

RESOLUTION NO. 2007-34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
REMOVING FIRE FEE COMPONENT FROM DEVELOPMENT IMPACT FEES
LEVIED IN THE EASTERN ELK GROVE FEE PROGRAM**

WHEREAS, the City of Elk Grove currently levies a fee for the provision of park and fire protection facilities for the area of the City east of State Route 99 (the "Eastern Elk Grove Park and Fire Facilities Fee");

WHEREAS, the Cosumnes Community Services District has requested the City to levy a fee for the provision of fire protection services throughout the City that would be the successor fee to the component of the Eastern Elk Grove Park and Fire Facilities Fee that is levied for fire protection facilities;

WHEREAS, by an ordinance introduced on the date hereof, the City Council will amend Chapter 16.91 of the Elk Grove Municipal Code to provide for the Eastern Elk Grove Park Fee, reflecting the removal of the component that was levied for fire protection facilities;

WHEREAS, the City Council needs to make corresponding revisions to the fee as approved by Resolution No. 2004-64 adopted on April 7, 2004, and as it has been increased by its terms annually thereafter;

WHEREAS, the action taken by this Resolution does not establish a new development impact fee or increase any existing fee, so it is not subject to the requirements of Government Code sections 66000-66018;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove :

1. Revision of Fee. The Eastern Elk Grove Park and Fire Facilities Fee is revised to the Eastern Elk Grove Park Fee by removing the fire facilities fee component. The current amounts of the park fee are set forth in Exhibit A attached hereto.

2. Exemptions. The following shall be exempted from payment of the park 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 park fees. Other non-City public agencies shall be subject to payment of the park fees; however, the Cosumnes CSD may choose to waive some or all of the park 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 park 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 park 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 park 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 park 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 park 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.

3. 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 park 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.

4. Effective Date. The Eastern Elk Grove Park Fee that is approved by this Resolution shall become effective on the effective date of the Elk Grove Fire Fee approved by Resolution No. 2007-33, adopted on February 14, 2007, pursuant to Chapter 16.85 of the Elk Grove Municipal Code.

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



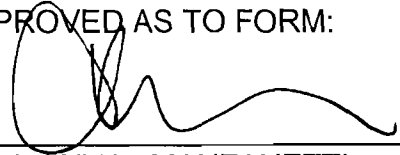
JAMES COOPER, MAYOR of the CITY OF
ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A

Eastern Elk Grove Park Facilities Fees

Land Use Category	Total Park Fee
RESIDENTIAL	Per Unit
Single Family (less than 3 units-includes duplexes)	\$4,910
Multi-Family (3 or more units)	\$3,274
Age-Restricted (single family and multi-family)	\$3,192
NON-RESIDENTIAL	Per Building Sqft
Commercial	\$0.78
Office	\$1.12
Industrial	\$0.38

(fee rates include the administrative component)

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-34**

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

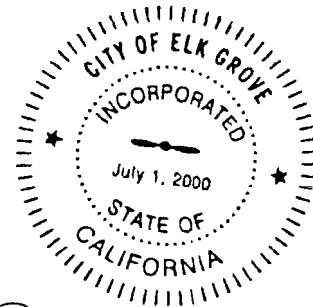
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 14, 2007 by the following vote:

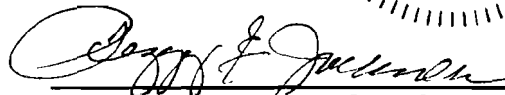
AYES : COUNCILMEMBERS: Cooper, Leary, Davis, Scherman, Hume

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None





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