

**RESOLUTION NO. 2025-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI REVISING THE TRAFFIC IMPACT FEE, THE SEWER CONNECTION FEE, THE WATER CONNECTION FEE AND THE PARKS AND RECREATION FEE, ADOPTING A GENERAL PLAN FEE (REPLACING THE DOWNTOWN SPECIFIC PLAN RECOVERY FEE), ALL BASED ON THE DEVELOPMENT IMPACT NEXUS STUDY UPDATE, AND MAKING ASSOCIATED FINDINGS REQUIRED BY THE MITIGATION FEE ACT**

**WHEREAS**, the City of Cotati (City) has adopted various Development Impact Fee (DIF) programs over many years, with fees generally set by resolution, including:

- Downtown Specific Plan (DSP) Recovery Fee
- Park-In-Lieu Fee – Ordinance 766 (established current fee)
- Traffic Impact Fee – Resolution 2015-71
- Sewer Connection Fee - Resolution 2016-68
- Water Connection Fee - Resolution 2016-68
- Water Conservation Fee - Resolution 93-83
- Fire Impact Fee - Ordinance 931, Section 4.15.030.

; and

**WHEREAS**, the purpose of the DIF programs are 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**, 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**, as cited above, the City has adopted various Development Impact Fees individually over time and approved multiple new specific plans, capital project master plans and Capital Improvement Plan Budgets; and

**WHEREAS**, the City retained the professional services of Willdan Financial Services to prepare the City of Cotati Development Impact Fee Study Update (the “DIF Study”); and

**WHEREAS**, the DIF Study is attached as Exhibit A and is also incorporated herein by this reference and provides the requisite findings related to the City’s DIF Fees; and

**WHEREAS**, the DIF Study includes a General Plan fee, which is intended to collect fees to perform future amendments and updates to the General Plan and Specific Plans, therefore eliminating the need for the current Downtown Specific Plan fee; and

**WHEREAS**, the City of Cotati Capital Improvement Plan for Fiscal Years 2025/26 through 2030/31 indicates 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

**WHEREAS**, where it can be determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. This general rule can be applied to activities which could be subject to the CEQA process, but which logic dictates should not be subject to CEQA review. Therefore, based on the information provided above, the proposed resolution is exempt from CEQA pursuant to Section 14.03.021 of the CEQA Guidelines in that there is no possibility that the activity may have a significant impact on the environment.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Cotati that:

1. The above recitals are true and correct; and
2. The DIF Study is hereby adopted.
3. The rates for Parks and Recreation, Traffic, Water Capacity (Connection), Sewer Capacity (Connection) are revised, and General Plan fee is adopted, in the amount as are indicated in the table below:

**E.1: Maximum Justified Development Impact Fee Schedule**

Land Use	Parks and Recreation	Water Capacity	Sewer Capacity	Traffic	General Plan	Total
<i>Residential - per Square Foot</i>						
All Units	\$ 12.36	\$ 4.03	\$ 4.91	\$ 4.03	\$ 0.21	\$ 25.54
<i>Nonresidential - per Square Foot</i>						
Commercial	\$ -	\$ 2.63	\$ 3.54	\$ 14.56	\$ 0.09	\$ 20.82
Office	-	2.63	3.54	15.26	0.14	21.57
Industrial	-	1.09	1.42	8.84	0.05	11.40

Sources: Tables 3.8, 4.8, 5.8, 6.5 and 7.5.

4. The fees in the following Resolutions are hereby superseded:
  - a. Traffic Impact Fee – Resolution 2015-71
  - b. Sewer Connection Fee - Resolution 2016-68
  - c. Water Connection Fee - Resolution 2016-68
  - d. Notwithstanding the foregoing, should any of the fees adopted by this resolution be invalidated for any reason, the corresponding fees shall be deemed to have remained in effect.
  
5. The Downtown Specific Plan fee is hereby rescinded.
  
6. The City Council hereby adopts the proposed findings set forth in Chapter 10 of the DIF Study (pp. 47–48), attached as Exhibit A, with respect to the following statutory findings required by Government Code section 66001:
  - a. That the purpose of the impact fees has been identified;
  - b. That the use of the fees have been identified;
  - c. That there is a reasonable relationship between the use and the type of project on which it is imposed; and
  - d. That there is a reasonable relationship between the need for public improvement and the type of project on which it is imposed.
  
7. Effective Date: 60 days following the adoption of this resolution.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Cotati held on August 12, 2025, by the following vote, to wit:

**RESULT:** Adopted [5-0]  
**MOVER:** Sylvia Lemus, Vice Mayor  
**SECONDER:** John Savage, Councilmember  
**AYES:** Ford, Lemus, Harvey, Sparks, Savage

Approved: Ben Ford  
Mayor

Attest: Kevin Patterson  
Kevin Patterson, Deputy City Clerk

Approved as to form: [Signature]  
City Attorney