

Lake County Fire Protection District

RESOLUTION NO. 24-0101

A RESOLUTION APPROVING THE LAKE COUNTY FIRE PROTECTION DISTRICT FIRE MITIGATION FEE NEXUS STUDY AND REQUESTING THE LAKE COUNTY BOARD OF SUPERVISORS AND THE CITY OF CLEARLAKE CITY COUNCIL TO ADOPT AND IMPLEMENT THE PROPOSED FIRE MITIGATION FEE PROGRAM ON BEHALF OF THE DISTRICT

WHEREAS, AB 1600 was adopted and codified in California Government Code § 66000 allowing the establishing, increasing, or imposing of a mitigation fee as a condition of approval for new development where the purpose and use of the fee were identified and reasonable relationship to the development project was demonstrated; and

WHEREAS, the Lake County Fire Protection District (“District”) Board of Directors (“Board”) has received and considered the Fire Mitigation Fee Nexus Study dated December 19, 2023, prepared by Ridgeline Municipal Strategies, LLC (“Nexus Study”) that provides the required information to update the District’s Fire Mitigation Fee Program.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

- 1) The Board hereby receives and approves the Nexus Study.
- 2) Prior to adopting this Resolution, the Board conducted a public hearing at which oral and written presentations were made as part of the Board’s regularly scheduled meeting held on January 24, 2024. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in the local newspaper. Additionally, at least ten days prior to the meeting, the District made available to the public information about the amount of the estimated cost required to provide the services for which the fee is to be updated pursuant to the Resolution by way of such public meeting, including the Nexus Study attached as Exhibit A, which formed the basis for the action taken pursuant to this Resolution.
- 3) After considering the Nexus Study, this Resolution, the presentations, and the testimony received at this public hearing, the Board hereby makes the following findings:
 - a. The purpose of the Fire Mitigation Fee hereby approved is to protect the public health, safety, and welfare of the community by requiring new development to contribute to the cost of fire protection and emergency medical response facilities necessary to mitigate the impacts created by such development; and
 - b. The revenues from the Fire Mitigation Fee hereby approved will be used to provide public facilities needed to mitigate the impacts of new developments. These facilities are identified in the Nexus Study; and
 - c. The Nexus Study demonstrates that there is a reasonable relationship between:
 - i. The use of the Fire Mitigation Fee and the types of development projects on which the fee is imposed; and

- ii. The need for public facilities and the types of development projects on which the Fire Mitigation Fee is imposed; and
 - iii. The amount of the Fire Mitigation Fee and the cost of the public facilities attributable to the development on which the fee is imposed.
- 4) The Board does hereby approve the following Fire Mitigation Fee amounts on new development, which shall be collected as a condition of approval:

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

- 5) The Board does hereby approve and request that the Fire Mitigation Fee be automatically adjusted for inflation each year on July 1, commencing on July 1, 2024, 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 the month before the adjustment takes place.
- 6) The Board finds pursuant to the California Environmental Quality Act (“CEQA”) that this action is not a “project” because the Resolution provides a mechanism for funding fire protection and emergency medical response facilities, apparatus, and equipment, but does not involve a commitment to any specific project for such purposes that may result in a potentially significant impact on the environment, per CEQA Guidelines §15378.
- 7) If any portion of this Resolution is found by a court of competent jurisdiction to be valid, such finding shall not affect the validity of the remaining portions of this Resolution.

BE IT FURTHER RESOLVED that the Board of Directors of the Lake County Fire Protection District formally requests that the Lake County Board of Supervisors and the City of Clearlake City Council adopt and implement this approved Fire Mitigation Fee Program on behalf of the District.

PASSED AND ADOPTED by the Board of Directors of the Lake County Fire Protection District at a regularly scheduled meeting held on January 24, 2024, by the following vote of said Board:

AYES: Benson, Dean, Loustalot, Moore, Scovel, Snyder

NOES: None

ABSENT: Watson

ABSTAIN: None


Mary Benson, Chairperson

ATTEST:


Miasha Rivas, Clerk of the Board