

RESOLUTION NO. 2017-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA, APPROVING THE MASTER FACILITIES PLAN AND THE 2016-17 DEVELOPMENT IMPACT FEE CALCULATION AND NEXUS REPORT DATED MARCH 27, 2017, AS AMENDED, ADOPTING AMENDED DEVELOPMENT IMPACT FEES, MAKING A FINDING OF EXEMPTION UNDER CEQA, AND REPEALING RESOLUTION NOS. 2007-03, 2014-44, 2014-45 AND 2015-44 IN THEIR ENTIRETY

WHEREAS, in adopting Chapters 18.110 and 18.115 of the Calimesa Municipal Code (the "Municipal Code") and Ordinance No. 260, the City Council of the City of Calimesa (the "City Council" of the "City") established the requirement for the payment of development impact fees by new development within the City, to ensure that certain public facilities or capital improvements are constructed and made available consistent with build-out of the City, in accordance with the City's General Plan and concurrent with the need caused by new development; and

WHEREAS, Chapters 18.110 and 18.115 of the Municipal Code and Ordinance No. 260 provide that the City Council shall, by Resolution, adopt a schedule setting forth the specific amount of development impact fees which will be levied upon new development in the City; describe the benefit and impact area on which the development impact fees are imposed; list the public improvements to be financed; describe the estimated cost of facilities which form the basis for the development impact fees; describe the reasonable relationship between the development impact fees and the various types of new development; and set forth the time for payment of the development impact fees; and

WHEREAS, the City retained Revenue & Cost Specialists, LLC (RCS) to review and conduct an independent, detailed analysis of the City's capital improvements needs which are necessitated by new development, in accordance with the requirements of Government Code Sections 66000 et seq.; and

WHEREAS, RCS, together with City staff, prepared a Master Facilities Plan for the City of Calimesa, dated March 27, 2017 (the "Master Facilities Plan"), indentifying capital infrastructure, vehicles and equipment and other physical needs necessary to accommodate build-out of the community under the City's General Plan; and

WHEREAS, RCS prepared the 2016-17 Development Impact Fee Calculation and Nexus Report, dated March 27, 2017 (the "Study"), as amended by the August 7, 2017 Addendum to the 2016-17 Study, describing the benefit and impact area on which development impact fees are to be imposed and collected, describing the reasonable relationship between the development impact fee and the various types of new development, analyzing the need for new public facilities and improvements which will be necessitated by new development, setting forth a methodology for determining the relationship between new development, the needed public facilities, and the estimated cost of those improvements, and otherwise satisfying the requirements of the law, and

Government Code Sections 66000 et seq. (the "Mitigation Fee Act"), with regard to the imposition and collection of development impact fees; and

WHEREAS, the Study projects developmental growth in the City through the year 2035, based on the City's General Plan, adopted Specific Plans and other development approvals, and provides the basis for calculating and adopting development impact fees in the following categories: (1) law enforcement facilities, vehicles and equipment; (2) fire suppression facilities, vehicles and equipment; (3) streets and traffic system; (4) storm drainage collection facilities; (5) general facilities, vehicles and equipment; (6) library space and collection; and (7) park land acquisition and park improvements; and

WHEREAS, the analysis of facilities and improvement costs contained in the Master Facilities Plan and Study, taken together with the methodology established by Chapters 18.110 and 18.115 of the Municipal Code and Ordinance No. 260, demonstrate the specific costs associated with providing adequate public facilities commensurate with projected levels of new development in the City; and

WHEREAS, except for projects involving developer reimbursements or development impact fee credits, the City will determine and provide for sources of additional funds that are attributed to existing residents prior to the construction of any facility for which existing residents have been allocated a share of the cost; and such sources of funding may include, but not be limited to, contributions from the City, grants, bonds, and assessment districts or other special tax levies; and

WHEREAS, the Study provides the documentation, detail and other information required by Chapters 18.110 and 18.115 of the Municipal Code, Ordinance No. 260, and the Mitigation Fee Act as the basis for the adoption and imposition of the development impact fees for law enforcement facilities, vehicles and equipment; fire suppression facilities, vehicles and equipment; streets and traffic system; storm drainage collection facilities; general facilities, vehicles and equipment; library space and collection; and park land acquisition and park improvements; and describes the benefit and impact area on which the development impact fees are to be imposed, lists the specific public improvements to be financed through the imposition and collection of the development impact fees, describes the estimated cost of providing the improvements and facilities, describes the reasonable relationship between the development impact fees and the various types of new development; and otherwise satisfies the requirements of the law with regard to the imposition and collection of development impact fees; and

WHEREAS, the City has established a requirement for the dedication of land or the payment of in-lieu fees for park and recreational purposes, based on Government Code Section 66477 (the "Quimby Act") and the City's General Plan; and the City Council has, by Chapter 18.110 ("Park Development and Recreational Facilities Mitigation Fees") of the Municipal Code, assessed a proportionate share of the costs for recreational facilities to all new residential developments in order to ensure that all property owners contribute equally toward the mitigation of their impacts by the

imposition of an equivalent fee on projects otherwise exempt from the City's adopted parks standards; and

WHEREAS, pursuant to the Mitigation Fee Act, the City Council finds that there is a reasonable relationship between the need for park land and park improvements and residential development that does not involve the subdivision of land for which a corresponding fee is charged because future residential development will increase the City's population and will require additional park space and improvements to adequately serve the athletic and recreational needs of these new residents; and

WHEREAS, pursuant to the Mitigation Fee Act, the City Council finds that there is a reasonable relationship between the development and improvement of parks and residential development that does not involve the subdivision of land for which the fee is imposed, because the additional parks and improvements will improve and expand the City's park system and thus reduce the risk that the City's increasing population will overuse or overcrowd the City's parks; and

WHEREAS, pursuant to the Mitigation Fee Act, the City Council finds that the proposed fees for Street and Traffic Facilities does not duplicate fees collected under the Western Riverside County Traffic Uniform Mitigation Fee (TUMF) Ordinance with respect to Interstate 10 interchanges because the proposed interchange costs funded by TUMF only provide for capacity related costs to construct a "bare bones" interchange and that the items listed in the City's Master Facility Plan and Study only include interchange costs such as landscaping, lighting, additional right of way, aesthetic and other costs not included in the TUMF funded interchange project cost; and

WHEREAS, the facts and evidence presented to the City Council have established that there is a reasonable relationship between the need for new facilities or improvements and the impacts of new development for which a corresponding fee is charged, and also that there is a reasonable relationship between the fees' use and the type of development for which the fee is imposed; and

WHEREAS, by Resolution No. 2007-03, in accordance with Chapters 6.7 and 6.11 of the Municipal Code (which were later recodified as Chapters 18.115 and 18.110, respectively) and Ordinance No. 260, the City established development impact mitigation fees for all developments within the City, and created exceptions to those development impact fees, which fees have periodically been increased and decreased in accordance with Chapters 18.110 and 18.115 of the Municipal Code, and Ordinance No. 260, in 2008 (Resolution No. 2008-06), 2014 (Resolutions Nos. 2014-44 and 2014-45) and 2015 (Resolution No. 2015-44); and

WHEREAS, the City has complied with the notice and hearing requirements of state law and the Mitigation Fee Act prior to adopting this Resolution, and a notice of public hearing on the development impact fees was mailed as required by law to any interested party who filed a written request with the City Clerk for mailed notice of a meeting on new or increased fees; and

WHEREAS, the City Council held a duly noticed public hearing at the May 15, 2017 Regular City Council meeting, that was continued to a Special Meeting of the City Council on June 7, 2017 and the July 17, 2017 Regular City Council Meeting and finally to the August 7, 2017 Regular City Council Meeting, at which time further testimony was presented and the public hearing was closed; and

WHEREAS, the City Council finds that the record of these proceedings, including the Study, Master Facilities Plan, the City's General Plan and ordinances and resolutions, the staff reports, written correspondence received by the City and the testimony received at the hearing prior to the adoption of this Resolution, held on May 15, 2017, June 7, 2017, July 17, 2017 and August 7, 2017 contains substantial evidence to support the imposition and collection of the development impact fees established herein; and

WHEREAS, the City Council has reviewed and considered the development impact fees established herein, and finds that the fees will mitigate some of the impacts associated with additional capital and infrastructure needs necessitated by new residential and non-residential development in the City.

NOW, THEREFORE, the City Council of the City of Calimesa hereby finds, resolves and determines as follows:

1. **Adoption and Incorporation of Recitals.** The findings and recitals set forth above are true and correct, and are incorporated herein.

2. **Adoption of the Master Facilities Plan.** The City Council hereby approves the Master Facilities Plan prepared by RCS and dated March 27, 2017, and the findings contained therein. The City Council further adopts the methodology set forth in the Master Facilities Plan. A copy of the Master Facilities Plan shall be on file with the City Clerk and available during regular City business hours for public inspection. The City Manager is hereby authorized to make recommendations for further adjustments and changes to the Master Facilities Plan in the future, which changes shall be approved by the City Council.

3. **Adoption of the Study.** The City Council hereby approves the Study prepared by RCS and dated March 27, 2017, as amended by the August 7, 2017 Addendum to the Study, and the findings contained therein. The City Council further adopts the methodology set forth in the Study, as amended by Addendum, for calculating and collecting the development impact fees adopted herein. A copy of the Study and Addendum shall be on file with the City Clerk and available during regular City business hours for public inspection.

4. **Adoption of Development Impact Fees.** The City Council hereby approves and adopts the development impact fees for law enforcement facilities, vehicles and equipment; fire suppression facilities, vehicles and equipment; streets and traffic system; storm drainage collection facilities; general facilities, vehicles and equipment; library space and collection; and park land acquisition and park

improvements; in accordance with the schedule set forth in **Exhibit "A"** attached hereto and incorporated herein by reference.

5. **Methodology for Calculation, Adjustment and Collection of Development Impact Fees.** The development impact fees established in **Exhibit "A"** hereto and incorporated herein in full are hereby adopted, and shall be calculated, adjusted and collected in accordance with City Ordinances, Chapter 18.115 of the Municipal Code and the Study.

6. **Exemptions from Payment of Development Impact Fees.** The following projects shall not be subject to imposition or payment of the development impact fees established herein:

A. **Residential Building Expansion.** No development impact fee shall be required on any new addition, expansion or incidental construction to an existing residential building when the new construction consists of a total of less than 500 square feet of enclosed structure which requires a building permit to construct, or the Director of Community Development finds that the expansion does not result in an increase in the number of dwelling units originally permitted for the building.

B. **Remodeling.** Where building permits are issued to remodel existing structures for the same occupancy type, development impact fees shall not be required, except where the remodeling expands the use, subject to subsection A above.

C. **Exception for Natural Disaster.** Where building permits are issued to reconstruct or replace a structure which has been damaged due to flood, fire, earthquake, or other natural disaster, and the new structure does not increase the square footage of the damaged structure by more than 500 square feet or change the use of the property, development impact fees shall not be required. If the new structure increases the square footage by more than 500 square feet, then the development impact fee shall be required on the square footage above that of the damaged structure.

D. **Relocation.** Where a permit is issued to relocate a primary residential structure from one location in the City to a new location within the City, and the Director of Community Development finds that no new additional impacts are created, then development impact fees shall not be required for the relocated structure.

7. **Imposition and Deferral of Development Impact Fees.** The development impact fees established herein shall be due and payable in accordance with Government Code Section 66007, upon the issuance of a building permit or other initial entitlement of use or development; provided, however, that development impact fees imposed on residential development may be deferred until the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first, pursuant to a written agreement, entered into and recorded in accordance with Government Code Section 66007(c).

8. **Effective Date of New Development Impact Fees.** The development impact fees established by Section 4 of this Resolution shall be effective on the sixtieth

(60th) day following the adoption of this Resolution.

9. **Exceptions.** The development impact fees established herein shall not include fees established and collected pursuant to Chapter 18.105 (“Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance”) or Chapter 16.05 (“Western Riverside County Multiple Species Habitat Conservation Plan Mitigation Fee”) of the Municipal Code.

10. **Appeal of Fee Imposition.** Any applicant who is subject to payment of the development impact fees established herein may file an appeal in accordance with Chapter 18.115 of the Municipal Code, as that Chapter may be amended from time to time. Any appeal shall be based upon a showing of lack of nexus between the fee and the impacts of the development which the fee seeks to address.

11. **Repeal of Resolution Nos. 2007-03, 2014-44, 2014-45 and 2015-44 and Conflicting Resolutions.** Resolution Nos. 2007-03, 2014-44, 2014-45 and 2015-44 are hereby repealed in their entirety. Any and all provisions of prior resolutions of the City Council establishing or modifying development impact fees in the categories established in the Study and set forth in **Exhibit “A,”** which duplicate or conflict with the provisions hereof, are hereby repealed and replaced with the fees set forth in said **Exhibit “A”** and the terms and conditions established by this Resolution.

12. **Environmental Exemption.** The adoption of the Study, Master Facilities Plan and the development impact fees specified in this Resolution, was reviewed in accordance with the criteria contained in the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines. The City Council finds that adoption of the Study, Master Facilities Plan and the development impact fees specified in this Resolution will not have a significant impact on the environment and are exempt from CEQA pursuant to Section 15061(b)(3) of State CEQA Guidelines because these actions involve the amendment of development impact fees and no specific development is authorized by the adoption of the Study or amendment of the development impact fees. Therefore, the adoption of the Study, Master Facilities Plan and the development impact fees does not have the potential for causing a significant effect on the environment. In addition, the adoption of this Resolution approves and sets forth a procedure for determining fees for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas and is statutorily exempt from CEQA pursuant to State CEQA Guidelines 15273 (a)(4).

13. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED this 7th day of August 2017.



JEFF HEWITT, MAYOR

ATTEST:



DARLENE GERDES, CITY CLERK

APPROVED AS TO FORM:



KEVIN ENNIS, CITY ATTORNEY

STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE }
CITY OF CALIMESA } SS.

I, **DARLENE GERDES**, City Clerk of the City of Calimesa, California, DO HEREBY CERTIFY, that the aforementioned **Resolution No. 2017-11** known as:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA, APPROVING THE MASTER FACILITIES PLAN AND THE 2016-17 DEVELOPMENT IMPACT FEE CALCULATION AND NEXUS REPORT DATED MARCH 27, 2017, AS AMENDED, ADOPTING AMENDED DEVELOPMENT IMPACT FEES, MAKING A FINDING OF EXEMPTION UNDER CEQA, AND REPEALING RESOLUTION NOS. 2007-03, 2014-44, 2014-45 AND 2015-44 IN THEIR ENTIRETY

And which is on file in the Office of the City Clerk, City of Calimesa California.

Said Resolution was adopted by the said City Council at a regular meeting thereof held on the 7th day of August 2017 by the following vote:

- AYES: Clark, Davis, Hyatt and Molina
- NOES: Hewitt
- ABSENT: None
- ABSTAINED: None



DARLENE GERDES, CITY CLERK

Dated this 8th day of August, 2017.

Exhibit A – Schedule of 2017 Development Impact Fees
Effective 60 Days After Adoption
Adopted on August 7, 2017 and Effective on October 6, 2017

Land-use Category	Law Enforcement Facilities	Fire Protection Facilities	Streets and Traffic Facilities	Storm Drainage Facilities	General Government Facilities	Library Space and Collection Items	Park Land and Park Improvements	Development Impact Fee Total Per Unit or Square Feet	
	Schedule 3.2	Schedule 4.2	Schedule 5.2	Schedule 6.2	Schedule 7.2/7.4	Schedule 8.1	Schedule 9.1		
Detached Dwelling	\$224.00	\$837.00	\$3,852.00	\$3,682.00	\$3,024.00	\$794.00	\$6,456.00	\$18,869.00	per Unit
Attached Dwelling	\$213.00	\$1,122.03	\$2,353.00	\$382.00	\$2,870.00	\$723.00	\$5,882.00	\$13,545.00	per Unit
Mobile Home	\$123.00	\$1,700.00	\$2,050.00	\$878.00	\$2,338.00	\$478.00	\$3,894.00	\$11,461.00	per Unit
Senior Restricted	\$85.00	\$1,732.00	\$1,404.00	\$163.00	\$2,014.00	\$330.00	\$2,683.00	\$8,411.00	per Unit
Assisted Living	\$85.00	\$1,391.00	\$1,157.00	\$163.00	\$1,948.00	\$300.00	\$2,435.00	\$7,479.00	per Unit
Commercial	\$81.00	\$298.00	\$2,031.00	\$439.00	\$176.00	No Fee	No Fee	\$3,025.00	per Unit
Retail/Service/Office	\$0.157	\$0.055	\$6.762	\$0.551	\$0.191	No Fee	No Fee	\$7.716	per S.F
Industrial/Business	\$0.021	\$0.038	\$2.734	\$0.423	\$0.191	No Fee	No Fee	\$3.407	per S.F
Institutional Uses	\$0.031	\$0.030	\$5.590	\$0.517	\$0.191	No Fee	No Fee	\$6.359	per S.F