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1 **WHEREAS**, on July 3, 2013 the City made available a Public Review Report which
2 described the methodology for the determination of the Fee and included an accounting of the costs
3 to be recovered and the developable acreage upon which the Fee will be levied; and

4 **WHEREAS**, all provisions of the California Government Code Section 66016 and the
5 Rialto Municipal Code related to the proposed Fee have been complied with, including noticed
6 public hearings; and

7 **WHEREAS**, on July 23, 2013 the City Council conducted a public hearing on the proposed
8 Fee and considered all testimony related thereto.

9 **NOW, THEREFORE**, the City Council of the City of Rialto hereby finds, determines, and
10 resolves as follows:

11 **Section 1. Recitals.** The foregoing recitals are determined to be true and correct.

12 **Section 2. Total Cost to Prepare the RSP Entitlements.** The City received an
13 accounting from LHR of all its expenses related to the preparation of the RSP Entitlements. The
14 City reviewed each expense and determined that \$2,789,637 of costs incurred by LHR were
15 reasonably related to the preparation and processing of the RSP Entitlements. The City also applied
16 an administrative fee of 2.5% of the eligible expenses (\$69,741), producing total eligible
17 expenditures of \$2,859,378. These costs are actual and reasonable.

18 **Section 3. Total Developable Acreage within the Renaissance Specific Plan.** The
19 total area within the Renaissance Specific Plan is 1,439 acres. The City reviewed assessor's parcel
20 data and determined that approximately 444 acres is developed with public roads, other public
21 facilities, and private development. The undeveloped acreage is approximately 995 acres. The Fee
22 has been computed based upon the undeveloped acreage.

23 **Section 4. Fee Amount.** The Fee shall be \$2,874 per developable acre within the
24 Renaissance Specific Plan area, computed by dividing the total RSP Entitlement expenditures of
25 \$2,859,378 by 995 developable acres. Exhibit A attached hereto identifies the general boundaries
26 of the area subject to the Fee. The Fee will be increased by 5% per annum on July 1 of each
27 calendar year beginning on July 1, 2014 to reflect a fair and reasonable cost of capital.
28

1 **Section 5. Fee Equitably Allocated to Each Area of Land.** The purpose of the Fee is
2 to equitably apportion the costs of preparing the RSP Entitlements to all benefitting property
3 owners. The advance expenditures by the City and LHR will benefit future developers by
4 simplifying and expediting the land use entitlement process. Future developers may tier from the
5 Environmental Impact Report and minimize the amount of original environmental analysis, thereby
6 reducing costs for land use entitlements. The RSP Entitlements provide equal benefits to each
7 developable acre of land within the Renaissance Specific Plan area.

8 **Section 6. Time of Fee Payment.** The Fee shall be collected prior to the issuance of
9 building permits.

10 **Section 7. Fees to be Deposited into Special Account.** The Fee recovers costs
11 predominantly incurred by LHR, either in the form of direct payments to vendors preparing the
12 Renaissance Specific Plan and related documents or by deposit with the City for the preparation of
13 the Environmental Impact Report. Although LHR requested reimbursement of the RSP Entitlement
14 expenditures, the City shall deposit the Fees into a separate account of the City for expenditure on
15 public improvements benefitting the Renaissance Specific Plan area and the Rialto Municipal
16 Airport redevelopment project.

17 **Section 8. Fee to Take Effect Immediately.** The Fee shall be applied immediately to
18 all building permits issued within the Renaissance Specific Plan area.

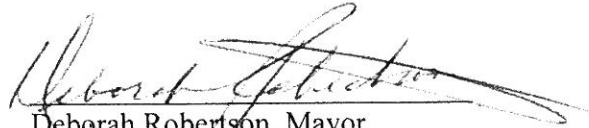
19 **Section 9. Separability.** If any section, subsection, sentence, clause, phrase or portion
20 of this Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such
21 determination shall not affect the validity of the remaining portions of this resolution. The City
22 Council declares that it would have enacted this resolution and each section, subsection, sentence,
23 clause, or phrase hereof irrespective of any determination of invalidity.

24 **Section 10. Effective Date.** This Resolution shall become effective immediately upon
25 adoption.

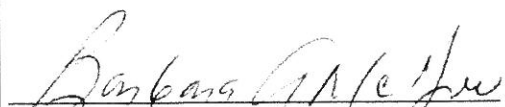
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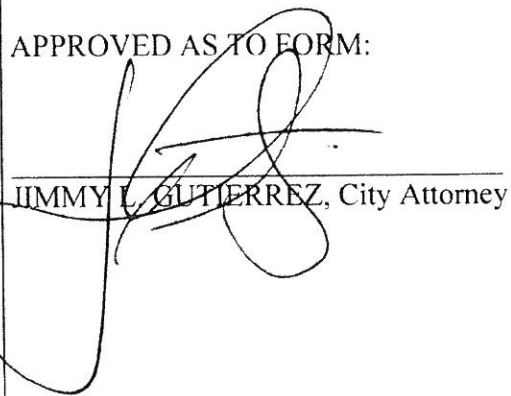
PASSED, APPROVED AND ADOPTED this **23rd** day of **July**, 2013.


Deborah Robertson, Mayor

ATTEST:


BARBARA McGEE, City Clerk

APPROVED AS TO FORM:


JIMMY L. GUTIERREZ, City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No. 6310 was duly passed and adopted at a regular meeting of the City Council of the
6 City of Rialto held on the 23rd day of July, 2013.

7 Upon motion of Council Member Baca Jr., seconded by Council Member Palmer, the
8 foregoing Resolution No. 6310 was duly passed and adopted.

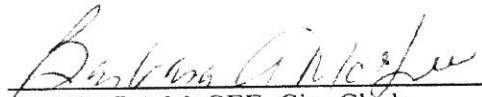
9 Vote on the motion:

10 AYES: Mayor Robertson, Council Members: Palmer, Baca Jr., O'Connell, Hirtz

11 NOES: None

12 ABSENT: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto this 7th day of August, 2013.

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17 BARBARA McGEE, City Clerk
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1 **WHEREAS**, on July 3, 1990 the City Council adopted Ordinance No. 1112, adding Chapter
2 3.60 to the Rialto Municipal Code, establishing a Fire Protection Services Development Fee on all
3 new development and substantial improvements to property within the City, and requiring that the
4 amount of such fee be established by Resolution; and

5 **WHEREAS**, the firm of Management Services Institute prepared a nexus study entitled
6 "*Development Impact Fee Calculation Update Report for the City*" dated September 1997 ("MSI
7 Study") and the City Council thereafter approved Resolution 4844 on September 1, 1998 which
8 updated and revised various Development Fees ("Development Fees") imposed by the City to reflect
9 changes in the inventory and cost of master planned facilities; and

10 **WHEREAS**, Willdan Financial Services recently completed an updated nexus study entitled
11 "*City of Rialto Development Impact Fee Update*" ("*Willdan Fee Study*"), which inventories the
12 master planned public facilities for General Municipal Facilities, Police Facilities, Fire Facilities, Park
13 Facilities and Library Facilities necessary to provide adequate public services and facilities at the
14 City's build out; and

15 **WHEREAS**, the Willdarr Fee Study also updated the cost to construct the master planned
16 facilities and apportioned the fair share costs between existing and new development; and

17 **WHEREAS**, the "*Mitigation Fee Act*," contained in California Government Code Sections
18 66000 through 66025, codifies the required process for the adoption of Development Fees; and

19 **WHEREAS**, the *Willdan Fee Study* complies with the requirements of Government Code
20 Section 66001, and establishes the legal basis for imposing the Development Fees by (a) identifying
21 the purpose for the Fee; (b) identifying the use for which the Fee is to be used, including the facilities
22 and improvements to be financed and constructed; (c) establishing the reasonable relationship between
23 the Fee's use and the type of development project upon which the Fees are imposed; (d) determining
24 the reasonable relationship between the need for the public facilities and the type of development upon
25 which the Fees are being imposed; and (e) determining the reasonable relationship between the
26 amount of the Fee and the cost of the public facilities or the portion of the public facilities that are
27 attributable to the development for which the Fee is imposed; and

28 **WHEREAS**, the City has complied with provisions necessary to conduct a noticed a public

1 hearing in accordance with Government Code Section 66016 by (1) publishing notice of the public
2 hearing; mailing notices of the public hearing at least 14 days prior to the meeting to parties that have
3 filed a request with the City to be noticed of fee increases; and making a copy of the data indicating
4 the estimated costs required to provide the services for which the fee is levied and the revenue sources
5 anticipated to provide the service; and

6 **WHEREAS**, on December 27, 2011 the City Council held a public hearing and considered all
7 public testimony presented at the hearing, both oral or in writing, regarding the proposed Development
8 Fee increases.

9 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES**
10 **HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

11 **Section 1.** The Development Fees described in the attached Exhibit A:

12 A. are for the sole and exclusive purpose of financing the construction of the public
13 facilities as identified in the *Willdan Fee Study* at the City's build out.

14 B. will only be used to finance construction of such master planned facilities within
15 the list of needed facilities.

16 C. are based on a reasonable relationship between the use of the Development Fees
17 contained in Exhibit A and the type of development project on which it is imposed.

18 D. are based on a reasonable relationship between the need for such facilities and
19 the type of development project on which it is imposed.

20 E. do not exceed the reasonable estimated cost to construct such facilities.

21 **Section 2.** The Development Fees described on the attached Exhibit A are hereby
22 established, and shall become effective sixty days after adoption of this Resolution.

23 **Section 3.** Notwithstanding Section 2 above, the Development Fees shall not be
24 implemented until July 1, 2012 in order to provide parties with pending development applications an
25 opportunity to pull permits under the existing Fee schedule.

26 **Section 4.** Thereafter, the Development Fees shall be phased in over a four year period as
27 illustrated in Exhibit B in order to lessen the impact upon the development community.

28 **Section 5.** The Development Fees described in Exhibit B shall be adjusted on July 1st of

1 each year, by the change in the California Construction Cost Index (CCCI), effective upon publication
2 of such index for the preceding calendar year.

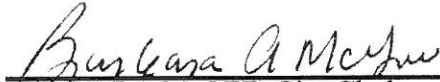
3 **Section 6.** The Development Fees contained in Exhibit B shall be collected prior to the
4 issuance of a building permit for construction of any facility.

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6 **PASSED, APPROVED AND ADOPTED** this 27th day of December, 2011.

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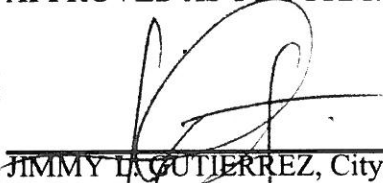
11 ED SCOTT, Mayor Pro-Tem

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13 **ATTEST:**

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16 BARBARA MCGEE, City Clerk

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18 **APPROVED AS TO FORM:**

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22 JIMMY D. GUTIERREZ, City Attorney

Exhibit "A"

Development Fee

Impact Fee Category	Existing Rialto	Proposed Rialto
Public Facilities		
Fire Facilities	\$390	\$906
General Facilities	\$247	\$1,734
Law Enforcement	\$422	\$1,231
Library	\$66	\$310
Measure I Transportation	\$2,776	\$2,776
Median Islands	\$53	\$53
Park Development	\$2,102	\$2,993
Open Space Acquisition	\$607	\$607
Storm Drain	\$3,051	\$3,385
Utilities		
Wastewater	\$3,370	\$4,794
Water Facilities	\$5,100	\$7,255
	=====	=====
Total All Development Impact Fees	\$18,184	\$26,044

Exhibit B

PHASED IMPLEMENTATION OF DEVELOPMENT FEES

Impact Fees	Existing Rialto	Fee Jul-12 (25%)	Fee 1 Jul-13 (50%)	Fee 1 Jul-14 (75%)	Fee 1 Jul-15 (100%)
Public Facilities					
Fire Facilities	\$390	\$519	\$648	\$777	\$906
General Facilities	\$247	\$619	\$991	\$1,362	\$1,734
Law Enforcement	\$422	\$624	\$827	\$1,029	\$1,231
Library	\$66	\$127	\$188	\$249	\$310
Measure I Transporation	\$2,776	\$2,776	\$2,776	\$2,776	\$2,776
Median Islands	\$53	\$53	\$53	\$53	\$53
Park Development	\$2,102	\$2,325	\$2,548	\$2,770	\$2,993
Open Space Acquisition	\$607	\$607	\$607	\$607	\$607
Storm Drain	\$3,051	\$3,135	\$3,218	\$3,302	\$3,385
Utilities		\$0	\$0	\$0	\$0
Wastewater	\$3,370	\$3,726	\$4,082	\$4,438	\$4,794
Water Facilities	\$5,100	\$5,639	\$6,177	\$6,716	\$7,255
	=====	=====	=====	=====	=====
Total All Development Impact Fees	\$18,184	\$20,149	\$22,114	\$24,079	\$26,044

1 Future fee increases will include an annual CCCI adjustment based based upon previous annual rate increase not shown.

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No. 6067 was duly passed and adopted at a regular meeting of the City Council of the City
6 of Rialto held on the 27th day of December, 2011.

7 Upon motion of Council Member Robertson, seconded by Council Member
8 Palmer, the foregoing Resolution No. 6067 was duly passed and adopted.

9 Vote on the motion:

10 AYES: Mayor Pro Tem Scott, Council Members: Robertson, Baca Jr., Palmer

11 NOES: None

12 ABSENT: Mayor Vargas
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14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this 10th day of January, 2012

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17 BARBARA MCGEE, CITY CLERK
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