

RESOLUTION NO. 6358(20)

**A Resolution of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Adopting The Development Impact Fee Study Report For
The City of Lompoc, California, and Revising
Development Impact Fees For All Development Within
The City of Lompoc**

WHEREAS, the City Council of the City of Lompoc (City) decided that it was necessary and desirable to conduct a comprehensive review of the City's development impact fees to determine if those fees are adequate to defray the costs of public facilities related to development projects; and

WHEREAS, the City contracted with Revenue Cost Specialist LLC for a comprehensive evaluation of the City's existing development impact fees; and

WHEREAS, in February 2020, Revenue Cost Specialist LLC provided an Impact Fee Study Report and Nexus Report (attached hereto as Exhibit "A") (Report) for the City, that recommends increases and decreases to the City's development impact fees and explains the nexus between the imposition of the fee and the estimated reasonable costs of providing the facility or service for which the fee is charged; and

WHEREAS, the Report has been available for public review and comment; and

WHEREAS, following issuance of the Report notice of a public hearing before the Planning Commission was published in the Lompoc Record August 2, 2020; and

WHEREAS, the Study was presented for input at the Planning Commission meeting on August 12, 2020; and

WHEREAS, the City has been imposing various impact fees, including fees for law enforcement facilities, fire protection facilities, street signals and bridges, water system improvements, sewer collection facilities, solid waste collection, general government facilities, libraries expansion facilities, public meeting facilities, aquatic center facilities, parkland facilities development; and

WHEREAS, notice of a public hearing before the City Council was published in the Lompoc Record on August 2, and August 16, 2020; and

WHEREAS, in compliance with the Mitigation Fee Act (Government Code Sections 66000 et seq.), on August 18, 2020, the City Council held a duly noticed public hearing on the proposed development impact fees; and

WHEREAS, the City Council now desires to adopt new development impact fees, in accordance with the nexus calculations and recommendations in the Report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Findings. The City Council finds and determines that the Report complies with California Government Code Section 66001 by establishing the basis for the imposition of fees on new development. This finding is based on the fact that the Report: Identifies the purpose of each fee; Identifies the use to which the fee will be put; Demonstrates a reasonable relationship between the use of the fee and the type of development project on which the fee is imposed; Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed; and Demonstrates a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facilities attributable to the development on which the fee is imposed.

SECTION 2: Fees for Uses Consistent With the Report. The fees collected pursuant to this Resolution shall be used to finance the public facilities described or identified in the Report, or such other public facility master plans as may from time to time be adopted by the City Council.

SECTION 3: Approval of Items in the Report. The City Council has considered the specific project descriptions and cost estimates identified in the Report and hereby approves such project descriptions and cost estimates and finds them reasonable as the basis for calculating and imposing certain development impact fees.

SECTION 4: Consistency With General Plan. The City Council finds that the projects and fee methodology identified in the Report are consistent with the City's General Plan.

SECTION 5: Differentiation Among Fees. The City Council finds that the development impact fees recommended in the Report are separate and different from other fees the City may impose as a condition of building permit issuance, tentative subdivision map approval, parcel map approval, or final map approval, pursuant to its authority under the Subdivision Map Act, the Quimby Act, and the City's implementing ordinances, as may be amended from time to time, for, among other projects, the acquisition of parkland. In no event, however, shall a developer be required to pay for both a fee imposed pursuant to the Subdivision Map Act and/or the Quimby Act and a development impact fee, or portion thereof, as specified in this Resolution that would be used to fund the same type of facility as the fee imposed pursuant to the Subdivision Map Act and/or the Quimby Act. This Resolution shall not be deemed to affect the imposition or collection of the water and sewer connection fees authorized by Lompoc Municipal Code Sections 13.08.010 and 13.16.410.

SECTION 6: CEQA Finding. The adoption of the Report and the development impact fees are categorically exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines (CEQA). The intent of the Report, and the development impact fees approved pursuant to the Report, is to provide one way to fund projects that have been identified in environmental analyses of other planning efforts, including the General Plan EIR, and various City master plans, among others.

SECTION 7: Adoption of Report. The Report and the Master Facilities Plan for the City of Lompoc, dated May 2020 (attached as Exhibits “A” and “B” hereto) are hereby adopted and, by this reference, incorporated in this Resolution as if fully set forth herein.

SECTION 8: Adoption of Fees. The City Council hereby approves and adopts the development impact fees as set forth in Exhibits A and B to this Resolution, attached hereto and incorporated herein by this reference. The amount of the development impact fees shall be modified annually each July 1 based on the change in the Engineering News Record's construction cost index as reported for the twelve-month period ending in April of each year.

SECTION 9: Determination of Fee by Type of Use.

- A. Residential Development impact fees for residential development shall be based upon the type of unit constructed. The development impact fee categories as shown in Exhibits A generally correspond to the City's land use designations in the land use element of the City's General Plan, as more specifically explained in schedule 2.1 of the Report. The development impact fee categories as shown in Exhibit A generally correspond to the City's land use designations in the land use element of the City's general plan, as more specifically explained in the Report.
- B. Unspecified Uses. In the event that there are land uses not specified in Exhibit A, the development impact fee for any such use shall be calculated by the City's Director of Management Services, or his or her designee, who shall determine such fee based on an analysis of the public service impacts of the proposed use in relation to other uses shown in Exhibit A. Traffic Impact fees for uses not specified in Exhibit A will be determined by the City Engineer in accordance with Exhibit A.

SECTION 10: Use of Fee. Development impact fees shall be used solely for the purposes described in the Report; for reimbursement to the City for a development's fair share of those capital improvements already constructed by the City; and for reimbursement of any developer who has already constructed public facilities described in the Report, the

Master Facilities Plan, or other facility master plans adopted from time to time by the City Council.

SECTION 11: Imposition and Payment of Fee. Development impact fees shall be imposed upon the issuance of any development permit and shall be paid prior to issuance of any certificate of occupancy for the project, or at such earlier time as permitted by Government Code Section 66007. A “development permit” means any permit or approval from the City, including, but not limited to, a development plan, conditional use permit, tentative subdivision map, parcel map, building permit, or other permit for construction or reconstruction.

SECTION 12: Application of Fee to Pending Projects. The fee amounts adopted by this Resolution shall become effective on October 17, 2020. An application for any development permit that (1) has been received by the City prior to October 17, 2020, and (2) has been deemed complete by the City’s Community Development Director prior to October 17, 2020, shall be subject to the fees that applied prior to October 17, 2020.

SECTION 13: Credit for Developer Construction. When a developer is required, as a condition of approval of a development permit, to construct a public facility, and such facility is determined by the City to have size, length, or capacity exceeding that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer or a credit against the fee, which would otherwise be charged on the project pursuant to this Resolution, shall be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the impacts or the burdens created by the development.

SECTION 14: Prior Resolutions and Ordinances Superseded. Upon the effective date of this Resolution, the development impact fees hereby approved and adopted shall supersede previously adopted Resolutions setting development impact fees, including but not limited to Resolution No. 3957(90) for Water Impact Fees; Resolution No. 3958(90) for Wastewater Impact Fees; Resolution No. 3960(90) for Police Impact Fees; Resolution No. 3795(89) for Fire Impact Fees; Resolution No. 4474(95) for Refuse Container Impact Fees; Resolution No. 4157(92) for Signal Impact Fees; and Resolution No. 51335(03) for Development Impact Fees.

SECTION 15: Severability. If any action, subsection, sentence, clause or phrase of this Resolution or the imposition of a development impact fee for any project described in the Report or the application thereof to any person or circumstance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution and other fees levied by this Resolution that can be given effect without the invalid provisions or application of fees.

SECTION 16. Effective Date. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was proposed by Council Member _____, seconded by Council Member _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on August 18, 2020, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc

Exhibit A: Development Impact Fee Calculation and Nexus Report
Exhibit B: Master Facilities Plan