

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. 2114

AN ORDINANCE ESTABLISHING FIRE MITIGATION FEES

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS
FOLLOWS:

Section 1: Chapter 27 is hereby added to the Lake County
Code and it shall read as follows:

"MITIGATION FEES

ARTICLE I: FIRE MITIGATION FEES

Section 27-1: TITLE.

This Article shall be known and be cited as the "Fire Mitigation
Fee Ordinance".

Section 27-2: PURPOSE OF ARTICLE.

The purpose of this Article is to implement the Lake County
General Plan policy providing for the adoption of fire mitigation
fees and for the collection of said fees at the time of the issuance
of building permits, said fees to be allocated to the affected Fire
Agency for the acquisition of capital facilities in order to ensure
the provision of the capital facilities necessary to maintain current
levels of fire protection services necessitated by new Development.

Section 27-3: FINDINGS.

The Board of Supervisors of the County of Lake finds and
declares as follows:

(a) Adequate fire protection facilities must be available to
serve new Development.

(b) New Development requires the construction or expansion of

1 fire protection facilities and the acquisition of equipment.

2 (c) In many areas of the County, property taxes and fire
3 suppression assessments currently collected by the agencies
4 providing fire protection services are insufficient to provide funds
5 for expansion or construction of fire facilities and purchase of
6 equipment necessitated by new Development resulting in the potential
7 for inadequate fire protection coverage for the new Development and
8 the growing population.

9 (d) The above conditions place Lake County's growing population
10 in a condition perilous to its health and safety.

11 (e) The impacts of Development on the existing fire protection
12 facilities and equipment cannot be alleviated without County
13 involvement.

14 (f) For the above reasons, new methods for financing fire
15 protection facilities and equipment necessitated by Development are
16 needed in Lake County.

17 Section 27-3: PRIOR AGREEMENTS AND DEDICATION.

18 (a) Any agreement existing prior to the operative date of this
19 Article between an applicant for Development and a Fire Agency
20 pertaining to the dedication of land or payment of fees for fire
21 facilities and equipment to serve the property which is the subject
22 of the application, or any portion thereof, shall satisfy the
23 requirements of this Article.

24 (b) If land, facilities or equipment has been dedicated or
25 donated to, and accepted by, the Fire Agency as a condition of
26 approval of a discretionary permit, such dedication or donation may
27 be considered by the Board of Supervisors as satisfying the require-
28 ments of this Article.

1 Section 27-4: DEFINITIONS.

2 Whenever the following words are used in this Article, they
3 shall have the meaning ascribed to them in this section.

4 (a) "*Development*" means all construction for which a building
5 permit or other permit is required.

6 (b) "*Board*" means the Board of Supervisors of the County of
7 Lake.

8 (c) "*Other permits*" means major and minor use permits.

9 (d) "*Clerk*" means the Clerk of the Board of Supervisors of the
10 County of Lake.

11 (e) "*Fire Agency*" and "*Agency*" means any special district
12 providing fire protection services within the unincorporated area of
13 the County.

14 (f) "*Facilities and Equipment*" means any long-term capital
15 facilities and equipment used by a Fire Agency for fire suppression
16 or emergency medical services including station construction, station
17 expansion and fire or emergency medical apparatus.

18 Section 27-5: EXEMPTIONS.

19 (a) There shall be exempt from the requirements of this
20 Article, building permits for the following types of development:

21 (1) Piers, ramps, boat lifts, docks, suspended platforms
22 and pilings.

23 (2) Agricultural buildings requiring an exempt building
24 permit.

25 (b) The requirements of this Article shall not apply to
26 buildings constructed for governmental uses.

27 (c) The requirements of this Article shall not apply to the
28 replacement on the same parcel by the owner of a dwelling or

1 dwellings destroyed by fire or other calamity, provided that: 1) the
2 application for a building permit to replace such dwelling is filed
3 with the County Building Official within one (1) year after
4 destruction of the dwelling; 2) there is no change in occupancy; and
5 3) the square footage is not increased by over 500 square feet of
6 living space.

7 Section 27-6: REQUIRED ACTIONS OF AFFECTED FIRE SERVICE
8 PROVIDERS.

9 This Article shall become applicable to Development within the
10 boundaries of a Fire Agency when the following events occur:

11 (a) The governing body of a Fire Agency adopts a resolution
12 making the following findings:

13 (1) The Agency does not have existing fire protection
14 facilities and equipment which could be used to provide an adequate
15 level of services to new Development within the district's bound-
16 aries.

17 (2) The Agency does not have sufficient funds available to
18 construct additional facilities from fund balances, capital facility
19 funds, property tax sources, fire suppression assessments, or any
20 other appropriate sources.

21 (3) The lack of fire protection facilities and equipment
22 to serve new Development would create a situation perilous to the
23 public health and safety if fire mitigation fees are not levied
24 within the district.

25 (b) The Fire Agency resolves as follows:

26 (1) The Agency requests that the County impose a specified
27 percentage of the fire mitigation fee ceiling on the Agency's behalf
28 upon applicants for building permits or other permits for

1 Development.

2 (2) Mitigation fees paid under this Article shall only be
3 used to expand the availability of capital facilities and equipment
4 to serve new Development.

5 (3) The Agency shall place all funds collected for the
6 County under this Article, and all interest subsequently accrued by
7 the Agency on these funds, in a separate budget accounting category
8 to be known as the "*Lake County Fire Mitigation Fee*".

9 (4) The Agency shall expend funds from said "*Lake County*
10 *Fire Mitigation Fee*" budget accounting category only for those
11 purposes of providing capital facilities and equipment to serve new
12 Development.

13 (5) The Agency shall submit a Fire Mitigation Fee Annual
14 Report no later than October 31 of each year to the Clerk. Said
15 report shall include, but not be limited to, the balance in the
16 account at the end of the previous fiscal year, the fee revenue
17 received, the amount and type of expenditures made, and the ending
18 balance in the fund. In addition, the report shall specify the
19 actions the Agency plans to take to alleviate the facility and
20 equipment needs caused by new Development in a capital fire facili-
21 ties and equipment plan adopted at a noticed public hearing. The
22 Agency shall make available, upon request by the Clerk, a copy of its
23 annual audit report.

24 (6) The Agency shall make its records available to the
25 public on request which justify the basis for the fee amount.

26 (7) The Agency shall hold the County harmless for any
27 errors made by the County in collecting or accounting for the fees
28 for each Agency.

1 (8) The Agency shall make findings, with respect to any
2 portion of the fee remaining unexpended or uncommitted in its account
3 five or more years after deposit of the fee, to identify the purpose
4 to which the fee is to be put and to demonstrate a reasonable
5 relationship between the fee and the purpose for which it was
6 charged. The Agency shall refund to the then current record owner or
7 owners of the Development project or projects on a prorated basis,
8 the unexpended or uncommitted portion of the fee and any interest
9 accrued thereon, for which need cannot be demonstrated.

10 (c) The governing body of the Fire Agency adopts a capital fire
11 facility and equipment plan in accordance with Government Code
12 Section 66002 at a noticed public hearing.

13 (d) The governing body of the Fire Agency shall send a
14 certified copy of the resolution and the capital fire facility and
15 equipment plan to the Clerk. The Clerk shall agendize said resolu-
16 tion and capital fire facilities and equipment plan for the Board's
17 approval at a public hearing noticed in the manner required by
18 Government Code Section 66002(b). At the close of the public hearing
19 thereon, the Board may approve said resolution and capital fire
20 facilities and equipment plan if it finds that said documents meet
21 the requirements of this ordinance, the Lake County General Plan and
22 Government Code Section 66000 et seq. The provisions of this
23 Article shall be applicable to all building permits and other permits
24 issued for new construction within the boundaries of the Fire Agency
25 30 days after the Board's approval. Each Agency shall notify the
26 County Building Official of the effective date of its mitigation fee.

27 (e) By March 31 of each year following the year of the original
28 adoption of a resolution and approval by the Board pursuant to this

1 section, the Agency shall submit a copy of a new resolution adopted
2 by the governing body of the Agency making the findings requested by
3 Section 27-6 and setting the percentage of the fire mitigation fee
4 ceiling requested by the Agency. This percentage may be revised in
5 the resolution up to the ceiling amount. If the resolution proposes
6 to increase the fire mitigation fee from that previously approved by
7 the Board, said resolution shall only become effective if approved by
8 the Board in the manner set forth in Section 27-6(d) above. This
9 revision shall be effective the following July 1.

10 Section 27-8: FIRE MITIGATION FEE CEILING ESTABLISHED.

11 (a) Based upon the average cost of providing a fully equipped
12 fire station within the County of Lake, in relation to the average
13 number of new structures served by said station, a Fire Mitigation
14 Fee ceiling of \$0.46 per square foot of construction for all covered
15 roof area is hereby established. The Fire Mitigation Fee ceiling
16 for buildings which install a fire sprinkler system shall be \$0.23
17 per square foot of construction for all covered roof area.

18 Section 27-9: FEE PAYMENT.

19 (a) Prior to the issuance of any building permit or other
20 permit for Development, the applicant shall pay to the County the
21 fees prescribed by the Fire Agency resolution as approved by the
22 Board, or shall present written evidence that the provisions of this
23 Article have otherwise been satisfied with respect to the Development
24 for which permits are sought.

25 (b) The amount of such fees shall be determined by the Fire
26 Mitigation Fee in effect on the date of the payment of fees for an
27 unexpired plan check.

28 (c) When application is made for a new building permit

1 following the expiration of a previously issued building permit for
2 which fees were paid, the fee payment shall not be required.

3 (d) In the event that subsequent Development occurs with
4 respect to property for which fees have been paid, additional fees
5 shall be required only for additional square footage of Development
6 which was not included in computing the prior fee.

7 (e) For the purpose of payment of the fees to County, the Board
8 delegates to each Agency the responsibility to collect or accept
9 payment of the fees for each respective Agency.

10 Section 27-10: ADMINISTRATIVE CHARGE.

11 The County may charge, for its services in administering this
12 Ordinance, an administrative charge of up to two percent (2%) of the fees
13 collected under this ordinance.

14 Section 27-11: USE OF FEES.

15 With the exception of the administrative charge provided for
16 herein, all fees collected pursuant to this Article, including any
17 interest accrued thereon, shall be used by the Agency for the purpose
18 of providing for capital facilities and equipment.

19 Section 27-12: FEE FUND RECORDS AND REPORT.

20 Any Fire Agency receiving funds pursuant to this Article shall
21 maintain a separate budget accounting category for any fees paid.
22 Such category shall be known as the "Lake County Fire Mitigation Fee"
23 account. By October 31 of each year, each Agency receiving funds
24 pursuant to this Article shall file a report with the Clerk on the
25 balance in the account at the end of the previous fiscal year, the
26 fee revenue received, the amount and type of expenditures made, and
27 the ending balance in the fund. In addition, the report shall
28 specify the actions the Agency plans to take to alleviate the

1 facility and equipment needs caused by new Development.

2 Section 27-13: TERMINATION OF FEE COLLECTION.

3 Fee collection as to any Fire Agency shall terminate as follows:

4 (a) If, by March 31 of any year following the year of the
5 original adoption of a resolution pursuant to Section 27-6 which was
6 approved by the Board, the Fire Agency has not submitted a copy of a
7 new resolution pursuant to Section 27-6(e), fee collection shall
8 terminate July 1 of said year.

9 (b) If, at any time, the governing body of a Fire Agency
10 submits a copy of a resolution to the Clerk requesting termination of
11 fee collection, fee collection shall terminate thirty (30) days from
12 the date of receipt by the Clerk."

13 (c) Each Agency shall notify the County Building Official of
14 the effective date of its termination of fee collection.

15 Section 2: All ordinances or parts of ordinances or
16 resolutions or parts of resolutions in conflict herewith are hereby
17 repealed to the extent of such conflict and no further.

18 Section 3: This ordinance shall take effect on the 19th
19 day of December, 1992, and before the expiration of fifteen days
20 after its passage it shall be published at least once in a newspaper
21 of general circulation in the County of Lake.

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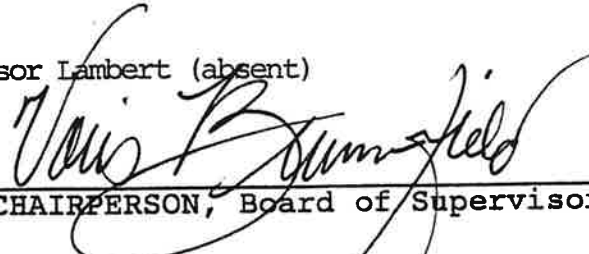
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1 The foregoing ordinance was introduced before the Board of
2 Supervisors on the 6th day of October, 1992, and passed by the
3 following vote on the 20th day of October, 1992:

4 AYES: Supervisor Wilcox, Mackey and Brumfield

5 NOES: Supervisor Franklin

6 ABSENT OR NOT VOTING: Supervisor Lambert (absent)

7
8 
CHAIRPERSON, Board of Supervisors

9
10 ATTEST: GENE R. HOKE
11 County Clerk

12 APPROVED AS TO FORM:

13 By: 
Deputy

14
15 CAMERON L. REEVES
16 County Counsel

