

RESOLUTION NO. 5626

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS  
RESTATING CITY POLICIES, INTENTIONS AND DETERMINATIONS  
REGARDING THE VOTER-APPROVED GENERAL PLAN AMENDMENT  
COMMONLY KNOWN AS MEASURE "U"

Whereas, on November 4, 1997, the voters of the City of Redlands approved a citizen-sponsored initiative ordinance, designated on the election ballot as Measure "U," to amend the Redlands General Plan; and

Whereas, in accordance with law, the provisions of Measure "U" became effective on December 12, 1997; and

Whereas, Measure "U" provides that:

"in interpreting this initiative measure or resolving any ambiguity thereof, the City Council and all other City entities charged with implementing or enforcing this initiative measure or any part of it, as well as any reviewing court, shall interpret this initiative measure in the manner which most vigorously and effectively accomplishes its purposes and operative provisions;" and

Whereas, this City Council is guided by the language of the Court in Bownds v. City of Glendale (1980) 113 Cal. App. 3d 875, 883 where it was stated: "Planning is at best an inexact science. General plans or policy statements are often semantical exercises which require considerable interpretation on the part of persons charged with implementing them" and that "a court cannot and should not involve itself in a detailed analysis of whether the elements of a General Plan are adequate to achieve its purpose. To do so would involve the Court in the writing of the Plan. That issue is one for determination by the political process and not by the judicial process;" and

Whereas, in accordance with the directives of Measure "U" this City Council, in the exercise of its legislative discretion, from time to time and when convenient or necessary, has adopted resolutions to implement and/or interpret Measure "U" to establish City policy, clarify City intent and assist staff and Redlands' citizens in understanding and complying with the initiative measure; and

Whereas, on March 3, 1998, this City Council adopted Resolution No. 5480 to establish a process for requiring socio-economic impact reports from new development proposals as required by Measure "U," and procedures for the City's evaluation and approval of such reports; and

Whereas, this City Council has recently become aware that questions have since arisen in the development and construction industry about the requirements for socio-economic impact reports and Measure "U's" effect on existing City fees and, the City Council's possible establishment of new fees for new development proposed within the City based upon Measure "U" and such socio-economic impact reports; and

Whereas, after reviewing two publications issued by the Building Industry Association, this City Council has determined that a significant amount of misinformation exists and has been disseminated in the development and construction industry about Measure "U," specifically with regard to its provisions relating to socio-economic impact reports and this City Council's policies relating to the payment of the costs of infrastructure for new development; and

Whereas, this City Council has determined it is in the best interests of the City, its citizens, and the development and construction industry that this resolution be adopted to restate this City Council's policy and intentions regarding the provisions of Measure "U" relating to socio-economic impact reports and the payment of costs of infrastructure for new development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. As part of the many amendments Measure "U" made to the Redlands General Plan, Measure "U" contains a "Principle of Managed Development" relating to the establishment of procedures for socio-economic impact reports and the payment for the costs of infrastructure by new development which reads as follows:

"1A.10 Principle One - The cost of infrastructure required to mitigate the effects of new development shall be paid by that new development.

(a) Development fee policy - in accord with the provisions of California Government Code Sections 66000 *et seq.*, all development projects as defined therein shall be required to pay development fees to cover 100% of their pro rata share of the cost of any public infrastructure, facilities or services, including without limitation police and fire services, necessitated as a result of such development. The City Council shall set and determine development fees sufficient to cover 100% of the estimated cost of such public infrastructure, facilities and services based on appropriate cost-benefit analyses as required by the provisions of California law."

(b) Socio-Economic Cost/Benefit Study and Findings Required - Every development project proposal requiring a General Plan Amendment, Zoning Amendment, Subdivision Map, Specific Plan or, for projects involving structures larger than 5,000 square feet, Conditional Use Permit approval, shall submit a socio-economic analysis and cost/benefit study, which shall also be included in all environmental documents submitted to the extent permitted by law, identifying the source of funding for necessary public infrastructure and reflecting the effect of such development on the City, as part of the application process. The City Council shall publish notice of and hold at least one public hearing at which the public may appear and be heard to consider the socio-economic cost/benefit study. Approval of the development project shall only occur if the socio-economic study finds and determines to the satisfaction of the City Council that the development project 1) will not create unmitigated physical blight within the City or overburden public services, including without limitation the sufficiency of police and fire protection, and 2) the benefit of the development project to the City outweighs any direct cost to the City that may result. The City Council may, however,

approve a development project for which the socio-economic study fails to make the required findings or determinations if the City Council finds and determines upon a 4/5ths vote of its total authorized membership that the benefits to the City from the development project outweigh the negative socio-economic effects that may result.

(c) Impacts of New Development on Public Schools Shall be Mitigated - A mandatory component of the socio-economic cost/benefit studies shall be an analysis of the effect of the proposed development on public school facilities and resources, and shall include proposed measures to mitigate any identified adverse impacts on school facilities to the greatest extent permitted under California law.

Section 2. By the adoption of this resolution, this City Council hereby exercises its legislative discretion and restates its policies, intentions and determinations regarding the provisions of Measure "U" relating to socio-economic impact reports and the payment of the costs of infrastructure for new development. Based upon this City Council's reading of the provisions of Measure "U" taken as a whole, and based upon testimony it has received from the drafters of Measure "U," the ballot arguments associated with the measure's approval by the voters, the recommendations of this City's citizen committee on the establishment of socio-economic reports for Measure "U," and the recommendations of the City's Planning Commission this City Council declares:

(1) that the purpose of Section 1A.10 of Measure "U" is to ensure that the City Council of the City of Redlands requires all new development to compensate the City and its citizens for the full cost of any public infrastructure necessary for that project to avoid the adverse effects of such development on Redlands' citizens, and that this City Council when establishing capital improvement fees which may be imposed upon development to pay for such infrastructure, follow the procedures required by Government Code Sections 66000 et. seq. and establish such fees based upon appropriate "nexus" studies as required by existing state law. By way of example, it is this City Council's determination that the purpose of Section 1A.10 of Measure "U" would prohibit this City Council from taking action, as other City Councils have done in the past, to reduce capital improvement fee payments by all development to an amount equal to one-half of the rate established by existing ordinance or resolution, for some specified period of time.

(2) that Measure "U" is a comprehensive general plan amendment and not a "fee ordinance" and that no provision of Measure "U" mandates, or in and of itself provides sufficient legal authority for, this City Council's establishment and imposition of any new capital improvement fees, or the increase of any existing capital improvement fees, or development projects. Prior to the adoption of Measure "U," and consistent with state law, this City Council "set" and established capital improvement fees to pay the costs of public infrastructure, facilities and services in an amount sufficient to "cover" 100% of the estimated cost of such public infrastructure, facilities and services based upon appropriate "nexus" studies as required by Government Code Sections 66000 et. seq.

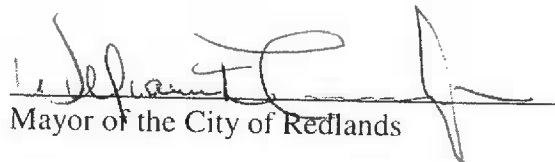
(3) that this City Council had established, prior to Measure "U," fees to cover the costs

of all public infrastructure that may be required by new development.

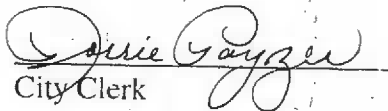
(4) that, notwithstanding the foregoing neither this City Council, or a future City Council, is prohibited from establishing in accordance with law, new fees to pay for new types of infrastructure that might conceivably be required of development in the future.

(5) that the procedures for the preparation of socio-economic impact studies established by Resolution No. 5480 of this City Council are hereby reaffirmed, and that nothing in Resolution No. 5480 or the City's procedures for preparation of socio-economic impact studies requires that the City establish any new fees applicable to any particular development project.

ADOPTED, SIGNED AND APPROVED this 16th day of March, 1999.

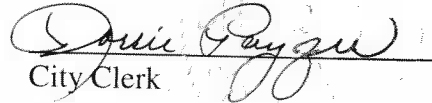
  
Mayor of the City of Redlands

Attest:

  
City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting thereof held on the 16th day of March, 1999 by the following vote:

AYES: Councilmembers Banda, Gilbreath, George, Freedman; Mayor Cunningham  
NOES: None  
ABSENT: None

  
City Clerk