



## Legislation Text

File #: 19-0724, Version: 1

HEARING - The Board is asked to consider a request from the Mosquito Fire Protection District ("District") to adopt and authorize the Chair to sign Resolution **074-2018** revising development impact mitigation fees for the District. (Est. Time: 5 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 has passed an ordinance providing for the establishment of such fees on behalf of special districts. The ordinance was codified as Chapter 13.20. Development impact mitigation fees were first collected on the District's behalf in 1987. The District's fee was last updated in 2007.

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.

The current fee, established by Resolution 291-2007 (Legistar file #07-1774) is \$0.79 per square foot of commercial, industrial, and institutional new construction. The proposed fees are as follows:

Residential Development		Per Living Area Sq. Ft.
Single Family	Housing	\$2.19
Multi-Family Housing		\$2.90
Mobile Home		\$2.57
Nonresidential Development		Per Building Sq. Ft.
Retail/Commercial		\$3.25
Office		\$4.02
Industrial		\$3.02
Agriculture		\$1.37
Warehouse/Distribution		\$2.14

The increase in the fee is due to changes in the fee methodology. The previous methodology was based on a capital improvement plan rather than maintenance of a level of service, resulting in a potential deterioration in the level of service if the capital improvement plan was not sufficient to maintain the level of service. In addition, the methodology did not account for the varying impacts of particular types of development on the District's facilities. It should be noted that the proposed fees are the maximum that the District could recommend to the Board of Supervisors for approval, based on the nexus study. The Mitigation Fee Act would allow for adoption of a lower fee; however doing so arguably does not fully recover the costs related to the impact of new development.

In addition to determining the maximum fee appropriate to charge new development for new facilities, apparatus and equipment necessary to maintain the District's level of service, the study provides that development impact fee revenue may be used to finance up to 10.6% of the replacement costs of fire protection facilities, apparatus and equipment. This number represents the ratio of projected developed parcels to currently developed parcels.

Population data is derived from the 2010 census. Estimated total housing units and nonresidential building area are based on 2018 County Assessor data. The value of existing fire protection facilities, apparatus, and equipment is based on the replacement value for like items. The nexus study has been reviewed by County staff and appears to meet all the requirements of the California Mitigation Fee Act.

The District Board approved the nexus study and adopted the recommended fees on March 14, 2019, at a noticed public hearing.

Notice of today's public hearing was published in the Mountain Democrat on May 3, 2019 and May 10, 2019. The nexus study and staff report were made available for public review on May 3, 2019

If approved by the Board, the proposed fees will become effective 60 days following the Board's adoption of the resolution. The County Building and Planning Department currently calculates and collects the fee, and will continue to do so as provided in the collection and indemnity agreement approved by the Board of Supervisors. That agreement provides for the County to retain up to 1% of fee revenue to offset the actual and necessary costs of administering the fee program. The CAO is working with all affected departments to determine an appropriate methodology for recovering costs associated with impact fee program administration.

## **ALTERNATIVES**

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

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Mosquito Fire Protection District; County Counsel

## **CAO RECOMMENDATION**

Approve as recommended.

## **FINANCIAL IMPACT**

There is no direct fiscal impact to the County related to adoption of the fee other than the cost to publish the notice of the required public hearing. The calculation, collection, and disbursement of fee revenue require some County staff time, the cost of which may be recovered through an administrative fee.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

## **STRATEGIC PLAN COMPONENT**

N/A

## **CONTACT**

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