

ORDINANCE NO. 2020-27
(uncodified)

ESTABLISHING FIRE PROTECTION FACILITIES FEES
FOR PORTIONS OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I. Purpose and Authority. This ordinance establishes fire protection facilities fees for that portion of unincorporated Contra Costa County (the “County”) that is located within the boundaries of the East Contra Costa Fire Protection District (the “District”), and authorizes the County to impose the fees and the District to collect, retain, and expend the fees. This ordinance is enacted pursuant to Chapter 818-2 of the County Ordinance Code.

SECTION II. Notice and Hearing. This ordinance was adopted pursuant to the notice and hearing procedures set forth in County Ordinance Code Chapter 818-2 and in Government Code sections 66016, 66017, and 66018. All required notices have been properly given and public hearings held.

SECTION III. Service Area. The service area affected by this ordinance is that portion of unincorporated County that is located within the boundaries of the District.

SECTION IV. Existence of Overextension. This Board has reviewed the findings submitted by the Fire Chief of the District. Based upon these findings and evidence presented at the public hearing on this ordinance, the Board determines that the fire protection facilities within the District are not adequate to serve the fire protection needs of the service area, and that these fire protection facilities are therefore overextended.

SECTION V. Definitions. For purposes of this ordinance, the following terms have the following meanings:

- (a) “Applicant” means a person, corporation, or entity that applies for a building permit for new construction that will occur within any portion of unincorporated Contra Costa County that is located within the boundaries of the East Contra Costa Fire Protection District.
- (b) “New construction” has the following meanings:
 - (1) When applied to the construction of residential buildings, or the installation of mobilehomes, “new construction” means construction or installation that increases the number of dwelling units on a given lot and requires a building permit.

- (2) When applied to the construction or installation of nonresidential buildings, “new construction” means construction or installation that increases the amount of floor space for nonresidential building purposes, or that increases the number of hotel rooms, on a given lot and requires a building permit.

SECTION VI. Fees. On and after the effective date of this ordinance, the following fees shall be collected:

- (a) Fire Protection Facilities Fee. Each Applicant, at the time of application for and prior to the issuance of a building permit for new construction, or at the earliest date otherwise specified by law, shall pay a fire protection facilities fee in accordance with the following schedule:

Residential:

Single-Family:	\$ 1,292.13 per dwelling unit
Multi-Family:	\$ 916.99 per dwelling unit
Mobile Home:	\$ 875.31 per dwelling unit
Age-Restricted:	\$ 708.59 per dwelling unit
Accessory Dwelling Unit:	No fee for units less than 750 square feet

For units 750 square feet or larger, the fee per dwelling unit is calculated as follows:

$$\$ \left(\begin{array}{c} \text{fee applicable} \\ \text{to primary} \\ \text{dwelling unit} \end{array} \right) \times \left[\frac{\left(\begin{array}{c} \text{square footage} \\ \text{of ADU} \end{array} \right)}{\left(\begin{array}{c} \text{square footage of} \\ \text{primary dwelling unit} \end{array} \right)} \right]$$

Nonresidential:

Commercial:	\$ 875.31 per 1,000 gross square feet
Office:	\$ 1,167.08 per 1,000 gross square feet
Industrial:	\$ 583.54 per 1,000 gross square feet

Hotel: \$ 208.41 per hotel room

Alternative
Nonresidential Fee: An applicant for nonresidential new construction may petition the District to pay the alternative fee based on actual service population generated by the new construction, calculated as follows:

$$\$416.82 \times \left(\frac{\text{employees added to the service}}{\text{population due to new construction}} \right)$$

- (b) District Administration Fee. In addition to the foregoing, each Applicant, at the time of application for and prior to the issuance of a building permit for new construction, shall pay a District administration fee, which is the Applicant's prorated portion of the District's estimated costs of collecting the Fire Protection Facilities Fees, administering the fee program, and complying with the Mitigation Fee Act, in accordance with the following schedule:

Residential:

Single-Family: \$ 25.84 per dwelling unit

Multi-Family: \$ 18.34 per dwelling unit

Mobile Home: \$ 17.51 per dwelling unit

Age-Restricted: \$ 14.17 per dwelling unit

Accessory Dwelling Unit: 0.02 x (applicable Fire Protection Facilities Fee)

Nonresidential:

Commercial: \$ 17.51 per 1,000 gross square feet

Office: \$ 23.34 per 1,000 gross square feet

Industrial: \$ 11.67 per 1,000 gross square feet

Hotel: \$ 4.17 per hotel room

Alternative
Nonresidential Fee: 0.02 x (applicable Fire Protection Facilities Fee)

SECTION VII. Annual Index Adjustment. Effective July 1, 2021, and on each subsequent anniversary of the date, the amount of each of the fees set forth in this ordinance shall increase or decrease by the average annual percentage change in the Consumer Price Index for the San Francisco-Oakland-Hayward Area for All Urban Consumers and the California Construction Cost Index published by the California Department of General Services for the twelve month period ending with the February indices of the same calendar year.

SECTION VIII. Delay. If, for any reason, this ordinance's fees are not collected as provided in Section VI, they shall be due and paid upon demand, but in any event this ordinance's fees shall be paid no later than the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs last.

SECTION IX. Administration. The County will require payment to the District of the fees established by this ordinance as a condition precedent to the issuance of a building permit for new construction within the boundaries of the District. The District is authorized to collect, retain, and expend the fees, and to perform related statutory requirements in a manner consistent with the Mitigation Fee Act, subject to the terms of a separate agreement between the County and the District. The County will not require payment of any fees established by this ordinance unless the County and District have entered into a separate agreement that establishes the terms and conditions for the administration of the fees established by this ordinance.

SECTION X. Supersede. As of its effective date, this ordinance supersedes any prior ordinances adopted by the County Board of Supervisors that established fire protection facilities fees for that portion of unincorporated Contra Costa County that is located within the boundaries of the East Contra Costa Fire Protection District, including Ordinance Nos. 87-11 and 87-12, and any other ordinances adopting fire protection facilities fees to support the Bethel Island Fire District, the East Diablo Fire District, or the Oakley Fire District (collectively, "Previous Ordinances"). However, this repeal shall not affect any fees that were imposed prior to the effective date of this ordinance, which fees shall be paid and collected under the provisions of the Previous Ordinances.

SECTION XI. Severability. Notwithstanding any other provision of this ordinance to the contrary, if a court of competent jurisdiction determines any fee set forth in this ordinance is invalid or unenforceable, the corresponding fee adopted by the Previous Ordinances shall be deemed not to have been repealed and shall remain in effect and subject to the remaining provisions of this ordinance. Notwithstanding any other provision of this ordinance to the contrary, if a court of competent jurisdiction determines this ordinance is invalid or unenforceable, the Previous Ordinances shall be deemed not to have been repealed and shall remain in full force and effect.

SECTION XII. Effective Date. This ordinance becomes effective 60 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID J. TWA,
 Clerk of the Board of Supervisors
 and County Administrator

Board Chair

By: _____
 Deputy

[SEAL]

KCK:

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