

**BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION APPROVING A FIRE	)	
PROTECTION IMPACT FEE STUDY AND	)	RESOLUTION NO. 21-180
ESTABLISHING UPDATED FIRE PROTECTION	)	
IMPACT FEES TO FINANCE FIRE PROTECTION	)	
FACILITIES AND EQUIPMENT NEEDED TO	)	
SERVE GROWTH IN THE AMADOR COUNTY	)	
FIRE PROTECTION DISTRICT	)	

**WHEREAS**, the Amador County Fire Protection District (“AFPD”) wishes to adopt certain development impact fees (“Fire Protection Fees”), which would be imposed upon development project applicants ("Applicants") to recover the costs to the AFPD for improvements to fire protection facilities within the AFPD service area; and

**WHEREAS**, the Board of Supervisors adopted the original AFPD Fire Protection Fees on September 5, 1991 by Resolution No.1991-401, which have not been updated since they were originally adopted; and

**WHEREAS**, the continuing growth within the AFPD service area, combined with the continued expectation of high-quality services by persons who live and work in said service area, the substantial increase since 1991 of the cost of constructing fire stations and purchasing fire-fighting vehicles to equip new stations, and reductions by the State of California in property tax allocations to local governments, warrant the review of the AFPD’s existing and future fire protection capital assets made necessary by new development; and

**WHEREAS**, the Board of Supervisors believes that the approval of development projects in the AFPD service area is of special benefit to Applicants and that development projects constructed by Applicants impose a special burden upon fire protection facilities and equipment separate and apart from and in addition to that of the general public, and

**WHEREAS**, therefore, in the interest of fairness to the general public, the AFPD desires to recover the costs of development impacts upon fire protection facilities and equipment from Applicants who have sought the County's approval for development projects; and

**WHEREAS**, the proposed establishment of the Fire Protection Fees is based upon the information contained in a development impact fee nexus study report prepared by Michael Baker International, titled, “Fire Protection Fee Update prepared for AFPD, dated November 2021,” (“Fire Protection Fee Study”), attached hereto as Exhibit “A”; and

**WHEREAS**, the Fire Protection Fee Study complies with Government Code Section 66001 by establishing the legal findings necessary for the imposition of updated impact fees for new development; and in particular, the Fire Protection Fee Study satisfies the following in compliance with Section 66001:

1. Identifies the purpose of the fees;
2. Identifies the use to which the fees are to be put, including identification of any facilities to be financed;
3. Determines how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
4. Determines how there is a reasonable relationship between the need for the public facilities and the type of development project upon which the fees are imposed;
5. Determines how there is a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facility attributable to the development on which the fee is imposed; and

**WHEREAS**, the Fire Protection Fee Study makes the findings as required by State law and therefor justifies the imposition of the development impact fees on new residential and non-residential construction as reasonable. In particular, the Fire Protection Fee Study analyzes the needs for fire protection facilities and equipment, assigns the costs on a fair-share basis, and assigns the resulting fees as follows: per dwelling unit for residential development in the AFPD service area, and per square foot of floor area, for lodging, hotel, motel, office, retail, commercial, industrial and institutional uses based on the anticipated burden of new of development on the fire protection facilities and equipment and the need created by new development for new and expanded fire protection and equipment; and

**WHEREAS**, the Fire Protection Fees collected pursuant to this Resolution shall be used to finance the fire protection facilities and equipment described or identified in the Fire Protection Fee Study; and

**WHEREAS**, after considering the projects and purchases to be funded by the Fire Protection Fees and the fee methodologies contained in the Fire Protection Fee Study, the Board of Supervisors finds the fee methodologies are a reasonable basis for calculating and imposing new Fire Protection Fees; and

**WHEREAS**, California Constitution Article XI Section 7 and Government Code Sections 66000 et seq. empowers the Board of Supervisors to impose fees and other exactions to provide for the public health, safety and welfare of its citizens through the planning, financing and construction of the public facilities that the County has determined are necessary to mitigate the negative effects of new development projects; and

**WHEREAS**, pursuant to Government Code Section 66006, the County is required to deposit the Fire Protection Fees in separate capital facilities accounts or funds in a manner to avoid commingling of the fees with other revenues, except for temporary investments, and to expend such fee revenues solely for the purpose for which the fees were collected; and

**WHEREAS**, pursuant to Government Code Section 66006, any interest income earned by moneys in the capital facilities account(s) or fund(s) shall also be deposited in that account or fund and shall be expended only for the purpose for which the fees were originally collected; and

**WHEREAS**, Government Code Section 66006 permits the County to make inter-fund transfers and loans between capital facilities accounts upon those reasonable terms of repayment and interest rates as determined by the Board of Supervisors; and

**WHEREAS**, the County, in accordance with Government Code Section 66016 and 66018, has:

1. Held at least one duly noticed, regularly scheduled open and public meeting at which oral or written presentations were made regarding the proposed fee;
2. At least 14 days prior to the meeting, mailed any interested party who files a written request with the Clerk of the Board for mailed notice of the meeting on revised fees;
3. At least 10 days prior to the meeting, made available to the public the Fire Protection Fee Study; and

**WHEREAS**, the County published notice of the public hearing as described above in accordance with Government Code Sections 6062(a) and 66018 for not less than ten (10) days prior to the hearing on two separate publications in a newspaper regularly published once a week or more often with not less than five (5) days intervening the publications; and

**WHEREAS**, the Board of Supervisors has carefully reviewed and considered the staff report, the Fire Protection Fee Study, and all oral and written presentations; and

**WHEREAS**, the Board of Supervisors will periodically review and revise by Resolution the amount of the Fire Protection Fees, in accordance with State law.

**NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1. Determination of Recitals.** The Board of Supervisors hereby finds and determines that all the recitals set forth above are true and correct. The above recitals are hereby incorporated as substantive findings of this Resolution.

**SECTION 2. Approval of Fee Study.** The Board of Supervisors hereby approves the Fire Protection Fee Study, as attached hereto as Exhibit "A".

**SECTION 3. Adoption of Fire Protection Fees.** The Board of Supervisors hereby adopts the Fire Protection Fees, as set forth in the attached Exhibit "B", which are to be used for the purpose described in the Fee Protection Fee Study. Each Applicant for a building permit shall pay such fees to the County prior to the date of final inspection or the date the certificate of occupancy is issued, whichever comes first, in accordance with Government Code Section 66007, including subdivision (b) of that statute. In accordance with subdivision (b) of Section 66007, at such time as the County establishes an account, appropriates funds and establishes a construction schedule

or plan for the use of the fees, the Board of Supervisors hereby authorizes collection of the Fire Protection Fees prior to the issuance of a building permit.

**SECTION 5. Applicability of Previous Fees.** The fees imposed by this Resolution shall only apply to residential and non-residential development for which permits shall be issued after the adoption of this Resolution. All other development and user service fees adopted by the Board of Supervisors pursuant to prior ordinances or resolutions, as may be amended from time to time, or any future ordinances or resolutions adopted for such purposes, shall remain in full force and effect.

**SECTION 6. Annual Adjustment.** Unless otherwise revised, the fees established by this Resolution shall be increased by 2.5 percent each year beginning on July 1, 2022.

**SECTION 7. Inter-Fund Transfers.** The Board of Supervisors is hereby authorized to make inter-fund transfers and loans between capital facilities accounts into which are deposited the AFPD Fire Protection Fees upon those reasonable terms of repayment and interest rates as determined by the Board of Supervisors.

**SECTION 8. CEQA Exemption.** The adoption of this Resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378 because this Resolution establishes a government funding mechanism that does not involve a commitment to any specific project which may result in a potentially significant impact on the environment.

**SECTION 9. Effective Date.** The fee adopted by this Resolution shall be effective sixty (60) days after the adoption of this Resolution.

**SECTION 10. Certification.** The Clerk of the Board shall certify to the passage and adoption of this Resolution.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 14<sup>th</sup> day of December, 2021, by the following vote:

AYES: Frank U. Axe, Richard M. Forster, Jeff Brown, Brian Oneto, Patrick Crew  
NOES: None  
ABSENT: None

  
\_\_\_\_\_  
Frank U. Axe, Chairman, Board of Supervisors

ATTEST:  
JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

  
\_\_\_\_\_  
Deputy

Exhibit "A"

**FIRE PROTECTION FEE STUDY**

[attached behind this page]

Exhibit "B"

**AMADOR COUNTY FIRE PROTECTION DISTRICT FIRE PROTECTION FEES**

<b>Land Use<sup>1</sup></b>	<b>Occupancy Charge</b>	<b>Non-residential Risk Category Surcharge for Floor Area</b>	<b>Total Fire Protection Fee</b>
<i>Residential, per dwelling unit except as noted otherwise</i>			
Single Family	\$1,400.06	N/A	\$1,400.06
Multi-family	\$1,272.78	N/A	\$1,272.78
Mobile Home	\$954.58	N/A	\$954.58
Accessory Dwelling Unit	\$763.67	N/A	\$763.67
Accessory Structure, per square foot	N/A	\$0.41	\$0.41
<i>Non-residential, per square foot of floor area</i>			
Commercial (Risk Category #1)	\$0.53	\$0.41	\$0.94
Office (Risk Category #2)	\$0.61	\$0.49	\$1.10
Retail (Risk Category #3)	\$0.42	\$0.66	\$1.08
Lodging (Risk Category #4)	\$0.46	\$0.99	\$1.45
Industrial/Warehouse (Risk Category #4)	\$0.27	\$0.99	\$1.26
Public/Institutional (Risk Category #4)	\$0.38	\$0.99	\$1.37

Risk Category Rates, per square foot:

Category 1:	\$0.41
Category 2:	\$0.49
Category 3:	\$0.66
Category 4:	\$0.99