


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGEND ITEM

Meeting Date: May 18, 2021
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director
Subject: Approval of Second Reading, Waiving of Further Reading and Adoption of Ordinance Titled: Development Impact Fees
Recommendation : Adopt the Ordinance
Funding: Currently Budgeted: Yes No N/A
Net General Fund Cost: N/A
Amount: \$0

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

The item before the City Council tonight is to adopt Ordinance Number 1134.

BACKGROUND:

At its May 4th, 2021, the City Council received the staff report and presentation, held the public hearing and discussed an ordinance to adopt new development impact fees.

DISCUSSION:

The Council adopted the resolution adopting the Impact Fee Studies and held a first reading of the ordinance to add authorizing sections to the Municipal Code for Fire and General Government Impact Fees. Tonight’s item is to approve Second Reading, Waiving of Further Reading and Adoption of Ordinance.

The ordinance will go into effect 60 days after adoption.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, public comment from interested parties following the publication and distribution of this staff report will be provided to the City Council as supplemental materials before or at the meeting. In addition, a consent calendar item may be requested to be removed from the consent calendar if a member of the Council or public requests to provide public comment on this item.

FISCAL IMPACT:

Adopting the resolution to adopt the Development Update Fee Study will approve the proposed changes to the Development Impact Fees charged to development in the City. These changes will go into effect 60 days after adoption, per State law. These funds are utilized to support expansion of capacity for the various components of the City’s Infrastructure but cannot be used for maintenance of existing infrastructure. The resulting fees vary

from category to category as outlined in this report, but overall will be a net increase in Impact Fees charged for development.

RECOMMENDATION:

Adopt the Ordinance.

ATTACHMENT:

Ordinance No. 1134

*City of Sebastopol
Ordinance No. 1134*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
AMENDING TITLE 3 "REVENUE AND FINANCE" TO ADD CHAPTER 3.34 "FIRE IMPACT FEE " AND
CHAPTER 3.38 "GENERAL GOVERNMENT IMPACT FEE"

THE CITY COUNCIL OF THE CITY OF SEBASTOPOL does hereby ordain as follows:

SECTION 1. Title 3 "Revenue and Finance" of the City of Sebastopol Municipal Code (SMC) is hereby amended to add Chapter 3.34 "Fire Impact Fee" and Chapter 3.38 "General Government Impact Fee" as found in Exhibit A.

SECTION 2. Environmental Determination. The City Council finds that the adoption and implementation of this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15378(b)(4), 15273(a)(4) and Public Resources Code Section 21080(b)(8), in that the fee increase is for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas, and the fee increase will offset the increased costs of providing these services within the exiting City limits. The City Council further determines the fee is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that the activity in question will not have a significant effect on the environment.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. NOW, THEREFORE BE IT RESOLVED, the City Council does hereby introduce this ordinance as attached as Exhibit A.

SECTION 4. Effective Date. This ordinance shall take effect 60 days from the adoption of this ordinance.

APPROVED FOR WAIVING OF FIRST READING AND INTRODUCTION OF ORDINANCE at the Regular City Council Meeting of May 4, 2021.

APPROVED FOR SECOND READING AND ADOPTION OF ORDINANCE at the May 18, 2021 Regular City Council Meeting.

VOTE:

- Ayes:
- Noes:
- Absent:
- Abstain:

APPROVED: _____

Mayor Una Glass

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney

EXHIBIT A**3.34 Fire Impact Fee****3.34.010 Purpose**

In order to implement the goals and objectives of the Sebastopol General Plan, and to mitigate the impacts caused by future development in the City, certain public facilities must be constructed. The City Council has determined that a fire impact fee is needed in order to finance to fund fire facilities that are required to mitigate the impacts of new development on the City's infrastructure in order to meet required response times. In establishing the fire impact fee described in the following sections, the City Council has found the fee to be consistent with its General Plan, and pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the City's housing needs as established in the housing element of the General Plan.

3.34.020 Fire Impact Fee Established

A. A fire impact fee ("fire impact fee") is established pursuant to Government Code Section 66000 et seq. ("Mitigation Fee Act") to pay for public fire facilities.

B. Pursuant to Government Code Section 66001, the City Council shall, in a Council resolution adopted after a duly noticed public hearing, set forth the amount of the fire impact fee, describe the benefit and impact area on which the fire impact fee is imposed, list the public facilities to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between the use of the fire impact fee and the need for the public facilities and the types of future development projects on which the fire impact fee is imposed, and set forth time for payment.

C. As described in the fee resolution, this development fee is due prior to issuance of a building permit, but may be deferred at the election of the developer until the certificate of occupancy is issued.

3.34.030 Use of Fee Revenues

The Fire Facilities Fee will be used to fund new fire facilities that are necessary to maintain the existing level of service the City provides. As new development occurs, the City will be required to expand fire facilities in order to meet the required response times. The City will, through their Capital Improvement plan (CIP) process, allocate the funds to eligible expansion projects as they are identified.

3.34.040 Public Hearing and Notice

The ordinance codified in this chapter was adopted at a noticed public hearing, at which time the Council also considered the initial development impact fee resolution, which resolution and associated studies were available to the general public for a period of at least 14 days prior to the public hearing. This fee shall apply to the issuance of any building permit, for all development projects issued 60 days following the passage of the ordinance codified in this chapter. The

ordinance codified in this chapter shall be published once within 15 days of its adoption in a newspaper of general circulation within the City of Sebastopol.

3.38 General Government Facilities Impact Fee

3.38.010 Purpose

In order to implement the goals and objectives of the Sebastopol General Plan, and to mitigate the impacts caused by future development in the City, certain public facilities must be constructed. The City Council has determined that a general government facilities impact fee is needed in order to finance to fund expansion of government facilities that are required to mitigate the impacts of new development on the City's infrastructure. In establishing the general government facilities impact fee described in the following sections, the City Council has found the fee to be consistent with its General Plan, and pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the City's housing needs as established in the housing element of the General Plan.

3.38.020 General Government Facilities Impact Fee Established

A. A general government facilities impact fee ("fire impact fee") is established pursuant to Government Code Section 66000 et seq. ("Mitigation Fee Act") to pay for expansions to general government facilities.

B. Pursuant to Government Code Section 66001, the City Council shall, in a Council resolution adopted after a duly noticed public hearing, set forth the amount of the impact fee, describe the benefit and impact area on which the impact fee is imposed, list the public facilities to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between the use of the fire impact fee and the need for the public facilities and the types of future development projects on which the impact fee is imposed, and set forth time for payment.

C. As described in the fee resolution, this development fee is due prior to issuance of a building permit, but may be deferred at the election of the developer until the certificate of occupancy is issued.

3.38.030 Use of Fee Revenues

The General Government Facilities Fee will be used to fund government facilities to maintain the existing level of service the City provides. As new development occurs, the City will be required to expand general facilities to maintain the existing standard. The City will, through their Capital Improvement Plan (CIP) CIP process, allocate the funds to eligible expansion projects as they are identified.

3.38.040 Public Hearing and Notice

The ordinance codified in this chapter was adopted at a noticed public hearing, at which time the Council also considered the initial development impact fee resolution, which resolution and associated studies were available to the general public for a period of at least 14 days prior to

the public hearing. This fee shall apply to the issuance of any building permit, for all development projects issued 60 days following the passage of the ordinance codified in this chapter. The ordinance codified in this chapter shall be published once within 15 days of its adoption in a newspaper of general circulation within the City of Sebastopol.