

RESOLUTION NO. #477
A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF AMADOR CITY ADOPTING
A PARK AND RECREATION IMPACT FEE

WHEREAS, it is the policy of the Amador City City Council and in the public interest, that development in the City of Amador City shall pay its own way in an equitable and fair proportion to capacities consumed and need generated thereby; and

WHEREAS, the Amador City City Council of Amador County has worked with the Amador County Recreation Agency in establishing a program that conforms to the countywide recreational goals that has been adopted by the Amador County Recreation Agency and that more specifically defines park facility impact mitigation fees for new development projects including building permits; and

WHEREAS, the results of this multi-agency effort have been presented with the State required nexus plan, and its attachments for public review prior to and during a public hearing held before the Amador City City Council of Amador County on July 19, 2007; and

WHEREAS, the Amador City City Council has been informed and advised, and hereby finds that new residential development projects cause the need for construction, acquisition, expansion and/or improvement of park and recreation facilities within the incorporated areas of the City of Amador City, and

WHEREAS, Amador City City Council has been further informed and advised, and hereby finds, that the present recreation dedication and fees established by previous Resolution No. 1198 will be inadequate to construct, acquire, expand and/or improve the park and recreation facilities that are needed to meet the park and recreation demands of its residents; and

WHEREAS, adequate funds for construction, acquisition, expansion and/or improvement of park and recreation facilities are not available to accommodate the needs caused by new residential development projects which will result in inadequate park and recreation facilities within the incorporated areas of the City of Amador City; and

WHEREAS, demonstrated by the facts and conclusions recited in this resolution, the Amador City City Council now proposes to adopt fees as specified in the Resolution consistent with the Amador County Park Development Fees Nexus Plan, 2006-2025, for the purpose of obtaining funds for capital projects necessary to provide recreation services within the County's existing service area within the meaning of Public Resources Code Section 21080(b)(8); and

WHEREAS, the Amador City City Council has reviewed the Nexus Plan prepared as required pursuant to Chapters 5, 6, 7, 8, and 9 commencing with Section 66000 of the Government Code collectively entitled the "Mitigation Fee Act" and hereby finds that future development within the City will substantially adversely impact the park and recreation facilities and that unless such development contributes to the cost of improving the park and recreation facilities, said system will be unable to sufficiently meet the needs of local residents; and

WHEREAS, the Amador City City Council further finds and determines that failure to mitigate impacts on the park and recreation system will adversely effect the public health, safety, and welfare; and

WHEREAS, the Amador City City Council further finds and determines that there is a reasonable and rational relationship between the use of the park impact mitigation fee and the type of development projects on which the fees are imposed because the fees will be used to construct the park and recreation facility improvements that are necessary for the safety, health and welfare of the residential and non-residential users of the development projects on which this park and recreation impact fee will be levied; and

WHEREAS, the Amador City City Council further finds and determines that the cost estimates set forth pursuant to the Nexus Plan are reasonable cost estimates for constructing the park facility improvements, and that the amount of the park impact mitigation fees expected to be generated by new development will not exceed the total fair share cost to such development; and

WHEREAS, the impact fees shall be used to help pay for the construction, acquisition, expansion and/or improvement of park and recreation facilities identified in the Nexus Plan, and the need for the construction, acquisition, expansion and/or improvement is caused by new development because such development results in additional demand for recreational opportunities thus creating the demand for the improvements; and

WHEREAS, the Amador City City Council finds that the Nexus Plan proposes a fair and equitable method for distributing a portion of the unfunded costs of improvements to the park system; and

WHEREAS, the Amador City City Council hereby adopts the Nexus Plan which study is attached hereto as Attachment A, and incorporates it herein as though set forth in full.

NOW THEREFORE, BE IT RESOLVED by the Amador City City Council of the County of Amador, State of California, that a \$4,300.00 park and recreation impact fee shall be charged per dwelling unit as a condition of the issuance of a building permit for the construction or installation of new residential units (i.e. single family homes, condominiums, townhomes, duplexes, apartments, second units, mobile homes and other types of residential units).

BE IT FURTHER RESOLVED that the fee imposed by this resolution shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 2007, by a percentage equal to the appropriate engineering cost index as published by Engineering News Record, or its successor publication, for the preceding twelve months.

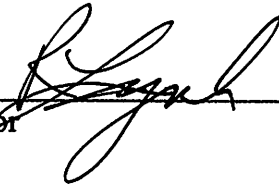
BE IT FURTHER RESOLVED that the Amador City City Council finds that the adoption of this Resolution is exempt from the California Environmental Quality Act pursuant to Title 14 California Code of Regulations, Sections 15061 and 15273(a)(4).

The foregoing resolution was duly passed and adopted by the Amador City City Council of the County of Amador at a regular meeting thereof, held on the 19th day of July, 2007, by the following vote:

AYES: Knox, Brusatori, Jurisich

NOES: Lindsay

ABSTAIN: Lynch



, Mayor

ATTEST:



City Clerk