

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: February 2, 2021	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Board of Supervisors
APPROVING PARTY: Heather Foster, Clerk of the Board
PHONE NUMBER: 530-289-3295

AGENDA ITEM: Waive second reading and adoption of an ordinance amending Section 12.06.050 of the Sierra County Code pertaining to the Sierra County Fire Protection District No. 1 Fire Development Impact Fee.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: On January 19, 2021 the Board of Supervisors held a public hearing regarding the Fire Development Impact Fee within the boundaries of the Sierra County Fire Protection District No. 1 and adopted Resolution 2021-018 increasing the fee and waived the first reading of an ordinance amending Section 12.06.050 of the Sierra County Code. This is the required second reading and adoption of the ordinance in order to make certain changes to the Fire Development Impact Fee.

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED?

Yes, -- --
No

IS THIS ITEM ALLOCATED IN THE BUDGET? Yes No

IS A BUDGET TRANSFER REQUIRED? Yes No

SPACE BELOW FOR CLERK'S USE

BOARD ACTION:

- Approved
- Approved as amended
- Adopted
- Adopted as amended
- Denied
- Other
- No Action Taken

- Set public hearing
For: _____
- Direction to: _____
- Referred to: _____
- Continued to: _____
- Authorization given to:

Resolution 2021- _____
Agreement 2021- _____
Ordinance _____
Vote:
Ayes:
Noes:
Abstain:
Absent:
By Consensus

COMMENTS:

CLERK TO THE BOARD

DATE

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 12.06.050
OF THE SIERRA COUNTY CODE REGARDING THE SIERRA COUNTY
FIRE PROTECTION DISTRICT NO. 1 FIRE DEVELOPMENT IMPACT FEE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS as follows:

SECTION 12.06.050 IS HEREBY AMENDED TO READ AS FOLLOWS:

**12.06.050: ESTABLISHMENT OF DEVELOPMENT FEES FOR SIERRA COUNTY
FIRE PROTECTION DISTRICT #1:**

A. Based on the presentation by the Sierra County Fire Protection District No. 1 of a Resolution of the District Board of Commissioners declaring the District impacted by new development and the impact analysis accompanying said Resolution, a fire impact development fee in the amount adopted by Resolution of the Board of Supervisors is hereby required to be paid by certain new development/construction which is within the boundaries of the Sierra County Fire Protection District No. 1. For the purpose of this chapter, floor space shall be computed based on the exterior dimensions of the building or structure. Multiple storied buildings and structures shall take account of the exterior dimensions for each story, including without limitation, lofts and basements.

B. Structures and uses subject to the fire development impact fee include all new construction or additions to existing structures within the Sierra County Fire Protection District #1 for occupancy, storage or garage requiring a permit from Sierra County. Areas subject to the fee will be measured in by floor area as noted in Paragraph A.

Structures and uses shall include, but not limited to, the following: homes, modular homes, multifamily housing, decks, porches, garages, workshops, storage buildings, warehouses, commercial housing (hotels or motels), restaurants, employee housing, offices, retail space, gyms, places of worship, schools, prisons, jails or penal institutions, and utility buildings, or similar structure not specifically identified as determined by the County Building Official after consultation with the District.

The following structures and uses are not subject to the fire development impact fee:

- 1) Development entitled by State or Federal statute to an exemption from development impact fees;
- 2) Modernization or rehabilitation projects where no additional net square foot is being added to the existing structure;
- 3) Greenhouses, carports and portable carports;
- 4) Agricultural barns and pole barns used exclusively for animal or animal feed storage. Excluded agricultural buildings must not have electrical connection to the building, be in the agricultural zoning district, and be consistent with the exemption language found in Chapter 12 of the Sierra County Code pertaining to building permit exemptions for certain categories of agricultural buildings;
- 5) Rebuild of a structure damaged or destroyed by fire, flood, or other similar event or a rebuild of a structure that was voluntarily demolished by the property owner so long as the footprint of the new building is equal to or less than the original

- structure;
6) Water tanks, and communication towers.

Disputes related to whether a structure or use is subject to the fire district development fee will be resolved at the sole discretion of the Sierra County Building Official.

C. The Fire Development Impact Fee shall, unless the District otherwise makes provision for collection of the fees, be assessed and collected at the time of the issuance of each building permit.

D. Unless the District otherwise makes a provision for collection of the fees, at the time of the issuance of a building permit, the development fees shall be computed and collected by the County Building Department in accordance with the provisions of this chapter; provided, however, that any applicant asserting a right to defer the fees under the provisions of Cal. Gov't. Code §66007 may appeal the timing of the payment of the fees. Any such appeal shall be made to the Board of Commissioners of Sierra County Fire Protection District #1. In the event that the collection of any fees is deferred, the fees shall be due and shall be collected on the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first. In cases in which collection of fees is deferred, the District may also require the execution of an agreement to pay the fees as a condition to the issuance of a building permit.

E. The Fire Development Impact Fee established by this section shall be effective as of June 6, 2009, and thereafter may be amended by resolution adopted by the Board of Supervisors upon presentation by the District of an appropriate impact analysis. Any increase in the fee shall only be adopted following compliance with the public hearing and notice requirements as set out in Cal. Gov't. Code §§ 66004 and 66018 and any other applicable provisions of law.

This ordinance shall take effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors, voting for and against the ordinance in the Mountain Messenger, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 19th day of January, 2021, and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on the 2nd day of February, 2020, by the following roll call vote, to-wit:

AYES: Supervisor
NOES: Supervisor
ABSTAIN:
ABSENT:

COUNTY OF SIERRA

LEE ADAMS
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL