RESOLUTION NO. 3693-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ADOPTING AMENDMENTS TO THE DEVELOPMENT IMPACT FEES

WHEREAS, the Town of Windsor provides miscellaneous public services of a discretionary nature, in addition to community-supported public services which are paid for by Town tax revenues for general social, safety or welfare reasons; and

WHEREAS, the Town desires to comply with Article XIIIB of the California Constitution; and

WHEREAS, in adopting the fees for Town services as set forth in this Resolution, the Town Council of The Town of Windsor is exercising its powers under Article XI Section 7 of the California Constitution, Section 66000 *et seq.* of the California Government Code, and other applicable law; and

WHEREAS, the Town has a general policy of recovering the full costs reasonably borne of providing miscellaneous discretionary services of a voluntary and limited nature, so that general tax revenues are not diverted from services of a broad nature and thereby utilized to subsidize the miscellaneous discretionary services; and

WHEREAS, in accordance with Government Code Section 50076, user fees and regulatory fees that do not exceed the reasonable cost of providing the service or of performing the regulatory activity for which the fees are charged, as applicable, and which are not levied for general revenue purposes, are not special taxes as defined in Article 3.5 of Government Code; and

WHEREAS, the Town has established Development Impact fees to finance public facilities to mitigate the impacts caused by new or future development in the Town, both residential and non-residential; and

WHEREAS, on July 7, 2021, Council adopted Resolution 3687-21, adopting amendments to the Master Fee Schedule, Inclusionary Housing In-Lieu Fees, and Development Impact Fees for fiscal year 2021-2022; and

WHEREAS, after adoption of Resolution 3687-21, staff discovered an error to two Water Capacity Fees – Single Family Residential and Small Single Family Residence whereas the rate was transposed; and

WHEREAS, after adoption of Resolution 3687-21, staff discovered an error to two Drainage Impact Fees – Non-Residential: Commercial and Industrial whereas the rate was listed per acre and should be identified as 1,000 square feet; and

WHEREAS, the Town Council desires to amend the adopted Developer Impact fees to correct these typographic errors so that the adopted fees reflect the Town's budgeted and projected costs of services; and

WHEREAS, the Developer Impact fees are hereby determined to be reasonable in that the amount thereof does not exceed the estimated reasonable costs for which such fees are proposed to be rendered; and

WHEREAS, adoption of the fees set forth is not a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to 14 California Code of Regulations ("CEQA Guidelines") section 15378(b)(4) (the creation of government funding mechanisms or other government fiscal activities which do not involve any specific commitment to any specific project which may result in a potentially significant impact on the environment); and/or CEQA Guidelines section 15273 (exemption for rates, tolls, fares and charges within an existing service area); and/or CEQA Guidelines section 15061 (b)(3) ("common sense" general exception where there is no possibility the activity in question may have a significant effect on the environment).

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES RESOLVE AS FOLLOWS:

Section 1. Adoption of Amendment to Development Impact Fees and Repeal of Prior Inconsistent Fees. The Town's previously adopted Development Impact Fees are hereby amended to change the Water Capacity Fee and Drainage Impact Fee as shown in Exhibit A, attached hereto and incorporated herein by reference, and such fees are directed to be imposed and to be collected by the Town Administrative Services Department for the herein listed Development Impact Fee Schedule when provided by the Town or its designated contractors.

Section 2. Separate Fee for Each Service. The fees set forth in this Resolution shall be separately imposed for each service to which the fee pertains; additional fees shall be required for each additional service that is requested or required. Where fees are indicated on a per unit of measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

Section 3. Incorporation and Adoption of Findings and Service Cost Analysis. The recitals set forth above are true and correct and adopted as the findings of the Town Council and after consideration of the staff report, and any public comment and correspondence received, the Town Council hereby approves and adopts the Developer Impact fees.

Section 4. Application. The Development Impact Fee Schedule may be applied by the several Town department directors in consultation with the Town Manager and, should there be a conflict between two fees which ostensibly cover the same service, the lower in dollar amount of the two shall be applied.

Section 5. Review. It is the intention of the Town Council to review the fees as determined and set forth herein on a periodic basis as well as the Town's costs reasonably borne as established and, as and if warranted, to revise such fee based thereon.

Section 6. Annual Adjustment. The Development Impact fees set forth shall reference the annual adjustment by applicable Resolutions 1864-17, 1865-17, 3339-17, 3340-17, 3341-17, 3342-17, 3343-17, 3344-17, 3345-17, 3558-19 and 3590-20 to the corresponding Development Impact fee.

Section 7. Repeal. The fees adopted under this Resolution shall supersede the corresponding fees previously established and adopted by the Town Council. All previously adopted and conflicting fees are hereby repealed, and the Town Manager is authorized to take all actions necessary to carry out the intent of this Resolution.

Section 8. Use of Fee Revenue. The revenues received by payment of the Development Impact Fees established by this Resolution shall reference the use of fee by applicable Resolutions 1864-17, 1865-17, 3339-17, 3340-17, 3341-17, 3342-17, 3343-17, 3344-17, 3345-17, 3558-19 and 3590-20 to the corresponding Development Impact fee.

Section 9. Severability. The Development Impact Fees set forth to this Resolution and all portions of this Resolution are severable. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Town Council hereby declares that it would have passed this Resolution and the Development Impact Fees set for in this Resolution, and each section, subsection, phrase, or clause thereof irrespective of the fact that the fee or any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

Section 10. Effective Date. This Resolution and the user fee adopted thereby shall become effective immediately upon adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 1st day of September 2021, by the following vote:

AYES:	**COUNCILMEMBER FUDGE, VICE MAYOR REYNOZA AND MAYOR SALMON**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**COUNCILMEMBER LEMUS**

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK

Attachment:

- **Exhibit A** - Amended Development Impact Fees FY 2021-22

Development Impact Fee Schedule Effective September 1, 2021

Water Capacity Fees

Single Family Residential (1):	**$ 4,337**	**/residence**
Small Single Residence (2)	**$ 2,892**	**/residence**
Standard Single Residence	$ -	/residence
Accessory Dwelling Unit(ADU) (3)		
Multi-Family Residential (4)		
Per Dweling Unit	$ 2,212	/residence
Non-Residential:		
1 inch	$ 7,229	/meter
1-1/2 inch	$ 14,458	/meter
2 inch	$ 23,133	/meter
3 inch	$ 43,374	/meter
4 inch	$ 72,290	/meter
6 inch	$ 144,580	/meter
8 inch	$ 231,328	/meter
Dedicated Irrigation		
1 inch	$ 7,229	/meter
1-1/2 Inch	$ 14,458	/meter
2 inch	$ 23,133	/meter

Water Reclamation Capacity Fees

Single Family Residential:		
Small Single Family Residence (1)	$ 8,942	/per residence
Standard Single Family Residential (SFR)	$ 10,519	/per SFR
Accessory Dwelling Unit (ADU) (2)	$ -	
Multi-family Residential (3):		
Per Dwelling Unit	$ 8,206	/per DU
Non-standard Development Projects (5)	$ 10,519	/per ESD

Nonresidential (4):	Low	Medium	High
1 inch	$ 10,519	$ 12,169	$ 15,631
1-1/2 inch	$ 21,038	$ 24,338	$ 31,262
2 inch	$ 33,661	$ 38,941	$ 50,019
3 inch	$ 63,115	$ 73,015	$ 93,786
4 inch	$ 105,192	$ 121,692	$ 156,312
6 inch	$ 210,383	$ 243,384	$ 312,622
8 inch	$ 336,613	$ 389,414	$ 500,194

Traffic Impact Fees

Residential -		
Single Family	$ 11,475	/unit
Multi-family	$ 6,491	/unit
Additional Dwelling Unit (ADU)/Unit	$ -	/unit
Commercial	$ 9,737	/1000 sq ft
Commercial with Drive-Through	$ 11,708	/1000 sq ft
Office	$ 7,419	/1000 sq ft
Light Industrial	$ 4,868	/1000 sq ft
Heavy Industrial	$ 1,391	/1000 sq ft
Institutional/KSF	$ 7,535	/1000 sq ft

Development Impact Fee Schedule Effective September 1, 2021

Drainage Impact Fees			
Residential -			
Single Family	$	3,472	/unit
Multi-family	$	2,049	/unit
Nonresidential -			
Commercial	**$**	**1,216**	**/1000 sq ft**
Industrial	**$**	**1,527**	**/1000 sq ft**
Park Development Impact Fees			
Single Family	$	11,501	/dwelling unit
Multi-family	$	9,352	/dwelling unit
Mobile Home	$	8,184	/dwelling unit
Accessory Unit > 500 SF	$	-	/dwelling unit
Accessory Unit <=500 SF	$	-	/dwelling unit
Recreation Impact Fee			
Single Family	$	647	/dwelling unit
Multi-family	$	517	/dwelling unit
Mobile Home	$	453	/dwelling unit
Accessory Unit > 500 SF	$	-	/dwelling unit
Accessory Unit <=500 SF	$	-	/dwelling unit
Open Space Impact Fees			
Single Family	$	4	/dwelling unit
Multi-family	$	3	/dwelling unit
Mobile Home	$	2	/dwelling unit
Accessory Unit > 500 SF	$	-	/dwelling unit
Accessory Unit <=500 SF	$	-	/dwelling unit
Trails Impact Fees			
Single Family	$	214	/dwelling unit
Multi-family	$	172	/dwelling unit
Mobile Home	$	150	/dwelling unit
Accessory Unit > 500 SF	$	-	/dwelling unit
Accessory Unit <=500 SF	$	-	/dwelling unit
Public Facilities Impact Fees			
Residential -			
Single Family	$	1,494	/unit
Multi-family	$	1,195	/unit
Mobile Home	$	1,046	/unit
Accessory Unit > 500 SF	$	-	/unit
Accessory Unit <=500 SF	$	-	/unit
Nonresidential -			
Commercial	$	996	/1000 sq ft
Office	$	1,643	/1000 sq ft
Industrial	$	697	/1000 sq ft

Development Impact Fee Schedule Effective September 1, 2021

Police Impact Fees			
Residential -			
Single Family	$	109	/unit
Multi-family	$	87	/unit
Mobile Home	$	77	/unit
Accessory Unit > 500 SF	$	-	/unit
Accessory Unit <=500 SF	$	-	/unit
Nonresidential -			
Commercial	$	25	/1000 sq ft
Office	$	41	/1000 sq ft
Industrial	$	18	/1000 sq ft
Fire Facilities Impact Fees			
Residential -			
Single Family	$	1,195	/unit
Multi-family	$	956	/unit
Mobile Home	$	836	/unit
Accessory Unit > 500 SF	$	-	/unit
Accessory Unit <=500 SF	$	-	/unit
Nonresidential -			
Commercial	$	271	/1000 sq ft
Office	$	447	/1000 sq ft
Industrial	$	190	/1000 sq ft