

ARTICLE XVI. FIRE PROTECTION DISTRICT IMPACT FEE

Sec. 11-600. Purpose

This Article is enacted to provide the authority for and process by which development fees may be imposed for fire prevention, suppression and safety within the unincorporated territory of the County of Solano. Such fees may be imposed for each fire protection district which prepares and presents to the Board of Supervisors a study adequate to demonstrate the reasonable relationship between new development and the fee to be charged. It is intended that new development shall pay its fair share to maintain the pre-existing level of service, thereby mitigating the impact of development on the fire protection district's ability to provide such service.

(Ord. No. 1659, §1)

Sec. 11-610. Definitions

(a) **Development projects** means all residential, multi-family, commercial, manufacturing, office, retail and wholesale buildings, as defined in the building and zoning ordinances of the County.

(b) **Exempt development projects** means (1) those projects for which a building permit was issued prior to June 30, 2005, or the effective date of this ordinance, whichever is later, or (2) new construction which increases an existing structure's square footage by 200 square feet or less.

(Ord. No. 1659, §1)

Sec. 11-630. Establishment of Fee, Exemptions

A fire protection district impact fee is established for all non-exempt new development projects within the unincorporated areas of Solano County and within the boundaries of a fire protection district for which a fee is established pursuant to this Article. The Board of Supervisors shall establish the amount of such fee for each individual fire protection district by resolution at a publicly noticed meeting upon completion by the fire protection district of an adequate study, commissioned, adopted and provided by such district. The study shall establish a reasonable development fee for the district and demonstrate by competent analysis the reasonable relationship between such fee and the impacts of such development, satisfying the statutory requirements for fees for development projects contained in Chapter 5 of Division 1 of Title 7 of the Government Code sections 66000 et seq., commonly referred to as AB 1600. These fees may from time to time be amended as circumstances warrant by the adoption of a subsequent resolution by the Board of Supervisors. Any action to adopt a resolution levying or increasing such fee for any individual fire protection district shall follow the procedures set forth in Government Code sections 66016 et seq., and any subsequent amendments, including, without limitation, notice, public hearing and effective date provisions.

(Ord. No. 1659, §1)

Sec. 11-640. Payment of Fee

(a) **Time for Payment of Fee** Fees for applicable development shall be paid to and collected by the county on a fire protection district's behalf prior to the issuance of the certificate of occupancy, or at the time of final inspection, whichever comes first, or, if the provisions of Government Code section 66007 are met, at the time of issuance of a building permit for any non-exempt construction under the provisions of this ordinance.

(b) **Fee Amounts** Fees under this section shall be payable in those specific amounts designated by the board of supervisors, and amended from time to time by board resolution. The amount payable shall be reduced by the amount of any fee charged to the developer by any other jurisdiction to provide funding for the same fire protection facilities. During the first five calendar years beginning after adoption of this ordinance, the board of supervisors may, without a further study by a fire protection district, adjust by resolution the fee amounts one time annually based on the percentage increase in the Engineering News Record Construction Cost Index or a similar index which measures typical construction costs for facilities generally similar to those to be built by the fire protection districts.

(c) **Appeal** Any person may protest the imposition of any fee imposed under the provisions of this ordinance by meeting the following requirements.

(1) Tendering any required payment in full or providing satisfactory evidence of arrangements to ensure performance of the conditions necessary to meet the requirements imposed.

(2) Serving written notice on the clerk of the board of the fire protection district, which notice shall contain all of the following information:

(A) A statement that the required payment is tendered, or that any conditions which have been imposed are provided for or satisfied, under protest.

(B) A statement informing the board of fire protection district of the factual elements of the dispute and the legal theory forming the basis of the protest.

(3) The protest must be filed no later than 90 days after the date of the imposition of the fee hereunder.

Where a protest has been filed in compliance with these provisions, the protest resolution procedure shall be as set forth under the provisions of Government Code section 66020 et seq.

(d) **Demolition or destruction offset** Where a building permit is issued within two years after demolition on the same lot, where new construction replaces a structure on the same lot which was damaged or destroyed by fire, earthquake or other causes similarly beyond the owner's control, the amount of new construction taken into account under this ordinance shall be reduced by the number of square feet which were demolished or destroyed.

(e) **Information Required** Where the county is to issue a building permit, the person liable for the fee shall submit to the Department of Resource Management such information as the Department may require to calculate the amount due.

(Ord. No. 1659, §1)

Sec. 11-650. Use of Fees, Hold Harmless

(a) The fire protection district impact fees collected on behalf of the districts who have complied with this Article shall be used by the respective local fire protection districts for capital expenditures to mitigate the impacts attributed to new development. Specifically, these fees shall be used to pay the entire applicable portion of the costs of capital improvements to public facilities necessitated by the development projects, whether identified by a capital improvement plan or otherwise. Fees remaining unexpended or uncommitted five (5) or more years after deposit shall be subject to the provisions of Government Code section 66001.

(b) Each fire protection district on whose behalf the county is collecting fees shall agree to hold the County of Solano harmless and to indemnify and defend the County from all actions, claims and damages related to said fees, including, without limitation, any challenge to the validity of or use of said fees. The fees collected, together with any interest, shall be maintained and accounted for in a separate capital facilities account or fund in a manner to avoid any commingling of such moneys with other revenues or funds and expended in a timely fashion only for approved purposes. County shall withhold 2% of the total fee collected to cover administrative costs associated with the implementation of this Article.

(Ord. No. 1659, §1)