

Resolution No. 2024-XXX N.C.S.
of the City of Petaluma, California

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA ACCEPTING THE
FISCAL YEAR 2023 ANNUAL DEVELOPMENT IMPACT FEE REPORT AND MAKING
FIVE-YEAR FINDINGS PURSUANT TO THE MITIGATION FEE ACT**

WHEREAS, the City of Petaluma imposes fees to mitigate the impacts of development, pursuant to Government Code §§66000 *et seq.* (the “Mitigation Fee Act”); and

WHEREAS, fees collected are deposited into a separate fund for each type of development impact fee; and

WHEREAS, the Mitigation Fee Act requires the City of Petaluma to make available to the public certain information regarding the fees and regarding each fund on an annual basis within 180 days of the end of the fiscal year (i.e. June 30, 2023); and

WHEREAS, the Development Impact Fee Report – Fiscal Year 2022-2023 and Development Impact Fee Program Five-Year Findings Report attached to the concurrent Staff Report as Exhibit A and incorporated herein by reference (“the Report”) provides the information required by the Mitigation Fee Act, specifically all information required by Government Code Section 66006(b)(1) and 66001(d); and

WHEREAS, the Report was made available to the public on the City’s website on December 29, 2023 in accordance of the noticing requirements of Government Code Section 66006(b)(2); and

WHEREAS, the City’s review and acceptance of the Report is not a project under the California Environmental Quality Act pursuant to Public Resources Code sections 21065 and 21080 and CEQA Guidelines Sections 15378 and 15061(b)(3) as reviewing and accepting the Report will not result in any direct or indirect physical change in the environment; and

WHEREAS, the City Council has reviewed the Report at its regularly scheduled meeting on January 22, 2024.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. The recitals stated herein are true and correct and adopted as findings of the City Council.
2. Finds that the City’s review and acceptance of the Report is not a project under the California Environmental Quality Act pursuant to Public Resources Code sections 21065 and 21080 and CEQA Guidelines Sections 15378 and 15061(b)(3) as reviewing and accepting the Report will not result in any direct or indirect physical change in the environment
3. The City Council has received and reviewed and hereby accepts the Development Impact Fee Report – Fiscal Year 2022-2023 attached hereto as Exhibit A and incorporated herein by reference (“the Report”).

4. In accordance with Government Code section 66001(d)(1), the City Council hereby finds that its various development impact fee accounts includes sums which the City has held for more than five years, as further explained in detail in the Development Impact Fee Program Five-Year Findings dated November 17, 2023, which is attached as Exhibit E to the Annual Development Impact Fee Report for Fiscal Year 2022-23. These development impact fee accounts include the City Facilities Development Impact Fee (Fund 2152), the Parkland Development Impact Fee (Fund 2142), the Parkland Acquisition Impact Fee (Fund 2141), the Open Space Acquisition Impact Fee (Fund 2143), and the Traffic Development Impact Fee (Funds 2160 and 2161). The City continues to need the funds in each of these accounts to complete public infrastructure that is necessary to serve the development projects on which these fees have been imposed, as further detailed in the Development Impact Fee Program Five-Year Findings. Thus, with respect to each of these development fee accounts, the Council further makes all of the following findings:

- a. The Development Impact Fee Program Five-Year Findings adequately identify the purposes of each of the development fees identified above;
- b. The Development Impact Fee Program Five-Year Findings adequately demonstrate a reasonable relationship between each of the development fees identified above and the purposes for which they were charged;
- c. The Development Impact Fee Program Five-Year Findings adequately identify all sources and amounts of funding the City anticipates to complete financing incomplete improvements for which the City has collected each of the development impact fees identified above; and
- d. The Development Impact Fee Program Five-Year Findings adequately designates the approximate dates by which the sources and amounts of funding referred to in subparagraph 4(c) above is expected to be deposited into the appropriate accounts or funds.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 22nd day of January 2024, by the following vote:

Approved as to form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor