

ORDINANCE NO. 92-075

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF DEC 15 1992

AN ORDINANCE RELATING TO THE PROHIBITION OF CERTAIN USES OF PROPERTY WITHIN THE ELK GROVE UNIFIED SCHOOL DISTRICT WITHOUT THE PAYMENT OF FEES, AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT ON DECEMBER 31, 1992

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The City Council hereby finds as follows:

- (a) That the funding mechanisms currently available to the Elk Grove Unified School District ("District") are insufficient to finance those interim and permanent school facilities that will be needed to serve the level of development authorized or anticipated within the boundaries of the District; and
- (b) That existing land use designations, coupled with the lack of such adequate funding mechanisms, constitutes a school funding crisis in that the District will be unable to provide minimally adequate educational service to students generated by such development; and
- (c) That after extensive review of this school funding crisis with the District property owners and residents within that portion of the incorporated area serviced by the District and affected developers, this ordinance is for the benefit of all such parties; and
- (d) That the lack of means to finance adequate interim and permanent school facilities, coupled with existing land use designations within the District, creates a current and immediate threat to public welfare, health and safety, and the approval of additional subdivisions, use permits, development plans, rezones, and other similar entitlements necessary for residential development within the District will create a threat to the public welfare, health and safety; and

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- (e) That on January 8, 1991, the Council adopted Ordinance No. 91-001 which, in Sections 2 and 3, established fees for the District on residential construction. On September 24, 1991, the Council adopted Ordinance No. 91-068, which extended Sections 2 and 3 of Ordinance No. 91-001 to August 21, 1992. On July 21, 1992, by Ordinance No. 92-034, the Council again extended such sections to August 21, 1993. The Council now determines that it is in the interest of the public welfare, health and safety to make fee provisions of the above-stated ordinances permanent unless and until amended or repealed.

SECTION 2.

On or after the effective date of this ordinance, all land use designations within the District which permit residential development shall be conditional designations and are hereby conditioned in the manner substantially as set forth in Exhibit "A", which is attached hereto and by this reference herein incorporated. No applications for tentative subdivision maps or tentative parcel maps, use permits, development plan review, rezones, or similar entitlements requested for the ultimate purpose of residential development shall be approved for property within the boundaries of the District which are inconsistent with said conditional land use designations.

SECTION 3.

- (a) No building permits shall be issued for any residential development project within the District unless such development is consistent with the conditional land use designations established by Section 2 of this ordinance.
- (b) The Council hereby finds that issuance of building permits for residential development projects which were approved prior to the effective date of this ordinance would imperil the public welfare, health, and safety of the residents of the district. The Council has heard, read, and considered evidence relating to the overcrowding of children within existing school facilities which creates immediate health and safety problems, both physically and from the standpoint of educational impairment, the latter of which may lead to a spiraling deleterious effect upon the present and future residents of the Districts, as well as present and future residents of the other areas of the City.

Further, the Council finds that issuance of building permits for residential developments which are inconsistent with the land use designations established by Section 2 hereof would not be in compliance with zoning established by that section.

- (c) This section is severable from the remaining provisions of this ordinance, and if it is determined to be invalid, such determination shall not invalidate the remaining provisions.

SECTION 4. Emergency; Operative Date.

This ordinance is hereby adopted as an emergency measure to take effect on December 31, 1992 and to become operative on August 21, 1993, the expiration date of Ordinance No. 92-034. The reason for the emergency is that Senate Bill 1287 of 1992 purports to prohibit all cities, including the City of Sacramento, from enacting school fee ordinances like Ordinance No. 92-034, which provide for school fees for the District. However, Senate Bill 1287 does not take effect until January 1, 1993, and thus, until that date, does not prohibit the City from adopting as a permanent measure the school fees provided for by Ordinance No. 92-034. Therefore, in order to continue to provide for school fees necessary for the District, this ordinance must take effect on December 31, 1992.

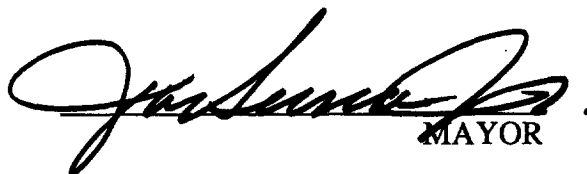
SECTION 5.

The Council hereby states its intent to amend this ordinance to lower the \$1.11 fee established hereby by an amount equal to any fee adopted by the District pursuant to SB 1287 of 1992. The Council's intent is that the total amount of fees for the District shall not exceed \$2.76.

DATE PASSED FOR PUBLICATION: 12/21/92

DATE ENACTED: DEC 15 1992

DATE EFFECTIVE: 12/31/92


MAYOR

ATTEST:



CITY CLERK

EXHIBIT A

No building permit shall be issued until the developer/owner contributes an amount equivalent to \$1.11 per square foot of residential building area to the Elk Grove Unified School District for the construction of school facilities, unless reduced or waived by the school district. This amount shall be in addition to any developer fees required pursuant to Government Code Section 65995 and the school district's Mello-Roos tax (Elk Grove Unified School District CFD #1 [Measure A]). Such additional contribution shall be calculated using the same square footage methodology as that provided pursuant to Government Code Section 65995. This additional contribution shall be adjusted for inflation each January 1 based upon the change in the Engineering News Record Building Cost Index (average of 20 cities and San Francisco) for the prior year, beginning July 1, 1990. The \$1.11 contribution may be reduced upon the mutual consent of the Elk Grove Unified School District and the developer/owner, to account for land reserved for or conveyed to the school district by the developer/owner and the school district. If the City Council approved any subsequent district-wide plan to finance new school facilities within the Elk Grove Unified School District, no building permits shall be issued unless consistent with that financing plan, which may include the payment of an amount different than the \$1.11 per square foot of residential development incorporated herein.

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