

## **Title 15, Chapter 15.08 Establishment of Fire Impact Mitigation Fees**

1) Fees may be imposed by the County for the District whose proposed improvements can be financed **based upon a reasonable relationship between new development and the fee to be charged.** It is intended that new development shall pay its fair share to maintain the pre-existing level of service, thereby mitigating the impact of development on a District's ability to provide such service. **(District retains professional planner to identify projects).**

2) "A fee **shall not include** the costs attributable to existing deficiencies in public facilities, **but may include** the costs attributable to the increased demand for public facilities reasonably related to the development project in order to **(1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.**"

3) To establish a development fee a local agency must identify **"the purpose of the fee"** and **"the use to which the fee is to be put."** (§ 66001, subd. (a).) **The agency also must determine that both "the fee's use" and "the need for the public facility" are reasonably related to "the type of development project on which the fee is imposed."** The agency also must **"identify the public improvement that the fee will be used to finance."**

4) A Fire Protection District impact fee may not be established unless requested by a District seeking establishment of a fee under this Ordinance via **District Resolution which identifies new, specific, and an identifiable development project or projects upon which a fee is to be imposed, and describes either 1) the required connection between development projects and improvements sought or 2) the direct relationship between the impact created by a project and the project-specific fee sought to be imposed on an ad hoc basis.** **(District determines capitol improvements).**

The District resolution must request the Board of Supervisors to issue the:

-RFP for Nexus Study

-Acknowledge that the district pays for the Nexus Study

-Acknowledge that the district pays for all engineering and consultant fees associated with review of the nexus study by third party specialized counsel.

5) The Board of Supervisors may establish the amount of such fee via Board Resolution at a publicly noticed meeting after 1) completion of an adequate nexus study, commissioned by a District seeking establishment of the fee (The nexus study shall establish a reasonable development fee for the district and demonstrate by competent analysis the reasonable relationship between such fee and the impacts of such); and 2) completion of review of nexus by neutral outside counsel for legal defensibility of study.

6) County shall withhold two (2) percent of the total fee collected to cover administrative costs at current weighted hourly salary associated with the implementation of this article. If the County administrative costs exceed 2%, the County shall charge the District each fiscal year for any deficiency the previous fiscal year.