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RESOLUTION NO. 25-6-3

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT OF MONTEREY COUNTY APPROVING THE FIRE IMPACT FEE NEXUS STUDY UPDATE, RESCINDING THE PRIOR VERSION OF THIS RESOLUTION, AND REQUESTING THAT THE MONTEREY COUNTY BOARD OF SUPERVISORS ADOPT AND IMPOSE THE UPDATED FIRE IMPACT FEE PROGRAM ON BEHALF OF THE DISTRICT

WHEREAS, the Mitigation Fee Act (California Government Code Section 66000 et seq.) allows for the establishment, increase, or imposition of development impact fees as a condition of approval, provided that the purpose and use of the fee are identified and a reasonable relationship between the fee and the development project is demonstrated; and

WHEREAS, County of Monterey (“County”) Code Section 10.80 establishes fire mitigation fees and a fee ceiling, with adjustments subject to approval by the County Board of Supervisors (“County Board”) upon demonstration of cost justification, and requires that any increase in such fees be supported by a Nexus Study, subjected to a public hearing, and adopted through a formal resolution process in compliance with the Mitigation Fee Act; and

WHEREAS, the North County Fire Protection District of Monterey County (“District”) Board of Directors (“Board”) seeks to maintain its existing level of fire protection and emergency response service by ensuring that the necessary fire system resources are available to meet the demands of both current and future residents and businesses; and

WHEREAS, the District Board desires to adopt an updated Fire Impact Fee program to ensure that new development funds its proportionate share of necessary expansions to fire protection facilities, apparatus, and equipment, thereby preventing deterioration of the District’s existing level of service; and

WHEREAS, the District Board has reviewed and considered the Fire Impact Fee Nexus Study Update prepared by SCI Consulting Group, dated March 2025 Final Report (“Nexus Study”), which provides the necessary analysis to support an update to the District’s Fire Impact Fee program, complying with the requirements of the Mitigation Fee Act, Monterey County Code Section 10.80, and the Monterey County General Plan; and

WHEREAS, the Engineering News-Record (ENR) Construction Cost Index (20-Cities) has increased from 4,888 in January 1992 to 13,731.60 in January 2025, reflecting a percentage increase of approximately 180.92%, which justifies an adjustment to the fire impact fee ceiling under County Code Section 10.80; and

WHEREAS, the District does not have sufficient funds available to construct additional facilities from fund balances, capital facility funds, property tax sources, or any other appropriate sources; and

WHEREAS, the District’s lack of fire protection facilities and equipment to serve new development would create a situation perilous to public health and safety; and

WHEREAS, other fees charged by the District do not include payment toward the costs of the fire facility, apparatus, vehicles, and equipment expansion necessary as a result of new development as a component of the fee; therefore, the Fire Impact Fee is necessary; and

WHEREAS, the Board of Directors previously adopted Resolution No. 25-3-1 on March 18, 2025, which included incorrect fire impact fee amounts not aligned with the Nexus Study; and

WHEREAS, the Board now desires to rescind Resolution No. 25-3-1 in its entirety and replace it with this corrected resolution, which incorporates the properly justified fire impact fees established by the Nexus Study.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

- 1) The District Board hereby receives and approves the Nexus Study.
- 2) The Board hereby rescinds in its entirety Resolution No. 25-3-1 adopted on March 18, 2025, and replaces it with this resolution.
- 3) Prior to the adoption of this Resolution, the Board conducted a public hearing at which oral and written presentations were made as part of the Board's regularly scheduled March 18, 2025, meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code Section 66018. Additionally, at least 30 days before the meeting, the District made the Nexus Study available for public review.
- 4) After considering the Nexus Study and this Resolution, and after considering the testimony received at this public hearing, the District Board hereby makes the following findings:
 - a) The Fire Impact Fee program and Fire Impact Fee proposed in the Nexus Study and approved pursuant to this Resolution are for the purposes of funding the cost of fire protection and emergency response facilities, apparatus, and equipment attributable to new residential and nonresidential development in the District; and
 - b) The Fire Impact Fee proposed in the Nexus Study and approved pursuant to this Resolution will be used to expand the District's facilities and equipment, replace and expand the District's apparatus and vehicles inventory to serve new development; and
 - c) The uses of the Fire Impact Fee proposed in the Nexus Study and approved pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed in that fee revenue from the development projects will be used to expand the District's facilities and equipment, and replace and expand the District's apparatus and vehicles to meet the additional demand generated by the new residents and employees and new structural area created by the development projects; and
 - d) The Fire Impact Fee proposed in the Nexus Study, and approved pursuant to this Resolution, bears a reasonable relationship to the need for fire protection and emergency response facilities, apparatus, and equipment in that each development project will create additional need for the District's fire protection and emergency

response services and a corresponding need for new or expanded facilities, apparatus, and equipment. The fee will be imposed on different types of development projects in proportion to the additional service population generated and structural area created by new development projects; and

- e) The Nexus Study demonstrates that there is a reasonable relationship between the amount of the Fire Impact Fee and the cost of the fire protection facilities, apparatus, and equipment attributable to the development on which the fee is imposed in that the costs are based upon the level of existing development served by the District's existing fire protection facilities and applied proportionately to seven land use categories in proportion to the need they create for expanded fire facilities, apparatus, and equipment.
- 5) The District Board finds that pursuant to the California Environmental Quality Act ("CEQA"), this action is not a "project" because the Resolution provides a mechanism for funding fire protection and emergency response facilities, apparatus, and equipment but does not involve a commitment to any specific project for such purposes that may result in a potentially significant impact on the environment. (CEQA Guidelines § 15378.)
- 6) The District Board does hereby approve the following Fire Impact Fees on new development:

<u>Land Use</u>	<u>Fire Impact Fees</u>
<u>Residential Development</u>	<u>Per Living Area Sq. Ft.</u>
Single-Family Housing	\$0.86
Multi-Family Housing	\$1.66
Mobile Home	\$0.88
ADUs => 750 sq.ft.	\$0.86
ADUs < 750 sq.ft.	Exempt
<u>Nonresidential Development</u>	<u>Per Building Sq. Ft.</u>
Retail / Commercial	\$0.94
Office	\$1.28
Industrial	\$0.84
Warehouse / Distribution	\$0.45
Agriculture	\$0.12

- 7) The District Board formally requests that the County Board adopt and implement this approved Fire Impact Fee program on behalf of the District, with the District agreeing to be responsible for the proper accounting for and expenditure of said moneys and further agreeing to hold the County harmless from and to defend it from any action, claim, or damages related to said fees, including any challenge to the validity of or use thereof.
- 8) If any portion of this Resolution is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution.

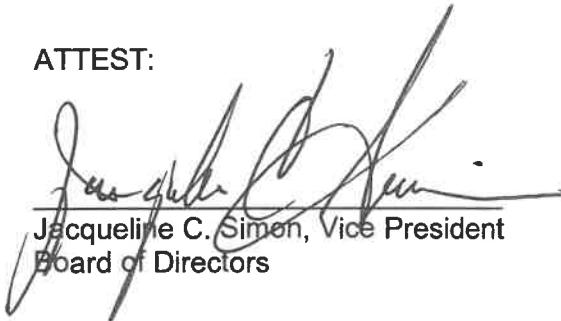
PASSED AND ADOPTED by the Board of Directors of the North County Fire Protection District of Monterey County at a regularly scheduled meeting held on the 17th of June, Two-thousand and Twenty-Five, by the following vote of said District Board:

AYES: *simon, chapin, scudder, silva*
NOES: *o*
ABSTAIN: *o*
ABSENT: *Gomez*



Don Chapin, Chair
Board of Directors

ATTEST:



Jacqueline C. Simon, Vice President
Board of Directors