

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA  
APPROVING THE SANITARY SEWER CONVEYANCE FEE  
NEXUS STUDY AND AMENDING THE FISCAL YEAR 2025/26  
MUNICIPAL FEE SCHEDULE WITH UPDATED SANITARY SEWER  
OUTLET CHARGE – CONVEYANCE FEE RATES**

**WHEREAS**, pursuant to Santa Clara City Code section 17.15.220, subdivision (c) and Resolution Number 07-7415, the City is authorized to collect charges for persons who desire to connect to the sanitary sewer system;

**WHEREAS**, the Sanitary Sewer Outlet Charge - Conveyance Fee established by Resolution 07-7415 may be modified and updated periodically by resolution of the City Council pursuant to any applicable law, rule, regulation and conformance with any subsequent fee study prepared by or on behalf of the City of Santa Clara;

**WHEREAS**, the Sanitary Sewer Outlet Charge - Conveyance Fee was last modified and updated by Resolution 10-7741 pursuant to all applicable law, rule, regulation and conformance with subsequent fee study prepared by the City of Santa Clara;

**WHEREAS**, the City Council adopts a Master Fee Schedule as part of its budget, fixing and establishing fees, rates, and charges for goods and services provided by the City;

**WHEREAS**, the Department of Public Works has prepared a report entitled "Sanitary Sewer Conveyance Fee Nexus Study" (the "Study") which is attached and includes costs associated with the sewer infrastructure improvements including acquisition, administration, plan, design, construction, and reconstruction of public sanitary sewer facilities;

**WHEREAS**, the Study is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by this reference;

**WHEREAS**, the Study provides an evaluation of the need for the Sewer Conveyance Fee and establishes the nexus between the imposition of such impact fee and the estimated reasonable cost of providing the improvements for which the fees are charged;

**WHEREAS**, The Mitigation Fee Act, California Government Code section 66001 et seq.,

requires that, in any action establishing a fee as a condition of approval of a development project, a local agency shall make the following findings:

- 1) Under Government Code Section 66001 (a)(1), identify the purpose of the fee.
- 2) Under Government Code Section 66001 (a)(2), identify the use to which the fee is to be put.
- 3) Under Government Code Section 66001 (a)(3), determine how there is reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- 4) Under Government Code Section 66001 (a)(4), determine how there is reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- 5) Under Government Code Section 66001 (b), determine how 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;

**WHEREAS**, the Study substantiates the need for the proposed update to the Sewer Conveyance Fee rates;

**WHEREAS**, the City wishes to adopt these proposed Sewer Conveyance Fee rates in accordance with the analysis contained in the Study;

**WHEREAS**, the Study was made available for public inspection at least ten days before the public hearing by placing the data on file with the City Clerk's office on November 5, 2025 in accordance with Government Code 66016; and,

**WHEREAS**, pursuant to the Mitigation Fee Act and Section 17.15.220 of the Santa Clara City Code, the City Council now desires to approve the Study and proposed rate modifications to the Fee.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the City Council hereby finds that the above Recitals are true and correct and by

this reference makes them a part hereof.

2. That in accordance with the Mitigation Fee Act and the Study, and based on the facts and substantial evidence in the record, the Fee is hereby adopted by the City Council based on the following findings:

A. Development projects will create additional demand on the City's existing sanitary sewer system.

B. As required by Government Code Section 66001 (a)(1), the purpose of the fee is to fund capacity improvements to the sanitary sewer system caused by new development.

C. As required by Government Code Section 66001 (a)(2), the use of the fees is to fund the activities necessary to accomplish sanitary sewer capacity improvements as further detailed in the Study.

D. As required by Government Code Section 66001 (a)(3), the use of the fees for sanitary sewer capacity improvements is related to the increased sanitary sewer discharges created by new residential and non-residential development as further detailed in the Study.

E. As required by Government Code Section 66001 (a)(4), the sanitary sewer capacity improvements are required due to increases in sanitary sewer discharges from residential developments and increases in sanitary sewer discharges from non-residential developments as further detailed in the Study.

F. As required by Government Code Section 66001 (b), the sewer capacity improvement costs are recovered by setting development fee rates at the level not to exceed the improvement costs. The Fee does not exceed the estimated reasonable cost of providing the facilities for which the Fee is imposed. The Fee is not levied, collected or imposed for general government purposes.

G. As the purpose of this Resolution is to continue collection of an impact fee to fund necessary sanitary sewer capacity improvement costs, the setting and imposition of the Fee is exempt from environmental review under the California Environmental Quality Act (CEQA)

pursuant to Section 21080(b)(D) of the California Public Resources Code. This Resolution is for the purpose of continuing the Fee only and is not intended to approve any capital project to be funded by said fee. Such capital projects will undergo separate review under CEQA, if applicable, at such time as the City considers those capital projects for approval.

3. The FY25/26 Municipal Fee Schedule is hereby amended to modify the Sanitary Sewer Outlet Charge – Conveyance Fee imposed upon development projects at the following rates:

Residential - \$1.14 per square foot

Non-residential - \$6.34 per gallon per day (gpd)

4. The Sanitary Sewer Outlet Charge – Conveyance Fee shall apply to Accessory Dwelling Units (ADUs) as follows:

A. ADUs 750 square feet or larger shall be assessed the “Residential” rate described in Section 3.

B. ADUs less than 750 square feet shall not be charged the Sanitary Sewer Outlet Charge – Conveyance Fee.

5. That the sanitary sewer capacity improvement projects included in the Study are the City’s current best estimate of future sewer system capacity capital needs and the list of projects is subject to change due to changes in development patterns, changes in land uses not currently envisioned, changes in the sanitary sewer collection system or the sewer hydraulic model due to new information, and other unforeseen changes, and City staff may make modifications to the list of projects resulting from such changes.

5. That said Study, as duly revised and corrected if necessary, is hereby approved, confirmed and adopted.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:  
NOES: COUNCILORS:  
ABSENT: COUNCILORS:  
ABSTAINED: COUNCILORS:

ATTEST: \_\_\_\_\_  
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:  
1. Sanitary Sewer Conveyance Fee Nexus Study  
S:\Attorney\RESOLUTIONS\Form Resolution-City.doc