

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 5/5/04  
**Department Name:** Fire  
**Department No.:** 031  
**Agenda Date:** 5/25/04  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors  
**FROM:** John M. Scherrei  
Fire Chief  
**STAFF** Steve Vittum, Deputy Chief  
**CONTACT:** x 5501  
**SUBJECT:** Fire Protection Mitigation Fees

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**Recommendation(s):**

That the Board of Supervisors adopt a resolution which:

- A. will allocate the Fire Protection Mitigation Fees that have been collected from April 1, 2003 to March 31, 2004, pursuant to the existing Fire Protection Mitigation Fee Ordinance, effective August 30, 1996.
- B. will maintain the current mitigation fee schedule for fire protection.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with actions required by law or by routine business necessity.

**Executive Summary and Discussion:**

In 1996, The Board of Supervisors adopted a Fire Protection Mitigation Fee Ordinance, which was codified as Article III of Chapter 15 of the Santa Barbara County Code. The fee was imposed to mitigate the impacts of new development on the provision of fire protection services. The fee was set to help purchase fire apparatus and equipment. In 1996, there was a projected growth of building space of 15% over 15 years. The department would be adversely affected by the growth. The number of emergency calls and other fire-related activities are directly correlated with the size and number of structures within the district.

The projected growth was expected to cause an approximate 15% increase in the department's emergency calls and other fire-related activities and a 15% acceleration in the wear and tear on fire apparatus and equipment. The mitigation fee has been calculated to cover approximately 15% of the replacement costs of fire apparatus and equipment.

The Fire Mitigation Fee was expected to generate approximately \$150,000 annually. A total of \$1,622,851 has been collected from August 30, 1996 through March 31, 2004. This indicates that there has been higher

growth than was projected in computing the fee. Although the fee collections and increased qualifying expenditures for apparatus and equipment have been relatively equal over the past eight years, the 2002 and 2003 years resulted in qualifying expenditures exceeding the mitigation fees collected. This was a temporary situation due to the replacement of obsolete equipment and several apparatus during those two years and is now being offset by collections exceeding qualifying expenditures. As such, the Fire Department is requesting the Fire Mitigation Fee structure remain the same. The current fee is \$.20 per square foot of new development and for new structures that are equipped with fire sprinklers there is a reduced fee of only \$.10 per square foot.

The Fire Department requests adoption of the resolution to allocate fees collected by the Fire District in the amount of \$272,719 under the current Fire Mitigation Fee Ordinance, to repay the Fire District for a portion of the \$1,689,551 spent on fire apparatus and equipment during the period of April 1, 2003 to March 31, 2004. Due to timing differences between the collection of fees and the expenditure of funds to procure fire apparatus and equipment, there is an additional \$140,011 in qualifying expenditures that can be allocated in future years.

**Mandates and Service Levels:**

The requested action will help to maintain the current service level.

**Fiscal and Facilities Impacts:**

It is recommended that \$272,719 of the fees collected from April 1, 2003 to March 31, 2004 be allocated from the Fire Mitigation Fund (1130) to the Fire District Fund (2280). Previously, \$1,448,825 was allocated to the Fire District via similar Board action during the years 1998 to 2003.

**Special Instructions:**

Upon approval and execution by the Board of Supervisors, the Clerk should distribute as follows:

Original executed resolution – Official File

Copies of executed resolution and minute order to: County Counsel  
Auditor-Controller  
Fire Department, Attn: Rose Pueschel

**Concurrence:**

County Counsel  
Auditor Controller

Attachment: Resolution, Exhibit "A" (1996 Fire Protection Mitigation Fee Report)

RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ALLOCATING  
FIRE PROTECTION MITIGATION FEES  
COLLECTED BY THE SANTA BARBARA  
COUNTY FIRE DEPARTMENT, PURSUANT  
TO SANTA BARBARA COUNTY CODE  
CHAPTER 15, ARTICLE III, FROM  
April 1, 2003 TO MARCH 31, 2004

Resolution No.

- a. The Santa Barbara County Fire Department is responsible for providing fire protection services within the Santa Barbara County Fire Protection District and the private lands in the Los Padres National Forest within Santa Barbara County.
- b. On March 9, 1987, the Board of Supervisors of the County of Santa Barbara established a "Fire Protection Mitigation Fee" by adopting Ordinance No. 3632, which was codified in the Santa Barbara County Code Chapter 15, Article III. Chapter 15, Article III was subsequently amended by Ordinance Nos. 3788, 3877 and 4236.
- c. From March 9, 1987, to August 29, 1996, the mitigation fee was:  
(1) \$350 plus 25 cents per square foot of floor area for new non-residential structures and for additions to non-residential structures of more than 500 square feet; and (2) \$350 for new residential units and for additions to residential units of more than 1,000 square feet. The mitigation fee was imposed to partially fund fire protection capital improvement, including structures, fire apparatus and equipment.
- d. Ordinance 4236 narrowed the scope of the mitigation fee to fund only a pro rata share of the replacement cost of fire apparatus and equipment. Ordinance 4236 was adopted July 30, 1996, and became effective August 30, 1996.
- e. Resolution No. 96-321, adopted July 30, 1996, set the current mitigation fee at twenty cents per square foot of floor area for new non-residential buildings and new residential units. The same fee is imposed on additions to non-residential buildings that add 500 or more square feet of floor area, and on additions to residential units that add 1,000 or more square feet of floor area. The same fee is also imposed when a mobilehome space is added to an existing mobilehome park. The amount of the fee is reduced by 50% if the structure is fully protected by an approved automatic fire sprinkler system.
- f. The fee was calculated in accordance with parameters set forth in the "1996 Fire Protection Mitigation Fee Report" from the Santa Barbara County Fire Department. (A copy of the Report is attached as Exhibit A and incorporated by reference.) The Report evaluates the fire protection needs of future development and analyzes how those needs impact the fire protection services provided by County Fire.
- g. This mitigation fee has been collected and administered consistent with Government Code §66000 et seq.

h. This resolution allocates mitigation fees collected from April 1, 2003, to March 31, 2004.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA:

**ADOPTION OF FINDINGS.**

The Board of Supervisors hereby finds as follows:

1.1 Incorporation of Report. The Board of Supervisors re-affirms the Report and incorporates it herein by this reference with regard to fees collected from August 30, 1996, to March 31, 2004. The Board of Supervisors finds that the development in the District over this period generated additional burdens on County Fire's ability to provide adequate fire protection services and therefore, if not mitigated, would contribute to the degradation of the public health and safety within the area served by County Fire.

1.2 Purpose of Fee. The purpose of this mitigation fee is to have future development pay its proportional share of County Fire's replacement costs of fire apparatus and equipment.

1.3 Use of Fee. The mitigation fees collected by County Fire shall be used to finance the proportional share of the replacement costs of fire apparatus and equipment which is attributable to new development.

1.4 Relationship Between Use of Fee and Development. The facts and evidence establish that there is a reasonable relationship between the use of the fee and the types of development upon which the fee is imposed because the fire apparatus and equipment acquired with the revenues generated by the fee will directly enhance County Fire's capability to provide fire protection services to future development.

1.5 Relationship Between New Development and the Increased Demand on Fire Protection Services. The facts and evidence establish that there is a reasonable relationship between new development and the increased demand on fire protection services: (a) The new development within the District has created additional burdens upon County Fire's ability to provide adequate fire protection services; (b) the new development requires the availability of adequate fire protection services to protect the community's health and safety; (c) the new development should be required to bear its fair share of the depreciation costs of fire apparatus and equipment, to avoid a deterioration in the level of fire protection services provided to the community; and (d) the financial burden of the fee has been allocated among the types of development in approximately the same proportion as the burden such types of development have imposed on County Fire's ability to provide fire protection services.

1.6 Relationship Between Amount of Fee and the Depreciation Costs. County Fire's depreciation costs for fire apparatus and equipment is set forth in the Report. Based upon the Report, it appears that the depreciation costs allocated to new development are reasonable. The fees generated by the new development do not exceed the depreciation costs associated with providing adequate fire protection services to the new development.

1.7 Amount of Fee. The amount of the fee was predicated on an anticipated annual growth rate of 1%, which translates to approximately \$151,900 in fees per year. \$1,622,851 in fees has been collected from

August 30, 1996 through March 31, 2004, which means that the growth rate exceeded 1% per year. Although a slight fee increase could be justified, County Fire does not wish to alter the fee at this time.

**ALLOCATION OF THE MITIGATION FEES COLLECTED.**

The mitigation fees collected from April 1, 2003, to March 31, 2004, associated with the projected 15% growth rate over a 15 year period, shall be allocated as follows:

\$272,719 to the Fire District (Fund 2280).

**JUDICIAL ACTION TO CHALLENGE THIS RESOLUTION.**

Any judicial action or proceeding to attack, review, set aside, void, or annul this Resolution shall be brought within 120 days of the date set forth below.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 25<sup>th</sup> day of May , 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chair, Board of Supervisors

ATTEST:  
MICHAEL F. BROWN  
BY

\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
STEPHEN SHANE STARK  
COUNTY COUNSEL  
BY

\_\_\_\_\_  
Deputy County Counsel

APPROVED AS TO ACCOUNTING  
FORM  
ROBET W. GEIS, CPA  
AUDITOR-CONTROLLER  
BY

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