

RESOLUTION NO. 2011-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LEMOORE ESTABLISHING AND IMPOSING STREETS AND
THOROUGHFARES IMPACT FEES FOR DEVELOPMENT PROJECTS
EAST OF 19 ½ AVENUE**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on September 6, 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; 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 July 13, 2011, entitled *City of Lemoore, CA – East Side Streets and Thoroughfares Impact Fee Study Report* ("Report") which analyzes 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; and

WHEREAS, City staff has reviewed the service provision and development impact cost portions of said Report, thereby independently verifying and validating said Report; and

WHEREAS, the aforesaid Report was 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 August 16, 2011 public hearing, continued to September 6, 2011 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 August 16, 2011, and continued to September 6, 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 to reduce the impacts of public facilities caused by new development;
3. The City Council hereby adopts and approves the aforesaid Report, as modified, following a public hearing on the matter and the same is incorporated herein, 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 is necessary and proper to pay for the cost of development of community and recreation facilities in and for the City of Lemoore at this time;
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 set forth in the Report 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:

East Side Streets and Thoroughfares	Eastside Proposed	
Single Family	\$ 1,965.00	per unit
Multi-Family	\$ 1,339.00	per unit
Neighborhood Commercial	\$ 59,990.00	per acre
Regional Commercial	\$ 81,831.00	per acre
Professional Office	\$ 12,029.00	per acre
Industrial	\$ 5,151.00	per acre

Public / Institutional	\$ 12,319.00	per acre
Parks / Open Space	\$ 328.00	per acre

7. The benefit and impact areas on which the development impact fee is imposed are as described in the Report 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 Report. 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 Report;
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;
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 _____ by the following vote:

Ayes:
Noes:
Absent:

Abstaining:

Approved:

Mayor

Attest:

Nanci C. O. Lima, 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 _____ .

Dated: _____

Nanci C. O. Lima, City Clerk