

## ORDINANCE 699

### AN ORDINANCE OF THE GRASS VALLEY CITY COUNCIL ADOPTING A TRAFFIC MITIGATION FEE FOR THE GLENBROOK BASIN FOR TRAFFIC AND CIRCULATION IMPROVEMENTS AT THE BRUNSWICK ROAD AND SUTTON WAY INTERSECTION

THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, STATE OF CALIFORNIA,  
HEREBY ORDAINS AS FOLLOWS:

#### SECTION 1. PURPOSE.

The City Council hereby makes the following findings in support of adopting a Traffic Mitigation Fee for the Glenbrook Basin to fund improvements at the Brunswick Road and Sutton Way intersection:

- A) The City Council of the City of Grass Valley has adopted Chapters 3.32 through 3.56 of the Grass Valley Municipal Code which created and established the authority for imposing and charging development impact fees pursuant to the provisions of Government Code 66000 to 66008.
- B) On July 22, 2008, the City Council held a noticed public hearing and adopted a Development Review Application (DRC06-18) authorizing the construction of a Walgreen's store at 400 Brunswick Road and required certain transportation improvements to be built as part of this project.
- C) Condition #33 on the Walgreen's project (DRC06-18) required the improvement and reconstruction of the intersection of Brunswick Road and Sutton Way through the addition of turning lanes, widening and restriping; however, Condition #33 recognized that the level of traffic generated by the project did not fully warrant the improvement to the intersection, but future development projects in the Glenbrook Basin did prompt the need for this intersection improvement to be installed.
- C) The applicants for the Walgreen's project (DRC06-18) agreed to install this improvement project as part of their construction effort, though Condition #33 recognizes the full cost of this improvement was not their legal burden and Condition #33 provides a procedure for financing the costs of the intersection from future development through the creation of a traffic mitigation fee adopted pursuant to the provisions of Government Code 66000 et seq.
- D) On August 20, 2008, the City completed and made publicly available a "Glenbrook Basin Traffic Mitigation Fee Report" and further published and posted notice of its availability and of a public hearing to be held by the City Council on this adoption of this fee on September 9, 2008.
- E) On September 9, 2008, the City Council held a noticed public hearing to consider "Glenbrook Basin Traffic Mitigation Fee Report" and the adoption of a Development Traffic Impact Fee for certain properties within the Glenbrook Basin which would benefit from the construction of an improvement at the Brunswick

Road and Sutton Way intersection. The City Council determined that a traffic mitigation development impact fee is needed in order to finance these public improvements and to reimburse the developer an amount of funds up to their proportional nexus or fair share of the construction costs of these improvements.

- F) The City Council determined that the “Glenbrook Basin Traffic Mitigation Report” was prepared in accordance with California Government Code Section 66001 by establishing the basis for imposition of fees on new development by:
1. Identifying the purpose of the fee.
  2. Identifying the use to which the fee will be put.
  3. Showing a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed.
  4. Showing a reasonable relationship between the need for the public facility and the type of development on which the fee is imposed.
  5. Showing a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed.
- G) Based on the findings listing above, the City Council determined that a traffic mitigation development impact fee is needed in order to finance these public improvements and to reimburse the developer an amount of funds up to their proportional nexus or fair share of the construction costs of these improvements. The City will reimburse the developer from funds collected provided the road improvements have been completed and accepted by the City and the City has collected sufficient fees from benefited owners to reimburse the developer.

## **SECTION 2. ESTABLISHMENT OF FEE.**

The City Council does hereby create and adopt a traffic mitigation fee program known as the “Glenbrook Basin Traffic Mitigation Fee Program”, in accordance with California Government Code Section 66000 et seq, subject to the following:

- A) The Glenbrook Basin Traffic Mitigation Development Impact Fee shall be applied to the properties lying within the City Limits of the City of Grass Valley as depicted on and attached hereto as Exhibits “A” and “B” to this ordinance. The fee shall be required on the issuance of all building permits for new development on all properties lying within the area identified within Exhibits “A” and “B”.
- B) The City Council shall, in a Council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between this fee and the various types of new developments and set forth time for payment and termination of fee. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of building

permit for projects involving new construction and which generate additional traffic.

**SECTION 3. CONSISTENCY WITH CITY POLICIES AND ORDINANCES.**

In establishing the fee program described in this ordinance, the City Council has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan. (Ord. 442 § 1, 1990)

**SECTION 4. EXPIRATION.**

The provisions of this ordinance shall expire and become null and void after ten (10) years from its effective date of adoption.

**SECTION 5. SEVERABILITY.**

If any section of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other section or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application and to this end the provisions of this Ordinance are severable.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall become effective sixty (60) days after its adoption.

INTRODUCED and first read at a regular meeting of the City Council on the 9th day of September, 2008.

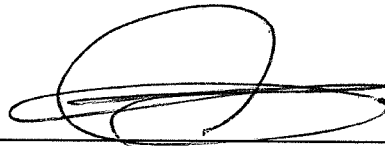
FINAL PASSAGE AND ADOPTION by the City Council of the City of Grass Valley was at a meeting thereof held on the 23<sup>rd</sup> day of September, 2008 by the following vote:

AYES: Council Member Miller, Boston, Vice Mayor Swarthout, Mayor Johnson

NOES: NONE

ABSENT: Council Member Arbuckle

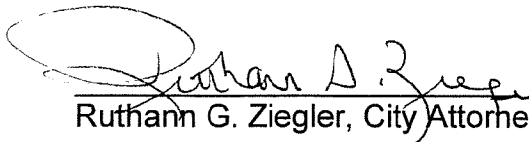
ABSTAINING: NONE



Mark Johnson, Mayor

APPROVED AS TO FORM:

ATTEST:

  
Ruthann G. Ziegler, City Attorney

  
Kristi K. Bashor, City Clerk