

RESOLUTION NO. 2011-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE UPDATING STREETS AND THOROUGHFARES FEES, LAW ENFORCEMENT FACILITY AND EQUIPMENT FEES, FIRE FACILITY AND EQUIPMENT FEES, GENERAL MUNICIPAL FACILITY FEES, STORMWATER DRAINAGE FACILITY FEES, WASTEWATER TREATMENT AND DISPOSAL FACILITY FEES, WASTEWATER COLLECTION FACILITY FEES, WATER SUPPLY AND HOLDING FACILITY FEES, WATER DISTRIBUTION FACILITY FEES, PARK LAND IMPACT FEES, PARK IMPROVEMENT FEES, COMMUNITY AND RECREATION FACILITY FEES, AND REFUSE VEHICLE AND CONTAINER FEES FOR DEVELOPMENT PROJECTS

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on March 15, 2011 at 7:30 p.m. on said day, it was moved by Council Member _____, seconded by Council Member _____, and carried, that the following Resolution be adopted:

WHEREAS, by Ordinance No. 92-10, adopted on August 18, 1992, the City Council (the "City Council") of the City of Lemoore (the "City") granted authority to establish and charge development impact fees as a condition of approval of development projects for the purpose of defraying the costs of public facilities (including public improvements, public services and community amenities) related to development projects; and

WHEREAS, development impact fees may be established and charged to pay for the cost of development of streets and thoroughfares, law enforcement facilities and equipment, fire protection facilities and equipment, general municipal facilities, storm drainage facilities, wastewater treatment, disposal, and collection facilities, water supply, storage, and distribution facilities, park land and improvements, community and recreation facilities, and refuse vehicles and containers; and

WHEREAS, in Ordinance No. 92-10, the City Council provided both that in enacting resolutions establishing and imposing such impact fees the City Council shall set forth the specific amount of the fee, describe the benefit and impact areas on which the development impact fee is imposed, list the specific public improvements to be financed, describe the estimated cost of the facilities, describe the reasonable relationship between the fees and the various types of developments, and set forth the time of payment, and that the City Council may further provide in such resolution that specific limitations will apply to reductions, adjustments, waivers, or deferrals of development impact fees and further that the City Council may, in such resolution, set forth such specific limitations; and

WHEREAS, Colgan Consulting Corporation has prepared a report dated November 21, 2006, revised December 7, 2006, entitled *City of Lemoore, CA – Development Impact Fee Study Report*, as well as a report dated October 19, 2010, entitled *City of Lemoore - West Side Streets and Thoroughfares Impact Fee Study Report* ("Reports") which analyze the impacts of contemplated future development of existing public facilities in the City, along with an analysis

of the need for new public facilities and improvements required by new development, the needed facilities and their estimated costs, as well as methodology for indexing established fees over time; and

WHEREAS, the aforesaid Reports allow for the yearly indexing of established impact fees based on the California Construction Cost Index, which may be applied altogether or in part with the indexing up to the cumulative effect of all California Construction Cost Index since the inception of these fees, and by such methodology staff calculated new fee amounts, applying 6.3% for 2010; and

WHEREAS, the aforesaid calculations were available for public inspection and review at the City Clerk's office of the City of Lemoore for a period at least ten (10) days prior to said public hearings; and mail notice was given at least fourteen (14) days prior to said hearing to any interested person who filed a written request (if any) with the City for mailed notice of the public hearing; and

WHEREAS, the April 6, 2010 public hearing was also noticed pursuant to an in compliance with Government Code Section 6062(a), and was held as part of a regularly scheduled meeting of the City Council of the City of Lemoore; and

WHEREAS, a public hearing on adoption of this resolution and the impact fees referred to herein was set and held by the City Council on March 15, 2011, at the Council Chambers, City Hall, 429 C Street, Lemoore, California; and

NOW, THEREFORE, in accordance with the provisions of Ordinance No. 92-10 and Government Code Section 66000, et seq., BE IT RESOLVED by the City Council of the City of Lemoore as follows:

1. All provisions set forth above are true and correct and hereby incorporated herein by reference as findings;
2. The purpose of the fees set forth herein is to finance public facilities necessary to reduce the impacts caused by new development;
3. The City Council hereby adopts and approves the aforesaid calculations, as modified, following a public hearing on the matter, and the Council further finds that new development in the City will generate additional demands on public facilities throughout the City, and will contribute to the impact upon public facilities;
4. The Council finds that the establishment and imposition of development impact fees in the amounts so calculated is necessary and proper to pay for the cost of development of streets and thoroughfares, law enforcement facilities and equipment, fire protection facilities and equipment, general municipal facilities, storm drainage facilities, wastewater treatment, disposal, and collection facilities, water supply, storage, and distribution facilities, park land and improvements required in connection with development projects, community and recreation facilities, and refuse vehicles and containers in the City of Lemoore;
5. The Council further finds that the specific amount of the fee, the description of the benefit and impact area on which the development impact fee is imposed, the listing of the specific public improvements to be financed, the description of the

estimated cost of the facilities, the description of the reasonable relationship between the fees set forth in paragraph 4 above and the various types of developments, and the time for payment, all as set forth in the Reports as relating to fees set forth in paragraph 4 above and below in this resolution, are proper and necessary and the information and data upon which the fees are based is correct and accurate;

6. The specific amount of development impact fees are hereby established and imposed and are based upon the impact costs by land use as set forth in the table below:

| A. | | | |
|-------------------------|------------|--------------|----------|
| | East Side | West Side | |
| Streets & Thoroughfares | Proposed | Proposed | |
| Single Family | \$1,133.00 | \$2,689.00 | per unit |
| Multi-Family | \$740.00 | \$1,833.00 | per unit |
| Neighborhood Commercial | Varies 1 | \$80,230.00 | per acre |
| Regional Commercial | Varies 1 | \$112,013.00 | per acre |
| Professional Office | Varies 1 | \$16,465.00 | per acre |
| Industrial | Varies 1 | \$7,051.00 | per acre |
| Public / Institutional | \$0.00 | \$22,484.00 | per acre |
| Parks / Open Space | \$0.00 | \$450.00 | per acre |

| B. | | | |
|--|------------|------------|----------|
| | East Side | West Side | |
| Law Enforcement Facilities & Equipment | Proposed | Proposed | |
| Single Family | \$273.00 | \$273.00 | per unit |
| Multi-Family | \$326.00 | \$326.00 | per unit |
| Commercial | \$5,404.00 | \$5,404.00 | per acre |
| Professional Office | \$3,609.00 | \$3,609.00 | per acre |
| Industrial | \$137.00 | \$137.00 | per acre |

| C. | | | |
|-----------------------------|-----------|------------|----------|
| | East Side | West Side | |
| Fire Equipment & Facilities | Proposed | Proposed | |
| Single Family | \$0.00 | \$788.00 | per unit |
| Multi-Family | \$0.00 | \$628.00 | per unit |
| Commercial | \$0.00 | \$4,319.00 | per acre |
| Professional Office | \$0.00 | \$4,319.00 | per acre |
| Industrial | \$0.00 | \$1,963.00 | per acre |

| D. | | |
|---------|-----------|-----------|
| General | East Side | West Side |
| | | |

| Municipal Facilities | Proposed | Proposed | |
|----------------------|------------|------------|----------|
| Single Family | \$1,080.00 | \$1,080.00 | per unit |
| Multi-Family | \$861.00 | \$861.00 | per unit |
| Commercial | \$5,920.00 | \$5,920.00 | per acre |
| Professional Office | \$5,920.00 | \$5,920.00 | per acre |
| Industrial | \$2,691.00 | \$2,691.00 | per acre |

| E. | | | |
|---------------------------|--------------------|--------------------|----------|
| Storm Drainage Facilities | East Side Proposed | West Side Proposed | |
| Single Family | \$925.00 | \$925.00 | per unit |
| Multi-Family | \$525.00 | \$525.00 | per unit |
| Commercial | \$8,570.00 | \$8,570.00 | per acre |
| Professional Office | \$8,570.00 | \$8,570.00 | per acre |
| Industrial | \$8,570.00 | \$8,570.00 | per acre |

| F. | | | |
|--|--------------------|--------------------|----------|
| Wastewater Treatment & Disposal Facilities | East Side Proposed | West Side Proposed | |
| Single Family | \$180.00 | \$180.00 | per unit |
| Multi-Family | \$133.00 | \$133.00 | per unit |
| Commercial | \$575.00 | \$575.00 | per acre |
| Professional Office | \$575.00 | \$575.00 | per acre |
| Industrial | \$2,028.00 | \$2,028.00 | per acre |

| G. | | | |
|----------------------------------|--------------------|--------------------|----------|
| Wastewater Collection Facilities | East Side Proposed | West Side Proposed | |
| Single Family | \$535.00 | \$535.00 | per unit |
| Multi-Family | \$428.00 | \$428.00 | per unit |
| Commercial | \$1,873.00 | \$1,873.00 | per acre |
| Professional Office | \$1,873.00 | \$1,873.00 | per acre |
| Industrial | Varies 2 | Varies 2 | per acre |

| H. | | | |
|-----------------------------------|--------------------|--------------------|----------|
| Water Supply & Holding Facilities | East Side Proposed | West Side Proposed | |
| Single Family | \$2,303.00 | \$2,303.00 | per unit |
| Multi-Family | \$1,428.00 | \$1,428.00 | per unit |
| Commercial | Varies 3 | Varies 3 | per acre |
| Professional Office | Varies 3 | Varies 3 | per acre |

| | | | |
|------------|----------|----------|----------|
| Industrial | Varies 3 | Varies 3 | per acre |
|------------|----------|----------|----------|

| | | | |
|-------------------------------|--------------------|--------------------|----------|
| I. | | | |
| Water Distribution Facilities | East Side Proposed | West Side Proposed | |
| Single Family | \$230.00 | \$230.00 | per unit |
| Multi-Family | \$142.00 | \$142.00 | per unit |
| Commercial | Varies 4 | Varies 4 | per acre |
| Professional Office | Varies 4 | Varies 4 | per acre |
| Industrial | Varies 4 | Varies 4 | per acre |

| | | | |
|-----------------------|--------------------|--------------------|----------|
| J. | | | |
| Park Land Acquisition | East Side Proposed | West Side Proposed | |
| Single Family | \$1,284.00 | \$1,284.00 | per unit |
| Multi-Family | \$1,024.00 | \$1,024.00 | per unit |

| | | | |
|-------------------|--------------------|--------------------|----------|
| K. | | | |
| Park Improvements | East Side Proposed | West Side Proposed | |
| Single Family | \$2,073.00 | \$2,073.00 | per unit |
| Multi-Family | \$1,645.00 | \$1,645.00 | per unit |

| | | | |
|-----------------------------------|--------------------|--------------------|----------|
| L. | | | |
| Community & Recreation Facilities | East Side Proposed | West Side Proposed | |
| Single Family | \$847.00 | \$847.00 | per unit |
| Multi-Family | \$675.00 | \$675.00 | per unit |

| | | | |
|-----------------------------|--------------------|--------------------|----------|
| M. | | | |
| Refuse Vehicle & Containers | East Side Proposed | West Side Proposed | |
| Single Family | \$322.00 | \$322.00 | per unit |
| Multi-Family | Varies 5 | Varies 5 | per unit |

Varies 1 \$ 118.64 Per Average Daily Trips
 Varies 2 \$ 1.81 Per GPD X City Engineer GPD estimate
 Varies 3 \$ 5.32 Per GPD X City Engineer GPD estimate
 Varies 4 \$ 229.72 Per 433 GPD X City Engineer GPD estimate
 Varies 5 Public Works Director estimate (typically cost of dumpsters)

7. The benefit and impact areas on which the development impact fee is imposed are as described in the Reports prepared by Colgan Consulting Corporation on behalf of the City of Lemoore, and annexations to the City after the adoption of said documents; the costs are set forth in paragraph 6 above, listing the specific public improvements to be financed, which listing is based on the estimated cost of facilities in such area.
8. There is a reasonable relationship between the fees and the various types of developments based on the finding of the City Council that development impact costs for each type of infrastructure and land use category are as set forth in paragraph 6 above, as calculated by Colgan Consulting Corporation in its Reports. The facts and evidence presented also establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development described hereinabove, for which the corresponding fee is charged, and also, there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships or nexuses are in more detail described in the Reports, and the Reports are incorporated in this Resolution by this reference;
9. Payment of the fees established and imposed by this resolution shall be made at the time of issuance of a building permit for any work of improvement, except that payment of such fees on a residential development project shall not be required until the date of final inspection or the date the certificate of occupancy is issued, whichever occurs first, pursuant to Government Code Section 66007;
10. Any person subject to a fee required by this resolution may apply to the City Council for a reduction, adjustment, or waiver of that fee based upon the absence of a reasonable relationship between the impact of that person's commercial, industrial, or residential development project on demands on various infrastructure types in the City of Lemoore;
11. The fees set forth herein are consistent with the City's General Plan and the Council has considered the effects of the fees with respect to the City's housing needs and the regional housing needs;
12. Any judicial action or proceeding to attack, review, set aside or annul this resolution shall be brought within 120 days of its adoption;
13. Pursuant to California Government Code Section 66017, the fees adopted and approved by this resolution shall be in force and effect and shall be collected beginning sixty (60) days from and after its adoption.
14. The provisions of this resolution are severable, and the validity of any part thereof including any fee shall not affect the validity or effectiveness of the remainder of the resolution.

* * * * *

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 15th day of March, 2011 by the following vote:

Ayes:
Noes:
Absent:
Abstaining:

Approved:

Willard J. Rodarmel, Mayor

Attest:

Nanci C.O. Lima, MMC
City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. LIMA, City Clerk of the City of Lemoore do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on the 15 day of March, 2011

Dated: March 16, 2011

Nanci C.O. Lima, MMC
City Clerk