

10-24-13
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RESOLUTION NO. 2013 - 59

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELANO ADOPTING
UPDATED DEVELOPMENT IMPACT FEES**

WHEREAS, the City Council adopted Ordinance No. 928 establishing the authority for imposing and charging Development Impact Fees; and

WHEREAS, the City Council adopted Ordinance No. 993 establishing Drainage Impact Fees, Police/Fire and Government Service Impact Fees, and Traffic Signalization Fees; and

WHEREAS, the City Council adopted Ordinance No. 999 regarding Development Impact Fees related to potable water facilities and Sewer Impact Fees; and

WHEREAS, the City Council has considered the information provided in the Development Fee Study dated October 2013, which analyzes the need for new public facilities and improvements required by future developments that would be constructed in accordance with the Delano General Plan; and

WHEREAS, the study sets forth the relationship between contemplated future development, needed facilities, and the estimated cost of those improvements; and

WHEREAS, the study has been made available for public inspection, and public hearing notice was provided as required by law; and

WHEREAS, the City Council has determined that:

- A. The purpose of these fees is to finance public facilities and improvements and/or compensation measures to reduce the impacts caused by future developments as shown in the modified Development Fee Study. Such improvements or compensation measures include but are not limited to Police Facilities, Fire Facilities, City Hall Facilities, Governmental Facilities, Storm Drainage Facilities, Sewer Collection and Treatment Facilities, Potable Water Facilities, Park Facilities, Traffic Signals and Roadway Facilities.
- B. The fees collected pursuant to this resolution shall be used to finance the municipal public facilities identified in the Development Fee Study attached hereto and incorporated by reference and the City Capital Improvement Program as budgeted by the City Council from time-to-time to serve proposed development.
- C. After considering the studies and testimony received at this public hearing, the Council approves and adopts the Development Fee Study, and incorporates such herein, and further finds that the future development in the City of Delano will generate the need for such additional public facilities and/or compensation measures and these facilities and/or measures are consistent with the General Plan.
- D. The fees are statutorily exempt from CEQA under Section 15273 (a) (4) of the State CEQA Guidelines, and/or categorically exempt from CEQA under Sections 15301 (h), 15301 (i), 15304, 15307, 15308, 15313, and/or 15317 of the State CEQA Guidelines.

E. The studies and the testimony establish:

1. That there is a reasonable relationship between the need for the public facilities and/or compensation measures and the impacts of the types of development for which the corresponding fees are charged; and
2. That there is a reasonable relationship between the fees' use and the type of development for which the fees are charged; and
3. That there is a reasonable relationship between the amount of the fees and the cost of the public facilities and/or compensation measures, or portion thereof, of the public facilities attributable to the development on which the fees are imposed; and
4. That the cost estimates set forth in the Development Fee Study are reasonable cost estimates for construction of these facilities, and the fees expected to be generated by future developments will not exceed the total costs of construction of the public facilities.

F. The method of allocation of the Development Impact Fees to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities and/or compensation measures to be funded by the fee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELANO AS FOLLOWS:

SECTION 1: Definitions.

- 1.01 "Commercial" shall mean neighborhood centers, retail uses, office uses, and medical office uses.
- 1.02 "Development" shall mean the construction, alteration, addition, occupancy or use of any building or structure within the City of Delano.
- 1.03 "Dwelling Unit" shall mean a dwelling unit as defined in the California Building Code (CBC).
- 1.04 "Equivalent Dwelling Unit (EDU)" shall be the result of a calculation, based on a reasonable comparison to a Dwelling Unit for all developments for which the schedule of Impact Fees are not specifically defined. An EDU is equivalent to 20 Sewer Fixture Units as defined in the Uniform Plumbing Code or 1,400 square feet of building area. The City Engineer shall have the authority to determine EDU's for any development not specifically defined, using a reasonable relationship standard.
- 1.05 "Industrial" shall mean warehouse, light industrial and heavy industrial.
- 1.06 "Land Area" shall mean every square foot of parcel area.

- 1.07 “Multiple Unit” shall mean any dwelling unit which is not a single-family unit.
- 1.08 “Single-Family Unit” shall mean a dwelling unit for which no enclosing walls, including the walls of any attached structures, are within six (6) feet of an enclosing wall of another dwelling unit, or a wall of an attached structure of that unit. A mobile home is a single-family unit.
- 1.09 “Square Foot” shall mean every square foot of floor area as defined in the CBC, except for floor area devoted exclusively to parking. The City Engineer shall determine the square footage of any project which cannot be calculated by using the definition of floor area.

SECTION 2: Fee Schedule and Collection.

- 2.01 The fees shall be charged and paid as currently prescribed in the Municipal Code.
- 2.02 The fees for development shall be the sum of the amounts specified in the schedule of fees attached hereto as Exhibit “A” and incorporated by reference.
- 2.03 Existing fees are hereby terminated as of the effective date described in Section 8. Fees collected for public facilities shall be expended on designated projects. New fees shall be collected for the areas designated within the Urban Development Boundary per the General Plan.

SECTION 3: Exemptions from Fees.

- 3.01 The Development Impact Fees shall not be imposed on any of the following:
 - 3.01.01 Any alteration or addition to a residential structure, except to the extent that additional dwelling units are created;
 - 3.01.02 Any alteration or addition to a non-residential structure if the square footage is increased less than twenty-five (25) square feet, unless the alteration or addition provides for higher intensity use.
 - 3.01.03 Any replacement or reconstruction of an existing residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within five (5) years after the building was demolished except to the extent that additional dwelling units are created;
 - 3.01.04 Any replacement or reconstruction of an existing non-residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within (5) years after the building was demolished unless the replacement or reconstruction increases the square footage of the structure by fifty (50) square feet, or changes the use of the structure to a higher intensity use category.

- 3.02 Whenever the alteration, addition, replacement or reconstruction is not exempt, the fees shall be imposed only on the additional dwelling units, or change in use, so long as the building was in existence within five (5) years prior to issuance of the new permit.

SECTION 4: Payment of Other Fees Required.

- 4.01 Notwithstanding any other provision of this resolution, every development is responsible for the payment of all applicable fees adopted by the City.
- 4.02 Nothing in the resolution affects the obligation of any person to pay any fees establish pursuant to the Municipal Code so long as the fees shall not result in the duplication of fees for any development or portion thereof included in the area of benefit.

SECTION 5: Use of Fee Revenues.

The revenues raised by payment of these fees shall be placed in separate accounts along with any interest earnings on each account, and shall be used for the following purposes:

- 5.01 To pay for design and construction of designated public facilities and reasonable costs of outside consultant studies related thereto;
- 5.02 To reimburse the City for designated public facilities constructed by the City with funds from other sources, unless the City funds were expended to remedy existing deficiencies as identified in the studies or were obtained from grants or gifts;
- 5.03 To reimburse developers who have designed and constructed designated public facilities which are oversized as defined in the Municipal Code with supplemental size, length, or capacity. This section shall not apply if a Reimbursement Agreement has been reached by a developer and the City.
- 5.04 To pay for and/or reimburse costs of program development and ongoing administration of the Developer Impact Fee Program.

SECTION 6: Accounts.

The fees collected pursuant to this resolution shall be deposited into the following master accounts:

- 6.01 Police Station Improvements Account
- 6.02 Fire Station Improvements Account
- 6.03 Government Facilities Account
- 6.04 Storm Drainage Facilities Account
- 6.05 Park Development Facilities Account
- 6.06 Circulation Facilities Account
- 6.07 Water Facilities Account
- 6.08 Sewer Facilities Account

SECTION 7: Expenditures of the Fees.

- 7.01 Fees in the accounts established in Section 6 shall be expended only for the purpose for which the fee is collected with primary consideration to areas of the City in which development has taken place and in which the fees have been paid.
- 7.02 The standards upon which the needs for facilities are based are the City General Plan and those regulations and standards of practice to provide acceptable levels of service. The City will remedy any existing deficiencies without using the proceeds of the Development Impact Fees.

SECTION 8: Effective Date.

The fees provided in this resolution shall be effective sixty (60) days from the date of adoption of this resolution.

SECTION 9: Annual Rate Adjustment.

Unless subsequently modified by a resolution of the City Council, the fees as established herein shall be adjusted annually, beginning on January 1, 2015, in accordance with the previous 12-month construction cost index as published by Engineering-News Record.

SECTION 10: Severability.

Each component of the Development Impact Fee Schedule and all portions of this resolution are severable. Should any individual component be adjudged to be invalid and unenforceable, the remaining provisions shall be and continue to be fully effective, and the fee shall be fully effective except as to that portion that has been judged to be invalid.

SECTION 11: Repeal of Inconsistent Resolutions.

All resolutions which are inconsistent with this resolution are repealed effective on the day the new fees herein become effective.

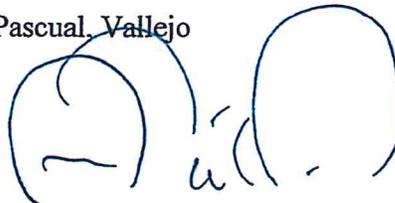
The foregoing Resolution was duly passed and adopted by the City Council at a regular meeting held on the 21th of October, 2013, by the following vote:

AYES: Aguirre, Chavez, Morris, Pascual, Vallejo

NOES: none

ABSENT: none

ABSTAIN: none



Joe E. Aguirre Jr., Mayor

ATTEST:



Phyllis A. Kraft, City Clerk

EXHIBIT "A"

Impact Fees Adopted October 21, 2013
Effective 60 days after Adoption

LAND USE CATEGORY		WATER		SEWER	
	Units	2013 Fees Cost per Unit	Project Fee	2013 Fees Cost per Unit	Project Fee
Residential					
Single-Family Residential	unit	\$2,253.51	\$ -	\$5,066.81	\$ -
Multi-Family (less than 15 units/acre)	unit	\$1,149.29	\$ -	\$2,938.75	\$ -
Senior Residential/Assisted Living	bed	\$946.47	\$ -	\$2,128.06	\$ -
Non-Residential					
General Retail	1,000 sq.ft.	\$540.84	\$ -	\$ 1,874.72	\$ -
Restaurant	1,000 sq.ft.	\$5,363.36	\$ -	\$ 18,645.85	\$ -
Bars/Lounge	1,000 sq.ft.	\$1,825.34	\$ -	\$ 6,485.51	\$ -
Hotel/Motel (per room)	room	\$473.24	\$ -	\$ 2,330.73	\$ -
Theater	1,000 sq.ft.	\$676.05	\$ -	\$ 2,330.73	\$ -
Laundromat	washer	\$946.47	\$ -	\$ 3,242.76	\$ -
Car Wash (per washing stall)	stall	\$4,507.02	\$ -	\$ 10,133.61	\$ -
Office/Medical Office	1,000 sq.ft.	\$1,081.69	\$ -	\$ 3,698.77	\$ -
Service Commercial	1,000 sq.ft.	\$540.84	\$ -	\$ 1,874.72	\$ -
Manufacturing	1,000 sq.ft.	\$1,081.69	\$ -	\$ 3,546.76	\$ -
Manufacturing, dry goods only	1,000 sq.ft.	\$225.35	\$ -	\$ 456.01	\$ -
Warehouse/Distribution	1,000 sq.ft.	\$112.68	\$ -	\$ 456.01	\$ -
MiniStorage (per on-site dwelling)	dwelling unit	\$2,253.51	\$ -	\$ 5,066.81	\$ -
School/Day Care	1,000 sq.ft.	\$1,261.97	\$ -	\$ 2,482.73	\$ -
Church/Public Gathering Facility	1,000 sq.ft.	\$676.05	\$ -	\$ 2,330.73	\$ -
Hospital (per bed)	bed	\$946.47	\$ -	\$ 4,661.46	\$ -
Alternative Calculations					
Use - alternative water calculation	fixture unit	\$75.12	\$ -		
Use - alternative sewer calculation	fixture unit			\$ 241.28	\$ -
		Water Fee	\$ -	Sewer Fee	\$ -

LAND USE CATEGORY		CIRCULATION	
		2013 Fees Cost per Unit	Project Fee
Residential	Units		
Single-Family Residential	Dwelling Unit	\$4,344.96	\$ -
Multi-family Residential	Dwelling Unit	\$3,051.01	\$ -
Senior Residential/Assisted Living	Dwelling Unit	\$1,579.98	\$ -
Non-Residential			
General Retail	1,000 Sq.Ft.	\$11,236.55	\$ -
Hotel/Motel (per room)	Room	\$2,774.25	\$ -
Gasoline Service Station (per pump)	-Gas Pump-	\$17,302.71	\$ -
	Vehicle Fueling Position		\$ -
General Office	1,000 Sq.Ft.	\$5,329.76	\$ -
Medical/Dental Office	1,000 Sq.Ft.	\$11,713.65	\$ -
Industrial/Service Commercial	1,000 Sq.Ft.	\$2,230.16	\$ -
Warehouse/Distribution < 100,000 sq.ft.	1,000 Sq.Ft.	\$2,540.75	\$ -
Warehouse/Distribution > 100,000 sq.ft.	1,000 Sq.Ft.	\$645.43	\$ -
Mini-Storage	1,000 Sq.Ft.	\$686.41	\$ -
School	1,000 Sq.Ft.	\$3,147.46	\$ -
Church/Public Gathering Facility	1,000 Sq.Ft.	\$2,314.52	\$ -
		Circulation Fee	\$ -

LAND USE CATEGORY		STORM DRAINAGE	
		2013 Fees Cost per Unit	Project Fee
Residential	Units		
Single-Family Residential	unit	\$1,080.67	\$ -
Multi-Family (less than 15 units/acre)	unit	\$640.40	\$ -
Multi-Family (15 units/acre or more)	unit	\$426.93	\$ -
Non-Residential			
Commercial	acre	\$8,165.09	\$ -
Service Commercial	acre	\$8,645.39	\$ -
Industrial	acre	\$7,684.79	\$ -
Community Facilities	acre	\$1,921.20	\$ -
		Storm Drain Fee	\$ -

Vehicle Fueling Position

LAND USE CATEGORY	
Residential Project < 80 Units	Units
Single-Family Residential	unit
Multi-Family (less than 15 units/acre)	unit
Multi-Family (15 units/acre or more)	unit
Residential Project >= 80 units	
Single-Family Residential	unit
Multi-Family (less than 15 units/acre)	unit
Multi-Family (15 units/acre or more)	unit
Non-Residential	
Commercial	acre
Service Commercial	acre
Industrial	acre
Community Facilities	acre

PARK DEVELOPMENT	
2013 Fees Cost per Unit	Project Fee
\$2,029.57	\$ -
\$773.17	\$ -
\$451.02	\$ -
\$1,368.36	\$ -
\$521.28	\$ -
\$304.08	\$ -
N/A	N/A
Park Development Fee	\$ -

LAND USE CATEGORY	
Residential	Units
Single-Family Residential	unit
Multi-Family (less than 15 units/acre)	unit
Multi-Family (15 units/acre or more)	unit
Non-Residential	
Commercial	acre
Service Commercial	acre
Industrial	acre
Community Facilities	acre

POLICE FACILITIES	
2013 Fees Cost per Unit	Project Fee
\$421.39	\$ -
\$160.53	\$ -
\$93.64	\$ -
\$1,685.55	\$ -
\$1,685.55	\$ -
\$1,685.55	\$ -
\$1,685.55	\$ -
Police Facilities Fee	\$ -

LAND USE CATEGORY	
Residential Project < 80 Units	
	Units
Single-Family Residential	unit
Multi-Family (less than 15 units/acre)	unit
Multi-Family (15 units/acre or more)	unit
Residential Project >= 80 units	
Single-Family Residential	unit
Multi-Family (less than 15 units/acre)	unit
Multi-Family (15 units/acre or more)	unit
Non-Residential	
Commercial	acre
Service Commercial	acre
Industrial	acre
Community Facilities	acre

PARK ACQUISITION	
2013 Fees Cost per Unit	Project Fee
\$927.56	\$ -
\$353.36	\$ -
\$206.12	\$ -
\$371.02	\$ -
\$141.34	\$ -
\$82.45	\$ -
N/A	N/A
Pack Acq. Fee	\$ -

LAND USE CATEGORY	
Residential	
	Units
Single-Family Residential	unit
Multi-Family (less than 15 units/acre)	unit
Multi-Family (15 units/acre or more)	unit
Non-Residential	
Commercial	acre
Service Commercial	acre
Industrial	acre
Community Facilities	acre

FIRE FACILITIES	
2013 Fees Cost per Unit	Project Fee
\$668.57	\$ -
\$254.69	\$ -
\$148.57	\$ -
\$2,674.29	\$ -
\$2,674.29	\$ -
\$2,674.29	\$ -
\$2,674.29	\$ -
Fire Facilities	\$ -

LAND USE CATEGORY	
Residential Project < 80 Units	
	Units
Single-Family Residential	unit
Multi-Family (less than 15 units/acre)	unit
Multi-Family (15 units/acre or more)	unit
Residential Project >= 80 units	
Single-Family Residential	unit
Multi-Family (less than 15 units/acre)	unit
Multi-Family (15 units/acre or more)	unit
Non-Residential	
Commercial	acre
Service Commercial	acre
Industrial	acre
Community Facilities	acre

GENERAL GOVERNMENT FACILITIES	
2013 Fees Cost per Unit	Project Fee
\$955.51	\$ -
\$364.00	\$ -
\$212.33	\$ -
Residential Project < 80 Units	
\$955.51	\$ -
\$364.00	\$ -
\$212.33	\$ -
Residential Project >= 80 units	
\$3,822.03	\$ -
\$3,822.03	\$ -
\$3,822.03	\$ -
\$3,822.03	\$ -
Non-Residential	
Govt. Facilities Fee	\$ -