Resolution No. 18-___

(Resolution Approving a Development Impact Mitigation Fee Schedule and Capital Improvement Plan for the Esparto Fire Protection District)

WHEREAS, the Development Mitigation Fee Act (Section 66000 of the Government Code) provides the authority for the imposition of development impact fees; and

WHEREAS, the County of Yolo ("County") has adopted a Fire District Development Mitigation Fee Ordinance (Yolo County Code Sections 3-16.01 *et seq.*) authorizing the imposition of development impact fees to mitigate the impacts of new development on fire districts within the County; and

WHEREAS, on March 8, 2018, at a noticed public hearing and in accordance with Government Code Sections 66004, 66016, 66017 and 66018, the District Board of Fire Commissioners ("District") adopted its Resolution No. 18-02 (Attachment B to the Board letter prepared for this Resolution) approving a Development Impact Fee Study and Capital Improvement Plan and adopted a Development Impact Mitigation Fee Schedule.; and

WHEREAS, the proposed updated Mitigation Fee Schedule is set forth at Table 6 of the District's Development Impact Fee Study (Attachment C to the Board letter prepared for this Resolution); and

WHEREAS, the District is requesting that this Board of Supervisors impose the fees set forth in the Mitigation Fee Schedule; and

WHEREAS, in connection therewith the District agreed, among other things, to the following:

1) All such Mitigation Fees shall only be used to expand the availability of capital facilities and equipment to serve new developments as described in the Capital Plan and Development Impact Study.

2) The District shall place all such mitigation fees, and all interest subsequently accrued by the District on these funds, in a separate budget accounting category to be known as the "Esparto Fire District Development Impact Mitigation Fee".

3) The District shall expend funds from said "Esparto Fire District Development Impact Mitigation Fee" budget accounting category only for the purpose of providing capital facilities and equipment to serve new development.

4) The District shall submit a Fire District Development Impact Mitigation Fee Annual Report, no later than October 31 of each year, to the Clerk of the Board of Supervisors. Said report shall include, but not be limited to, the balance in the Development Impact Mitigation Fee account at the end of the previous fiscal year, the fee revenue received, the amount and type of expenditures made, and the

ending balance in the account. In addition, the report shall set forth the actions the District plans to take to alleviate the facility and equipment needs caused by new development in a capital facilities and equipment plan adopted in accordance with Government Code Section 66002 at a noticed public hearing.

5) The District shall make available to the public on request its records that justify the basis for the fee amount.

6) The District shall defend, indemnify and hold harmless, the County, its officers, officials, employees, agents and volunteers, from and against any and all demands, claims, actions, litigation or other proceedings, liability, damages and costs (including but not limited to attorney fees) that are based in whole or in part upon the levy, imposition, collection or payment of the fees, or the denial of a permit until the fee is paid, excepting only matters that are based upon the County's gross negligence or willful misconduct.

7) The District shall make findings, with respect to any portion of the fee remaining unexpended or uncommitted in its Esparto Fire Mitigation Fee account five (5) or more years after deposit of the fee, to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The District shall refund to the then current record owner or owners of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be demonstrated.

WHEREAS, the Mitigation Fee Schedule documents how much of the costs of new facilities and equipment are attributable to new development, identifies a fee structure that fairly apportions those costs to new development, and contains proposed mitigation fees based thereon; and

WHEREAS, notice was previously given, at the times and in the manner set forth in Government Code Sections 6062a, 66004, 66016, 66017 and 66018, that this Board of Supervisors (“Board”) would hold a public hearing during its regular public meeting on April 3, 2018 at 625 Court Street, Woodland, CA, to consider approval of the District’s updated Mitigation Fee Schedule, including the proposed mitigation fees contained in that Schedule; and

WHEREAS, as required by Government Code Sections 6062a, 66004, 66016, 66017 and 66018, said Notice contained the date, time, and place of the public meeting and public hearing as set forth above and a general explanation of the matter to be considered, and stated that the proposed Mitigation Fee Schedule and all supporting information, including but not limited to the data described above, was available for inspection by any interested party at the County Offices located at 625 Court Street, Room 205, Woodland, California; and

WHEREAS, as also required by Government Code Sections 6062a, 66004, 66016, 66017 and 66018, not less than ten (10) days before the hearing, said Notice was published in a newspaper of general circulation twice at least five (5) days apart, posted in three (3) public places within the County and the District, and not less than fourteen (14) days before the hearing, said Notice was mailed to any interested party who had filed a written request for such notice and to the County of Yolo and to any city that may be significantly affected by the Mitigation Fee Schedule; and

WHEREAS, in connection therewith, data was made available to the public at least ten (10) days prior to the hearing indicating the amount of cost or estimated cost required to provide the service for which the fees would be levied, and the revenue sources anticipated to provide the service, including General Fund revenues; and

WHEREAS, on April 3, 2018 the District's Development Impact Fee Schedule came on regularly for hearing before this Board during its regular public meeting, at the time and place specified in the Notice; and

WHEREAS, at said hearing, this Board reviewed and considered the District's Capital Plan, Development Impact Fee Study, Mitigation Fee Schedule, all supporting information including but not limited to the data described above, each of the factors set forth in Government Code Sections 66001 et seq., and all other matters presented as prescribed by law; and

WHEREAS, at that time, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony and other information concerning the proposed Mitigation Fee Schedule and all related matters; and

WHEREAS, based upon the District's updated Capital Plan and Development Impact Study, it appears that fees established in accordance with those documents are required to fund the capital facilities and equipment that are required to serve new development within the District; and

WHEREAS, the District's Mitigation Fee Schedule identifies a fee structure that fairly apportions those costs to new development and sets the amount of fees necessary to mitigate the impacts of new development on the District's need for capital facilities and equipment; and

WHEREAS, it is in the best interests of the County, the District, and their residents, taxpayers and other customers, to establish updated mitigation fees applicable to new development within the District as set forth in the Mitigation Fee Schedule.

NOW, THEREFORE, IT IS HEREBY RESOLVED, ORDERED AND FOUND by the Board of Supervisors of the County of Yolo, as follows:

1. The foregoing recitals, and each of them, are true and correct.

2. The District does not have existing fire protection facilities and equipment that could be used to provide adequate level of services to new development within the District's boundary.

3. The District does not have sufficient funds available to construct additional facilities from fund balances, capital facility funds, property taxes, fire suppression assessments, or any other

appropriate sources.

4. The lack of fire protection facilities and equipment to serve new development would create a situation perilous to the public health and safety if fire mitigation fees were not levied within the District.

5. The annexation fees and plan check fees charged by the District do not include a payment toward the costs of the capital facility and equipment expansion as a component of the fees.

6. Based upon the foregoing, it is in the best interests of the County, the District, and their residents, taxpayers and other customers, to have updated development mitigation fees imposed on new development within the District as provided hereinafter.

7. There is a reasonable relationship between the need for the public facility and the type of development project on which the proposed fee would be imposed, in that the updated Capital Plan and Development Impact Fee Study establishes the status of the District's current equipment and facilities and relevant service standards, identifies future growth that the District must be prepared to serve, identifies the new equipment and facilities that are necessary to maintain the desired service standards, and the costs thereof, and fairly apportions those costs among existing development and new development, including different types of development.

8. There is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the proposed fee would be imposed, in that the portion of the cost of these facilities and equipment attributable to new development is estimated to be $528,026 between 2018 and 2036, and the estimated amount of fees that will be imposed upon new development during that period does not exceed that amount.

9. There is a reasonable relationship between the use of the mitigation fees as set forth above and the type of development project on which the proposed fee would be imposed, in that that the updated Capital Plan and Development Impact Study contains data and calculations necessary to determine the amount of impact fee to be collected from residential and commercial development and allocates equipment and facilities costs attributable to new development based on estimates, for each type of development, of the annual calls for service, personnel used, and time per call.

10. The Mitigation Fee Schedule set forth in Table 6 of the District's Development Impact Fee Study is necessary to offset the estimated reasonable costs of capital facility and equipment necessitated by new development within the District, and does not exceed such costs.

11. The Mitigation Fee Schedule set forth in Table 6 of the Development Impact Fee Study is hereby approved, and the County of Yolo hereby imposes, on the District's behalf, Mitigation Fees in the amounts set forth therein upon all applicants for building permits or other permits for development.

12. The Clerk of this Board shall send a certified copy of this Resolution to the Clerk of the

Board of Fire Commissioners.

13. The development fees imposed by this Resolution shall be effective sixty (60) days after the adoption of this Resolution with the exception of any fees that represent a reduction from currently existing fee amounts, which shall take effect immediately. The fees shall apply to any permits for which an application is submitted on or after that effective date.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California, this 3rd day of April, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTION:

____
Oscar Villegas, Chair
Yolo County Board of Supervisors

Attest:
Julie Dachtler, Deputy Clerk
Yolo County Board of Supervisors

By:____________________________
Deputy (Seal)

Approved As To Form:
Philip J. Pogledich, County Counsel

By:____________________________
Eric May, Senior Deputy