



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Fire
Department No.: 031
For Agenda Of: 09/16/14: Set Hearing
10/14/14: 1st Reading
10/21/14: 2nd Reading
Placement:
Estimated Tme: 1 hour on 10/14/14
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM: Department Michael W. Dyer, Fire Chief
Director(s)
Contact Info: (805) 681-5507

SUBJECT: Fire Development Impact Fees and Amendments to Chapter 15 of the County Code

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: Select_Concurrence

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

1. On September 16, 2014, set a public hearing on the Departmental Agenda for October 14, 2014;
2. On October 14, 2014:
 - a. Approve the introduction (first reading) of an Ordinance amending Chapter 15 of the Santa Barbara County Code by repealing Articles IIIB (Ordinance No. 4311) and IIIC (Ordinance No. 4353) and amending Article III (Ordinance No. 4236);
 - b. Read the title and waive further reading of the Ordinance; and
 - c. Continue the hearing to October 21, 2014.
3. On October 14, 2014, set a public hearing on the Administrative Agenda for October 21, 2014 to:
 - a. Adopt and approve a Resolution adjusting the Fire Protection Mitigation Fees within the Santa Barbara County Fire Department's service area; and
 - b. Consider and approve the adoption (second reading) of an Ordinance amending Chapter 15 of the Santa Barbara County Code by repealing Articles IIIB (Ordinance No. 4311) and IIIC (Ordinance No. 4353) and amending Article III (Ordinance No. 4236), to be effective 60 days from date of adoption; and

- c. Adopt and approve a Resolution to allocate Fire Protection Mitigation Fees that have been collected from developers during fiscal years 2009-2010 through 2014-2015 to the Fire Department to reimburse a portion of fire apparatus and equipment purchases pursuant to the County Fire Protection Mitigation Fee Ordinance effective August 30, 1996; and
- d. Find that this action is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines for Implementation of California Environmental Quality Act (CEQA) and Notice of Exemption because there is no possibility that the activity in question may have a significant effect on the environment.

Summary Text:

The proposed Resolution and Ordinance are in accordance with Government Code 66000 and will amend Chapter 15 by repealing Articles IIIB (Ordinance No. 4311) and IIIC (Ordinance No. 4353) and amending Article III (Ordinance No. 4236) and adjusting the Fire Protection Mitigation Fees within the Department's service area. This will adjust Department-wide Fire development impact mitigation fees (impact fees) for residential and nonresidential development within the Department's service area and replace the prior Department-wide impact fees, the Orcutt Fire Protection Mitigation Fees and the Goleta Fire Protection Mitigation Fees.

As growth occurs, fire impact fee revenue will be used to expand the Department's fire protection facilities, apparatus and equipment so the Fire Department can maintain its existing level of service.

Background:

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. It was anticipated that new development would cause an increase in the Department's emergency calls and other fire-related activities which would lead to accelerated wear and tear on fire apparatus and equipment. The fee was set to help purchase fire apparatus and equipment.

In 1998 and 1999, the Board adopted Orcutt Fire Protection Mitigation Fees and Goleta Fire Protection Mitigation Fees respectively. These fees were imposed to mitigate the impacts of new development in the Orcutt Community Planning Area and the Goleta Community Planning Area and were set to pay for the construction of new fire stations that would be required in these areas as a result of the projected development.

The three fire protection impact fees have not been recalculated since their adoption. However, the Orcutt and Goleta Fees have been automatically increased each year by a percentage equal to the Los Angeles engineering cost index annual change.

In 2012, the Fire Department began the process to update the Fire impact fees and contracted with SCI Consulting Group (SCI) to prepare a Fire Impact Fee Nexus Study pursuant to the Mitigation Fee Act as found in Government Code 66000 et seq. The study establishes the legal and policy basis for collection of new fire impact fees and demonstrates that a reasonable relationship or "nexus" exists between new development and the need for fire facilities, apparatus and equipment as a result of new development. The nexus study has been completed and a revised fee program is proposed.

The Recommended Actions repeal the Orcutt and Goleta Fire Protection Mitigation Fees and adjust the Department-wide development impact mitigation fees to provide for fire facilities, apparatus and equipment. Because the Fire Department, through its status as the Santa Barbara County Fire Protection District, also serves the Cities of Buellton, Goleta and Solvang, the respective City Councils also need to adopt the impact fees on behalf of the Fire Department in order for the fees to be applicable within the boundaries of these Cities.

The Fire Department has met with staff from the Cities of Buellton, Goleta and Solvang and has also conducted stakeholder meetings in both the North and South County.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

Narrative: In accordance with the statutory requirements for the implementation of the impact fee, proceeds from the fees will be deposited into a separate accounting fund with interest earnings accruing to the fund. Allocations from this fund will be solely for the purpose for which they were collected.

Staffing Impacts:

Legal Positions:
N/A

FTEs:
N/A

Special Instructions:

1. The Clerk of the Board shall, at least 14 days before the hearing, mail out notice of the meeting to any interested party who filed a written request for notice of the adoption of new or increased fees. The Clerk of the Board shall, at least 10 days prior to the hearing, make available to the public the Nexus Study for Review. The Clerk of the Board shall publish notice consistent with Government Code Section 6062a.
2. Upon approval and execution by the Board of Supervisors, the Clerk of the Board shall send a copy of the signed and numbered Ordinance, Resolution and minute order to:
 - County Counsel, attention Jennifer Richardson
 - Auditor-Controller, attention Katie Roth
 - Fire Department, attention Diane Sauer

Attachments:

Authored by:

cc: