

Resolution No. 22-

Resolution Approving a Revised Development Impact Fee for the Willow Oak Fire Protection District

WHEREAS, the Mitigation Fee Act (Government Code Section 66000 et. seq.) 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 3-16.0 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 September 6, 2022, the District Board of Fire Commissioners for the Willow Oak Fire Protection District (“District”) adopted its Resolution No. 2022-02 (Attachment B to the Board staff report prepared for this Resolution) approving a “Development Impact Fee Study Fire Facilities” prepared by Capitol Public Finance Group (“Capitol PFG”) in August 2022 (“Nexus Study”) and recommending approval of the revised development impact fee proposed in the Nexus Study of \$1.69 per square foot on all new construction; and

WHEREAS, the District is requesting that this Board of Supervisors adopt the Nexus Study and impose the revised development impact fee for fire facilities of \$1.69 per square foot on all new construction, as recommended in the Nexus Study; and

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

1. All such development impact 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 development impact fees, and all interest subsequently accrued by the District on these funds, in a separate budget accounting category to be known as the “Willow Oak Fire District Development Impact Mitigation Fee.”
3. The District shall expend funds from said “Willow Oak 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 annually 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 Willow Oak 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 Capitol PFG Nexus Study 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, 66016.5, 66017 and 66018, that this Board of Supervisors ("Board") would hold a public hearing during its regular public meeting on December 6, 2022, at 625 Court Street, Woodland, CA, to consider approval of the Nexus Study and the District's revised impact fee; 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, provided links to the proposed Nexus Study on the County's website, and stated that 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, 66016.5, 66017 and 66018, said Notice was published three times in a newspaper of general circulation, with the first publication occurring not less than thirty (30) days prior to consideration of the Nexus Study and revised development impact fees, and the next two publications occurring not less than ten (10) days before the hearing with said Notice being published twice at least five (5) days apart. In addition, the Notice was in 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 revised impact fees; and

WHEREAS, in connection therewith, data was made available to the public at least thirty (30) days prior to the hearing, as set forth in the Nexus Study, 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 December 6, 2022, the District's Nexus Study and proposed development impact fee revisions 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 Nexus Study, compared the current impacts fees to those proposed in the Nexus Study, 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 development impact fee and all related matters; and

WHEREAS, based upon the District's existing capital plan and Nexus 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 Nexus Study identifies a fee structure that fairly apportions those costs to new development on a per square foot basis 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 Nexus Study.

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 and the Nexus Study, 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 development impact fee would be imposed. The Nexus Study updates the development impact fee based on the estimated values of all fire equipment and facilities necessary to protect current residents at current service levels and substantiates the findings required by the Mitigation Fee Act. This fee is translated into a per square foot cost of \$1.69 per square foot that is imposed on any new construction which may occur ("Impact Fee"). The proposed Impact Fee will allow for the District to provide the necessary facilities, vehicles, and equipment necessary to maintain current service levels.
8. The District will restrict the Impact Fee revenues to the acquisition of land, construction/reconstruction/ expansion of buildings, and purchase of apparatus,

vehicles and capital equipment, and related financing costs to serve new development. Fire facilities and capital equipment funded by the fee will further the District-wide network of services accessible to the additional residences and businesses associated with new development. Thus, there is a reasonable relationship between the use of Impact Fee revenues and the residential and non-residential types of new development that will pay the Impact Fee.

9. The purpose of the Impact Fee is to provide the capital resources necessary to sustain a constant level of service for fire protection, emergency medical response, rescue and extrication, containment and mitigation of hazardous materials exposure, and other life safety services that is required of a growing service population. Based on the District's historical experience in responding to calls for service among the varying types of development in its boundaries, it is appropriate to assess impact fees on a uniform basis to share the costs on a pro rata basis among existing and new development. Thus, there is a reasonable relationship between the use of the Impact Fee revenues and the type of development served by the capital resources funded by the Impact Fee.
10. The Impact Fee reasonably apportions costs between the existing population and new development in a manner proportional to their contribution of the need for that facility. Further, the Impact Fee is imposed based on building size as measured by habitable and enclosed square feet of each building. Thus, larger buildings that have a greater demand for fire service and related capital facilities and equipment pay a proportionately higher fee than smaller buildings.
11. The Nexus Study and the Impact Fee, as set forth in the Nexus Study, are hereby approved, and the County of Yolo hereby imposes, on the District's behalf, the revised Impact Fee of \$1.69 per square foot of new construction. The Impact Fee shall be collected prior to the issuance of a building permit on each eligible unit, based on the habitable and enclosed square footage of the building.
12. Commencing one year from the effective date of the Impact Fee adopted by this Resolution, the Impact Fee may be adjusted annually in equal proportion to the increase or decrease in the Engineering News-Record Construction, City Cost Index – San Francisco, Construction Cost Index (CCI), as most recently published in the Engineering News-Record, from the preceding calendar year.
13. The Impact Fee revenues collected shall be solely used (1) for the purposes described in the Nexus Study, or (2) for reimbursing the District for the development's fair share of those capital improvements already constructed by the District.

14. The Clerk of this Board shall send a certified copy of this Resolution to the Clerk of the Board of Fire Commissioners.
15. The Impact Fee 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 Impact Fee shall apply to any permits for new construction, including residential, commercial, office, and industrial building space as well as to additions to existing buildings which requires the issuance of a permit and for which an application is submitted on or after the effective date of the Impact Fee.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California, at its regular meeting on December 6, 2022, by the following vote:

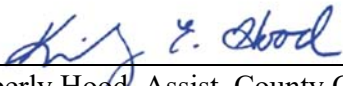
AYES:
NOES:
ABSENT:
ABSTENTION:

Angel Barajas, Chair
Yolo County Board of Supervisors

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

Approved as to Form:
Philip J. Pogledich, County Counsel

By: _____
Deputy (Seal)

By:  _____
Kimberly Hood, Assist. County Counsel