

RESOLUTION NO. 2014-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, SETTING DEVELOPMENT IMPACT FEES AND NONRESIDENTIAL HOUSING LINKAGE FEES

1 **WHEREAS**, on November 18, 2014, the City Council held a public hearing and
2 introduced Ordinance Nos. ___ and ___ to provide for the imposition of specified
3 development impact fees and nonresidential housing linkage fees; and

4 **WHEREAS**, both ordinances require the fees amounts to be established by City
5 Council resolution; and

6 **WHEREAS**, the Development Impact Fees provided for herein are based on the
7 Development Impact Fee Study dated September 26, 2014, prepared by Economic &
8 Planning Systems, Inc. and W-Trans, Inc., consistent with the most recent relevant case
9 law and the principles of AB 1600 (the Mitigation Fee Act), codified at Government
10 Code Section 66000 et seq; and

11 **WHEREAS**, the Nonresidential Development Housing Linkage Fees are based
12 on the Nonresidential Development Housing Linkage Fee Nexus Study (“Study”) dated
13 September 10, 2014, prepared by Economic & Planning Systems, Inc., consistent with
14 the most recent relevant case law and the principles of the Mitigation Fee Act; and

15 **WHEREAS**, these fee studies established the maximum fees that could be
16 charged under relevant City policies and California statutes; however, it is critical that
17 the updated fees impose a proportionate burden on new development and be
18 reasonably consistent with those of comparable cities in order to not discourage growth
19 within the community; and

20 **WHEREAS**, Economic & Planning Systems, Inc. prepared recommendations for
21 a schedule of Development Impact Fees and Nonresidential Development Housing
22 Linkage Fees, dated July 7, 2014, that would be set at or below the maximum levels to
23 avoid overburdening new development (causing financial feasibility issues) and/or
24 remain competitive or on a par with peer and neighboring jurisdictions; and

25 **WHEREAS**, at least ten (10) days prior to the date this resolution is being heard,
26 data was made available to the public indicating the amount of cost, or estimated cost,
27 required to provide the service for which the fee or service charge is levied and the
28 revenue sources anticipated to provide the service, including general fund revenues, in
29 accordance with Government Code Section 66019; and

30 **WHEREAS**, at least fourteen (14) days prior to the date this resolution is being
31 heard, notice was provided to any persons or organizations who had requested notice,
32 in accordance with Government Code Section 66019; and

33 **WHEREAS**, notice of the hearing on the proposed fee was published twice in the
34 manner set forth in Government Code Section 6062(a) as required by Government
35 Code Section 66018; and

36 **WHEREAS**, a duly and properly noticed public hearing was conducted by the
37 City Council on November 18, 2014;

38 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of
39 Calistoga as follows:

40 **SECTION ONE**

41 Findings.

42 A. The above recitals are incorporated herein as if set forth herein in full and each is
43 relied upon independently by the City Council for its adoption of this resolution.

44 B. The Council finds and determines these fee schedules are consistent with state
45 law (California Government Code Section 66000 et seq.). Specifically, the Development
46 Impact Fee Study and Nonresidential Development Housing Linkage Fee Nexus Study
47 establish that there is a reasonable relationship between the need for the public
48 facilities, and the fee's use, and the type of development project on which the fee is
49 imposed. The Council finds that the proposed fee schedules bear a reasonable
50 relationship between the amount of the fee for each development project and the cost of
51 the public facility, or portion of the public facility, attributable to the development on
52 which the fee is imposed.

53 **SECTION TWO**

54 Adjustments.

55 A. The City Council may review and amend the Development Impact Fees and
56 Nonresidential Development Housing Linkage Fees from time to time.

57 B. For any annual period during which the City Council does not review these fees,
58 such fees shall be automatically adjusted annually commencing July 1, 2015, and every
59 July 1st thereafter due to the increases in costs of construction, developing, designing
60 and purchasing the capital facilities and equipment to be financed by the development
61 impact fees. The fee adjustments shall be based on the increase, if any, in the
62 Engineering News Record U.S. 20 Cities average construction cost index for the June
63 preceding the increase and the June one year prior thereto.

64 **SECTION THREE**

65 Adoption of Fees. The City Council hereby adopts the Development Impact Fees
66 and Nonresidential Development Housing Linkage Fees, which are shown in Exhibit A
67 attached hereto and incorporated by this reference, which shall become effective upon
68 the effective date of Ordinance Nos. ____ and ____.

69 **PASSED AND ADOPTED** by the City Council at a duly noticed regular meeting
70 held the ____ day of _____, 2014, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, Deputy City Clerk

Exhibit A

Schedule of Development Impact Fees and Nonresidential Development Housing Linkage Fees¹

Fee	Residential Development		Non-Residential Development				
	Single Family <i>per unit</i>	Multi-Family <i>per unit</i>	Tourist Accommodation <i>per guest room</i>	Office <i>per sq. ft.</i>	Industrial <i>per sq. ft.</i>	Retail <i>per sq. ft.</i>	Restaurant <i>per sq. ft.</i>
Transportation	\$9,461	\$5,866	\$2,271	\$4.07	\$2.25	\$5.01	\$9.15
Fire	\$2,171	\$1,850	\$993	\$0.74	\$0.41	\$0.91	\$0.95
Police	\$577	\$492	\$264	\$0.20	\$0.11	\$0.24	\$0.25
Cultural/Recreational	\$5,949	\$5,068	\$765	\$0.81	\$0.45	\$1.00	\$1.04
City Administrative	\$2,577	\$2,195	\$1,179	\$0.88	\$0.49	\$1.08	\$1.12
Nonresidential Housing Linkage	n/a	n/a	\$1,500	\$2.25	\$1.65	\$3.25	\$3.25

¹ Includes 2% administrative charge