

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SHASTA ADOPTING FIRE IMPACT FEES
FOR THE ANDERSON FIRE PROTECTION DISTRICT**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION 1. Recitals:

- A. The Board of Directors of the Anderson Fire Protection District (hereafter “District”) is responsible for providing fire protection services for all of the territory within its jurisdiction, including a portion of the unincorporated area of Shasta County. Fire protection districts are prohibited from imposing development impact fees pursuant to California Health and Safety Code section 13916(a). Since November 2002, the District has implemented a fire impact fee program adopted by the City of Anderson and the County of Shasta within its jurisdiction. In May 2011, the fire impact fee program was amended by the City of Anderson and the County of Shasta. The District desires to establish a new fire impact fee program to fund fire protection facilities, apparatus, and equipment necessary to mitigate the impacts caused by new development within the District.
- B. A public facilities impact fee study of the impacts of contemplated future development on the District’s existing fire protection facilities, apparatus, and equipment, along with an analysis of the need for new fire protection facilities, apparatus, and equipment required by new development, entitled “Anderson Fire Protection District Impact Fee Nexus Study, March 2023, Final Report” (hereafter “IFS”), was conducted by SCI Consulting Group. The IFS was prepared pursuant to the “Mitigation Fee Act,” as found in California Government Code section 66000 et seq (hereafter “Act”). The IFS sets forth the relationship between new development and the costs of needed fire protection facilities, apparatus, and equipment. The District represents that the proposed fees outlined in the IFS do not exceed the estimated costs of the fire protection facilities, apparatus, and equipment needed to serve new development within the District. On May 9, 2023, the District adopted the IFS.
- C. The District has requested that the Board of Supervisors of the County of Shasta (hereafter “Board”) adopt the new fire impact fee program as outlined in the IFS on behalf of the District. The purpose of this ordinance is to adopt the fire impact fees set forth in the IFS.
- D. The County provided notice of the hearing on this ordinance in accordance with law.

SECTION 2. Findings: The Board finds as follows:

- A. The Board of Supervisors hereby adopts the above recitals and makes those findings.
- B. The IFS complies with California Government Code section 66001 by establishing the basis for imposition of fire impact fees on new development within the District's jurisdiction. In particular, the IFS identifies:
 - 1. The purpose of the fees;
 - 2. The use to which the fees will be put;
 - 3. The reasonable relationship between the fees' uses and the types of development projects on which the fees will be imposed;
 - 4. The reasonable relationship between the need for the fire protection facilities, apparatus, and equipment and the types of development projects on which the fees will be imposed; and
 - 5. The reasonable relationship between the amount of the fees and the cost of the fire protection facilities, apparatus, and equipment attributable to the development projects on which the fees will be imposed.
- C. The descriptions and cost estimates of the fire protection facilities, apparatus, and equipment set forth in the IFS are reasonable as the basis for calculating and imposing the proposed fire impact fees.
- D. The facilities and fee methodology identified in the IFS are consistent with the County's General Plan.
- E. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3).

SECTION 3. Adoption of Fees: The IFS is hereby approved and fully incorporated by reference herein. The purpose of the fees set forth in this ordinance is to finance the acquisition, installation, and construction of fire protection facilities, apparatus and equipment where such costs are attributable to increased demand reasonably related to development to mitigate the direct and cumulative impacts of new development within the unincorporated portion of the District's jurisdiction.

SECTION 4. Fee Determination:

- A. The fee amount shall be based on the land use classification associated with the development.
- B. The following are the land use classifications designated in the IFS and their definitions:
 - 1. *Single-family housing* means a detached or attached one-family dwelling unit with an assessor's parcel number for each dwelling unit.

2. *Multifamily housing* means buildings or structures designed for two or more families for living or sleeping purposes and having kitchen and bath facilities for each family.
3. *Mobile home* means a development area for residential occupancy in vehicles that require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle.
4. *Accessory dwelling unit or ADU* means a dwelling unit, or granny flat, either a detached or attached dwelling unit, which provides complete, independent living facilities for one or more persons with provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence.
5. *Retail/Commercial* means retail, commercial, educational, and hotel/motel construction.
6. *Office* means general, professional, and medical office construction.
7. *Industrial* means manufacturing construction.

C. The following development projects are exempt from payment of fire impact fees:

1. A structure owned by a governmental agency.
2. A structure being replaced or reconstructed following damage or destruction by fire or another casualty, or the voluntary demolition thereof, provided that the number of structures of the size in such reconstructed structure is not greater than the number of structures or the size of the structure before such damage, destruction or demolition. If a structure has been vacant for more than five years, the exemption shall not apply.
3. Accessory dwelling units 750 square feet or less.
4. A development project found to have no impact on the District's fire system.

D. A fee credit shall be given for demolished existing square footage as part of a new development project to comply with the Act and recent court cases. The fee credit shall be based on the effective fee for the land use category that was demolished.

E. Subject to certain restrictions, if a developer dedicates land, constructs facilities, or provides apparatus/equipment for the District, the fire impact fees imposed on that development project shall be adjusted to reflect a credit for the dedicated land's cost constructed or apparatus/equipment provided.

SECTION 5. Automatic Annual Inflationary Adjustment: The fire impact fees should be adjusted automatically without any further action by the District, Anderson City Council, or Shasta County Board of Supervisors on the first day of each fiscal year by the net percentage change during the preceding calendar year in the *Engineering News-Record Construction Cost Index* or its successor publication.

SECTION 6. Use of Fee: Fee revenue will be used solely and exclusively to fund facilities (land, stations, and other buildings), apparatus (engines and other vehicles), and equipment costs that expand the District's fire system capacity.

SECTION 7. Reporting Requirements: The District shall be responsible for compliance with all applicable reporting requirements of the Act including, but not limited to, the annual and five-year reporting requirements of the Act.

SECTION 8. Accounting for and Expenditure of Fee Revenue: The District shall be responsible for the proper accounting for, and expenditure of, revenue generated by the fire impact fees that District is authorized to collect pursuant to this ordinance and shall indemnify the County and its officials, officers, and employees and shall hold the County and its officials, officers, and employees harmless from any action, claim, or damages related to said fees, including any challenge to the validity of or use thereof. In addition, District shall defend the County and its officials, officers, and employees from any action, claim, or damages relates to said fees, including any challenge to the validity of or use thereof. District shall be responsible for year-end reporting and demonstrating that funds collected are restricted for the purpose for which they are authorized to be collected to the satisfaction of the Shasta County Auditor-Controller. District shall reimburse County for any and all costs of collecting the fees provided by this ordinance on behalf of District. County's Auditor-Controller shall bill District for costs of collecting the fees on an annual basis withing sixty days of the close of any County fiscal year.

SECTION 9. Severability: If any provision or clause, or paragraph of this ordinance or the imposition of a major project financing fee for any project within the adopted sections of the IFS or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance or other fees levied by this ordinance, which can be given effect without the invalid provisions or application of fees, and to this end the provisions of the ordinance are declared to be severable.

SECTION 10. Fee Applicability: The fire impact fees established by this ordinance shall apply only to the unincorporated portion of the District's jurisdiction.

SECTION 11. Repeal of the District's Existing Fire Impact Fee Program: Upon this ordinance taking effect, Ordinance No. 689 of the Shasta County Board of Supervisors shall be repealed and no fire impact fees shall be collected in conjunction with the District's existing fire impact fee program adopted by Ordinance No. 689.. The impact fee program established by Ordinance No. 689 shall terminate upon the expenditure of all fees collected and interest accrued in accordance with the District's existing fire impact fee program.

This ordinance shall take effect sixty (60) days following its adoption. The Clerk shall cause this ordinance to be published as required by law.

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DULY PASSED AND ADOPTED this ____ day of _____, 2023, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

PATRICK JONES, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

DAVID J. RICKERT
Clerk of the Board of Supervisors

By: _____
Deputy