

## **Ordinance No. 269-2024**

### **AN ORDINANCE AMENDING SECTION 3-5.8 OF CHAPTER III OF THE CLEARLAKE MUNICIPAL CODE ESTABLISHING THE RATE FOR THE FIRE MITIGATION FEE BY CITY COUNCIL RESOLUTION**

The City Council of the City of Clearlake does hereby ordain as follows:

- A. Section 3-5.1 et seq. of the Clearlake Municipal Code sets forth the City's "Fire Mitigation Ordinance." Contained therein is the City's policy providing for the adoption of fire mitigation fees and for the collection of said fees to be allocated to the affected Fire Agency;
- B. Section 3-5.8 sets forth a ceiling for the rates which may be adopted by the City Council relative to a fire mitigation fee. Rather than adjust the fee by ordinance, it is common practice for municipalities to adjust them via Council resolution;
- C. The amendment contained herein would repeal and replace the language in Section 3-5.8 such that fire mitigation fee is set by Council resolution.

Chapter III of the Clearlake Municipal Code is hereby amended by repealing and replacing Section 3-5.8 as follows:

#### **Section 3-5.8 FIRE MITIGATION FEE SET BY RESOLUTION.**

##### **Fire Mitigation Fee.**

- A. A fire mitigation fee is hereby authorized and shall be allocated to the affected Fire Agency for the acquisition of capital facilities and equipment in order to ensure the provision necessary levels of fire protection services necessitated by new development via a nexus study adopted by the Agency.
- B. The City Council shall, by resolution, set forth the specific amount of the fire mitigation fees, describe the benefit and impact area on which the fees are imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities and the reasonable relationship between the fees and the various types of new development on which the fees are imposed, and set forth the time and terms of payment of the fees.
- C. On an annual basis, the City Council shall review the fire mitigation fees to determine whether the fee amounts are reasonably related to the impacts of development and whether the described public facilities are still needed.

#### **CEQA**

The action being considered by the City Council is an administrative activity of government that will not result in a direct or indirect physical change in the environment. The City Council finds

pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Section 21000 et seq.) and State CEQA Guidelines (Section 1500 et seq., Title 14 of the California Code of Regulations) and determines that this Ordinance is not a “project” pursuant to Public Resources Code Section 210065, and that it is exempt from the provisions of CEQA pursuant to Guidelines Sections 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) and 15321 (enforcement actions by regulatory agencies);

**CONFLICTS AND SEVERABILITY**

All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflicts and no further.

**EFFECTIVE DATE:**

The effective date of this Ordinance is thirty (30) days after its adoption by the City Council.

Passed and Adopted this 4<sup>th</sup> day of April, 2024 by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:     None

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David Claffey  
Mayor, City of Clearlake

ATTEST:

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Melissa Swanson  
City Clerk, City of Clearlake