

Chapter 27 - MITIGATION FEES
ARTICLE I. - FIRE MITIGATION FEES

Sec. 27-1. - Title.

This Article shall be known and be cited as the "Fire Mitigation Fee Ordinance."
(Ord. No. 2114, § 1, 10-20-92)

Sec. 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 provide~~ fire protection and emergency medical response services necessitated by new Development.

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-3. - Findings.

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

- (a) Adequate ~~fire~~ Fire protection Protection facilities Facilities must be available to serve new Development.
- (b) New Development requires the construction, ~~acquisition,~~ or expansion of ~~fire~~ Fire protection Protection facilities Facilities ~~and the acquisition of equipment.~~
- (c) In many areas of the County, property taxes and fire suppression assessments currently collected by the agencies providing fire protection and emergency medical response services are insufficient to provide funds for expansion, ~~acquisition,~~ or construction of fire Fire Protection facilities Facilities ~~and purchase of equipment~~ necessitated by new Development resulting in the potential for inadequate fire protection and emergency medical response coverage for the new Development and the growing population.
- (d) The above conditions place Lake County's growing population in a condition perilous to its health and safety.
- (e) The impacts of Development on the existing ~~fire~~ Fire protection Protection facilities Facilities ~~and equipment~~ cannot be alleviated without County involvement.
- (f) For the above reasons, new methods for ~~financing funding~~ fire Fire protection Protection facilities Facilities and equipment necessitated by Development are needed in Lake County.

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-4. - Prior agreements and dedication.

- (a) Any agreement existing prior to the operative date of this Article between an applicant for Development and a Fire Agency pertaining to the dedication of land or payment of fees for ~~fire~~ Fire Protection Facilities Facilities ~~and equipment~~ to serve the property which is the subject of the application, or any portion thereof, shall satisfy the requirements of this Article.
- (b) If land, facilities or equipment has been dedicated or donated to, and accepted by, the Fire Agency as a condition of approval of a discretionary permit, such dedication or donation may be considered by the Board of Supervisors as satisfying the requirements of this Article.

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-5. - Definitions.

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

- (a) "Development" means all construction for which a building permit or other permit is required.
- (a)(b) "Fire Protection Facilities" means all land, buildings, and other structures, as well as all apparatus, ambulances, vehicles, and other equipment necessary to provide fire suppression, fire protection and emergency medical response services in the County of Lake.
- (b)(c) "Board" means the Board of Supervisors of the County of Lake.
- (e)(d) "Other permits" means major and minor use permits.
- (d)(e) "Clerk" means the Clerk of the Board of Supervisors of the County of Lake.
- (e)(f) "Fire Agency" and "Agency" means any special district providing fire protection services within the unincorporated area of the County.
- (f) ~~"Facilities and Equipment" means any long-term capital facilities and equipment used by a Fire Agency for fire suppression or emergency medical services including station construction, station expansion and fire or emergency medical apparatus.~~

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-6. - Exemptions.

- (a) There shall be exempt from the requirements of this article, building permits for the following types of ~~development~~Development:
 - 1) Piers which are not covered, ramps, boat lifts, docks, suspended platforms, and pilings;
 - 2) Agricultural buildings requiring an exempt building permit.
- (b) The requirements of this article shall not apply to buildings and structures constructed for owned and used by governmental uses/entities.
- (c) The requirements of this article shall not apply to the replacement on the same parcel by the owner of a dwelling or dwellings destroyed by fire or other calamity or demolished for replacement provided that:
 - 1) The application for building permit to replace such dwelling is filed with the County Building Official within one (1) year after the destruction or demolition of the dwelling, or within three (3) years of the date a local emergency is declared if the destruction or demolition occurred within the geographical area encompassed by that local emergency declaration and resulted from events giving rise to said declaration;
 - 2) There is no change in occupancy; and
 - 3) There is no increase in square footage.

(Ord. No. 2114, § 1, 10-20-92; Ord. No. 2775, § 2, 6-6-2006; Ord. No. 3045, § 1, 8-2-2016; Ord. No. 3066, § 1,8-22-2017)

Sec. 27-7. - Required actions of affected fire service providers.

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

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

- 1) ~~The New Development within the district's boundaries requires fire protection and emergency medical response services, which results in impact on the Agency's does not have existing fire~~ Fire protection-Protection facilities-Facilities and equipment which could be used ~~necessary~~ to provide ~~an adequate level of services to new Development within the district's boundaries~~ such services.
 - 2) New Development is required to pay its fair share of the Fire Protection Facilities that it benefits from and ~~the~~ the Agency does not have sufficient funds available to construct additional facilities from fund balances, capital facility funds, property tax sources, fire suppression assessments, or any other appropriate sources.
 - 3) The lack of ~~fire~~ Fire protection-Protection facilities-Facilities and equipment to serve new Development would create a situation perilous to the public health and safety if fire mitigation fees are not levied within the district.
- (b) The Fire Agency resolves as follows:
- 1) The Agency requests that the County impose a specified ~~percentage of the~~ fire mitigation fee ~~ceiling~~ on the Agency's behalf upon applicants for building permits or other permits for Development.
 - 2) Mitigation fees paid under this Article shall only be used to expand the availability of ~~the Agency's capital facilities and equipment~~ Fire Protection Facilities to serve new Development.
 - 3) The Agency shall place all funds collected for the County under this Article, and all interest subsequently accrued by the Agency on these funds, in a separate budget accounting category to be known as the "Lake County Fire Mitigation Fee."
 - 4) The Agency shall expend funds from said "Lake County Fire Mitigation Fee" budget accounting category only for those purposes of constructing or expanding its Fire Protection Facilities ~~providing capital facilities and equipment to serve new Development.~~
 - 5) The Agency shall submit a Fire Mitigation Fee Annual Report no later than October 31 of each year to the Clerk. Said report shall include, but not be limited to, the balance in the account at the end of the previous fiscal year, the fee revenue received, the amount and type of expenditures made, and the ending balance in the fund. In addition, the report shall specify the actions the Agency plans to take to alleviate the ~~facility and equipment~~ Fire Protection Facility needs caused by new Development, as documented in the applicable fire mitigation fee nexus study or in a capital fire facilities and equipment plan adopted at a noticed public hearing. The Agency shall make available, upon request by the Clerk, a copy of its annual audit report.
 - 6) The Agency shall make its records available to the public on request which justify the basis for the fee amount.
 - ~~7) The Agency shall hold the County harmless for any errors made by the County in collecting or accounting for the fees for each Agency. DOES NOT APPLY. THE COUNTY DOES NOT COLLECT THE FEE.~~
 - 8) 7) The Agency shall make findings, with respect to any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee, to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The Agency shall refund to the then current record owner or owners of the Development project or projects on a prorated basis, the unexpended or uncommitted portion of the fee and any interest accrued thereon, for which need cannot be demonstrated.

(c) The governing body of the Fire Agency adopts a capital fire facility and equipment plan in accordance with Government Code Section 66002 at a noticed public hearing. Agencies within the County may utilize their fire mitigation fee nexus studies as the document that includes their capital fire facility and equipment plan, per Government Code Section 66001(a)(2) and 66016.5(c)(6).

9)8) The governing body of the Fire Agency shall send a certified copy of the resolution and the capital fire facility and equipment plan to the Clerk. The Clerk shall agendize said resolution and capital fire facilities and equipment plan for the Board's approval at a public hearing noticed in the manner required by Government Code Section 66002(b). At the close of the public hearing thereon, the Board may approve said resolution and capital fire facilities and equipment plan if it finds that said documents meet the requirements of this ordinance, the Lake County General Plan and Government Code Section 66000 et seq. The provisions of this Article shall be applicable to all building permits and other permits issued for new construction within the boundaries of the Fire Agency ~~thirty-sixty~~ (3060) days after the Board's approval. ~~Each Agency shall notify the County Building Official of the effective date of its mitigation fee. DOES NOT APPLY. THE COUNTY DOES NOT COLLECT THE FEE.~~

(d) By March 31 of each year following the year of the original adoption of a resolution and approval by the Board pursuant to this section, the Agency shall submit a copy of a new resolution adopted by the governing body of the Agency making the findings requested by Section 27-76 and setting ~~the percentage of the~~ fire mitigation fee ~~ceiling amount automatically adjusted for inflation as~~ requested by the Agency. ~~Subject to This percentage may be revised in the resolution up to adjustments under Section 27-8~~ the ceiling amount. ~~If the resolution proposes to increase the fire mitigation fee from that previously approved by the Board, said resolution shall only become effective if approved by the Board in the manner set forth in Section 27- above. The6(d) above~~ ~~The automatic annual inflation adjustment of the fire mitigation fee does not require an approval of the Board. This~~ revision shall be effective the following July 1.

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-8. - Fire Mitigation Fee ~~Ceiling~~ Established. ~~—THIS SECTION IS PROPOSED TO BE REPLACED~~

~~(a) Based upon the average cost of providing a fully equipped fire station within the County of Lake, in relation to the average number of new structures served by said station, a Fire Mitigation Fee Ceiling of one dollar (\$1.00) per square foot of construction for all covered roof area is hereby established.~~

~~(b) A developer of a project subject to the above-described fee may apply to the Fire Agency for a reduction or adjustment of said fee based upon the developer's voluntary undertaking of fire mitigation measures in addition to those required by this chapter which the Fire Agency determines will further reduce the need for fire protection services.~~

~~(Ord. No. 2114, § 1, 10-20-92; Ord. No. 2775, § 3, 6-6-2006)~~

~~(a) Based upon the need for Fire Protection facilities within each Agency, as documented in the most recent fire mitigation fee nexus study prepared by such Agency, a Fire Mitigation Fee is hereby established to cover the Fire Protection Facility cost for each of the following Fire Agencies:~~

i. KELSEYVILLE FIRE PROTECTION DISTRICT

<u>Development Type</u>	<u>Fire Mitigation Fee</u>
<u>All Development</u>	<u>\$1.50 per Sq. Ft.</u>

ii. LAKE COUNTY FIRE PROTECTION DISTRICT

<u>Development Type</u>	<u>Fire Mitigation Fee</u>
<u>Residential Development</u>	<u>\$1.93 per Sq. Ft.</u>
<u>Nonresidential Development</u>	<u>\$2.41 per Sq. Ft.</u>
<u>High Impact Surcharge</u>	<u>\$0.50 per Sq. Ft.</u>

(for all buildings with 3 or more stories and nonresidential buildings with a footprint of over 15,500 Sq. Ft.)

iii. LAKEPORT FIRE PROTECTION DISTRICT

<u>Development Type</u>	<u>Fire Mitigation Fee</u>
<u>Residential Development</u>	<u>\$2.00 per Sq. Ft.</u>
<u>Nonresidential Development</u>	<u>\$2.45 per Sq. Ft.</u>
<u>High Impact Surcharge</u>	<u>\$0.50 per Sq. Ft.</u>

(for _____)

iv. NORTSHORE FIRE PROTECTION DISTRICT

<u>Development Type</u>	<u>Fire Mitigation Fee</u>
<u>Residential Development</u>	<u>\$ _____ per Sq. Ft.</u>
<u>Nonresidential Development</u>	<u>\$ _____ per Sq. Ft.</u>

v. SOUTH LAKE COUNTY FIRE PROTECTION DISTRICT

<u>Development Type</u>	<u>Fire Mitigation Fee</u>
<u>Residential Development</u>	<u>\$2.00 per Sq. Ft.</u>
<u>Nonresidential Development</u>	<u>\$2.61 per Sq. Ft.</u>

Administrative Surcharge: All fee amounts shown above include a 2% administrative surcharge.

Automatic Annual Inflation Adjustment: The Fire Mitigation Fee will be automatically adjusted for inflation each year on July 1, commencing on July 1, 2025, without further action by the Board, by an amount equal to the percentage change of the Engineering News Record Building Cost Index (20-Cities Average) for the 12-month period ending in March before the adjustment takes place, pursuant to a resolution adopted by the Agency in accordance with Section 27-7(a) and (b).

(b) A developer of a project subject to the above-described fee may apply to the Fire Agency for a reduction or adjustment of said fee based upon the developer's voluntary undertaking of fire mitigation measures in addition to those required by this chapter which the Fire Agency determines will further reduce the need for fire protection services. Such a reduction or adjustment may be granted by the Agency at its sole discretion.

- (a) Prior to the issuance of any nonresidential building permit or other permit for Development, the applicant shall pay to the ~~County~~ Agency the fees prescribed by the ~~Fire~~ Agency resolution as approved by the Board, or shall present written evidence that the provisions of this Article have otherwise been satisfied with respect to the Development for which permits are sought.
- (b) Prior to the date of the final inspection or of the issuance of a certificate of occupancy, whichever occurs first, for residential building permits or other permits for Development, the applicant shall pay to the Agency the fees prescribed by the ~~Fire~~ Agency resolution as approved by the Board, or shall present written evidence that the provisions of this Article have otherwise been satisfied with respect to the Development for which permits are sought. In a residential development project of more than one dwelling, the Agency ~~may will~~ determine whether ~~to collect the fees shall be paid on a pro rata basis for each either for dwelling when it receives its individual units or for project phases upon~~ final inspection or certificate of occupancy, whichever occurs first; on a pro rata basis when a certain percentage of the dwellings have received their final inspection or certificate of occupancy, whichever occurs first; or on a lump-sum basis when the first dwelling in the development receives its, or for the entire project upon final inspection or certificate of occupancy, whichever occurs first, ~~for the first dwelling unit~~. The Agency may require fee payment from residential development at an earlier time if either of the following applies:
 1. If the Agency determines that the fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy.
 2. When the fees are to reimburse the Agency for expenditures previously made.
- (c) The amount of such fees shall be determined by the Fire Mitigation Fee in effect on the date of the payment of fees for an unexpired plan check.
- (d) When application is made for a new building permit following the expiration of a previously issued building permit for which fees were paid, the fee payment shall not be required.
- (e) In the event that subsequent Development occurs with respect to property for which fees have been paid, additional fees shall be required only for additional square footage of Development which was not included in computing the prior fee.
- (f) For the purpose of payment of the fees to County, the Board delegates to each Agency the responsibility to collect or accept payment of the fees for each respective Agency.

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-10. - Administrative charge.

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

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-11. - Use of fees.

With the exception of the administrative charge provided for herein, all fees collected pursuant to this Article, including any interest accrued thereon, shall be used by the Agency for the purpose

of ~~constructing or providing for capital facilities and equipment~~ expanding its Fire Protection Facilities.

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-12. - Fee fund records and report.

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

(Ord. No. 2114, § 1, 10-20-92)

Sec. 27-13. - Termination of fee collection.

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

- (a) If, by March 31 of any year following the year of the original adoption of a resolution pursuant to Section 27-6 which was approved by the Board, the Fire Agency has not submitted a copy of a new resolution pursuant to Section 27-6(e), fee collection shall terminate July 1 of said year.
- (b) If, at any time, the governing body of a Fire Agency submits a copy of a resolution to the Clerk requesting termination of fee collection, fee collection shall terminate thirty (30) days from the date of receipt by the Clerk.
- (c) Each Agency shall notify the County Building Official of the effective date of its termination of fee collection.

(Ord. No. 2114, § 1, 10-20-92)