

RESOLUTION NO. 2017-126

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE MODIFYING THE DEVELOPMENT IMPACT FEE POLICY FOR ACCESSORY DWELLING UNITS TO CONFORM TO RECENT CHANGES IN STATE LAW

WHEREAS, in conformance with the requirements of state law, the Vacaville Municipal Code allows creation of accessory dwelling units (ADUs) in certain zones; and

WHEREAS, California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2(f)(1) allow local governments to assess connection fees and development impact fees for ADUs subject to various requirements, including a requirement that those fees or charges not exceed the estimated reasonable cost of providing the service; and

WHEREAS, on May 13, 2008, the City of Vacaville City Council adopted Resolution 2008-52, determining that development impact fees for detached ADUs be set at the same rate as senior multi-family residential units and determining that this rate was proportional to the impacts such units place on the public infrastructure; and

WHEREAS, Resolution 2008-52 retained the prior policy that creation of ADUs attached to existing primary single-family dwellings be treated as room additions that are not charged additional impact fees, but was unclear on how to treat new accessory dwelling units created in conjunction with creation of a new primary residential dwelling unit; and

WHEREAS, in 2016, the California Legislature adopted amendments to California Government Code (GC) Section 65852.2 that restricted how local governments may assess utility connection fees or capacity charges for ADUs; and

WHEREAS, the revised GC 65852.2(f)(2)(A) prohibits local governments from assessing utility connection fees or capacity charges for ADUs that are created within the existing space of a single-family dwelling or accessory structure; and

WHEREAS, the revised GC 65852.2(f)(2) allows local governments to assess utility connection fees or capacity charges for ADUs that are not created within the existing space of a single-family dwelling or accessory structure, but states that such ADUs shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities. Treating a new attached ADU as an additional bedroom to a new primary single-family dwelling and not as a separate new dwelling unit meets this requirement; and

WHEREAS, the City Council wishes to revise the ADU impact fee policy established in Resolution 2008-52 to conform to these changes in state law and to clarify the policy for ADUs constructed in conjunction with construction of a new primary single-family dwelling; and

WHEREAS, per state law and Resolution 2008-52, the City may charge utility connection fees for new detached ADUs. However, under the amended GC 65852.2(f)(2)(A), the City cannot charge utility connection fees for converting an existing detached accessory structure to an ADU. This creates a loophole where an applicant could construct an accessory structure first then convert it to an ADU later to avoid the utility connection fees. The Council wishes to simplify the process for local applicants by allowing new detached ADUs to not be assessed utility connection fees; and

WHEREAS, a 1/8th page public hearing notice for the City Council public hearing was published in *The Reporter*, the local newspaper, on December 2, 2017; and

WHEREAS, the City Council of the City of Vacaville conducted a public hearing on December 12, 2017, to consider modifying the development impact fee policy for accessory dwelling units to conform to recent changes in state law.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Vacaville as follows:

Section 1. Recitals

The City Council hereby finds and declares that the foregoing recitals are true and correct.

Section 2. Water Connection, Drainage Detention and Drainage Conveyance Fees

Water connection, drainage detention and drainage conveyance fees shall not be assessed for creation of accessory dwelling units.

Section 3. Sewer Connection Fees

A. Existing primary single-family dwelling. Sewer connection fees shall not be assessed for creation of accessory dwelling units accessory to existing primary single-family dwellings.

B. New primary single-family dwelling. Sewer connection fees shall be assessed for an accessory dwelling unit constructed concurrently with construction of a new primary single-family dwelling. The accessory dwelling unit shall be considered as additional bedroom or bedrooms to the primary single-family dwelling and not as an additional dwelling unit for the purpose of calculating the sewer connection fee.

Section 4. Other Development Impact Fees

Other development impact fees for accessory dwelling units, including Park and Recreation Fees, Greenbelt Preservation Fees, General Facilities Fees, Police Development Impact Fees, Fire Development Impact Fees and Traffic Impact Fees, shall continue to be as established by Resolution 2008-52. Per that Resolution:

A. Accessory dwelling units that are created within or attached to an existing primary single-family dwelling are not assessed these other impact fees.

B. Accessory dwelling units that are created within a new or existing structure detached from an existing primary single-family dwelling will be assessed these other impact fees at the senior multi-family rate.

C. Accessory dwelling units constructed concurrently with construction of a new primary single-family dwelling will be assessed these other impact fees at the senior multi-family rate.

Section 5. Review

The City shall review this policy concurrently with the next comprehensive update to the development impact fees.

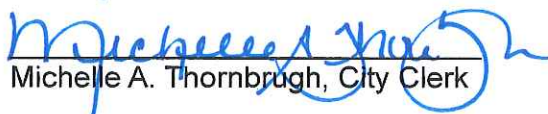
I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 12th day of December, 2017, by the following vote:

AYES: Councilmembers Hunt, Mashburn, Vice Mayor Harris and Mayor Augustine

NOES: None

ABSENT: Councilmember Rowlett

ATTEST:


Michelle A. Thornbrugh, City Clerk