

RESOLUTION NO. 2013-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
CONSIDERING REDUCTION, ADJUSTMENT OR WAIVER OF IMPACT FEES FOR
THE MONTRIO CAPITAL PARTNERS MULTI-FAMILY RESIDENTIAL
DEVELOPMENT PROJECT**

WHEREAS, Resolution 2011-10 sets the current rate of development impact fees for the City (outside of special consideration given to in-fill project), and provides in part:

“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 on the absence of a reasonable relationship between the impact of that person’s commercial, industrial, or residential development project on demands on infrastructure types in the City of Lemoore”; and

WHEREAS, Montrio Capital Partners has a Multi-Family Residential development project located between State Highway 41 and 19 ½ Avenue, immediately north of the railroad tracks running through the City (the “Project”) and has applied to the City Council for reduction or waiver of certain fees according to the process set forth above; and

WHEREAS, the burden is on the developer, Montrio Capital Partners, to demonstrate absence of a reasonable relationship between the impacts of the Project on demands on City infrastructure; and

WHEREAS, the City Council does not intend to waive fees for actual impacts since doing so could trigger prevailing wage requirements for the entire Project; and

WHEREAS, Montrio Capital Partners has requested (1) that the Project be charged according to East Side Development Fees rather than the original designation of West Side Development Fees; (2) that payment of the Storm Drainage Fees be delayed or waived; and (3) that the Community Recreation Fee be waived; and

WHEREAS, the area on which the Project is situated was originally planned to be zoned Highway Commercial. Consequently, it maintained a stronger nexus with West Side properties immediately surrounding the Highway 41/Bush Street Interchange; and

WHEREAS, the City Council has received a staff report May 14, 2013 and heard testimony that shows that as a Multi-Family Residential project, the Project bears a stronger nexus with the infrastructure needs of East Side development and it is therefore reasonable to charge fees according to the East Side development schedule; and

WHEREAS, the City Council has considered testimony from the public as well as City staff, including the Public Works Director, and has received a staff report dated May 14, 2013 which demonstrates that the storm drainage facilities will require connecting to the City Storm Water System, as there is not sufficient capacity on the site to have an unconnected detention basin; and

WHEREAS, the City Council has considered testimony and a staff report May 14, 2013 which shows that the developers will be providing a number of amenities for their residents, however, they will not have the same variety that the City provides, therefore, the Project will still have an impact on City recreation facilities, justifying payment of the impact fees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lemoore, as follows:

Section 1. The foregoing Findings are adopted as findings of the City Council as though set forth fully herein.

Section 2. The Project shall be charged Development Impact Fees according to the East Side Impact Fee Schedule since the actual impacts of the Project align with that schedule.

Section 3. The Storm Drainage Fees shall not be waived or reduced.

Section 4. The Community Recreation Fees shall not be waived or reduced.

Section 5. The City Manager or his designee is authorized to take all actions necessary to carry out the intent of this Resolution.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Lemoore held on the ___ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

APPROVED:

William M. Siegel, Jr., Mayor

ATTEST:

Kristie R. Baley, City Clerk

CERTIFICATE

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

I, Kristie R. Baley, 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 held on May 21, 2013.

DATED: May ___, 2013

Kristie R. Baley, City Clerk