and cost of the public facilities; and

WHEREAS, the City Council finds that 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; 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 revised fees was published twice in the Elk Grove Citizen at least five days apart, commencing 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 revised fees for the Roadway Fee Program was held on January 19, 2005, at which hearing public testimony was received and duly considered;

WHEREAS, levy of revised 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. Approval of Findings. After considering the information and determinations contained in the Roadway Fee Program and the Updated 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 Roadway Fee Program and the Updated Study, including in particular those under the heading "AB 1600 Nexus Findings."

2. Approval of Revised Fees. The roadway fees applicable to new development in the City that are set forth in Exhibit A attached hereto are hereby approved and levied. The zones referred to on Exhibit A are depicted in the map attached hereto as Exhibit B.

3. Exemptions. All determinations regarding the exemptions provided in this section shall be made by the City Administrative Services Director or his/her designee. The following shall be exempted from payment of the roadway 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 roadway fees. Other non-City public agencies shall be subject to payment of the roadway fees; however, the City may choose to waive some or all of the roadway fees in certain cases.

b. Replacement/Reconstruction.

(i) Residential Structure. Any replacement or reconstruction (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 roadway 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 roadway 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 reconstruction (no change in use) of any non-residential structure 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 roadway fees. However, if the building replaced or reconstructed exceeds the documented total floor area of the damaged/destroyed building, the excess square footage is subject to the roadway 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 City staff will determine the appropriate roadway fee adjustment to reflect the different trip characteristics of the original and new land uses.

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 required in multi-family projects.

(iv) Non-habitable residential structures such as decks, pools, pool 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 Exhibit A, the Administrative Services Director, in conjunction with the City Engineer, will review traffic generation rates applicable to the specialized development and decide on an applicable fee. The Administrative Services 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. This resolution shall become effective on April 30, 2005.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 19th day of January 2005.



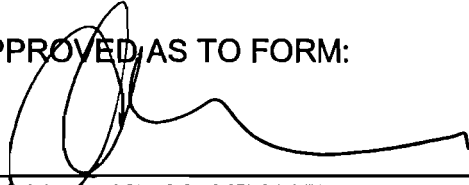
DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A

<p>CITY OF ELK GROVE ROADWAY FEE PROGRAM</p> <p>UPDATED ROADWAY IMPACT FEES BY LAND USE</p>

Land Use Category		Zone 1: Elk Grove	Zone 2: Laguna CFD	Zone 3: Laguna West CFD	Zone 4: Lakeside CFD	Zone 5: Stonelake CFD
Residential						
Single Family (less than 3 units)	<i>per unit</i>	\$9,289	\$8,198	\$7,467	\$6,012	\$9,137
Multi-Family (3 or more units)	<i>per unit</i>	\$6,409	\$5,549	\$5,152	\$4,148	\$6,304
Age-Restricted	<i>per unit</i>	\$2,787	\$2,412	\$2,240	\$1,804	\$2,741
Non-Residential						
Commercial						
Shopping Center / General Commercial	<i>per sf</i>	\$11.24	\$9.51	\$9.34	\$7.02	\$11.05
Restaurant (without a drive-through)	<i>per sf</i>	\$25.92	\$21.92	\$21.54	\$16.18	\$25.47
Restaurant (with a drive-through)	<i>per sf</i>	\$40.13	\$33.94	\$33.36	\$25.05	\$39.44
Car Sales	<i>per sf</i>	\$11.98	\$10.13	\$9.96	\$7.48	\$11.78
Supermarket	<i>per sf</i>	\$16.26	\$13.75	\$13.51	\$10.15	\$15.98
Gas Station	<i>per vehicle fueling position</i>	\$12,169	\$10,291	\$10,115	\$7,598	\$11,958
Office	<i>per sf</i>	\$9.85	\$8.20	\$8.59	\$6.15	\$9.68
Industrial	<i>per sf</i>	\$5.02	\$4.18	\$4.15	\$3.13	\$4.90
Hotel	<i>per room</i>	\$5,388	\$5,257	\$4,478	\$3,364	\$5,295

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-21

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 19th day of January 2005 by the following vote:

AYES 5: COUNCILMEMBERS: Briggs, Cooper, Leary, Scherman, Soares

NOES 0: COUNCILMEMBERS:

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