

## RESOLUTION NO. 2016-110

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE FEE SCHEDULE FOR ELK GROVE MUNICIPAL CODE TITLE 23 APPEALS

**WHEREAS**, the City provides discretionary services to development applicants through agreements, and although this method allows for full-cost recovery, it does not always and entirely address the desire to provide interested persons access to administrative appeals to challenge decisions made related to development projects; and

**WHEREAS**, with the adoption of Ordinance Nos. 11-2011 and 12-2011 and various other existing Elk Grove Municipal Code (EGMC) sections (the "Ordinances"), the City Council has established a process whereby fees for services may be set by resolution; and

**WHEREAS**, staff is proposing the establishment of a revised appeal fee schedule for third-party (non-applicant) appeals of decisions of the Development Services Director, Zoning Administrator, and Planning Commission, setting the appeal fee at a flat fee of \$2,500; and

**WHEREAS**, the fee structure proposed in Exhibit "A" only amends the fees established in Resolution No. 2011-106 related to appeal fees for third party (non-applicant) appeals. The remainder of the fee schedule established under Resolution No. 2011-106 remains as originally adopted.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove hereby approves as follows:

Section 1. **CEQA Compliance:** The City Council of the City of Elk Grove hereby finds that the proposed development services fee program revision is exempt from the California Environmental Quality Act (CEQA) to CEQA Guidelines section 15061(b)(3).

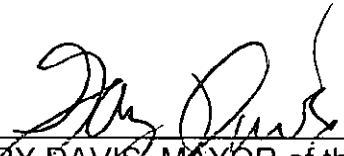
Section 2. **Development Services Appeal Processing Fee Schedule:** The City Council of the City of Elk Grove hereby adopts the amended fee schedule, attached as Exhibit "A" as it relates to EGMC Title 23 appeals.

Section 3. **Notice of Exemption:** The City Council of the City of Elk Grove hereby directs the Development Services Director to file a Notice of Exemption with the Sacramento County Clerk Recorder's Office.

Section 4. **Effective Date:** This Resolution shall be effective 60 days after its adoption.

Section 5. **Severability:** If any section, phrase, sentence, or other portion of this Resolution for any reason is held or found to be invalid, void, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

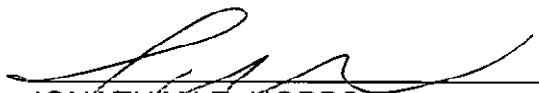
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove on this 8<sup>th</sup> day of June 2016.

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

## EXHIBIT A

Amendments to Fee Schedule for appeals pursuant to EGMC Section 23.14.060.

<b>Service Title</b>	<b>Service Detail</b>	<b>Flat Fee</b>	<b>Deposit with Time and Materials</b>
Appeals, Applicant	Appeal of Development Services Director and Zoning Administrator Decision to Planning Commission		\$3,000
	Appeal of Planning Commission Decision to City Council		\$5,000
Appeals, Third-Party (Non-Applicant)	Appeals of Development Services Director, Zoning Administrator or Planning Commission to Appropriate Appeal Authority	\$2,500	

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2016-110**

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

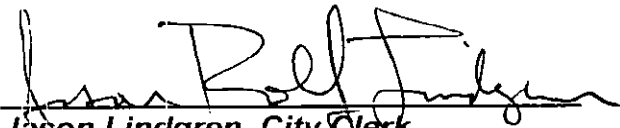
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 8, 2016 by the following vote:***

**AYES :**       **COUNCILMEMBERS:**       *Davis, Ly, Detrick, Hume, Suen*

**NOES:**       **COUNCILMEMBERS:**       *None*

**ABSTAIN :**   **COUNCILMEMBERS:**       *None*

**ABSENT:**    **COUNCILMEMBERS:**       *None*

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**