

ORDINANCE NO. 15-2002

**AN URGENCY ORDINANCE OF THE CITY OF ELK GROVE ADDING
CHAPTER 16.84 TO THE ELK GROVE CITY CODE
RELATING TO INTERIM CITYWIDE DEVELOPMENT IMPACT FEES FOR THE
PROVISION OF POLICE, MUNICIPAL AND RAILROAD OVERCROSSING
FACILITIES**

The City Council of the City of Elk Grove does ordain as follows:

Section 1. Purpose and Authority. The purpose of this ordinance is to add Chapter 16.84 to the City Code relating to the establishment of citywide development impact fees in the City of Elk Grove (hereinafter "City") for police, municipal and railroad overcrossing facilities. The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

Section 2. Findings. The City Council finds and determines as follows:

a. Upon its incorporation, the City of Elk Grove adopted the Sacramento County General Plan (hereinafter "General Plan") as the City's General Plan. The General Plan includes a description of the general location, capacity, and types of public facilities planned to accommodate development anticipated to occur in the City.

b. As stated in the General Plan, the City shall ensure that adequate public facilities are provided to serve new growth and maintain or improve existing levels of service within the City. To finance needed public facilities in the City, the City needs to establish an appropriate schedule of development impact fees pursuant to Government Code section 66000, et seq., so that new development in the City pays no more nor less than its fair share of the cost of providing these public facilities.

c. The basis for establishment of the facilities fees authorized by this Ordinance is identified in the General Plan, and the need for and cost of the new public facilities and improvements required by new development in the City to be funded by those fees has been analyzed by the staff of the City of Elk Grove.

d. New development in the City places increasing demands on existing City police, municipal, and transportation services. By 2020, the City's population is projected to increase by more than 115% from its July 2000 level.

e. The City's current police staffing level is much lower than a typical California police department and will need to be increased as the City's population increases and the City takes on more of the typical police functions from the County Sheriff's Department. Based on these staffing increases, the City will require additional office space and additional vehicles.

f. Currently, many of the City's municipal services are being provided by Sacramento County staff and by outside consultants. As the City grows, so does the demand for increased City services. Based on the expected increase in staff, the City will require additional office space.

g. The lack of a railroad grade separation near the City's downtown area represents a major traffic concern and safety issue. As the City continues to grow, demand on roads in the downtown area will increase. Based on this expected increase, the City will need to construct a railroad overcrossing in order to ease traffic congestion and improve public safety.

h. In order to protect the public's health, welfare, and safety, adequate funding must be obtained to ensure the City keeps pace with the demands of new development. In order to secure this adequate funding and ensure that construction begins as soon as possible, the City must be able to immediately collect development impact fees from new development.

i. Any delay in securing adequate funding will result in a deterioration of the City's level of services and will threaten the City's ability to keep pace with development demand and creates an immediate harm.

j. Pursuant to the California Public Resources Code Section 21080 b(8), the establishment of these development impact fees is statutorily exempt from the application of the California Environmental Quality Act, because these fees are for the purpose of obtaining funds for capital projects necessary to maintain police, municipal, and transportation service within the City boundaries.

Section 3. Additions. Chapter 16.84 is hereby added to the City Code of the City of Elk Grove, to read in its entirety as follows:

CHAPTER 16.84

ESTABLISHMENT OF CITYWIDE DEVELOPMENT FEES TO FINANCE THE COST OF POLICE, MUNICIPAL, AND RAILROAD OVERCROSSING FACILITIES

Sections:

- 16.84.010 Purpose
- 16.84.020 Definitions
- 16.84.030 Establishment of City of Elk Grove Police Facilities Fund
- 16.84.040 Establishment of City of Elk Grove Municipal Facilities Fund
- 16.84.050 Establishment of City of Elk Grove Railroad Overcrossing Facilities Fund
- 16.84.060 Establishment of City of Elk Grove Citywide Fee Program Administration Costs Fund.

- 16.84.070 Payment of Development Fees
- 16.84.080 Adoption and Compliance with Schedule of CFFP
- 16.84.090 Establishment of Development Fees
- 16.84.100 Calculation of Police and Municipal Facilities Fee Components
- 16.84.110 Calculation of Railroad Overcrossing Facilities Fee Components
- 16.84.120 Compliance with Other Laws

16.84.010 PURPOSE.

a. The City of Elk Grove General Plan requires that areas chosen for urban expansion shall be capable of being provided within a reasonable period of time with an adequate level of public facilities.

b. The General Plan further requires the preparation of a plan that identifies a mechanism for financing and providing for those facilities necessary to serve urban development in areas designated for policies for supporting funding of public facilities.

c. The purpose of this Chapter is to implement the General Plan requirements set forth in subdivisions (a) and (b) of this section and to use the authority in Article XI, Section 7 of the California Constitution by imposing development fees via a Citywide Facilities Fee Program (the "CFFP") to fund the cost of certain police, municipal and railroad overcrossing facilities.

16.84.020 DEFINITIONS.

a. "Administrative Fee" means that fee levied to cover the City's costs of administering the CFFP.

b. "Building Permit" means the permit issued or required for the construction or improvement of additional square footage for any structure pursuant to and as defined by the City of Elk Grove Building Code.

c. "City" means the City of Elk Grove.

d. "City of Elk Grove Police Facilities Fund" means that special interest-bearing trust fund established pursuant to Section 16.84.30.

e. "City of Elk Grove Municipal Facilities Fund" means that special interest-bearing trust fund established pursuant to Section 16.84.40.

f. "City of Elk Grove Railroad Overcrossing Facilities Fund" means that special interest-bearing fund established pursuant to Section 16.84.50.

g. "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility including, without limitation, the costs of land, construction, engineering, administration, and consulting fees.

- h. "Council" means the City Council of the City of Elk Grove.
- i. "Department" means the City of Elk Grove Public Works Department.
- j. "Development Fee" or "CFF" means the City-wide Facilities Fee, the fee levied by this Chapter upon the approval of building permits within City boundaries.
- k. "Director" means the Director of the City of Elk Grove Public Works Department.
- l. "Facilities" means the police, municipal, and railroad-overcrossing facilities financed by the CFFP.
- m. "Fee Resolution" means the resolution adopted by the City Council that establishes the amount of the CFF.
- n. "Land use category" means a single family, multi-family, or commercial use as further defined in the Fee Resolution.
- o. "Non-Residential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of construction other than single-family detached homes, single-family attached homes, duplexes, townhomes, condominiums, apartments, manufactured homes and mobilehomes.
- p. "Planning Director" means the Director of the City of Elk Grove Department of Planning and Community Development.
- q. "Residential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of single-family detached homes, single-family attached homes, duplexes, townhomes, condominiums, apartments, manufactured homes and mobilehomes.

16.84.030 ESTABLISHMENT OF CITY OF ELK GROVE POLICE FACILITIES FUND.

There is hereby created by the office of the City Treasurer, a special interest-bearing trust fund entitled the City of Elk Grove Police Facilities Fund. That part of the CFF collected for police facilities pursuant to this Chapter shall be placed in said fund and shall be expended by the City of Elk Grove solely to pay the costs of police facilities.

16.84.040 ESTABLISHMENT OF CITY OF ELK GROVE MUNICIPAL FACILITIES FUND.

There is hereby created by the office of the City Treasurer, a special interest-bearing trust fund entitled the City of Elk Grove Municipal Facilities Fund. That part of the CFF collected for municipal facilities pursuant to this Chapter shall be placed in said

fund and shall be expended by the City, or its successor agency, solely to pay the costs of municipal facilities.

16.84.050 ESTABLISHMENT OF CITY OF ELK GROVE RAILROAD OVERCROSSING FACILITIES FUND.

There is hereby created by the office of the City Treasurer a special interest-bearing trust fund entitled the City of Elk Grove Railroad Overcrossing Facility Fund. All railroad overcrossing facilities development fees collected pursuant to this Chapter shall be expended by the City, or its successor agency, solely to pay the costs of the railroad overcrossing facilities.

16.84.060 ESTABLISHMENT OF CITY OF ELK GROVE, CITYWIDE FACILITIES FEE PROGRAM ADMINISTRATION COSTS FUND.

There is hereby created by the office of the City Treasurer a special interest-bearing trust fund entitled the City of Elk Grove Citywide Facilities Fee Program Administration Costs Fund. All such Administration Costs Fees collected pursuant to this Chapter shall be deposited in said fund and shall be expended by the City of Elk Grove solely to pay the costs of administering the CFFP.

16.84.70 PAYMENT OF DEVELOPMENT FEES.

The development fees imposed pursuant to this Chapter shall be paid by the property owner to the City, in an amount calculated pursuant to Sections 16.84.100 and 16.84.110. The fees shall be both calculated and paid upon the issuance of building permits.

16.84.80 ADOPTION AND COMPLIANCE WITH SCHEDULE OF CFFP.

The City Council shall establish the amount of the CFF by resolution. The City Council shall review the CFFP not less than annually and may amend it at its discretion.

16.84.90 ESTABLISHMENT OF DEVELOPMENT FEES.

A separate development fee is hereby established for each of the following categories:

- (1) Police facilities;
- (2) Municipal building facilities;
- (3) Railroad overcrossing facilities;
- (4) Program administrative costs.

16.84.100 CALCULATION OF POLICE AND MUNICIPAL FACILITIES FEE COMPONENTS.

a. For each specific residential land use category, the components of the CFF levied for police facilities and municipal facilities shall be calculated by multiplying the average persons per household unit per land use category by the cost per person identified in the Fee Resolution.

b. For each specific non-residential land use category, the components of the CFF levied for police facilities and municipal facilities shall be calculated by multiplying the number of employees per 1,000 square feet per land use category by the Facility Cost per Employee identified in the Fee Resolution.

c. For the purpose of calculating the components of the CFF levied for police facilities and municipal facilities pursuant to subdivisions (a) and (b) of this section for properties with an approved use permit that significantly changes the underlying use of the site or properties within a Special Planning Area, the Planning Director is hereby authorized to determine the land use zone that corresponds most directly to the use and density.

d. For the purpose of calculating components of the CFF levied for police facilities and municipal facilities pursuant to subdivisions (a) and (b) of this section for building permits for dwelling units not associated with a recorded residential subdivision, non-residential development, or multiple family development, or for other land use categories, the Planning Director is hereby authorized to determine the appropriate land use zone which corresponds most directly to the use and density.

e. In January of each calendar year, the components of the CFF levied for police facilities and municipal facilities shall be automatically adjusted by the change in the average of the San Francisco and 20-city Construction Cost Index as reported in the Engineering News Record for the 12 month period ending October of the prior year.

16.84.110 CALCULATION OF RAILROAD OVERCROSSING FACILITIES FEE COMPONENT.

a. For each specific residential land use category, the component of the CFF levied for railroad overcrossing facilities for residential development shall be calculated by multiplying the cost per trip by the trip rate per land use category.

b. For each specific non-residential land use category, the component of the CFF levied for railroad overcrossing facilities for non-residential development shall be calculated by multiplying the cost per trip by the trip rate per employee and then by the number of employees per 1,000 square feet.

c. For the purpose of calculating CFFs pursuant to subdivisions (a) and (b) of this section for properties with an approved use permit which significantly changes the underlying use of the site or properties within a Special Planning Area, the Planning

Director is hereby authorized to determine the land use zone that corresponds most directly to the use and density.

d. For the purpose of calculating CFFs pursuant to subdivisions (a) and (b) of this section for building permits for dwelling units not associated with a recorded residential subdivision, non-residential development, or multiple family development, or for land use categories not included in the Fee Resolution, the Planning Director is hereby authorized to determine the appropriate land use zone that corresponds most directly to the use and density.

e. In January of each calendar year, the component of the CFF levied for railroad overcrossing facilities shall be automatically adjusted by the change in the average of the San Francisco and 20-city Construction Cost Index as reported in the Engineering News Record for the 12-month period ending October of the prior year.

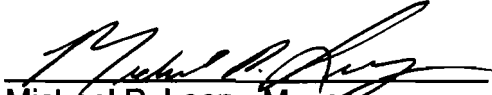
16.84.120 COMPLIANCE WITH OTHER LAWS.

This Chapter is intended to establish a method for funding the cost of certain facilities the need for which will be generated by the level and type of development proposed in the City of Elk Grove. The provisions of this Chapter shall not be construed to limit the power of the City Council to impose any other fees or exactions or to continue to impose existing ones, on development within the City area, but shall be in addition to any other requirements which the City Council is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings or other entitlements within the City area pursuant to state and local laws. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and other exactions required by, but not limited to: (a) The City of Elk Grove Department of Public Works Improvement Standards; (b) the Quimby Act (Government Code section 66477 et seq.) and implementing ordinances (Chapter 22.40 of this Code); (c) school impact fees (Government Code section 65970 et seq.) and implementing ordinances; (d) county drainage fees; (e) county sanitation district sewer fees; and (f) county water agency water fees. Any credits or repayments pursuant to this Chapter shall not include the funding, construction or dedications described in this section.

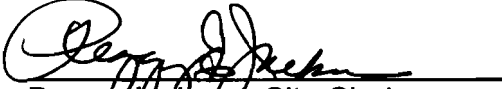
Section 4. Effective Date- Urgency Ordinance. This ordinance shall take effect immediately as an urgency ordinance. New construction in the City continues to increase resulting in an increasing burden on existing City services. So that the City has sufficient funding to maintain adequate City service, the City must ensure that it begins receiving revenue from this new construction as soon as possible. For these reasons, the City Council finds that the immediate passage of this ordinance is necessary for the immediate preservation of the public peace, health and safety, and the fiscal integrity of the City.

Section 5. Interim Authorization. Pursuant to California Government Code Section 66017 and the findings found in Section 2 above, this ordinance shall take effect immediately as an interim authorization of the CFF.

PASSED AND ADOPTED on May 1, 2002.


Michael P. Leary, Mayor

ATTEST:


Peggy Jackson, City Clerk

APPROVED AS TO FORM:


Anthony Manzanetti, City Attorney

AYES: Leary, Scherman, Briggs
Cooper, Soares
NOES: None
ABSTAIN: None
ABSENT: None

Effective: May 2, 2002