

RESOLUTION NO. 90- 94

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, COUNTY OF RIVERSIDE, CALIFORNIA ADOPTING THE MASTER UNDERGROUND PLAN (M.U.P.) AND ESTABLISHING A FEE TO FUND THE IMPLEMENTATION OF THE M.U.P., PURSUANT TO CHAPTER 8.30, UNDERGROUND UTILITIES, OF THE CATHEDRAL CITY MUNICIPAL CODE.

WHEREAS, the City Council has carefully reviewed the findings made at the time of adoption of Chapter 8.30 of the Cathedral City Municipal Code, and following the presentation of further evidence herein finds that such findings remain valid and current, the City Council determines that the findings contained in Section 8.30.010, Declaration of Cause, of the Cathedral City Municipal Code are proper reasons to adopt the Master Underground Plan, hereinafter sometimes referred to as the "M.U.P.," and to implement the imposition of the development fees necessary to carry out the Plan; and

WHEREAS, the City Council finds that Section 8.30.060, Underground Fees, of the Cathedral City Municipal Code requires that the City prepare an M.U.P. and adopt a fee to be imposed upon all permits for new construction and development; and

WHEREAS, subsection (a) of Section 8.30.060 requires that the fee amount shall approximate the cost of undergrounding all lines designated in the M.U.P. within the city within a reasonable period of time, in proportion to the individual project's impact and the relative number of projects which may reasonably be expected to contribute to such total cost; and

WHEREAS, all requirements of Cathedral City Municipal Code Chapter 8.30, Underground Wires, including exceptions thereof, collection of fees, and disbursement of funds, shall be met; and

WHEREAS, the City Council for the City of Cathedral City has considered the matter at its regularly scheduled meeting of October 3, 1990; and

WHEREAS, the City Council has reviewed the information submitted relative to compliance with the California Environmental Quality Act, and is satisfied from all proofs received that the project is categorically exempt;

NOW THEREFORE, the City Council of the City of Cathedral City does hereby find and determine as follows:

SECTION 1. The City Council does hereby find that there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed because all uses in the city, be it residential or non-residential, will gain by the improved living environment of the undergrounding of existing overhead utilities. Property values are increased and safety hazards are removed. Further, the City Council has found that the existence of utility structures above the ground is detrimental to the general welfare of the city by its blight on the natural beauty and aesthetic environment of the city, and the resulting interference with the restfulness, tranquility and pleasure of city residents in viewing the natural landscape of the city. The underground installation, placement and construction of wires and associated structures will enhance and preserve the natural beauty and landscape of the city by keeping from public view such functional but nonaesthetic facilities.

SECTION 2. The City Council does hereby find that there is a reasonable relationship between the need for the public facility, to wit: utility undergrounding, and the type of development project on which the fee is imposed because all new development in the city benefits from undergrounding the existing overhead utilities throughout the city because the living environment, property values, and public safety are all enhanced equally. The City Council has found that the location of utility structures above the ground surface makes them susceptible to damage, destruction, and being rendered inoperable by weather or human causation. This may result in services provided thereby to be interrupted, the uninterrupted continuation of which is vitally needed for the protection of the public health, safety and general welfare, particularly life-saving institutions such as hospitals and fire and law enforcement communication facilities. The construction, placement and installation of said wires and associated structures underground reduces the chances of such interruption. Further, utility poles, wires and associated structures could be a danger to fire suppression personnel and street maintenance personnel, who, by reason of their jobs and duties, may come in close proximity thereto, particularly when using ladders, booms, and cranes. The construction, placement and installation of such wires and associated structures underground will substantially reduce said hazards.

**SECTION 3.** The City Council does hereby find that 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. This is assured by spreading the project over a 30-year period, thus spreading the costs through time. Further, since most of the ultimate development of the city will be built in this time period, the costs will be reasonably divided. Finally, a portion of the undergrounding costs will be provided by existing development through Redevelopment tax increments, General Fund sources and Community Service charges, as well as through utility company funding made available through regulatory proceedings from proceeds realized from existing utility customers.

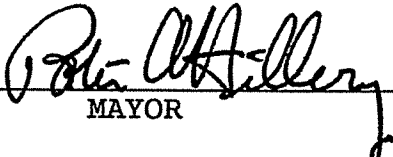
**SECTION 4.** Based on the staff report, the findings set forth in this resolution, evidence presented at the hearing, and the City Council's review of the entire record of proceedings, the City Council does hereby adopt its Master Underground Plan, dated August 30, 1990, attached hereto as Exhibit A and incorporated herein by this reference, and, further, does hereby establish the underground utility fee as \$0.15 per square foot of total floor area (excluding garages, carports, patios and other ancillary structures in residential uses) of all new construction. The fee is to be paid to the City prior to issuance of construction permit except where deferral is specifically mandated upon the city by state law, in which event full compliance with state law relative to security for and payment of such fee shall apply. All such fees shall be placed in a fund especially designated for underground projects as approved by the City Council. The fee shall be in place until all overhead lines as listed in the M.U.P. are underground, or 30 years from the date of adoption, whichever comes first, unless modified to meet changing future conditions.

**SECTION 5.** All funds received as a result of the imposition of this fee shall be deposited, invested, accounted for and expended pursuant to Government Code Section 66006 and Cathedral City Municipal Code Chapter 8.30. Any protests shall be filed and processed in accordance with the procedures specified in Government Code Sections 66008 and 66009.

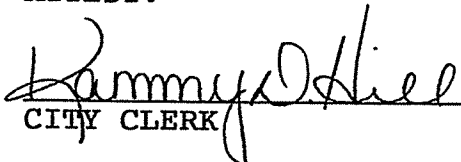
**SECTION 6.** The City Council does hereby determine this project to be categorically exempt under the provisions of the California Environmental Quality Act, and hereby authorizes city staff to file the appropriate documents evidencing such determination.

092090

APPROVED AND ADOPTED THIS 3rd DAY OF October, 1990.

  
MAYOR

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

APPROVED AS TO CONTENT:

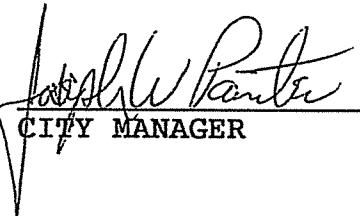
  
CITY MANAGER

EXHIBIT A

August 30, 1990

MASTER UNDERGROUND PLAN

The following portions of existing overhead utility lines are to be undergrounded within a 30-year period, depending on available funding and technology. These overhead utilities are generally listed in priority. However, the City Council may modify the priority if circumstances dictate more effective timing of underground projects:

<u>Priority</u>	<u>Line Section</u>	<u>Voltage</u>
1	Highway 111, Elk's area	Low*
2	Highway 111, Tramview	Low*
3	Highway 111, McDonald's	Low
4	Cathedral Canyon, S. of Dinah Shore	Low
5	Ramon Road, W. of Crossley Road	Low
6	Ramon Road, E. of Date Palm	Low
7	Ortega, W. of Date Palm	Low
8	Avenida Maravilla, N. of Risueno	Low
9	McCallum Way (cross street areas)	Low
10	Baristo Road, E. of Landau	Low
11	N. of Vista Chino-Wash/Camela	Low
12	Corral Road, E. of Shifting Sands	Low
13	DaVall, S. of Gerald Ford	Low
14	Terrace Road, E. of Cathedral Canyon	Low
15	Landau, Vista Chino to Verona	Low*
16	Landau, Vista Chino to 30th Avenue	Low*
17	Landau, 30th Avenue to Ramon Road	Low*
18	Landau, Ramon Road to 33rd Avenue	Low*
19	Avenida La Paz (Alley Poles)	Low

20	Landau Boulevard, N. of Verona Road	Low*
21	Date Palm, Dinah Shore to Converse	High
22	Date Palm, Dinah Shore to 33rd Avenue	High
23	Date Palm, Ramon Road to Vista Chino	High
24	Date Palm, 33rd Avenue to Ramon Road	High
25	Van Fleet, S. of "D" Street	Low*
26	Van Fleet, N. of "D" Street	Low*
27	Cathedral Canyon, "D" St. to Hwy 111	Low
28	Converse Road, E. of Date Palm	Low/High
29	Vista Chino, Landau to Wash	High
30	Landau, Vista Chino to 30th Avenue	High
31	Landau, 30th Avenue to Ramon Road	High
32	Landau, Ramon Road to 33rd Avenue	High

\*Indicates poles with dual low & high voltage service lines