



Cotati City Council Agenda Staff Report

Item type: PUBLIC HEARINGS (ACTION)
To: City Council
Subject: **INTRODUCTION OF AN ORDINANCE TO ESTABLISH A
DEVELOPMENT IMPACT FEE ON BEHALF OF THE
RANCHO ADOBE FIRE PROTECTION DISTRICT**
Date: December 10, 2024
Written by: Damien O'Bid, City Manager

Recommendation

It is recommended that the City Council introduce an ordinance authorizing a fire impact fee on behalf of the Rancho Adobe Fire District within the City limits of Cotati.

Background

The Rancho Adobe Fire District (RAFD) provides fire protection and prevention services to the City of Cotati, unincorporated areas of Sonoma County around the City, as well as Sonoma State University. Currently, RAFD does not have any impact fees to mitigate the impact of development and the increased demand for services it creates. To ensure appropriate mitigation of impacts, the RAFD Board of Directors directed their staff to develop a nexus study and appropriate mitigation impact fees.

On June 19, 2024, the RAFD Board of directors approved the nexus study and fees. However, RAFD does not have the legal authority to impose the fees and must rely on the land use authorities within its service area. Therefore, RAFD staff reached out to City and the County of Sonoma to request that both agencies consider adoption of their fee program within our respective jurisdictional limits.

Analysis/Discussion

The attached ordinance is intended to authorize the collection of fire impact fees. By default, the program would be administered such that RAFD would collect the fees, manage the fee fund, issue refunds as needed, etc. Similar to school impact fees, the City would require developers to provide proof of payment prior to issuing building permits.

As the program is technically a City impact fee program, an Administration Agreement is required and is a condition of the ordinance going into effect. The Administration Agreement would provide indemnification for the City and detail RAFFD responsibilities for providing impact fee accounting for the public in accordance with the Mitigation Fee Act. If the City were to provide a more direct role in collecting, managing, reporting, etc., the Administration Agreement would memorialize that arrangement.

City staff have been in contact with staff from the County of Sonoma and they are currently scheduled to bring this ordinance to the Board of Supervisors in early January 2025.

Financial Considerations

This agenda item required City staff time and public noticing, anticipated to be less than \$3,000. If the City Council introduces and adopts this ordinance, there will be some minor on-going noticing requirements with the City's other impact fees. However, this is expected to be de minimus.

If the City takes a more direct role in the administration of the fire impact fee, recovering administrative costs would be included in an Administrative Agreement. In the event of litigation around the fire impact fee, the Administration Agreement would indemnify the City.

Environmental Issues

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.