

RESOLUTION NO. 2022-282

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ACCEPTING THE ELK GROVE ROADWAY FEE PROGRAM 2022 NEXUS STUDY AND THE ELK GOVE ACTIVE TRANSPORTATION FEE PROGRAM 2022 NEXUS STUDY AND SETTING THE FEE RATES FOR THE RESPECTIVE PROGRAMS

WHEREAS, the City of Elk Grove General Plan includes a Transportation Plan, which includes a general description of the location, capacity, and types of roadway, trail, bikeway, and other transportation facilities needed to serve new development in the City; and

WHEREAS, additional details of the active transportation infrastructure are provided in the City's Bicycle, Pedestrian, and Trails Master Plan; and

WHEREAS, in order to ensure adequate facilities are provided for City residents and that new development mitigates its impacts for the cost of providing these facilities, the levy of roadway and active transportation development impact fees is necessary; and

WHEREAS, Chapter 16.95 of the Elk Grove Municipal Code establishes programs for funding roadway and active transportation facilities from development impact fees (the Roadway Fee Program and the Active Transportation Fee Program); and

WHEREAS, Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA, requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment;" and

WHEREAS, Michael Baker International has prepared for the City an Elk Grove Roadway Fee Program 2022 Nexus Study Update dated October 2022 (Roadway Nexus Study), which details the relationship between the use of and need for the proposed fees for roadway facilities; the types of development on which the fees are imposed; and the relationship between the amount of the fees and cost of the public roadway facilities, which has been presented to the City Council; and

WHEREAS, GHD has prepared for the City an Elk Grove Active Transportation Fee Program 2022 Nexus Study dated October 2022 (Active Transportation Nexus Study), which details the relationship between the use of and need for the proposed fees for active transportation facilities; the types of development on which the fees are imposed; and the relationship between the amount of the fees and cost of the public active transportation facilities, which has been presented to the City Council; and

WHEREAS, in accordance with the Mitigation Fee Act (Government Code Section 66000 et seq.), at least one open and public hearing was held on the adoption of the Nexus Studies, at which written and oral presentations were made as part of a regularly scheduled City Council meeting. The date, time and place of the public hearing(s) was duly noticed in accordance with Government Code Sections 66018 and 6062a. The draft Nexus Studies were made available for public inspection for a period of at least thirty (30) days prior to said public hearing. Background data and materials referenced therein were made available to interested parties upon request to the City Clerk's Office at least thirty (30) days prior to the date of said hearing. Following receipt of written and/or oral comments from interested persons on the Nexus Studies, the City Council closed the public hearing on the Nexus Studies and provided direction to City staff concerning the Nexus Studies.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that the proposed Roadway Fee Program and Active Transportation Fee Program are exempt from CEQA pursuant to the following finding:

Finding: No further environmental review is required pursuant to State CEQA Guidelines Sections 15183 and 15162.

Evidence: State CEQA Guidelines Section 15183 provides that no further environmental review is required for project that are consistent with a General Plan for which an Environmental Impact Report (EIR) was prepared. Section 15162 provides that no subsequent or supplemental analysis (e.g., EIR or Negative Declaration) is required unless certain qualifying conditions are met.

An (EIR) was prepared and certified for the General Plan Update in 2019. That EIR (SCH Number 2017062058) considered the potential environmental impacts of the General Plan, inclusive of the Transportation Plan, which includes the Roadway Sizing Diagram and the various pedestrian and bicycle facilities. These facilities are included in the proposed Roadway Fee Program update and Active Transportation Fee Program.

The Section 15162 guidelines provide that when an EIR has been certified for a project, no subsequent EIR shall be prepared unless the lead agency (City) determines, on the basis of substantial evidence, that there have been substantial changes to the project, the circumstances under which the project has been undertaken, or new information has become known. None of these thresholds have occurred, as there have not been substantial changes to the project, the circumstances have not changed, and no new information has become known.

Therefore, pursuant to State CEQA Guidelines Sections 15183 and 15162, no further environmental review is required.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby finds that the proposed Roadway Fee Program and Active Transportation Fee Program are consistent with the General Plan pursuant to the following finding:

Finding: The proposed project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The proposed Roadway Fee Program and Active Transportation Fee Program are consistent with the General Plan as they provide for the financing of public infrastructure necessary to mitigate the impacts of new development. General Plan Goal IFP-1 provides for infrastructure improvement costs to be secured prior to development. Policy IFP-1-4 calls for the use of fee programs as a mechanism to ensure financing for major infrastructure. Policy IFP-1-7 states that new development shall fund its fair share portion of impacts to all public facilities and infrastructure. These fee programs implement this General Plan goal and policies.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby approves as follows:

1. **Incorporation of the Nexus Studies:** This Resolution adopts the Elk Grove Roadway Fee Program and the Elk Grove Active Transportation Program, both dated October 2022, and presented with the accompanying staff report (the Nexus Studies). The Studies, along with the studies and reports they may reference or be based upon in whole or in part, together with any amendments thereto and any supplemental or implementation actions pursuant thereto made after their initial adoption, do update and re-establish the need, costs, and financing of certain roadway and active transportation facility improvements arising out of development in the City, and present a reasonable basis on which to update the Roadway Fee and adopt the Active Transportation Fee under this Resolution. The Nexus Studies establish the reasonable relationship between the need for the public facilities and the impacts of the various types of new development identified, for which the corresponding Roadway Fee and Active Transportation Fee are to be charged.
2. **Roadway Fee:** The amounts of the Roadway Fee established and imposed pursuant to Municipal Code Chapter 16.95 are hereby approved at the levels set out in the Roadway Nexus Study. The applicable Roadway Program Fee fees by land use category, which the City Council of the City of Elk Grove hereby adopts, are attached as Exhibit A, attached and incorporated herein by this reference
3. **Active Transportation Fee:** The amounts of the Active Transportation Fee established and imposed pursuant to Municipal Code Chapter 16.95 are hereby approved at the levels set out in the Active Transportation Nexus Study. The applicable Active Transportation Fee fees by land use category, which the City Council of the City of Elk Grove hereby adopts, are attached as Exhibit B, attached and incorporated herein by this reference.
4. **Balance Transfer:** The Finance Director is hereby authorized and directed to transfer the proportional fund balance from the existing Roadway Fee Program to the new Active Transportation Fee Program, in the amount of \$455,693, or other amount as determined by the Finance Director as the appropriate share under the prior Roadway Fee Program based upon fees collected and associated expenditures and representing the proportional value of the fund balance that, under the 2014 Roadway Fee Program Nexus, is held for active transportation projects now covered by the Active Transportation Fee Program.
5. **Fee Administration:** The amount of the Roadway Fee Program and Active Transportation Fee Program administrative fee established by the Nexus Studies and imposed pursuant to Municipal Code Section 16.95 is hereby approved at the level set forth in the Nexus Studies to off-set the actual reasonable costs for the collection, deposit, investment, accounting, and reporting of the Fees. The administrative fee, which is the same for all land use categories and which the City Council hereby adopts, is included in Exhibits A, B and C, which are attached and incorporated herein by this reference.
6. **Adjustments:** The Roadway Fee Program and Active Transportation Fee Program development impact fees shall be adjusted pursuant to the guidelines prescribed in Elk Grove Municipal Code 16.95.060, or its replacement section should that section be amended during the duration of the Nexus Studies, and as provided in the Nexus Studies, with the first application occurring January 1, 2023.

7. **Construction of Resolution:** The provisions of this Resolution are subject and subordinate to the provisions of Municipal Code Chapter 16.95 and shall always be constructed and applied consistent therewith as they presently exist or may from time-to-time hereafter be amended.
8. **Effective Date:** This Resolution shall be effective January 9, 2023, which is greater than 60 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of November 2022




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

**EXHIBIT A
ROADWAY FEE RATES**

Land Use		Unit	EGRFP Fees	
Residential	Traditional	Up to 1,200 sq. ft.	\$3,860.99	
		greater than 1,200 to 1,400 sq. ft.	\$7,345.30	
		greater than 1,400 sq. ft. to 1,700 sq. ft.	\$8,098.66	
		greater than 1,700 sq. ft. to 2,000 sq. ft.	\$9,417.05	
		greater than 2,000 sq. ft. to 2,700 sq. ft.	\$10,358.75	
		greater than 2,700 sq. ft. to 3,400 sq. ft.	\$11,017.94	
		greater than 3,400 sq. ft.	\$11,677.14	
	Senior Adult	Up to 1,000 sq. ft.	Dwelling Unit	\$2,542.60
		greater than 1,000 sq. ft.	Dwelling Unit	\$3,013.45
Commercial	Shopping Center		Square Feet	\$8.66
	Auto Mall		Acres	\$23,448.44
	Gas Station w/Convenience Market		Fueling Positions	\$11.865.48
	Theater/Cinema		Seats	\$94.17
Office		Square Feet	\$5.97	
Industrial		Square Feet	\$3.39	
Hotel	Hotel/Motel		Rooms	\$1,412.56
Miscellaneous	Hospital		Beds	\$8,757.85
	Assembly		Square Feet	\$3.48
	Day Care Center		Square Feet	\$13.28
	Congregate Care Facility		Dwelling Units	\$941.70
	Assisted Living		Beds	\$1,224.22
	Private School (K-12)		Student	\$1,318.39

Notes:

1. All rates include the administrative fee rate of 5.5%.

**EXHIBIT B
ACTIVE TRANSPORTATION FEE RATES**

Land Use		Unit	ATP Fees	
Residential	Traditional	Up to 1,200 sq. ft.	\$618	
		greater than 1,200 to 1,400 sq. ft.	\$1,176	
		greater than 1,400 sq. ft. to 1,700 sq. ft.	\$1,297	
		greater than 1,700 sq. ft. to 2,000 sq. ft.	\$1,508	
		greater than 2,000 sq. ft. to 2,700 sq. ft.	\$1,658	
		greater than 2,700 sq. ft. to 3,400 sq. ft.	\$1,764	
	Senior Adult	greater than 3,400 sq. ft.	\$1,869	
		Up to 1,000 sq. ft.	\$407	
	greater than 1,000 sq. ft.	Dwelling Unit	\$482	
Commercial	Shopping Center		Square Feet	\$1.39
	Auto Mall		Acres	\$3,694
	Gas Station w/Convenience Market		Fueling Positions	\$1,915
	Theater/Cinema		Seats	\$15
Office		Square Feet	\$0.96	
Industrial		Square Feet	\$0.54	
Hotel	Hotel/Motel		Rooms	\$226
Miscellaneous	Hospital		Beds	\$1,417
	Assembly		Square Feet	\$0.56
	Day Care Center		Square Feet	\$2.14
	Congregate Care Facility		Dwelling Units	\$151
	Assisted Living		Beds	\$196
	Private School (K-12)		Student	\$211

Notes:

1. All rates include the administrative fee rate of 5.5%.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2022-282

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 November 9, 2022 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Suen, Hume, Spease, Nguyen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California