



Legislation Text

File #: 17-0923, **Version:** 1

The Board is asked to consider a request from the Georgetown Fire Protection District to adopt and authorize the Chair to sign Resolution **138-2017** increasing the District's development impact mitigation fees. (Est. Time: 15 Min.)

DISCUSSION / BACKGROUND

The California Mitigation Fee Act (Cal. Gov. Code §§ 66000-66025.) provides for the establishment of fees on new development for the purpose of mitigating the effects of development on existing public facilities. Special districts do not have statutory authority to impose these fees. As a result, the Board of Supervisors passed an ordinance providing for the establishment of such fees on behalf of fire districts and parks and recreation districts. The ordinance for fire protection district fees was codified as Chapter 13.20. Development impact mitigation fees were first collected on Georgetown Fire Protection District's behalf in 1985. The District's fee was last updated in 2006.

The District has contracted with SCI Consulting Group to review the fee and provide a nexus study report using the "existing facility standard methodology." This method uses the District's ratio of existing fire protection facilities, apparatus, and equipment to existing development in order to determine new development's share of the cost to expand the District's system as growth occurs. Population data is derived from the 2010 census and County Assessor data as of 2015. Estimated total housing units and nonresidential building area are based on 2015 County Assessor data. The value of existing fire protection facilities, apparatus, and equipment is based on the replacement value for like items.

The current fees, established by Resolutions 286-2006 and 335-2006 (Legistar file #06-1677) are:

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|---------------------------------------|----------------|
| Minimum Residential: | \$1,469/unit |
| Residential: | \$0.82/Sq. Ft. |
| Associate Residential Use: | \$0.41/Sq. Ft. |
| Sprinklered Residential: | \$0.41/Sq. Ft. |
| Commercial, Industrial, Institutional | |
| Sprinklered: | \$0.44/Sq. Ft. |
| Non-Sprinklered: | \$0.87/Sq. Ft. |

The nexus study recommends revising the fees as follows:

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|----------------------------|----------------|
| Residential Development | |
| Single Family | \$1.11/Sq. Ft. |
| Multi-Family | \$1.75/Sq. Ft. |
| Mobile Home | \$1.51/Sq. Ft. |
| Nonresidential Development | |
| Retail/Commercial | \$1.44/Sq. Ft. |
| Office | \$1.75/Sq. Ft. |

| | |
|------------------------|----------------|
| Industrial | \$1.34/Sq. Ft. |
| Agriculture | \$0.67/Sq. Ft. |
| Warehouse/Distribution | \$0.98/Sq. Ft. |

The District Board approved the nexus study and adopted the recommended fees on February 11, 2016; however, as noted above, pursuant to state law, the final authority to impose the fee rests with the County.

The District's resolution indicated that the fee will be "automatically adjusted for inflation each year by an amount equal to the percentage change in the Engineering News Record Construction Cost Index in the preceding twelve months." CAO staff does not recommend including such language in the County's resolution for fee establishment. Each proposed increase in the fee should be separately justified, approved by the District Board, and submitted to the Board of Supervisors for consideration. This should not impose any additional burden on the District or County for approving such increases because under the Mitigation Fee Act, any increase to a fee must follow the same process as the establishment of the fee.

Notice of this public hearing was published in the Mountain Democrat on August 18 and August 25. The nexus study and staff report were provided to the Auditor-Controller and made available for public review on August 18. No interested parties had filed requests to receive notice of changes to these fees with the Board Clerk or the District as of August 11, 2017.

The resolution conditions the Board's increase of the fee on the execution of an indemnity agreement with the District. Thus, while the proposed increased fees could become effective 60 days following the Board's adoption of the resolution under the Mitigation Fee Act, the resolution provides that the increased fee will not be imposed or collected unless and until an indemnity agreement is executed.

The current County ordinance is potentially more restrictive than the Mitigation Fee Act. For example, the requirement to identify the specific projects under existing section 13.20.020 would be removed if the proposed amendments to Chapter 13.20 pass today. The District has been advised of the potentially greater flexibility by waiting to increase its fees until after the new ordinance is enacted, but nonetheless requests to move forward at this time.

ALTERNATIVES

If the Board does not adopt this resolution, the existing fees would continue in effect.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Georgetown Fire Protection District

CAO RECOMMENDATION

Revisions to the existing ordinance were approved by the Board of Supervisors on August 15, 2017. The second reading of this ordinance will occur on August 29, 2017, and, if passed by the Board, the ordinance will become effective 120 days later. The current ordinance does not require that the County and District enter into an agreement as a condition of County's collection of the fee; however, the revised ordinance states that the County shall not collect a fee of behalf of a district except pursuant to an indemnity agreement. Due to the fact that these fees would otherwise become effective prior to the effective date of the revised ordinance, the resolution includes language

conditioning the commencement of the imposition and collection of the increased fee on the final execution of an indemnity agreement, so that the County's collection of the fee will coincide with the District's duty to indemnify the County related to the County's collection, administration, and disbursement of the fee.

FINANCIAL IMPACT

There is no fiscal impact to the County related to adoption of the fee.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

N/A

CONTACT

Sue Hennike