



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Fire Impact Mitigation Fee	Board Meeting Date June 25, 2019	Agenda Number 36
Dept: Administrative Office Contact: Brian Moss Phone: (209) 754-6036	Supervisory District Number District 1, District 5	Regular Agenda
Published Notice Required? Yes Public Hearing Required? Yes		Estimated Time: 25 Minutes
Type of Document? Resolution PowerPoint Presentation Included? Yes Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Conduct a public hearing and adopt a Resolution implementing Fire Impact Mitigation Fees on behalf of the Calaveras Consolidated Fire District pursuant to the provisions of Government Code, Section 66000 et seq. and Chapter 15.08 of the Calaveras County Code

DISCUSSION/SUMMARY:

Background

Pursuant to Govt. Code §§ 66000 *et seq.* and Calaveras County Code Chapter 15.08, Calaveras County may implement a development fee on behalf of a local fire district where certain conditions and prerequisites are met by the district. If put into place, the fee is charged to a permit applicant in connection with approval of a development project for the purpose of defraying some of the cost of public facilities – in this case, fire – related to the project. To this end, on March 8, 2016, the Board of Supervisors adopted Ordinance No. 20160308o3068, adding Chapter 15.08 to Title 15 of the Calaveras County Code, mandating that fire districts who wish for the County to implement a Fire Impact Mitigation Fee on their behalf first undertake a series of steps including commission of a nexus study and adoption of a resolution containing certain specified items.

Calaveras Consolidated Fire Protection District (the “District”) has requested that the County implement a new development fee on its behalf. The District adopted Resolution No. 08282017A on August 28, 2017, accepting all terms of Chapter 15.08 and stating that the District will defend, indemnify, and hold harmless the County from any claims or liability arising out of implementation of the fee. The District circumvented the process dictated by County Code § 15.08.130 by hiring SCI Consulting Group to develop the Fire Impact Fee Nexus Study without going through the County RFP process. On December 5, 2017, the Board of Supervisors via adoption of Resolution 20171205r237 waived this requirement, and accepted SCI Consulting Group as the District’s impact fee consultant to prepare the Nexus Study. The Nexus Study was vetted through outside third party specialized counsel and is attached for Board review. The steps as specified in Title 15, Chapter 15.08 are attached in a flow chart.

Conclusions of the Nexus Study

The Summary of General Findings and General Recommendations may be found on pages four (4) through six (6) of the Nexus Study document.

The fire impact fee proposed by the Nexus Study is for the purpose of funding the cost of fire facilities (land, stations, and other buildings), equipment, and apparatus (engines, ambulances, and other vehicles) attributable to new residential and non-residential development within the District. The Nexus Study determined that there is a reasonable relationship between the proposed fees and the need for fire facilities, apparatus, and equipment and the demand for fire protection and emergency response services associated with new development.

The amount of the fees represents an equivalent cost of providing the existing level of fire protection and emergency response services within the District to the new development, and the costs are allocated to residential and non-residential and uses on a per square footage basis in proportion to the demand that they create, mitigating the impact of the new development on the District's ability to provide the services.

The Fire Impact Mitigation Fee Schedule that the Board may choose to adopt at or below the maximum level determined by the Nexus Study on behalf of the District is as follows:

Maximum Fire Impact Fee Schedule

<u>Land Use</u>	<u>Maximum Fire Impact Mitigation Fee</u>
Residential Development	Per Living Area <u>Sq.Ft.</u>
Single Family Housing	\$0.90
Multi-Family Housing	\$1.06
Mobile Home	\$0.68
Nonresidential Development	Per Building <u>Sq.Ft.</u>
Office/Commercial	\$1.22
Office	\$1.70
Industrial	\$1.12
Agriculture	\$0.16
Warehouse/Distribution	\$0.60

Fire impact fees established by the County shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit. (County Code § 15.08.060(A).) Chargeable residential square footage, which shall be determined and calculated in accordance with the County's standard practice, shall include new habitable living space within the perimeter of a structure, not including any carport, walkway, garages, overhangs, patios, enclosed patios, detached accessory structure or detached storage space. Chargeable nonresidential square footage shall include new covered and enclosed space within the perimeter of a nonresidential structure, not including any storage areas incidental to the principal use of the construction, garage, parking structure, unenclosed walkway, or utility or disposal area. (County Code § 15.08.060(C).)

The District on May 29, 2019 adopted Resolution No. 20190529, approving the above fee structure and requesting that the Board of Supervisors adopt and implement the above fees on behalf of the District.

Pursuant to County Code § 15.08.070, the fire impact fee will be adjusted automatically without any further action by the Board of Supervisors on the first day of each fiscal year by the net percentage change during the preceding calendar year in the Engineering News Record Construction Cost Index for San Francisco as published in the Engineer News-Record. During the fifth year and every fifth year thereafter, the fees are to be recalculated and incorporated into a proposed resolution amending such fees for consideration by the Board.

FINANCING:

Costs associated with adopting the resolution implementing a Fire Impact Mitigation Fee on behalf of the District will have no further impact on County General Funds other than for the preparation and review of this agenda item.

Should the Board choose to implement a new Fire Impact Mitigation Fee on behalf of the District, the County shall retain two (2) percent of the total fee collected to cover administrative costs at current weighted hourly salary associated with the implementation, pursuant to Chapter 15.08 of County Code. If the County administrative costs exceed 2%, the County shall charge the District each fiscal year for any deficiency the previous fiscal year.

ALTERNATIVES:

The Board could choose not to adopt the resolution implementing a new Fire Impact Mitigation Fee on behalf of the District.

OTHER AGENCY INVOLVEMENT:

Calaveras Consolidated Fire Protection District

APPROVED BY:



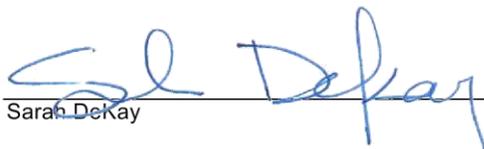
Brian Mess, Deputy CAO

4/26/2019



Brian Mess, Deputy CAO

4/29/2019



Sarah DeKay

6/18/2019



Diane Severud, Deputy Clerk of the Board of Supervisors

6/19/2019

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
June 25, 2019

Resolution
No. (ID # 4505)

**RESOLUTION IMPLEMENTING FIRE IMPACT
MITIGATION FEES ON BEHALF OF THE CALAVERAS
CONSOLIDATED FIRE DISTRICT PURSUANT TO THE
PROVISIONS OF GOVERNMENT CODE SECTION 66000
ET SEQ. AND CHAPTER 15.08 OF THE CALAVERAS
COUNTY CODE RELATING TO FIRE IMPACT MITIGATION
FEES**

WHEREAS, On March 8, 2016, the Board of Supervisors (Board) adopted Ordinance No. 20160308o3068 adding Chapter 15.08 to Title 15 of the Calaveras County Code relating to fire impact mitigation fees; and,

WHEREAS, the ordinance requires Fire Districts who wish to implement a fire impact mitigation fee to pass a resolution and take other steps as required pursuant to Chapter 15.08 of County Code; and,

WHEREAS, on August 28, 2017, the Calaveras Consolidated Fire Protection District (District) adopted Resolution No. 20170828 accepting all the terms of County Code, Chapter 15.08 for the establishment of new fire impact mitigation fees for the District: and,

WHEREAS, the District agreed to pay for the required Fire Impact Mitigation Fee Nexus Study (Nexus Study) and outside counsel review of said study of which the cost of the Nexus Study and outside counsel review is borne by the District and cannot be passed on to the developer(s) through fire mitigation impact fees; and,

WHEREAS, SCI Consulting Group completed the Nexus Study; and,

WHEREAS, outside third party specialized counsel has vetted the Nexus Study; and,

WHEREAS, the District must defend and hold the County harmless in the event of a legal challenge to the fire impact mitigation fee; and,

WHEREAS, the fire impact fee proposed by the Nexus Study is for the purpose of funding the cost of fire facilities, equipment, and apparatus attributable to new residential and non-residential development within the District; and,

WHEREAS, the Nexus Study determined that there is a reasonable relationship between the proposed fees and the need for fire facilities, apparatus, and equipment and the demand for fire protection and emergency response services associated with new development; and,

WHEREAS, the amount of the fees represents an equivalent cost of providing the existing level of fire protection and emergency response services within the District to the new development, and the costs are allocated to residential and non-residential and uses on a per square footage basis in proportion to the demand that they create, mitigating the impact of the new development on the District's ability to provide the services; and,

WHEREAS, should the Board choose to approve a fire impact mitigation fee, the County shall retain two (2) percent of the total fee collected to cover administrative costs at current weighted hourly salary associated with the implementation Chapter 15.08 of County Code.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors, County of Calaveras, does hereby implement fire impact mitigation fees on behalf of the Calaveras Consolidated Fire District pursuant to the provisions of Government Code, Section 66000 et seq. and Chapter 15.08 of the Calaveras County Code in the amount identified by the Nexus Study; and,

BE IT FURTHER RESOLVED, the County shall retain two (2) percent of the total fee collected to cover administrative costs at current weighted hourly salary associated with the implementation Chapter 15.08 of County Code.

Chair

ATTEST

Rebecca Turner, Ex-Officio Clerk
of the Board of Supervisors, County of Calaveras

Deputy Clerk