

**RESOLUTION NO. 2007-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING DEVELOPMENT FEES TO FUND FIRE PROTECTION FACILITIES**

**WHEREAS**, the Cosumnes Community Services District (the "Cosumnes CSD") has requested the City of Elk Grove to levy development impact fees to fund the cost of acquisition and construction of fire protection facilities serving the City;

**WHEREAS**, at the request of the Cosumnes CSD, Goodwin Consulting Group, Inc., has prepared and presented to the City Council a nexus study titled the "Cosumnes Community Services District (CCSD) Nexus Study to Update CCSD's Fire Fee Programs," dated January 10, 2007 (the "Nexus Study"), which is incorporated herein by this reference;

**WHEREAS**, the Nexus Study describes the fire protection facilities needed to serve new development in the City and 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;

**WHEREAS**, the Cosumnes CSD has executed and delivered to the City an Indemnity Agreement indemnifying the City and its agents, officers and employees from any claim, action or proceeding and from any damage, liability or loss connected with the imposition of these development impact fees;

**WHEREAS**, in order to protect the health, safety, and welfare of the community and to ensure that adequate capital facilities are provided and maintained for the residents of the City and so that new development in the City pays its fair share of the cost of providing these facilities, the levy of fees to fund fire protection facilities is necessary;

**WHEREAS**, Chapter 16.85 of the Elk Grove Municipal Code describes the City's program relating to development impact fees for fire protection facilities ("fire fees"), makes administrative provisions for the implementation of the Elk Grove Fire 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);

**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;

**WHEREAS**, pursuant to Government Code section 66016, the data required to be made available to the public prior to increasing the amount of the fire fees by this resolution was made available for public review at least 10 days prior to the date of this meeting;

**WHEREAS**, pursuant to Government Code section 66018, notice of a public hearing on the increase to the amount of the fire fees was published in the Elk Grove Citizen for at least ten days (in accordance with Government Code section 6062a) prior to the date of this meeting;

**WHEREAS**, a duly noticed public hearing before the City Council on the levy of the fire fees was held on February 14, 2007, at which hearing public testimony was received and duly considered;

**WHEREAS**, the levy of the fire 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. 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. Levy of Fee Amounts. The fire fees, as set forth in the Nexus Study and attached hereto as Exhibit A and further described in the text of Chapter 16.85, are hereby approved and levied on new development in the City. The zones referred to on Exhibit A are depicted in the map attached hereto as Exhibit B. The Nexus Study shows the parcels within Zone 2 that will be charged the Zone 1 fees.

3. Exemptions. The following shall be exempted from payment of the fire protection facilities fees:

a. Public Agencies. All federal and state agencies, public school districts, fire stations, the City of Elk Grove, and the County of Sacramento will be exempt from the fire protection facilities fees. Other non-City public agencies shall be subject to payment of the fire protection facilities fees; however, the Cosumnes CSD may choose to waive some or all of the fire protection facilities 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 fire protection 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 fire protection facilities 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 fire protection facilities 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 fire protection facilities 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 and Cosumnes CSD staff will determine the appropriate fire protection facilities fee adjustment to reflect the different use factors 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 Finance Director and/or the City Engineer, in conjunction with staff of the Cosumnes CSD, will review the specialized development and decide on an applicable fee based on the impact to fire protection facilities from the development. The Finance Director and/or the City Engineer, in conjunction with staff of the Cosumnes CSD, 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 fire fees approved by this Resolution shall become effective 60 days after the date of the adoption of this Resolution.

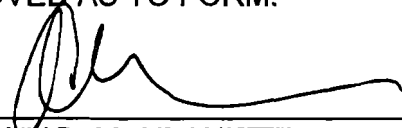
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14th day of February 2007.

  
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JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

## EXHIBIT A

### Fire Fee Schedule

Land Use Category	Zone 1 Elk Grove	Zone 2 Laguna	Zone 3 Lag. West	Zone 4 Lakeside	Zone 5 Stonelake
<b>RESIDENTIAL</b> (Per unit)					
Single Family (less than 3 units-includes duplexes)	\$1,676	\$1,636	\$1,556	\$1,616	\$1,535
Multi-Family (3 or more units)	\$1,117	\$1,106	\$1,084	\$1,100	\$1,078
Age-Restricted (single family and multi-family)	\$958	n/a	n/a	n/a	n/a
<b>NON-RESIDENTIAL</b> (Per Building Sqft)					
Commercial/Office	\$1.33	\$1.31	\$1.28	\$1.30	\$1.27
Industrial	\$0.44	\$0.43	\$0.40	\$0.42	\$0.40

(proposed fee rates include the administrative component)

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-33**

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

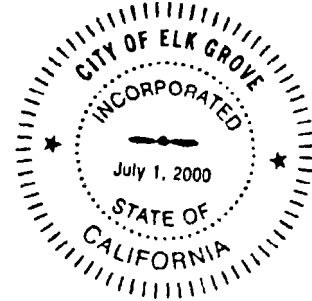
***I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 14, 2007 by the following vote:***

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

**NOES:           COUNCILMEMBERS:       None**

**ABSTAIN :       COUNCILMEMBERS:       None**

**ABSENT:         COUNCILMEMBERS:       None**



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

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