

ORDINANCE NO. 86-096

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

OCT. 21 1986

AN EMERGENCY ORDINANCE ESTABLISHING THE IMPOSITION
OF INTERIM DEVELOPMENT FEES TO FINANCE THE COST OF
CERTAIN SCHOOL FACILITIES SERVING THE ELK GROVE
UNIFIED SCHOOL DISTRICT (M86-066)

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

SECTION 1. The City Council finds and declares that the purpose of this ordinance is as follows:

(a) The Sacramento City General Plan states that necessary public facilities and services should be provided for urban development; and

(b) The South Sacramento Community Plan states that assistance should be provided to school districts in planning for future growth by the processing of development impaction fees and by encouraging legislation to provide schools with the financing needed to alleviate overcrowded classrooms.

(c) Building permit issuance is the closest point in the permit process to the actual generation of students needing schools. It is also the most accurate point to determine whether projected growth will actually occur, thereby necessitating new schools to serve new growth. Thus, it is reasonable to require fees for schools to be paid prior to issuance of a building permit.

(d) The purpose of this ordinance is to implement the General Plan policies set forth in subdivisions (a) and (b) of this section and to use the authority in Article XI, Sections 5 and 7 of the

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California Constitution by imposing fees to fund the cost of school facilities, the need for which is directly or indirectly generated by the type and level of development allowed when building permits for those projects are approved. Because all schools in the district are or will be overcrowded by Fall of 1986, any new growth and development will produce students that cannot be adequately accommodated by existing schools. The district's master plan is designed to fund schools to serve this new growth. Construction of any new school in the district helps to meet the demand for new schools resulting from this new growth, because individual school attendance boundaries then will be adjusted to approximately equalize each school's student population. The construction of one high school, one junior high school and approximately eight elementary schools proposed in the Master Plan to meet anticipated needs in the District from 1985 to 1995 will result in spreading the student population among these schools so that state standards are adhered to and classroom size, teacher ratios and other standards are relatively equal and comparable for all schools. Thus, relief from the demands for schools created by new growth results from spending a fee for school construction throughout the district, not necessarily in the neighborhood of the particular new development that generated the fee.

(e) It is the further purpose of this ordinance to implement subdivision (d) to require payment of fees prior to issuance of building permits in order to ensure that all new growth subject to this ordinance pay its equitable share of the cost of public schools, the need for which is generated by that growth, at the point in the permit process closest to the actual construction that causes the need for

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schools, and at the point where it is easiest to most accurately determine what amount of growth will occur.

SECTION 2. DEFINITIONS.

(a) "Council" means the City Council of the City of Sacramento.

(b) "Building permit" means the permit issued or required by the City for the new construction of one or more residential dwelling units, construction of a permanent installation of a mobilehome park, or construction of improvements for a mobile home park, pursuant to and as defined by the Sacramento City Building Code.

(c) "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility including, without limitation, the costs of land, construction, engineering, design, and consulting fees.

(d) "City" means the City of Sacramento.

(e) "Department" means the Sacramento City Division of Building Inspections.

(f) "Elk Grove District" or "District" means the Elk Grove Unified School District.

(g) "Estimated cost" means the cost of constructing a facility as set forth in the Master Plan.

(h) "Facilities" means those school facilities designated in the Master Plan.

(i) "Interim fee" means the fee established by this ordinance which is imposed and levied on a specific development as of the effective date of this ordinance, to be collected prior to the approval of applicable building permits, improvement plans or mobilehome permits within the City of Sacramento.

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(j) "Master Plan" means the "Facilities Master Plan (1985-2010)", its technical addenda, summaries and updates as prepared by the district and submitted to the City.

(k) "Program fee" means the amount, as approved by the Council for funding using the interim fee, of the estimated cost of school facilities allocated to each specified type of new dwelling unit.

SECTION 3. ESTABLISHMENT OF THE IMPOSITION OF INTERIM FEES.

There is hereby established a separate interim fee, which is imposed and levied on a specific development as of the effective date of this ordinance, for school facilities. No building permit for construction of one or more new residential dwelling units (including site improvements for a mobilehome park) shall be approved by the Department for property within the Elk Grove District and within the City of Sacramento unless the interim fees for that property are paid as required by this ordinance.

SECTION 4. APPLICABILITY OF INTERIM FEE. The interim fees shall be required uniformly in all land use zones throughout the Elk Grove District. The following building permits shall be exempt from this ordinance:

(a) Permits to reconstruct, remodel or add to an existing dwelling unit where no new dwelling unit is created;

(b) Permits to rebuild a dwelling unit destroyed within the previous 12 months.

(c) Permits where the final map or parcel map creating the parcel for which the permit is issued was recorded less than five (5) years prior to the effective date of this ordinance, and the conditions on zoning, subdivision map or other entitlements for that parcel do not

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require the landowner or applicant to enter into an agreement with the applicable school district regarding provision of school, pay fees for permanent schools, comply with a financing plan to fund schools, or otherwise provide for schools.

(d) Permits for which application was made prior to the effective date of this ordinance.

SECTION 5. PAYMENT OF INTERIM FEES. The interim fees imposed pursuant to this ordinance shall be paid by the property owner to the District, in an amount calculated pursuant to Section 7 and prior to the approval by the Department of any building permit subject to this ordinance. Upon payment of fees, the District shall immediately transmit a written notice to the Department that the fees have been paid.

SECTION 6. COMPLIANCE WITH MASTER PLAN. The fees shall be used to fund the costs of school facilities. To the extent sufficient fees are available, all school facilities should be constructed in accordance with the priorities established in the Master Plan.

SECTION 7. CALCULATION OF INTERIM FEES. The interim fees set forth in Section 3 and Section 4 shall be calculated pursuant to the following formula:

$$(D_S \times P_S) + (D_H \times P_H) + (D_M \times P_M) = F$$

where,

D = number of additional dwelling units by residential type;

P = program fee per additional dwelling unit by residential type;

S = single-family dwelling or mobilehome;

H = halfplex/duplex;

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M = multi-family dwelling or mobilehome park dwelling, and

F = the interim fee for schools.

SECTION 8. ESTABLISHMENT OF PROGRAM FEE FOR TYPES OF NEW RESIDENTIAL CONSTRUCTION.

(a) The program fee for property within the Elk Grove District area is based on the Master Plan.

(b) The program fee utilized to calculate the school facility interim fee shall be as follows:

<u>Type of New Residential Construction</u>	<u>\$/Additional Dwelling Unit</u>
1. Single-family dwelling or mobilehome	\$993.00
2. Halfplex/Duplex	\$433.00
3. Multi-family dwelling or mobilehome park dwelling	\$582.00

SECTION 9. DURATION OF FEE COLLECTION. If and when the Council finds that the voters of the District have approved a special tax or equivalent measure for funding of permanent schools, or 60 days after the date of election when such voters reject such measure, or on June 30, 1987, whichever occurs first, the interim fees shall cease to be required and collected.

SECTION 10. ALTERNATIVE METHOD AND COMPLIANCE WITH OTHER LAWS. This ordinance is intended to establish a supplemental method for funding the cost of certain facilities and services, the need for which will be directly or indirectly generated by the level and type of development proposed in the Elk Grove District. This ordinance shall not be construed to limit the power of the Council to impose any

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other fees or exactions, or to continue to impose existing ones, on development within the Elk Grove District, but shall be in addition to any other requirements which the Council is authorized to impose, or has previously imposed, as a general requirement or as a condition of approving plans, rezonings or other entitlements within the Elk Grove District areas pursuant to state and local laws. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and other exactions required pursuant to, but not limited to: (a) the Sacramento City Department of Public Works Improvement standards; (b) the Quimby Act (Government Code Section 66477) and implementing ordinances (Chapter 40, Article 13 of the City Code); (c) school impact fees (Government Code Sections 65970 et seq.) and the implementing ordinance (Chapter 67 of the Sacramento City Code).

SECTION 11. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or its application, and to this end the provisions of this ordinance are severable.

SECTION 12. This is an emergency ordinance which shall take effect on the expiration of Ordinance 86-087 (October 24, 1986). The facts constituting the urgency are as follows:

(a) State law, including the California Constitution, authorizes the City to require payment of fees by an ordinance of general applicability or as a condition of zoning, development, or construction, with such fees being reasonably related, directly or indirectly, to the public needs emanating from the proposed development. The City

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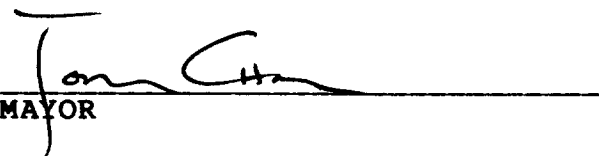
has adopted general plan policies outlined in Section 1 relating to the provision of school facilities in areas of new development.

(b) The Council hereby finds that imposition of the fees in this ordinance as an interim urgency measure is necessary to reduce the threat to the public welfare that would result if new development were approved without adequate school facilities. School overcrowding is sufficiently severe that the added increment of residential units that could be authorized to be constructed in the otherwise required 30-day waiting period, which is at the height of the summer construction season in a high growth year, would saturate already overcrowded classrooms. This ordinance should go into effect immediately so that those building permit applications in the Elk Grove District can be processed quickly using the latest standards and so that a mechanism is in place to fund an equitable share of needed school facilities while a permanent school financing method is approved and made operational. It is urgent that applications to develop be processed expeditiously and not be delayed because of the waiting period otherwise required before an ordinance can go into effect.

DATE ENACTED: 10/21/86

DATE EFFECTIVE: 10/21/86

VICE MAYOR



ATTEST:

Deputy CITY CLERK

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