RESOLUTION NO. 2012-12

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 20, 2012 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 1.5% for 2011; 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 March 20, 2012 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 20, 2012, 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.			
Streets & Thoroughfares	East Side Proposed	West Side Proposed	
Single Family	$1,150.00	$2,730.00	per unit
Multi-Family	$751.00	$1,860.00	per unit
Neighborhood Commercial	Varies 1	$81,443.00	per acre
Regional Commercial	Varies 1	$113,693.00	per acre
Professional Office	Varies 1	$16,712.00	per acre
Industrial	Varies 1	$7,157.00	per acre
Public / Institutional	$0.00	$22,820.00	per acre
Parks / Open Space	$0.00	$456.00	per acre

B.			
Law Enforcement Facilities & Equipment	East Side Proposed	West Side Proposed	
Single Family	$277.00	$277.00	per unit
Multi-Family	$331.00	$331.00	per unit
Commercial	$5,485.00	$5,485.00	per acre
Professional Office	$3,663.00	$3,663.00	per acre
Industrial	$139.00	$139.00	per acre

C.			
Fire Equipment & Facilities	East Side Proposed	West Side Proposed	
Single Family	$0.00	$800.00	per unit
Multi-Family	$0.00	$638.00	per unit
Commercial	$0.00	$4,384.00	per acre
Professional Office	$0.00	$4,384.00	per acre
Industrial	$0.00	$1,992.00	per acre

D.		
General Municipal Facilities	East Side Proposed	West Side Proposed

Single Family	$1,096.00	$1,096.00	per unit
Multi-Family	$874.00	$874.00	per unit
Commercial	$6,009.00	$6,009.00	per acre
Professional Office	$6,009.00	$6,009.00	per acre
Industrial	$2,732.00	$2,732.00	per acre

E.			
Storm Drainage Facilities	East Side Proposed	West Side Proposed	
Single Family	$939.00	$939.00	per unit
Multi-Family	$533.00	$533.00	per unit
Commercial	$8,698.00	$8,698.00	per acre
Professional Office	$8,698.00	$8,698.00	per acre
Industrial	$8,698.00	$8,698.00	per acre

F.			
Wastewater Treatment & Disposal Facilities	East Side Proposed	West Side Proposed	
Single Family	$183.00	$183.00	per unit
Multi-Family	$135.00	$135.00	per unit
Commercial	$584.00	$584.00	per acre
Professional Office	$584.00	$584.00	per acre
Industrial	$2,059.00	$2,059.00	per acre

G.			
Wastewater Collection Facilities	East Side Proposed	West Side Proposed	
Single Family	$543.00	$543.00	per unit
Multi-Family	$435.00	$435.00	per unit
Commercial	$1,902.00	$1,902.00	per acre
Professional Office	$1,902.00	$1,902.00	per acre
Industrial	Varies 2	Varies 2	per acre

H.			
Water Supply & Holding Facilities	East Side Proposed	West Side Proposed	
Single Family	$2,337.00	$2,337.00	per unit
Multi-Family	$1,449.00	$1,449.00	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	$233.00	$233.00	per unit
Multi-Family	$145.00	$145.00	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	$2,104.00	$2,104.00	per unit
Multi-Family	$1,649.00	$1,649.00	per unit

L.			
Community & Recreation Facilities	East Side Proposed	West Side Proposed	
Single Family	$859.00	$859.00	per unit
Multi-Family	$686.00	$686.00	per unit

M.			
Refuse Vehicle & Containers	East Side Proposed	West Side Proposed	
Single Family	$326.00	$326.00	per unit
Multi-Family	Varies 5	Varies 5	per unit

Varies 1	$ 120.42	Per Average Daily Trips
Varies 2	$ 1.84	Per GPD X City Engineer GPD estimate
Varies 3	$ 5.40	Per GPD X City Engineer GPD estimate
Varies 4	$ 233.17	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. Imposition of the fees established and imposed by this resolution shall be at the time of issuance of a building permit for any work of improvement, except that payment of such fees on a 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 20th day of March, 2012 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 20th day of March, 2012

Dated: March 21, 2012

_____
Nanci C.O. Lima, MMC
City Clerk