

Attachment A

RESOLUTION 23-46

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS REVISING THE MASTER DEVELOPMENT FEE SCHEDULE AND PROVIDING A DESCRIPTION OF FEES TO BE REQUESTED FOR COUNTY ADOPTION

WHEREAS, the State of California has enacted Section 66000 et seq. of the Government Code (“Mitigation Fee Act”) which allows the City to collect development impact fees; and

WHEREAS, the City has duly adopted various development impact fees in accordance with applicable provisions of the Mitigation Fee Act, and such fees are described in applicable provisions of the Clovis Municipal Code; and

WHEREAS, Chapter 3.10 of the Clovis Municipal Code, adopted in accordance with the Mitigation Fee Act, requires the City’s Development Impact Fees to be annually reviewed and adjusted by one of the following methods: (1) automatically adjusted each fiscal, effective July 1, by the percentage equal (increase or decrease) to the Engineering News-Record Index for the California Cities for the twelve (12) month period ending the prior December, or (2) adjusted to reflect actual construction/acquisition costs; and

WHEREAS, Clovis Municipal Code section 3.10.02 provides that any annual increase to Development Impact Fees by one of the authorized methods is not deemed an increase to the fees subject to the Mitigation Fee Act, and any adjusted fees shall be subject to City Council review and approval by resolution and shall be included in the City’s Master Development Fee Schedule; and

WHEREAS, the State of California recently enacted Section 66016.5(a)(5) of the Government Code, which is one of the changes resulting from AB 602, which requires a new nexus study for development impact fees after July 1, 2022, to calculate the fees imposed on a housing development project proportionately to the square footage of proposed units, but also authorizes the fees to be calculated and imposed without complying with the square footage metric if certain findings are made; and

WHEREAS, City staff has performed the annual review of development impact fees, conducted the required nexus analysis, and prepared the nexus report for the City’s fiscal year 2023-2024 Development Impact Fees, including the necessary findings required by Government Code section 66016.5(a)(5)(B) for using an alternative basis for calculating fees rather than the inappropriate square footage metric of calculating fees, which nexus report and findings are incorporated herein by this reference, and recommends the City Council approve the nexus report and findings, and approve an adjustment to the fee rates based on current actual construction costs as authorized by Clovis Municipal Code section 3.10.02(b); and

WHEREAS, the applicable first amendment to the memorandum of understanding between the County of Fresno and the City of Clovis (MOU) requires that the City adopt a resolution describing the type, amount, and purpose of City development impact fees to be requested for County adoption; and

WHEREAS, the MOU further requires the City make findings demonstrating that the fees comply with applicable provisions of the Mitigation Fee Act and State law; and

WHEREAS, the City Council conducted a duly noticed public hearing on the proposed adjustment to the City's Development Impact Fees at the regular City Council meeting on May 8, 2023, and considered the staff report, including all attachments to the staff report, the presentation from staff during the meeting, and all oral and written comments and materials provided at the meeting, and continued the items to a date uncertain; and

WHEREAS, the City Council conducted a second duly noticed public hearing on the proposed adjustment to the City's Development Impact Fees at the regular City Council meeting on June 5, 2023, and considered the staff report, including all attachments to the staff report, the presentation from staff during the meeting, and all oral and written comments and materials provided at the meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS HERBY FINDS AND RESOLVES AS FOLLOWS,

1. The referenced and incorporated Nexus Report for Development Impact Fees Fiscal Year 2023-2024, including the Findings in Support of the Continuation of City Policies to Calculate and Impose Residential Development Impact Fees on a Per Unit or Per Acre Basis, is hereby approved.
2. The referenced and incorporated Findings in Support of the Continuation of City Policies to Calculate and Impose Residential Development Impact Fees on a Per Unit or Per Acre Basis includes an adequate discussion and justification as required by Government Code section 66016.5(a)(5)(B), including but not limited to: (i) an explanation as to why square footage is not an appropriate metric to calculate fees imposed on a housing development project, (ii) an explanation that an alternative basis of calculating the fee bears a reasonable relationship between the fee charged and the burden posed by the development, and (ii) that other policies in the fee structure support smaller developments, or otherwise ensure that smaller developments are not charged disproportionate fees.

3. City staff's annual review of and proposed adjustment to the City's Development Impact Fees is in accordance with Chapter 3.10 of the Clovis Municipal Code and applicable provisions of the Mitigation Fee Act, and the Master Development Fee Schedule for charges therein provided and attached hereto as Exhibit "A", is hereby approved, and any adjusted fee rates shall be effective beginning sixty (60) days following approval of this Resolution.

4. This Resolution is effective immediately and shall continue in force unless amended or repealed by the City Council.

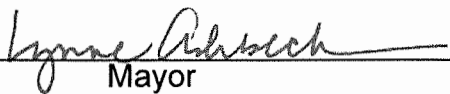
5. The types, amounts, and purposes of the fees to be adopted by the County of Fresno are described on the Master Development Fee Schedule (Exhibit "A" attached hereto) and in the Clovis Municipal Code, and the City Council of the City of Clovis does hereby find that the fees are in compliance with applicable state laws including without limitation the Mitigation Fee Act including Government Code Sections 66000, et seq.

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The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 5, 2023, by the following vote, to wit.

AYES: Councilmembers Basgall, Bessinger, Mouanoutoua, Pearce, Mayor Ashbeck
NOES: None
ABSENT: None
ABSTAIN: None

DATED: June 5, 2023



Mayor



City Clerk

