

## **RESOLUTION NO. 2016-109**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AMENDING BUILDING PLAN CHECK AND INSPECTION FEE SCHEDULE**

**WHEREAS**, the City Council of the City of Rohnert Park adopted Resolution No. 2011-26 on March 22, 2011 adopted Building Plan Check and Inspection Fee Schedule;

**WHEREAS**, the City Council of the City of Rohnert Park adopted Resolution No. 2012-105 on September 11, 2012 approving an updated Building Plan Check and Inspection Fee Schedule;

**WHEREAS**, the City Council of the City of Rohnert Park adopted Resolution No. 2015-094 on April 28, 2015 approving an updated Building Plan Check and Inspection Fee Schedule;

**WHEREAS**, Rohnert Park Municipal Code Chapter 3.32, "Cost-Recovery - Fee and Service Charge System," provides for the "establishment of a fee system to recover costs of the City in providing certain services, products and regulatory activities," including providing authority for the Council "to establish such fees by resolution to support the cost of providing the service or services" requested by applicants;

**WHEREAS**, the fee schedule needs to be updated for reasonable cost recovery, including new fees for services that are performed for which no fees are currently on the fee schedules;

**WHEREAS**, a fee justification for new proposed fees was prepared;

**WHEREAS**, the fee justification provides the necessary data to substantiate that the proposed fees will not exceed the estimated reasonable cost of providing the services for which the fees are to be levied;

**WHEREAS**, none of the fees outlined are Development Impact Fees (fees imposed as a condition of approval of development) subject to state law requirements pertaining to those fees;

**WHEREAS**, no fees are amended in these updated fee schedules for the purpose of acquiring funds for the construction of public improvements or the acquisition of equipment;

**WHEREAS**, on October 25, 2016, the City Council of the City of Rohnert Park reviewed the draft supplemental fees and supporting data during a scheduled public meeting, at which time interested persons had an opportunity to testify either in support of or opposition to the proposed fees; and

**WHEREAS**, in accordance with state law, the fee justification was made available for public review at least ten (10) days prior to the meeting at which the fee schedule amendments are to be adopted;

**WHEREAS**, the City published notice for adoption of the fee schedule amendments in accordance with state law;

**WHEREAS**, at the November 8, 2016 City Council meeting, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Council considered all the facts relating to the draft fee schedules.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1. Recitals.** That the above recitations are true and correct and material to this Resolution.

**Section 2. Environmental Clearance.** The adoption of this Resolution is exempt from the California Environmental Quality Act as this action is not considered a "project" as defined in California Code of Regulations, Title 14, Chapter 3, Article 20, Section 15378(a):

*(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment,...*

and is specifically excluded in Section 15378(b)(4), to wit:

*(b) "Project" does not include: ... (4) The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.*

**Section 3. Findings.** Based on the staff report, attachments, supporting data and all oral and written testimony presented, the City Council hereby finds that the proposed fees bear a fair relationship to the payer's burdens or benefits and do not exceed the reasonable costs of the services or benefits provided.

**Section 4. Adoption of Fees.** The Building Plan Check and Inspection Fee Schedule are hereby amended to include the fee shown on Exhibit A, which is attached hereto and incorporated by this reference, and shall be in full force and effect as of January 1, 2017. All fees for building permits and services shall continue to be in effect and shall remain as provided for in Resolution Nos. 2011-26, including all subsequent additions and amendments.

**Section 5. Constitutionality.** If any action, subsection, sentence, clause or phrase of this Resolution or the fees levied by this Resolution 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 the fees levied by this Resolution that can be given effect without the invalid provisions.

**Section 6. Waiver of Fee.** The City Council is hereby authorized to waive any of the fees outlined in Exhibit A. If such a waiver occurs, the City Manager or his/her designee will ensure that any fee category for which a waiver was granted does not exceed the estimated reasonable cost of providing the service.

**DULY AND REGULARLY ADOPTED** this 8th day of November, 2016.

**CITY OF ROHNERT PARK**

  
Gina Belforte, Mayor

**ATTEST:**

  
Caitlin Saldanha, Deputy City Clerk

Attachment: Exhibit A

AHANOTU: Aye CALLINAN: Aye STAFFORD: Aye MACKENZIE: Aye BELFORTE: Aye  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )

**Plan Check and Inspection Fees**  
**Miscellaneous Permits (Added January 1, 2017)**

FEE TYPES	Unit	Note	FEE
Board of Appeals Administrative Hearing			
<i>Residential Appeals</i>	each		\$500
<i>Non-Residential Appeals</i>	each		\$1,000
Residential Water Meter Installation	each		\$500
Change of Occupancy or Use	each		\$350