

RESOLUTION NO. 2023-96

**RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS,
ADOPTING A FIRE CAPITAL FACILITIES FEE FOR ALL NEW
CONSTRUCTION AND NEW DEVELOPMENT IN THE AMERICAN
CANYON FIRE PROTECTION DISTRICT**

WHEREAS, the American Canyon Fire Protection District (District) provides fire protection, emergency medical services and hazardous material response to residents and businesses within the City of American Canyon (City) and parts of unincorporated Napa County (County); and

WHEREAS, the California Mitigation Fee Act authorizes the City and County to impose fees that offset the costs imposed on public services by new development, including the costs incurred for emergency response and fire protection services; and

WHEREAS, the District has identified the need to plan for the impact of future development on existing resources, including keeping pace with new development by constructing and equipping current and future fire stations, and therefore retained the services of AP Triton to conduct a Long-Range Master Plan and of Capitol PFG to conduct a development impact fee study; and

WHEREAS, Capitol PFG completed a development impact fee study (Development Impact Fee Nexus Study) that meets the requirements of the California Mitigation Fee Act. Specifically, the fee study makes findings as to the purpose and use of the fee as it pertains to the District's growth plan and the associated capital costs, and determines that the fees are supported by an appropriate "nexus" – meaning the amount of the fees successfully approximate the actual costs for which they are intended to offset; and

WHEREAS, although the Fire Protection District Law of 1987 does not allow a fire district to directly charge a fee for public improvements, facilities, or equipment, it is common practice for fire districts to work with cities and counties to impose an impact fee on the fire district's behalf; and

WHEREAS, at the Fire Board's January 24, 2023, Regular Meeting, the Board adopted a Resolution to begin the process of implementing a fee to offset the rising costs that new development imposes on the District, and to work with the City to implement the fee (for properties within both the City and the District) and to work with the County of Napa (for properties within the District and the County); and

WHEREAS, on March 7, 2023, the American Canyon City Council accepted the Development Impact Fee Nexus Study and adopted Ordinance No. 2023-02 to impose a Development Impact Fee (Fire Capital Facilities Fee) on new construction and development within the City; and

WHEREAS, the mutual interest of the County and District are fulfilled by the County enacting a Fire Capital Facilities Fee, as authorized by the Mitigation Fee Act and the County's police powers, to fund fire and emergency response services for the protection of lives and property of County residents within the District and to ensure that the District has the resources and capabilities of keeping pace with new construction within the County; and

WHEREAS, consistent with Government Code section 66001, 66016, and 66018, the County intends to levy, pursuant to a resolution, a Fire Capital Facilities Fee on all new residential, commercial, and industrial development within the County's boundaries that are within the District, to fund capital equipment and facilities construction needs for the District; and

WHEREAS, the proposed fee shall be updated on an annual basis to account for inflationary costs and/or as updates are needed based upon the current costs of construction and equipping fire stations; and

WHEREAS, in compliance with Government Code sections 66016 and 66016.5, at least thirty (30) days' notice was given, any member of the public requesting notice of intent to begin an impact fee nexus study was notified of the date of public hearing, and the data was made available to the public that indicate the amount of cost, or estimated costs, required to provide the service for which the fee charge is to be levied and the revenue sources anticipated to provide the service; and

WHEREAS, in compliance with Government Code sections 66014, 66016, 66018, and 6062a, notice of that a public hearing regarding the levying of a Fire Capital Facilities Fee and methodology of the fee structure has been published twice with at least five (5) days between the two publications; and

WHEREAS, on June 13, 2023, the Board of Supervisors opened the duly noticed public hearing, gave all persons wishing to testify an opportunity to do so, and, thereafter, closed the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

1. The Board of Supervisors having considered all the evidence, accepts the Development Impact Fee Nexus Study prepared by Capitol PFG and the findings and conclusions therein, attached as **Exhibit A** and incorporated herein.
2. The Board of Supervisors imposes a Fire Capital Facilities Fee based upon the square footage of the structure as determined from the plans submitted with the application for a building permit and computed as follows:

a. Any proposed structure designed for use as a single-family dwelling unit shall be assessed a fee of ninety-eights cents (\$.98) per square foot. For purposes of this subsection a single-family dwelling shall mean a dwelling unit containing not more than one kitchen and designed to house not more than one family.

b. Any proposed structure designed for use as a multiple family dwelling unit shall be assessed a tax of ninety-eights cents (\$.98) per square foot. For purposes of this subsection, a multiple family dwelling unit shall mean any structure designed to house two or more families living independently of each other and may consist of one building or a series of detached dwelling units.

c. Any proposed structure designed to be used for business or commercial purposes shall be assessed a tax of ninety-eights cents (\$.98) per square foot. Business or commercial purposes as used herein includes, but is not limited to, facilities used primarily for public assembly, sleeping rooms in hotels, or motels, and mental or physical convalescent facilities.

d. Any proposed structure designed to be used for industrial purposes shall be assessed a tax of ninety-eights cents (\$.98) per square foot. Industrial purposes as used in this subsection shall mean any use involving manufacturing, fabricating, refining, processing, research, warehousing, or similar uses.

e. Where a structure is replaced, no fee shall be payable, provided the square footage of the new structure is the same or less than the replaced structure.

f. Where a structure is remodeled, no fee shall be payable, provided the square footage of the new structure is the same or less than the remodeled structure.

g. If a fee had been previously paid to the District, and the new structure contains less square footage than the old structure, no refund shall be payable by the District.

h. The Fire Capital Facilities Fee shall automatically be adjusted July 1 of each year according to the change in the Consumer Price Index for the San Francisco / Oakland / San Jose area for the twelve-month period ending the preceding April.

3. The County shall implement, administer, and oversee the collection of such fees and remit those fees to the District. The actual amount of Fire Capital Facilities Fee due and payable shall be the amount determined under section 2 above less any Fire Mitigation Fee paid pursuant to 86-5, if said Fire Mitigation Fee applies.

4. The Fire Capital Facilities Fee, including any adjustments based on inflation, may be required to be paid prior to the issuance of a building permit.

5. County staff shall assist the District Fire Chief to take all actions necessary to implement, administer, and collect the Fire Capital Facilities Fee Schedule, and as part of the District's budget process shall annually review the estimated costs of capital improvements and capital equipment and evaluate the continued need for those improvements and the reasonable

relationship between such need and the impacts of the various types of development pending or anticipated and for which the fee is charged.

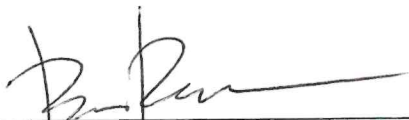
6. BE IT FURTHER RESOLVED that pursuant to Government Code section 66017, subdivision (a), the fees shall become effect on the sixty-first (61st) day following the final action on the adoption of the fee or charge or increase in the fee or charge.

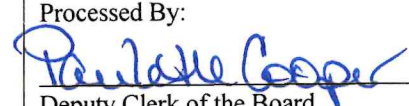
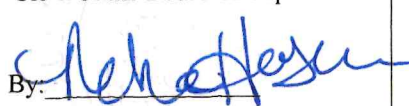
7. BE IT FURTHER RESOLVED that the Board finds this resolution is categorically exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, section 15273, subd. (a)(1) and (2).

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the 18th day of July, 2023, by the following vote:

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| AYES: | SUPERVISORS | GREGORY, PEDROZA, COTTRELL, GALLAGHER, AND RAMOS |
| NOES: | SUPERVISORS | NONE |
| ABSTAIN: | SUPERVISORS | NONE |
| ABSENT: | SUPERVISORS | NONE |

NAPA COUNTY, a political subdivision of
the State of California

By: 
BELIA RAMOS, Chair of the
Board of Supervisors

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| APPROVED AS TO FORM Office of County Counsel By: <u>Shana A. Bagley</u> Deputy County Counsel Date: <u>June 7, 2023</u> [PL No. 89863] | APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: July 18, 2023 Processed By:  Deputy Clerk of the Board | ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By:  |
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