BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA, STATE OF CALIFORNIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA ADOPTING FIRE IMPACT FEES FOR THE LOMA RICA BROWNS VALLEY COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 2026-86

WHEREAS, the County of Yuba ("County"), pursuant to Yuba County Ordinance Code Section 10.35.40, may establish by resolution fees for each fire protection district based upon a fee study conducted pursuant to the provisions of the Mitigation Fee Act, Government Code Section 66000 et seq.; and

WHEREAS, the Loma Rica Browns Valley Community Services District ("District") is a community services district organized under the Community Services District Law (Government Code Section 61000 et seq.) that provides fire suppression, rescue, emergency medical, and disaster response services to the unincorporated Yuba County communities of Loma Rica and Browns Valley, encompassing a service area of approximately 98 square miles; and

WHEREAS, the District lacks the land-use authority to independently impose development impact fees as a condition of project approval and relies upon the County, as the land-use authority for the unincorporated area, to enact and collect such fees on the District's behalf pursuant to the County's police powers under Article XI, Section 7 of the California Constitution; and

WHEREAS, the District caused to be prepared a fee study entitled "Fire Impact Fee Nexus Study – Fire Facilities," dated July 2026 (hereinafter the "Nexus Study"), which utilizes an existing-facility-standard methodology in compliance with Government Code Sections 66001, 66016.5, and 66019 to establish the maximum justified fire impact fees for new development within the District; and

WHEREAS, the Nexus Study demonstrates that new residential, commercial, industrial, and agricultural development within the District's boundaries will create additional demand for fire protection facilities, apparatus, and equipment, and identifies a net total estimated capital impact of $8,890,150 attributable to accommodating projected new development while maintaining the District's existing level of service; and

WHEREAS, the fees set forth in the Nexus Study include a three percent (3%) administrative surcharge to fund the statutory accounting, reporting, and nexus-study-update obligations of the fee program, and provide an exemption for Accessory Dwelling Units (ADUs) less than 750 square feet in compliance with state law; and

WHEREAS, the District's Board of Directors, by Resolution No. 2026-04 adopted at a duly noticed regular meeting held on July 20, 2026, approved the Nexus Study and formally requested that the Yuba County Board of Supervisors adopt and implement the proposed fire impact fee program on the District's behalf; and

WHEREAS, a copy of the Nexus Study has been on file with the Clerk of the Board of Supervisors and available for public review for a period of not less than ten (10) days prior to the public hearing on this Resolution, consistent with Government Code Section 66016, and the County has otherwise complied with the notice and public-review procedures of Government Code Sections 66016, 66016.5, 66017, and 66018; and

WHEREAS, the Board of Supervisors, prior to adopting the fees imposed by this Resolution, held a duly noticed public hearing at which oral and written presentations regarding the proposed fees were permitted and considered; and

WHEREAS, the County continues to experience significant growth, and additional fire protection facilities, apparatus, and equipment will be needed to serve new development within the District without diminishing the level of service available to existing development;

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

Section 1. <u>Purpose and Findings</u>

A. **Purpose.** In order to implement the goals and objectives of the Yuba County General Plan and the District's service-level policies, and to comply with the requirements of the Mitigation Fee Act (Government Code Section 66000 et seq.), the Board of Supervisors hereby adopts the fire impact fees described in this Resolution. The purpose of the fees is to assist in financing the fire protection facilities, apparatus, and equipment required to serve new development within the boundaries of the District so that new development pays its proportionate fair share of the cost of the facilities needed to accommodate it, and so that existing development is not burdened with the cost of facilities required to serve new growth.

B. Findings. The Board of Supervisors finds and determines as follows:

1. The fire protection facilities, apparatus, and equipment described in the Nexus Study are representative of the facilities and equipment needed to serve new development within the boundaries of the District, and all planned facilities will be located within the District's boundaries.

2. The Nexus Study and related information, including the basis upon which the fees were calculated, have been available to the public at the office of the Clerk of the Board of Supervisors for a minimum of ten (10) days prior to the public hearing on this Resolution, consistent with Government Code Section 66016.

3. In establishing the fees described in this Resolution, the Board of Supervisors has determined that the fees are consistent with the projected growth of the District, do not include any costs attributable to existing deficiencies in public facilities, and, pursuant to Government Code Section 65913.2, has considered the effect of the fees with respect to the County's housing needs. Pursuant to Government Code Section 66001, the Board of Supervisors specifically finds that the Nexus Study:

   a. identifies the purpose of the fees;

   b. identifies the use to which the fees are to be put;

   c. demonstrates a reasonable relationship between the use of the fees and the type of development projects on which the fees are imposed;

   d. demonstrates a reasonable relationship between the need for the fire protection facilities and the type of development projects on which the fees are imposed; and

   e. demonstrates a reasonable relationship between the amount of the fees and the cost of the fire protection facilities, or portion thereof, attributable to the development on which the fees are imposed.

4. The Nexus Study satisfies the requirements of Assembly Bill 602 (2021), including by identifying the District's existing level of service, and calculates the fees applicable to housing development projects on the basis of the square footage of the proposed units.

5. In adopting these fees, the Board of Supervisors determines that the purpose of the fees is to assist in the implementation of the Yuba County General Plan policies requiring that new development fund its fair share of the acquisition, construction, and purchase costs of the fire protection facilities, apparatus, and equipment needed to serve new development, and to

maintain adopted fire protection service-level standards (see, for example, Yuba County General Plan Policies HS2.3, CD15.2, CD12.6, and CD12.7).

6. The Nexus Study is incorporated herein by reference as though fully set forth, and the findings and supporting statements contained therein are hereby adopted by the Board of Supervisors.

Section 2. Levy of Fees

The development fee known as the Fire Impact Fee is hereby established on the issuance of all building permits for new construction and structural additions within the boundaries of the District, for the purpose of funding the fire protection facilities, apparatus, and equipment needed to serve new development within the District. The Fire Impact Fee is imposed on a per-square-foot basis according to the occupancy classification of the development and includes the three percent (3%) administrative surcharge described in the Nexus Study. The amounts of the fees shall be as follows:

Occupancy Classification	**Base Fee (per sq. ft.)**	**Fire Impact Fee (per sq. ft.)**
Single-Family Residential	$1.79	$1.84
Multi-Family Residential	$2.79	$2.87
Retail / Commercial / Office	$1.61	$1.66
Agricultural / Industrial	$1.52	$1.57

For residential development, the fee is assessed on the square footage of the habitable living area. For non-residential development, the fee is assessed on the covered and enclosed building space. Garages, unenclosed walkways, overhangs, and similar non-habitable or unenclosed areas are excluded from the assessable square footage. The base fee amounts set forth above represent the maximum justified fees supported by the Nexus Study; nothing in this Resolution precludes the Board of Supervisors from later adjusting the fees at an amount at or below the maximum justified amount.

The occupancy classification of a development project is determined by the Building Code occupancy classification of the structure to be constructed, as identified on the building permit, and not by the zoning or land-use designation of the underlying parcel.

Each structure is assigned to a category by its Building Code occupancy classification: Group R-3 as Single-Family; all other Group R occupancies as Multi-Family; Groups F, S, and U as Agricultural/Industrial,

except detached structures accessory to a single-family dwelling that are 750 square feet or less, which are exempt; and all other occupancy groups as Retail/Commercial/Office. Structures owned and occupied by a governmental agency are exempt.

Section 3. Collection of Fees

The fees shall be collected by the County at the time of building permit issuance for the applicable development. The rate of the fee shall be the rate in effect on the date of payment. Fees collected pursuant to this Resolution shall be assessed only on the net increase in assessable square footage or the net change in occupancy classification; a fee credit shall be provided for the assessable square footage of any existing structure lawfully demolished as part of a new development project, based on the fee calculated for the occupancy classification of the demolished structure.

The collection of the Fire Impact Fee, the County's administrative costs, and any fee credits shall be governed by Yuba County Ordinance Code Chapter 10.35.

Section 4. Exemptions, Credits, and Fee Adjustments

A. Exemptions. The following are exempt from payment of the Fire Impact Fee:

1. structures owned and occupied by a governmental agency;
2. structures reconstructed following damage, destruction, or voluntary demolition, provided there is no change in occupancy classification and the reconstructed square footage is no greater than the square footage of the prior structure;
3. Accessory Dwelling Units (ADUs) of less than 750 square feet, consistent with California law; and
4. structures determined by the District's Fire Chief, or the Fire Chief's designee, to have no impact on the District's fire protection system.
5. detached structures accessory to a single-family dwelling, including garages, shops, barns, carports, and patio covers, that are 750 square feet or less, which the Building Official may exempt from the Fire Impact Fee.

B. Accessory Dwelling Units. For ADUs of 750 square feet or larger, the Fire Impact Fee shall be charged proportionately based on the square footage of the unit at the Single-Family Residential rate.

C. Project-Specific Adjustments and Appeals. An applicant subject to the Fire Impact Fee may request a project-specific review and fee adjustment upon submission of credible and verifiable evidence demonstrating that the standard fee, as applied, is not roughly proportional to the development project's actual impact on the District's fire protection system. The County, in consultation with the District, shall establish the procedures, timelines, and appeal rights governing such requests. Nothing herein limits a fee payor's rights to protest a fee under Government Code Sections 66020 and 66021.

Section 5. Use and Administration of Fee Revenues

Fee revenues raised pursuant to this Resolution shall be remitted to the District and shall be deposited by the District into a separate, restricted capital facilities account, in a manner that avoids commingling with the District's other revenues and funds, and shall be held, accounted for, used, and expended in accordance with the Mitigation Fee Act. Interest earned on the account shall be credited to and expended for the fee program. Base impact fee revenues shall be used solely for the capacity-expanding fire protection facilities, apparatus, and equipment identified in the Nexus Study, and shall not be used to fund operations, routine maintenance, or existing facility deficiencies. Revenues generated by the three percent (3%) administrative surcharge shall be used solely to fund the administration of the fee program, including fee accounting, statutory reporting, and required updates to the Nexus Study. The District shall prepare and make available the annual and five-year reports required by Government Code Sections 66006 and 66001. As a condition of the County's adoption and collection of these fees on the District's behalf, the District has agreed to defend, indemnify, and hold harmless the County of Yuba, its officers, employees, and agents from and against any claim, action, or proceeding challenging the validity, calculation, imposition, or use of the Fire Impact Fee.

Section 6. Effective Date

The fees imposed by this Resolution shall not take effect until sixty (60) days after the date of adoption of this Resolution by the Board of Supervisors.

Section 7. Annual Inflation Adjustment

Commencing on July 1 following the effective date of this Resolution, and on each July 1 thereafter, the Fire Impact Fee shall be adjusted for inflation based on the percentage increase in the average of the San Francisco and 20-Cities Construction Cost Index (CCI), as published by Engineering News-Record, for the period ending May of the previous fiscal year, or other similar construction cost index. The District shall calculate the annual adjustment and shall notify the County of the adjusted fees in writing not less than ninety (90) days before the adjusted fees are to take effect. The adjusted fees shall take effect without further action by the Board of Supervisors.

Section 8. Severability

If any provision, clause, sentence, or paragraph of this Resolution or the imposition of any fee authorized by this Resolution, or its application to any person or circumstance, is held to be invalid, such invalidity shall not affect the other provisions or applications of this Resolution which can be given effect without the invalid provisions or application, and to this end the provisions of this Resolution are declared to be severable.

Section 9. Adoption

The foregoing Resolution was adopted at a regular meeting of the Board of Supervisors of the County of Yuba held on the 13 day of October, 2026, by the following vote:

AYES: Supervisors Vasquez, Fuhrer, Bradford, Messick

NOES: Supervisor House

ABSENT: None

ABSTAIN: None

Chair, Seth Fuhrer

ATTEST: MARY PASILLAS
Clerk of the Board of Supervisors

By: _____

JANET E. BENDER
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:

By: _____