

RESOLUTION 24-4734

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, ADOPTING A DEVELOPMENT IMPACT FEE NEXUS STUDY WHICH INCLUDES THE FIVE-YEAR FEE REPORT (AB1600) FOR FISCAL YEAR 2022/23 AND MAKING FINDINGS REQUIRED BY THE MITIGATION FEE ACT

WHEREAS, on October 6, 1998, City Council adopted Resolution No. 98-612 establishing and imposing a Public Facilities Development Impact Fee ("DIF"); and

WHEREAS, Exhibit B to Resolution No. 98-612 set forth the initial public facilities development impact fee schedule; and

WHEREAS, the purpose of the DIF is to ensure that new development mitigates the impact that a new development has on the City's public facilities and essential services; and

WHEREAS, pursuant to the Mitigation Fee Act (Government Code Section 66000, et seq.) certain findings are required to be made regarding unexpended development impact fees in connection with consideration of the annual development impact fee report; and

WHEREAS, the Mitigation Fee Act (specifically Government Code section 66001, subdivision (d)) requires local agencies to adopt "five-year findings" accounting for development impact fee proceeds held unexpended for more than five years; and

WHEREAS, in 2021, Assembly Bill 602 ("AB 602") amended the Mitigation Fee Act of the California Government Code, which governs Development Impact Fees; and

WHEREAS, AB 602 emphasized the need to adopt a Development Impact Fee Nexus Study at a public hearing prior to the adoption of any new or increased Development Impact Fees; and

WHEREAS, AB 602 requires in part that the Development Impact Fee Nexus Study identify the existing level of service for each public facility, identify new levels of service, include an explanation of why the new levels of service are more appropriate, and include information to support the required findings for adoption of new or increased Development Impact Fees; and

WHEREAS, the Development Impact Fee Nexus Study provides a quantified basis for support of each Development Impact Fee and the legal support for the required findings that must be made to justify the amount of each Development Impact Fee, based on existing deficiencies of certain public facilities and the projected burdens on those facilities caused by prospective development in the City; and

WHEREAS, the City's last Development Impact Fee Nexus Study took place in 2016, and since that time, the City has approved multiple Capital Improvement Plan Budgets and has seen significant development activity in recent years; and

WHEREAS, the City retained the professional services of Willdan Financial Services to prepare the City of Murrieta Development Impact Fee Study Update (the "DIF Study"); and

WHEREAS, the DIF Study is incorporated herein by this reference and provides the requisite

findings related to the City's DIF Fees; and

WHEREAS, the City of Murrieta Capital Improvement Plan for Fiscal Years 2024/25 through 2028/29 after adopted, will indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the City's Development Impact Fees; and

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

1. That the DIF Study is adopted and shall replace the 2016 Development Impact Fee Nexus Study adopted by Council on July 19, 2016. That pursuant to the Study, the Council hereby finds as follows.
 - i. That the purpose of the impact fees has been identified;
 - ii. That the use of the fees have been identified;
 - iii. That there is a reasonable relationship between the use and the type of project on which it is imposed; and
 - iv. That there is a reasonable relationship between the need for the public improvement and the type of project on which it is imposed.
2. That the Five-Year Fee Report contained in the DIF Study is approved by Council and finds the following as required by Government Code Section 66001(d):
 - i. That the purpose of the development impact fees has been identified;
 - ii. That there is a continued need for the improvements and that there is a reasonable relationship between the fees and the impacts for development for which the fees are collected;
 - iii. The sources and amounts of funding anticipated to complete the financing of improvements have been identified; and
 - iv. The approximate dates for funding improvements are included in the Capital Improvements Plan Budget for FY 2023/24 – 2027/28 unless the improvements are longer-term projects.

PASSED AND ADOPTED this 16th day of April 2024.

Lori Stone, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Resolution No. 24-4734 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the 16th day of April 2024, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk