

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: 2/23/05
Department Name: County Counsel
Department No.: 013
Agenda Date: 3/8/05
Placement: Administrative
Estimate Time: 10 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Stephen Shane Stark
County Counsel

STAFF CONTACT: Jerry F. Czuleger
Senior Deputy County Counsel ext. 2950

Scott Coffman
Battalion Chief, Carpinteria-Summerland Fire Protection District
566-2454

SUBJECT: Carpinteria-Summerland Fire Protection District Fire Mitigation Fee

Recommendation(s):

That the Board of Supervisors:

- a. Set the first reading for introduction of an Ordinance Amending Santa Barbara County Code, Chapter 15, Article IIIA (Carpinteria-Summerland Fire Protection District Fire Mitigation Fee), on March 15, 2005. (Attached)
- b. Set the second reading for adoption of an Ordinance Amending Santa Barbara County Code, Chapter 15, Article IIIA (Carpinteria-Summerland Fire Protection District Mitigation Fee), on March 22, 2005.
- c. On March 15, 2005, adopt a resolution approving the Development Impact Fee Nexus Calculation Report for the Carpinteria-Summerland Fire Protection District, dated December 1, 2004. (Attached)
- d. On March 15, 2005, adopt a resolution establishing a Fire Protection Mitigation Fee Schedule for Development Within a Portion of the County of Santa Barbara on behalf of the Carpinteria-Summerland Fire Protection District. (Attached)
- e. On March 15, 2005, execute a Hold Harmless and Indemnification Agreement between the County of Santa Barbara and the Carpinteria-Summerland Fire Protection District. (Attached)

Alignment with Board Strategic Plan:

Goal 1: The recommendation(s) are primarily aligned with Goal No. 1.
An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

This revision to the Carpinteria-Summerland Fire Protection District Mitigation Fee is presented at the request of the District. In 1989, the County implemented a Fire Mitigation Fee on behalf of Carpinteria-Summerland Fire Protection District (“District”), covering the unincorporated area of the District. It was codified in Article IIIA, Chapter 15 of the Santa Barbara County Code. At the same time, the City of Carpinteria implemented the corresponding fee on behalf of the District, covering the incorporated area of the District. The Mitigation Fee was adopted pursuant to Government Code Sections 66000 et.seq. The fee is used to finance the construction of fire protection facilities that are required to service new development within the District. Health and Safety Code Section 13916 prohibits fire protection districts from directly assessing mitigation fees themselves, but such fees may be imposed by other agencies having jurisdiction over the development within the District. (Government Code Sections 66000 et.seq.) The County and the City collect the fee and remit it to the District. The existing fees are based upon a Capital Improvement Plan that projected growth and related capital needs in District from 1990-2000.

The District wishes to now update the fee. The District has prepared a report entitled “Development Impact Fee Nexus Calculation Report for the Carpinteria-Summerland Fire Protection District”, which explains the need for the revised fee. Based on this Report, the District has determined that the fees proposed comply with State law. The proposed Fire Mitigation Fee is summarized in the attached District staff report and related meeting minutes.

Since the County would be imposing the Fire Mitigation Fee solely for the benefit of the District, the District has agreed to indemnify and hold harmless the County from all liability associated with the fee. This would include, but not be limited to, enactment of the fee, collection of the fee and distribution to the District, and any reporting requirements associated with the fee. A hold harmless and indemnification agreement for this purpose is attached.

The District requests the following Board action:

1. Adopt by resolution the attached “Development Fee Nexus Calculation Report for the Carpinteria-Summerland Fire Protection District”, dated December 1, 2004.
2. Execute the attached Hold Harmless and Indemnification Agreement between the County of Santa Barbara and the Carpinteria-Summerland Fire Protection District, with regard to the Fire Mitigation Fee.
3. Adopt the attached Resolution Establishing a new Fire Mitigation Fee Schedule for development within the unincorporated area of the District. The new fee schedule will be effective 60 days after adoption.
4. Adopt the attached Ordinance amending Article IIIA, Chapter 15 of the Santa Barbara County Code, in conformity with the December 1, 2004 Development Fee Nexus Calculation Report.

Mandates and Service Levels: n/a

Fiscal and Facilities Impacts: County responsibilities related to adopting and implementing the Fire Mitigation Fee result in administrative costs associated with the collection of the fees, discretion to adjust or waive fees if appealed by developer, conveyance of the fees to the District, and annual review requirements.

Currently, the Fire Mitigation Fee is collected by Planning and Development when building permits are issued. The Auditor-Controller deposits the fees in a segregated account. This process would remain the same if the proposed amendments are approved.

Special Instructions: The Mitigation Fee Act requires that any increase to a development fee be enacted in accordance with the notice and public hearing procedures specified in Government Code Section 54986 or 66016. These sections require the following:

1. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the data is available at the Clerk of the Board, shall be mailed at least 14 days prior to the March 15, 2005 meeting to any interested party who has filled a written request for notice with the Clerk of the Board.
2. At least 10 days prior to March 15th, all information supporting the fee increase shall be available for public inspection.
3. The matter must be noticed in a newspaper of general circulation pursuant to Govt. Code section 6062a in accordance with Section 66018. Section 6062a requires two notices, the first occurring 10 days prior to March 15, 2005 and the second occurring five days after the first publication.

Additionally, within fifteen days following the second reading and approval of the Ordinance, the approval shall be published once with the names of the Board of Supervisors voting for and against, in the Santa Barbara News Press.

Concurrence: Planning and Development
County Administrator
Auditor-Controller
Risk Management