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AUG 26 2004
Community Development Dept.

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY
OF SAN JOAQUIN, STATE OF CALIFORNIA

R-04 -473

RESOLUTION ESTABLISHING FIRE PROTECTION FEES FOR NEW
DEVELOPMENT WITHIN THE MOKELUMNE RURAL FIRE PROTECTION
DISTRICT

* * *

WHEREAS, on January 10, 1989, the Board of Supervisors adopted an Ordinance adding Chapter 6 (commencing with section 9-12300) of division 12 of Title 9 of the Ordinance code of San Joaquin County establishing a fire facilities fee for all new developments within the unincorporated area of San Joaquin County; and

WHEREAS, the Mokelumne Rural Fire District has submitted a Fire Protection Fee Technical Report dated July 2004, which analyzed and identified the need for various fire facilities, and the related cost of such facilities, due to anticipated development in the Mokelumne Rural Fire District; and

WHEREAS, said Technical Report was available for public inspection and review for more than 14 days prior to this public hearing; and

WHEREAS, THE Board of Supervisors finds as follows;

- A. The purpose of the Mokelumne Rural Fire District fire facility fees is to finance fire facilities caused by future development impacts in the Mokelumne Rural Fire District.
- B. The fire facility fees shall be used to finance the facilities identified in the Technical Report.
- C. After considering the Technical Report prepared by the Mokelumne Rural Fire district, and the testimony received at this public hearing, this Board of supervisors approves the Technical Report, attached hereto and incorporated herein; and further finds that new development in the Mokelumne Rural Fire District will generate additional demands on the district which will require additional fire facilities within the impacted areas.
- D. There is a need in the Mokelumne Rural Fire District as development occurs, for expanded or newly constructed fire facilities which are identified in the Technical Report and are consistent with Alternative A of the General Plan 2010 Studies. New developments should contribute its fair share toward the necessary fire facilities set out in the aforementioned Technical Report.
- E. The Technical Report and testimony establish:
 - 1. That there is a reasonable relationship between the need for the fire facilities set out in the aforementioned Technical Report and the impacts of the types of development for which the corresponding fee is charged.
 - 2. That there is a reasonable relationship between the fee's use and the type of development for which the fee is charged.

- 3. That there is a reasonable relationship between the amount of the fee and the cost of the fire facility or portion of the fire facility attributable to the development on which the fee is imposed.
- 4. That the cost estimates set forth in the Technical Report are reasonable cost estimates for constructing these facilities and fees expected to be generated by future developments will not exceed the total costs of constructing the fire facilities identified in the Technical Report.
- F. The Technical Report provides an appropriate analysis of the impact of new development in Mokelumne Rural Fire District and the fire facilities required to accommodate the new development.
- G. The fire facility fee is allocated to a new development in a fair and reasonable relationship to the burden on and benefit from the fire facilities to be funded by the fee. The calculation is based upon the projected total adjusted new incidents generated by commercial, industrial, residential land use categories of the new development.
- H. The total fees collected for unincorporated development does not exceed the cost of improvement of the unincorporated fire facilities.

NOW, THEREFORE, BE IT RESOLVED that the following Fire Facility Fee Schedule is approved and adopted:

**MOKELUMNE RURAL FIRE DISTRICT
FIRE FACILITY FEE**

Residential Fee Per Square Foot	\$0.73
Mobile Home Fee Per Square Foot	\$0.73
Agriculture Buildings (as defined Uniform Building Code)	\$0.00
Commercial/Industrial Fee Per Square Foot	\$0.60

NEW DEVELOPMENT DEFINED

- A. Residential. "New development", when applied to the construction of residential buildings or the installation of mobilehomes, means construction or installation of mobilehomes, means construction or installation which increases the number of dwelling units on a given lot.
 - B. Non-residential. "New development", when applied to the construction or installation of non-residential buildings, means construction or installation which increases the amount of floor space for non-residential building purposes on a given lot.
1. The fee was calculated by the following formula: $Unit\ Fee = [(New\ Development\ Cost\ Share / Total\ Forecast\ New\ Square\ Feet)]$

Where:

New Development Cost Share = Portion of costs that benefit new development.

Total Forecast New Square Feet = Existing square feet as per County Assessor entity fund report + new square feet to year 2010 as per County Planning Department projection.

2. The fees collected pursuant to this Resolution shall be deposited in an interest bearing Mokelumne Rural Fire Protection District Fire Facility Fund, in accordance with the Fire Facility Fee Schedule noted above, which shall comply with all statutory and Ordinance requirements regarding such accounts.
3. Individual adjustments to fees can be made pursuant to Ordinance Code Section Provisions by application to the Board of Directors of the Mokelumne Rural Fire District.
4. Such fees, along with any interest earnings, shall be used solely to pay for these facilities identified in Attachment C of the aforementioned Technical Report and to provide two and one-half per cent of the fee for program development and ongoing administration of the Public Facilities Fees program related to the previous referenced Enabling Ordinance and this Resolution.
5. Whenever facilities or a portion of a facility is constructed by a developer in conjunction with development located within the area shown on previously referenced Attachment C of the Technical Report, that full credit for the cost of those improvements shall be given to the developer to proportionately reduce the fee obligation. In the event such credit exceeds the developers obligation, a reimbursement will be made to the developer, in the amount that the credit exceeds the obligation, as funds become available in the manner prescribed in Item 6 below.
6. The Board of Directors of the Mokelumne Rural Fire District shall determine annually as of each July and no later than 5 years following collection of fees by this Resolution, following the construction and acceptance of developer-constructed facilities the amount of credit, if any, due to the developer and process a reimbursement from the Mokelumne Rural Fire Protection District Fire Facility Fund as such funds are available. All such reimbursements will be processed such that the developer who constructed the improvements first accepted by the Mokelumne Rural Fire District will be fully reimbursed prior to reimbursements to other developers who will be reimbursed in the same order of priority as acceptance of improvements constructed by the respective developments. Reimbursements shall be made as funds are available in the appropriate Fire Facility Fee Account for a period not exceeding 10 years from the acceptance of developer-constructed facilities.
7. The fee established pursuant to this Resolution shall be automatically adjusted each year.
8. The fees designated in this Resolution shall be due and payable upon the approval of a Final Map or Parcel Map. In the event that the fee is not paid at the time of Final Map or Parcel map approval or new development does not require a map, the fee must be paid prior to the issuance of the Building Permit. The fee levied shall be that which is current at the time of payment.
9. In the event further studies indicate that the fee should be modified, revised, refined, segregated into more specified areas or incorporated

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with other more encompassing fee, this Resolution will be revised to the extent that the intent of the Resolution is enhanced by such revision or new Resolution.

- 10. The effective date of this Resolution shall be 60 days after adoption for property zoned commercial or industrial, and 60 days after adoption for property zoned residential.

PASSED AND ADOPTED THIS 8/24/04, by the following vote of the Board of Supervisors, to wit:

AYES: MOW, SIEGLOCK, GUTIERREZ, MARENCO, ORNELLAS

NOES: NONE

ABSENT: NONE

LEROY ORNELLAS

LEROY ORNELLAS, Chairman
of the Board of Supervisors
County of San Joaquin
State of California

ATTEST: LOIS SAHYOUN
Clerk of the Board of Supervisors
Of the County of San Joaquin
State of California

By: LOIS M. SAHYOUN
Deputy Clerk

