

TOWN OF MORAGA
Lamorinda Fee & Finance Authority Fees



Description	Effective January 1, 2025	Unit
Lamorinda Fee and Finance Authority (LFFA) - subject to change annually on January 1 (Resolution 10-2016)		-0.74% ENR CCI City Cost Index as of September 2024
<i>Development projects within the Town of Moraga are also subject to the following development fees of the Lamorinda Fee and Finance Authority.</i>		
Single-Family	\$10,016	Dwelling Unit
Multi-Family ¹	\$7,011	Dwelling Unit
Multi-Family (TOD) ²	\$3,716	Dwelling Unit
Commercial	\$11	Per Square Foot
Other	\$1,102	Daily Trip

¹ Multi-family also includes new second units constructed on parcels with existing single-family homes

² TOD - Transit Oriented Development

Note: The local share for the Town of Moraga is 50% of the rate. Additionally, the Town of Moraga receives a regional share of the pool at a rate of 16.5%.

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Adopting the 2015 Lamorinda)
Development Mitigation Fee Program)
Nexus Study and Impact Fees, and)
Approving the First Amendment to the)
Joint Exercise of Powers Agreement by)
and Among the City of Lafayette, the City)
of Orinda, and the Town of Moraga)
Relating to the Lamorinda Fee and)
Financing Authority)

Resolution No. 10 - 2016

WHEREAS, on June 8, 1998, the City of Lafayette, City of Orinda, and Town of Moraga, each referred to as a "City," and collectively as the "Cities," entered into the Joint Exercise of Powers Agreement by and among the City of Lafayette, the City of Orinda, and the Town of Moraga Relating to the Lamorinda Fee and Financing Authority (LFFA) (the "Original JPA"); and

WHEREAS, the purpose of the Original JPA is to establish a development fee program within Lamorinda, in accordance with the requirements of the voter-approved Measure C (and the subsequent Measure J) sales tax program, which require each County sub-region, including Lamorinda, to "establish a development mitigation program to ensure that new growth is paying its share of the costs associated with such growth," and to coordinate planning and implementation of the Program within a single public agency; and

WHEREAS, the Original JPA included a program to implement the Development Mitigation Fee Program, as well as an Expenditure Plan; and

WHEREAS, the Cities are currently in the process of updating the fee program and Expenditure Plan and desire to amend the Original JPA to include provisions regarding the updated fee and expenditure plan; and

WHEREAS, DKS Associates, on behalf of the LFFA has prepared the Nexus Study for the Lamorinda Development Mitigation Fee Program ("2015 Nexus Study"), included as Attachment B of the February 10, 2016 Town Council Staff Report and incorporated herein by reference, that provides an evaluation of the need for the Lamorinda Development Impact Fee and establishes the nexus between the imposition of such impact fees and the estimated reasonable cost of providing the improvements for which the fees are charged; and

WHEREAS, Government Code section 66001 requires that, in any action establishing a fee as a condition of approval of a development project, a local agency shall:

- (1) Identify the purpose of the fee.
- (2) Identify the use to which the fee is to be put.
- (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- (5) Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed; and

WHEREAS, on January 20, 2016 the Lamorinda Fee and Finance Authority unanimously recommended adoption of the 2015 Nexus Study and the First Amendment to the Joint Exercise of Powers Agreement by the Cities; and

WHEREAS, in accordance with Government Code Section 66016, the AB 1600 Studies were made available for public review and comment 10 days prior to this meeting;

WHEREAS, the AB 1600 Studies substantiate the need for the proposed impact fees;

WHEREAS, the Town Council wishes to adopt these proposed impact fees in accordance with the calculations and recommendations contained in the AB 1600 Studies and accompanying reports;

WHEREAS, in compliance with the Mitigation Fee Act (Government Code section 66000 et seq.), the Town Council held a noticed public meeting on the proposed establishment of the impact fees on February 10, 2016 to solicit public input on the proposed impact fees;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Moraga hereby takes the following actions:

Section 1. Adoption of 2015 Nexus Study and Fees

A. Findings.

1. The Town Council finds and determines that the 2015 Nexus Study complies with California Government Code section 66001, and as to each of the proposed impact fees to be imposed on new development:

- (a) Identifies the purpose of the fee;

- (b) Identifies the use to which the fee will be put;
- (c) Shows a reasonable relationship between the use of the fee and the type of development projects on which the fee is imposed;
- (d) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed; and
- (e) Demonstrates a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facilities attributable to the development on which the fee is imposed.

2. The Town Council further finds that:

- (a) the fees imposed by this resolution are to fund the highway and arterial improvements, transit projects, and pedestrian and bicycle improvements of regional and subregional significance as set forth Attachment 2-A of the First Amendment to the Joint Exercise of Powers Agreement;
- (b) The Town Council has considered the specific public facilities and cost estimates identified in the 2015 Nexus Study, and hereby approves such public facilities and cost estimates and further finds that the cost estimates serve as a reasonable basis for calculating and imposing the development impact fees for such public facilities;
- (c) there is a reasonable relationship between the proposed uses for the fees imposed by this resolution and the types of development upon which the fees are imposed in that the developments will generate additional traffic on thoroughfares in the Lamorinda area, thus creating a need to expand, extend or improve existing thoroughfares and other transportation facilities or construct new ones to mitigate adverse traffic and infrastructure impacts otherwise resulting from those developments;
- (d) the fees will be used to pay for the administration, planning, environmental documentation, design, right of way acquisition and construction of the improvements described in the First Amendment to the Joint Exercise of Powers Agreement, and the fees will be used solely for eligible improvements approved by the parties to the Joint Exercise of Power Agreement; and
- (e) the nexus findings, in conformity with Government Code section 66000, et seq., contained in the 2015 Nexus Study, dated December 2015, prepared for LFFA by DKS Associates, Inc., which

is on file with the Town Clerk, are incorporated in this resolution by reference.

3. The Town Council further finds that the public facilities and fee methodology identified in the 2015 Nexus Study are consistent with the Town's General Plan and, in particular, those policies that require new development to mitigate its share of the impacts to Town infrastructure and to be fiscally neutral.

4. The Town Council further finds that adoption of the 2015 Nexus Study and the establishment and/or increase in development impact fees are not subject to the California Environmental Quality Act in that they are not a "project." Pursuant to CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause a significant effect on the environment, is not defined as a "project" under CEQA.

B. Fees for Uses Consistent with 2015 Nexus Study

The Town Council hereby determines and requires that the fees imposed pursuant to this Resolution shall be used solely to finance the public facilities described or identified in the 2015 Nexus Study and as allowed under the Mitigation Fee Act (Government Code section 66000 et seq.) including, but not limited to, reimbursing the Town for the costs associated with the implementation and administration of the Lamorinda Development Mitigation Fee Program.

C. Adoption of 2015 Nexus Study.

The 2015 Nexus Study is hereby adopted.

D. Amount of Fee.

The Town Council hereby approves and adopts the development impact fees as set forth in Exhibit A to this Resolution, attached hereto and incorporated herein by reference. The development impact fees set forth in Exhibit A are consistent with the 2015 Nexus Study, and shall be modified in accordance with the Joint Exercise of Powers Agreement by and Among the City of Lafayette, the City of Orinda, and the Town of Moraga Relating to the Lamorinda Fee and Financing Authority (JPA) and such amendments to the JPA that are adopted. Such fee modifications include, but are not limited to, the automatic annual increase of the fee by the amount of the increase in the ENR Construction Cost Index for the San Francisco Bay area for the period ending September 30 of if the preceding fiscal year over the year-earlier amount.

Section 2. Approval of the First Amendment to the Joint Exercise of Powers Agreement

The Town Council hereby approves the First Amendment to the Joint Exercise of Powers Agreement by and Among the City of Lafayette, the City of Orinda, and the Town of Moraga Relating to the Lamorinda Fee and Financing Authority (the "First

Amendment") as set forth in Exhibit B to this Resolution, subject to minor clarifications or modifications that may be approved by the Interim Town Manager and Town Attorney, and authorizes the Mayor to execute the First Amendment on behalf of the Town of Moraga.

Section 3. Severability.

If any action, subsection, sentence, clause or phrase of this Resolution, or any attachments hereto, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or other fees levied by this Resolution that can be given effect without the invalid provisions or application of fees.

Section 4. Effective Date.

Pursuant to the Original JPA, the fees shall not be effective unless and until all three parties to the Original JPA adopt the fee. Pursuant to Government Code section 66017(a), the fees identified in Exhibit A shall take effect 60 days following the adoption of the fee and execution of the First Amendment by the Town of Moraga, City of Lafayette, and City of Orinda, with the 60 day period commencing with the date of adoption by whichever city is the last to adopt the fee.

PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on February 10, 2016 by the following vote:

AYES: Mayor Metcalf, Councilmembers Arth, Onoda and Wykle
NOES: None
ABSTAIN: None
ABSENT: Vice Mayor Trotter


Michael Metcalf, Mayor

Attest:


Marty C. McInturf, Town Clerk

Exhibit A

Lamorinda Development Mitigation Fee Program

Fee Schedule

Land Use	Units	Fee Rates
Single-Family	Dwelling Units	\$7,269
Multi-Family ¹		\$5,088
Multi-Family (TOD) ²		\$2,697
Commercial	1,000 Sq Ft	\$7.78
Other	Daily Trips	\$800

¹ Multi-family also includes new second units constructed on parcels with existing single-family homes

² TOD – Transit Oriented Development

Distribution of Fee Revenue

Jurisdiction	Local Share (Setaside)	Share of Regional Pool
Lafayette	50.0%	55.0%
Moraga	50.0%	16.5%
Orinda	50.0%	28.5%
		100.0%