

RESOLUTION NO. 8290

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA APPROVING DEVELOPMENT IMPACT FEES TO FINANCE PUBLIC IMPROVEMENTS AND FACILITIES

WHEREAS, the continuing growth of the City of Whittier ("City), combined with the expectation of high quality services by persons who live and work in the City, and recent reductions by the State of California in property tax allocations to local governments have been catalysts for the review of the City's existing and future public facilities made necessary by new development;

WHEREAS, pursuant to Government Code Section 66000 et seq., the City is empowered to impose fees and other exactions to provide necessary public facilities required to mitigate the negative effects of new development in the City;

WHEREAS, the proposed fees are based upon the information contained in a document and addendum prepared by City staff and Revenue & Cost Specialists ("RCS") entitled "City of Whittier Library Facilities and Collection and Park-Related Facilities Master Facilities Plan and Development Impact Fee Calculation and Nexus Report" dated April 6, 2009 ("the Development Impact Fee Report");

WHEREAS, detailed descriptions of each of the facilities, their approximate location, size, approximate time of availability and their estimated costs are set forth in the Development Impact Fee Report;

WHEREAS, a copy of the Development Impact Fee Report is on file in the City Clerk-Treasurer's office and has been made available for public review in accordance with state law, as more fully described below; and

WHEREAS, the Development Impact Fee Report complies with California Government Code Section 66001 by establishing the basis for the imposition of fees in new development. In particular, the Development Impact Fee Report:

1. Identifies the purpose of the proposed fees;
2. Identifies the use to which the fees will be put;
3. Demonstrates a reasonable relationship between the fees' use and the types of projects on which the fees are imposed;
4. Demonstrates a reasonable relationship between the need for the public facilities and the types of developments on which the fees are imposed; and

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- 5. Demonstrates a reasonable relationship between the amount of the fees and the cost of the public facilities or portions of the facilities attributable to the developments on which the fees are imposed; and

WHEREAS, the Development Impact Fee Report justifies the imposition of each development fee on new construction by analyzing the Master Facilities Plan as defined herein, assigning the costs on a fair-share basis to the various types of residential development, and assigning the resulting fee per dwelling unit, based on the anticipated burden of such new dwelling on City facilities and infrastructure and the need created by such dwelling unit for new and expanded facilities and infrastructure; and

WHEREAS, the fees collected pursuant to this resolution shall be used to finance the public facilities described or identified in the Development Impact Fee Report; and

WHEREAS, after considering the specific projects to be funded by the development impact fees and the cost estimates contained in the Development Impact Fee Report, the City Council approves such projects and costs estimates and finds them reasonable as the basis for calculating and imposing the development impact fees; and

WHEREAS, the projects and fee methodologies identified in the Development Impact Fee Report are consistent with the City's General Plan.

NOW, THEREFORE, the City Council of the City of Whittier, California, does hereby resolve as follows:

Section 1. The City Council of the City of Whittier hereby determines as follows:

A. Each owner of a lot or parcel of property within the Affected Territory, as described in Chapter 3.48 of the Whittier Municipal Code, shall pay to the City prior to the issuance of a building permit for the construction of any residential development project as defined therein, the following fees:

- 1. The Library and Collection fee described in the attached Exhibit A to this Resolution subject to the provisions of Chapter 3.48 of the Whittier Municipal Code and the terms contained in the Exhibit A.
- 2. The Public Use Facilities fee described in the attached Exhibit A to this Resolution subject to the provisions of Chapter 3.48 of the Whittier Municipal Code and the terms contained in the Exhibit A.

- 3. The Aquatics Center Facilities fee described in the attached Exhibit A to this Resolution subject to the provisions of Chapter 3.48 of the Whittier Municipal Code and the terms contained in the Exhibit A.
- 4. The Park Land Acquisition and Facilities Development fee described in the attached Exhibit A to this Resolution subject to the provisions of Chapter 3.48 of the Whittier Municipal Code and the terms contained in the Exhibit A.

B. The fees authorized by this section shall be cumulative such that each owner of a lot or property shall be charged each applicable fee, subject to any credits, deferrals, waivers and/or reductions authorized and set forth in Chapter 3.48 of the Whittier Municipal Code. Moreover, the amount of each of these fees shall not exceed the fair share of the estimated cost of constructing and/or acquiring the corresponding facilities described in the Development Impact Fee Report. The amount of each fee shall be reviewed and revised from time to time, but not more than once annually, and shall be set by resolution of the City Council following due notice and hearing.

Section 2. Be it further resolved that any other resolutions in parts of any other resolution in conflict herewith are hereby repealed.

Section 3. Should any section, subsection, clause or provision of this Resolution for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Resolution, it being hereby expressly declared that this Resolution, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this Resolution be declared invalid or unconstitutional.

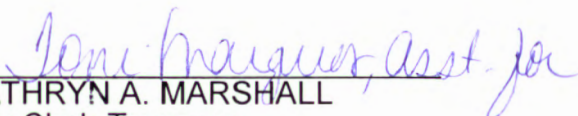
Section 4. The City Clerk-Treasurer shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 11th day of May, 2010.



J.GREG NORDBAK, Mayor

ATTEST:



KATHRYN A. MARSHALL
City Clerk-Treasurer

EXHIBIT A

TO RESOLUTION NO. 8290

City of Whittier Development Impact Fee Schedule

Library Space and Collection Impact Fees by Land Use

<u>Proposed Land Use</u>	<u>Impact Fee Per Unit</u>
Detached Dwelling Unit	\$1,017
Attached Dwelling Unit	\$848
Mobile Home Dwelling Unit	\$553
Assisted Care Living Units	\$288

Public Use Facilities Impact Fees by Land Use

<u>Residential Land Use</u>	<u>Impact Fee Per Unit</u>
Detached Dwelling Unit	\$963
Attached Dwelling Unit	\$803
Mobile Home Dwelling Unit	\$524
Assisted Care Living Unit	\$516

Aquatics Facilities Impact Fees by Land Use

<u>Residential Land Use</u>	<u>Impact Fee Per Unit</u>
Detached Dwelling Unit	\$46
Attached Dwelling Unit	\$38
Mobile Home Dwelling Unit	\$25
Assisted Care Living Unit	\$25

Park Land Acquisition and Facilities Development Fees by Land Use

<u>Proposed Land Use</u>	<u>Impact Fee Per Unit</u>
Detached Dwelling Unit	\$5,667
Attached Dwelling Unit	\$4,728
Mobile Home Dwelling Unit	\$3,082
Assisted Care Living Unit	\$3,038

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CITY OF WHITTIER)
) SS
STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing resolution was duly introduced and adopted at a regular meeting of the City Council of said City held on the 11th day of May, 2010, by the following roll call vote:

AYES: J.A. Vinatieri O. Newcomer R.L. Henderson

C. Warner J.G. Nordbak

NOES: None

ABSENT: None

WITNESS my hand and the official seal of the City of Whittier, California, this

25th day of May 2010.

Kathryn A. Marshall, Asst for
KATHRYN A. MARSHALL
City Clerk-Treasurer