

**RESOLUTION NO. 2005-85**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING PARK FACILITIES DEVELOPMENT FEE AMOUNTS  
FOR THE EAST FRANKLIN SPECIFIC PLAN AREA**

**WHEREAS**, the City of Elk Grove General Plan includes a general description of the location, capacity, and types of park facilities needed to serve new development in the City, including within the East Franklin Specific Plan area; and

**WHEREAS**, in order to protect the health, safety, and welfare of the community and to ensure that adequate capital facilities are provided for the residents of the East Franklin Specific Plan area and so that new development in the East Franklin Specific Plan area pays its fair share of the cost of providing these facilities, the levy of park facilities fees is necessary; and

**WHEREAS**, Chapter 16.83 of the Elk Grove Municipal Code describes the City's program relating to development impact fees for various public facilities serving the Laguna South area, which is that area of the City west of State Route 99 and south of Elk Grove Boulevard (which includes the East Franklin Specific Plan area, the Laguna Ridge Specific Plan area, the Automall area, the Lent Ranch Special Planning area, and the South Pointe Special Planning area), makes administrative provisions for the implementation of the Laguna South Public Facilities Fee Program, and provides that the individual fees included within the program may be periodically amended by resolution (in addition to automatic adjustments based on cost indices); and

**WHEREAS**, Goodwin Consulting Group, Inc., has prepared and presented to the City Council a nexus study, the "East Franklin Park Fee Update Nexus Study," dated March 11, 2005 (the "Nexus Study"), incorporated herein by this reference, which details the relationship between the use of the proposed fees to be levied within the East Franklin Specific Plan area 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 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 increasing the amount of the East Franklin park facilities development fees 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 sections 66018 and 6062a, notice of a public hearing on the increase to the amount of the park facilities development fees was published in the Elk Grove Citizen twice, with at least five days intervening the two publications, 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 increase to the amount of the East Franklin park facilities development fees was held on March 23, 2005, at which hearing public testimony was received and duly considered; and

**WHEREAS**, the increase to the amount of the East Franklin park facilities development fees 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 as follows:

1. Approval of Findings in Nexus Study. After considering the information and determinations contained in 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. Urgency Findings. The City Council further adopts the following findings concerning the current and immediate threat to the public health and welfare that requires the East Franklin park facilities development fees to take effect immediately:

- a. As stated in the General Plan, parks, recreation and open space are important components of the quality of life desired by the residents of Elk Grove. Parks and open space are necessary to promote the health and welfare of the residents of Elk Grove.
- b. Development occurring and anticipated to occur within the East Franklin Specific Plan area will result in an increased demand for parks and other recreation facilities. Aside from development impact fees, there are limited sources available to finance public infrastructure.
- c. The extremely fast pace of development activity in the East Franklin Specific Plan area necessitates immediately increasing the park fee to assure that the total amount of fee revenue received is adequate to provided the required parks and recreation facilities. A sixty-day delay in the effectiveness of the increased fee amount threatens the permanent loss of needed revenues.

3. Increase in Fee Amounts. The amended East Franklin park facilities development fees, as set forth in the Nexus Study and attached hereto as Exhibit A and further described in the text of Chapter 16.83 (which descriptions are incorporated herein by this reference), and subject to the fee adjustments and exemptions described in the Nexus Study, are hereby approved and levied on new development in the East Franklin Specific Plan area. The fees are subject to the fee adjustments and exemptions described in the Nexus Study.

4. Interim Authorization. Pursuant to Government Code section 66017(b) and the findings in Section 2 above, the amended fees authorized by this Resolution

shall take effect immediately and remain in effect for 30 days from March 24, 2005, through April 23, 2005. Further pursuant to Government Code section 66017(b), the City Council hereby extends this interim authorization for an additional 30-day-period from April 24, 2005, through May 23, 2005.

5. Permanent Authorization. Pursuant to Government Code section 66017(a), the amended fees authorized by this Resolution shall also take effect on May 23, 2005 (which date is not sooner than 60 days after the adoption of this Resolution), and shall remain in effect until revised by the City Council.

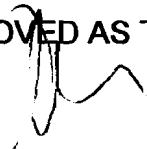
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 23<sup>rd</sup> day of March 2005.

  
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DANIEL BRIGGS, 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. 2005-85**

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 23rd day of March, 2005 the following vote:***

**AYES: 4     COUNCILMEMBERS: Briggs, Leary, Scherman, Soares**

**NOES: 0     COUNCILMEMBERS:**

**ABSTAIN: 0 COUNCILMEMBERS:**

**ABSENT: 1 COUNCILMEMBERS: Cooper**



A handwritten signature in cursive script, reading "Peggy E. Jackson", written over a horizontal line.

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