

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, MAY 23, 2023**

MINUTE ORDER NO. 1

**SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING: FIRE MITIGATION FEE PROGRAM -
ADOPTION OF NEXUS STUDY AND ORDINANCE REPEALING AND
REENACTING THE SAN DIEGO COUNTY FIRE MITIGATION FEE
ORDINANCE AND CEQA EXEMPTION (5/2/2023 - FIRST READING; 5/23/2023
- SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND
READING) (DISTRICTS: ALL)**

OVERVIEW

On May 2, 2023 (21), the Board of Supervisors took action to further consider and adopt the Ordinance on May 23, 2023.

The unincorporated areas of San Diego County experienced significant growth in recent decades, increasing the demand on fire services for the residents of new developments. As a result, the Board of Supervisors of San Diego County (Board) adopted Ordinance No. 7066 (N.S.) on December 11, 1985, to establish the Fire Mitigation Fee (FMF) Program as a mechanism for collecting and allocating funds to fire agencies in unincorporated areas of San Diego.

Through the FMF Program, the County of San Diego (County) collects a fee from applicants when building permits are issued and distributes the funds to the 13 participating fire agencies on a quarterly basis. These funds allow fire agencies, lacking legal authority to directly impose and collect mitigation fees, to provide capital facilities and equipment for fire suppression or emergency medical services, including station construction, station expansion or improvements, and fire or emergency medical apparatus to serve new developments in their districts.

Since the FMF program was initially approved, there have been changes to State law, County strategic initiatives, industry standards, and community needs that impact the provision of fire protection and emergency medical services throughout the unincorporated area. Over the past year, staff have coordinated with a consultant, participating agencies, and the public to determine the appropriate level of fees for the program. This coordination culminated in a “Nexus Study” which informed the recommendations for the Fire Mitigation Fee.

The actions in today’s request will adopt the findings of the study and replace the existing County FMF Ordinance with an updated version. The ordinance will be introduced on May 2, 2023 and, if approved, will be scheduled for adoption on May 23, 2023. If the proposed ordinance is altered on May 23, 2023, then a subsequent meeting date will be selected for the ordinance's adoption. These actions will allow for the continued use of mitigation fees to fund fire service expenditures related to new development within the boundaries of participating fire agencies in the unincorporated areas of San Diego County. Lastly, a waiver of Board Policy B-29 is requested because County Fire staff and consultant costs to administer the Fire Mitigation Fee Program will not be recovered by program fees.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA), as specified under Section 15273(a) of the CEQA Guidelines.
2. Consider and adopt: AN ORDINANCE REPEALING AND REENACTING SECTIONS 810.301 THROUGH 810.315 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO THE SAN DIEGO COUNTY FIRE MITIGATION FEE PROGRAM (second reading, unless ordinance is modified on second reading).

EQUITY IMPACT STATEMENT

The County of San Diego's Fire Mitigation Fee (FMF) Program was established as a mechanism for collecting and allocating funds to the thirteen local fire agencies in unincorporated areas of San Diego County. These funds allow fire agencies, who lack legal authority to directly impose and collect development impact fees, to provide capital facilities and equipment to serve new developments in their districts. The County's ongoing administration of the development impact fee program requires compliance with the updates in AB 602 and the Mitigation Fee Act, including the adoption of a Nexus Study and Ordinance. These actions will ensure the continuation of the program and support the availability of emergency medical services and fire response, supporting safety for unincorporated communities.

SUSTAINABILITY IMPACT STATEMENT

The proposed actions in today's request support the County of San Diego's (County) Sustainability goals to provide just and equitable access to services by helping to ensure fire protection agencies in the unincorporated areas of the County can maintain the level of fire protection and emergency medical services to their communities and have the capability to respond and recover to immediate needs for individuals, families, and the region.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. Today's recommendations support the continuation of the County's Fire Mitigation Fee (FMF) Program for the collection of a developmental impact fee on behalf of local fire agencies in unincorporated areas of San Diego County. There will be no change in net General Fund cost and no additional staff years.

The FMF Program does not recover costs associated with the administrative support provided by consultants and San Diego County Fire (County Fire) estimated at \$219,268 and will be funded with property tax and existing General Purpose revenue.

BUSINESS IMPACT STATEMENT

Adoption of the updated Fire Mitigation Fee (FMF) Program Ordinance will continue to provide collect and allocate funds to fire agencies in unincorporated areas of San Diego County for the provision of capital facilities and equipment to serve new development.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10841(N.S.), entitled: AN ORDINANCE REPEALING AND REENACTING SECTIONS 810.301 THROUGH 810.315 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO THE SAN DIEGO COUNTY FIRE MITIGATION FEE PROGRAM.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER

Clerk of the Board of Supervisors



Signed

by Andrew Potter