

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # 6:40 p.m.

Urgent Routine

AGENDA DATE October 17, 2006

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Conduct a Public Hearing to Amend the Fire Protection Facilities Fees for the Keyes Fire Protection District to be Imposed Upon New Development that Occurs Within the District

STAFF RECOMMENDATIONS:

1. Conduct a Public Hearing to Amend the Fire Protection Facilities Fees for the Keyes Fire Protection District based upon the fee study prepared for the Keyes Fire Protection District, testimony, and other information received at the public hearing;
2. Authorize imposing the Fire Protection Facility Fees on all building permits that are issued in the Keyes Fire Protection District after December 17, 2006 in the fee amount that is in effect at the time the building permit is issued.

FISCAL IMPACT:

There will be no fiscal impact to the County other than small publication expenses and administrative costs, which will be billed directly to the fire district consistent with the existing Fire Protection Facility Fee policy established September 10, 1991. The fire district will administer this program consistent with the provisions contained in title 24 of the Stanislaus County ordinance code.

BOARD ACTION AS FOLLOWS:

No. 2006-830

On motion of Supervisor O'Brien, Seconded by Supervisor Mayfield

and approved by the following vote,

Ayes: Supervisors: O'Brien, Mayfield, Grover, DeMartini, and Chairman Simon

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No.

M-64-F-6
DF-15-30

Conduct a Public Hearing to Amend the Fire Protection Facilities Fees for the Keyes Fire Protection District to be Imposed Upon New Development that Occurs Within the District

DISCUSSION:

The County Fire Protection Facility Fee studies began in early 1989. At the districts' request the Chief Administrative Officer considered the possibility of including the 18 fire districts in the County's study, but rejected the idea, placing the responsibility on the districts themselves.

The districts then prepared information in a combined effort as to what they felt was an appropriate level of services and the associated costs to provide the facilities (stations, vehicles, etc.) to maintain their current level of service.

Six of 18 independent fire districts implemented fire protection facility fee programs in 1991. The districts included in the initial authorization pursuant to Title 24 of the County code included Oakdale Rural, Riverbank, Salida, Valley Home, Waterford-Hickman, and West Stanislaus. Several of these districts have since merged.

The Keyes Fire Protection District is a rural fire district located on State Highway 99 between the cities of Ceres and Turlock. The District provides a comprehensive range of services including fire suppression, emergency medical services, and fire prevention activities. The District is primarily staffed by volunteers at this time although a partial transition to a paid staff may be necessary in the future as the service population increases.

The District receives the majority of its revenues from property tax. The voters approved a special property tax assessment in 1998. Although this revenue source can be used for both facilities and operational costs, it has been increasingly dedicated to operations as those costs have increased.

The District currently has a fire facility impact fee in place, which was last calculated in 1998. The fee needs to be updated to take into account changes to the service population, recent growth projections, and the facilities needed to serve the future population.

This fee schedule consideration is consistent with the established procedural history discussed above and Title 24 of the County Code. An analysis has been completed for the Keyes Fire Protection District by an independent consultant (Muni Financial), to determine replacement cost data and a base fee schedule.

The revised fee levels reflect an increase in the residential fee structure and a redefinition of the commercial component (now commercial space/office space/industrial space) and a revised (lower) fee in the unoccupied agricultural lands category.

Conduct a Public Hearing to Amend the Fire Protection Facilities Fees for the Keyes Fire Protection District to be Imposed Upon New Development that Occurs Within the District

DISCUSSION CONTINUED:

The old / new fee comparison is as follows:

	Existing	Revised
Residential Space	\$0.35 per square foot	\$0.43 per square foot
Commercial Space	\$0.17 per square foot	\$0.28 per square foot
Office Space*	\$0.17 per square foot	\$0.15 per square foot
Industrial Space*	\$0.17 per square foot	\$0.15 per square foot
Unoccupied Ag**	\$0.08 per square foot	\$0.07 per square foot

* New fee program has further defined commercial space into three categories.

**Based upon 50% of the fee for industrial development to account for construction of agricultural buildings that require fire protection but are not routinely occupied and therefore rarely create medical response needs.

The purpose of the fire protection facilities fee is to require new development to provide funding for impacts that it imposes on fire protection facilities so that the level of service can be maintained. The potential uses of these fees include:

- Expansion of the existing fire station;
- Purchase of additional equipment and apparatus;
- Necessary improvements to the existing station; and
- Expansion of administrative and other support equipment and facilities.

Fee revenue will be used to build new fire facilities, purchase new fire fighting apparatus, and make other facility improvements necessary to respond to increases in demand for fire services brought about by new development in order to maintain the level of service.

This facilities fee program ensures that the appropriate levels of timely response, safety precautions, and community services delivery can be maintained in a growing service environment.

Conduct a Public Hearing to Amend the Fire Protection Facilities Fees for the Keyes Fire Protection District to be Imposed Upon New Development that Occurs Within the District

POLICY ISSUES:

Pursuant to Title 24 of the Stanislaus County Code, the County may adopt Fire Protection Facilities Fees for Fire Districts to aid Districts in mitigating the impacts that new development has on their ability to maintain an appropriate level of service.

STAFFING IMPACT:

There are no staffing impacts associated with this agenda item.

KEYES FIRE PROTECTION DISTRICT

DW

5627 Seventh St. -- P.O. Box 827
KEYES, CALIFORNIA 95328
Ph. (209) 634-7690 -- Fax (209) 634-0659

August 31, 2006

RECEIVED
COUNTY BOARD
1908 SEP - 1 11:51

County of Stanislaus
Public Facility Fee Committee
1010 10th Street, Ste. 6400
Modesto, CA 95354

Attn: Dean Wright
Chairman

Gentlemen:

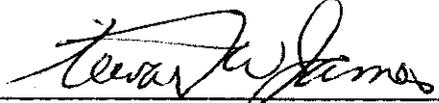
The Board of the Keyes Fire Protection District has approved the updated Fire Facilities Impact Fee Study, "Revised Final Report", prepared for the District by MuniFinancial, which includes a proposed increase in the District's impact fees. A copy of said study is attached to this letter.

The District Board respectfully requests that the Board of Supervisors consider approving the fee increase at its earliest possible convenience.

Thank you for your consideration of this request.

Respectfully,

KEYES FIRE PROTECTION DISTRICT

By: 
Stewart W. James, Attorney

cc: Keyes Fire Protection District
MuniFinancial

FIRE FACILITIES IMPACT FEE STUDY

KEYES FIRE PROTECTION DISTRICT

AUGUST 29, 2006

REVISED FINAL REPORT



Oakland Office

1700 Broadway
6th Floor
Oakland, California 94612
Tel: (510) 832-0899
Fax: (510) 832-0898

Anaheim, CA
Industry, CA
Jacksonville, FL
Lancaster, CA
Oakland, CA

Phoenix, AZ
San Diego, CA
Seattle, WA
Temecula, CA
Washington, DC

www.muni.com

This page intentionally left blank.

TABLE OF CONTENTS

INTRODUCTION	1
FIRE FACILITIES SERVICE POPULATION	1
EXISTING FIRE FACILITIES	3
FIRE FACILITIES TO ACCOMMODATE NEW DEVELOPMENT	6
FIRE FACILITY STANDARDS	6
ALTERNATIVE FUNDING SOURCES	8
FEE SCHEDULE	8
PROGRAM IMPLEMENTATION	9
MITIGATION FEE ACT FINDINGS	10

This page intentionally left blank.

KEYES FIRE PROTECTION DISTRICT FIRE FACILITIES IMPACT FEE STUDY

INTRODUCTION

This report summarizes an analysis of the need for fire facilities by the Keyes Fire Protection District (Fire District; District) to accommodate new development. The report documents a reasonable relationship between new development and an impact fee for funding these new facilities assets.

The Keyes Fire Protection District is a rural fire district located on State Highway 99 between the Cities of Ceres and Turlock in Stanislaus County. The District provides a comprehensive range of services including fire suppression, emergency medical services, and fire prevention activities. The District is primarily staffed by volunteers at this time although a partial transition to a paid staff may be necessary in the future as the service population increases.

The District receives the majority of its revenues from property tax. A special property tax assessment was approved by voters in 1998. Although this revenue source can be used for both facilities and operational costs, it has been increasingly dedicated to operations as those costs have increased. As a result, impact fees are a crucial source of funding for facilities. As with most local agencies, the District's property tax revenue stream has diminished in terms of real dollars over time since the imposition of Proposition 13 in 1978. Consequently, the District must manage its resources carefully to properly serve the projected growth of new residents and businesses in the region.

The District currently has a fire facility impact fee in place, which was last calculated in 1998. The fee needs to be updated to take into account changes to the service population, recent growth projections, and the facilities needed to serve the future population.

The District's boundaries only encompass unincorporated areas of Stanislaus County. Per the *Mitigation Fee Act* contained in *Government Code* Section 66000 *et. seq.*, the County rather than the District has legal authority to impose impact fees on the District's unincorporated area. This report provides the necessary documentation for the Stanislaus County Board of Supervisors to adopt a fire facilities impact fee for imposition within the Keyes Fire Protection District boundaries. It also provides a list of statutory findings pertaining to the imposition of the District fees.

FIRE FACILITIES SERVICE POPULATION

The Keyes Fire Protection District serves both homes and businesses as well as rural regions in its service area. Need for the District's services and associated facilities is measured by its service population, or the number of residents and workers within its service area. Service population reasonably represents the need for fire facilities because people requesting medical assistance generate the most calls for service. Structural fire suppression is the second most important mission of the fire district after the protection of life.

Table 1 provides estimates of the District's total service population in 2006 and 2025. Total service population is comprised of residents and employees working within the District.

Table 1: Fire Facilities Service Population

	A Existing Development (DU's or SF)	B Density Factor ¹	C=A*B C=B/A Residents or Workers	D Worker Demand Factor ²	=C*D Service Population
<u>Existing Development</u>					
Residential (based on dwelling units)	2,464	3.19	7,900	1.00	7,900
Nonresidential ³	699,400	N/A	1,860	0.69	1,300
Total Existing Service Population					9,200
<u>Future Development</u>					
Residential (based on dwelling units)	1,386	3.19	4,400	1.00	4,400
Nonresidential ³		N/A	1,000	0.69	700
Total Existing Service Population					5,100

Note: Service population weighting factors based on City of Phoenix service call data weighted by the relative proportions of residential and nonresidential land use in the City, allowing the results of this survey to be applied in other areas.

¹ Parsons per dwelling unit for residential or square feet per employee for nonresidential.

² Worker demand based on City of Phoenix analysis of fire department call data by land use type.

³ Total current employment from EDD. Future employment is estimated by maintaining the existing jobs to residents ratio.

Sources: Stanislaus County Redevelopment Agency; Keyes Fire Prevention District; California Employment Development Department (EDD); United States Census Bureau, Census 2000, Tables H31, H32 and H33; City of Phoenix, AZ; MuniFinancial.

Residential data is commonly expressed in number of households (occupied housing units), and nonresidential data is expressed in employment (jobs). Because published population data is not available for the Keyes Fire Protection District from either the County's planning department or the Stanislaus Council of Governments, this study relies on demographic data from the previous impact fee study. Staff from the Keyes Fire Prevention District performed a survey of existing development in 1999 that formed the basis of the demographic data used in the prior study. The estimates of housing units and nonresidential development have been updated for 2006 based on new information from County staff. Specifically, the County staff has indicated that 214 dwelling units and about 67,000 square feet of commercial space have been added since 1999.

The California Employment Development Department (EDD) provided the current employment value for the District. MuniFinancial derived the estimate of future employment by maintaining the current ratio of jobs to residents.

Estimates of future development are also based on the 1999 fee study. That report referenced the *Keyes Community Plan*, published by the Stanislaus County Planning Department, which anticipated the construction of 1,600 additional dwelling units. Because much of the District is zoned agricultural, the Plan did not anticipate any further residential development beyond this figure. The future development value of 1,386 units represents the anticipated 1,600 units less the 214 that have been added since 1999.

The residential density factor shown in Table 1 is based on data from the 2000 United States Census for the Keyes census-designated place (CDP).

To calculate service population for fire protection facilities, residents are weighted at 1.00. In order to calculate the impact of nonresidential development, a worker is weighted at 0.69 of one resident to reflect the lower per capita need for fire services associated with businesses. Nonresidential buildings are typically occupied less intensively than dwelling units, either because they contain fewer persons per square foot or because their operating hours are limited.

The specific 0.69 per-worker weighting used here is derived from an extensive study carried out by planning staff in the City of Phoenix. Data from that study is used to calculate a per capita factor that is independent of land use patterns. Because of the large geographical area covered by this study, it is the best source of data for application to other areas. It is reasonable to assume that relative demand for fire service between residents and workers does not vary substantially on a per capita basis across communities, enabling this data for use in other communities in the documentation of a fire facilities impact fee.

EXISTING FIRE FACILITIES

The District's inventory of existing fire facilities was used as the basis for calculating the facility standard used in this report. This standard is used to determine new development's fair share obligation for expanded facilities as growth occurs. The District's existing fire protection facilities described in this section currently serve the entire District.

Tables 2 through 4 provide a detailed inventory of the District's stations, existing apparatus and special equipment. **Table 5** sums the District's current inventory. The estimated value of the District's inventory is based on unit cost assumptions. Unit costs reflected in Tables 2, 3 and 4 include the following:

- ♦ **Land cost per acre.** Estimated cost per acre based on market survey of raw land for sale in Keyes, Ceres, and Turlock conducted by MuniFinancial.
- ♦ **Buildings.** Estimated replacement costs generated by MuniFinancial based on data provided by the District as well as experience with other fire district clients.
- ♦ **Apparatus/Vehicles.** Estimated replacement cost of recently acquired apparatus, vehicles and equipment carried on apparatus provided by the District. Replacement costs of older apparatus reflect secondary market prices and were generated by MuniFinancial.

Table 2 highlights the District's existing facilities. The District currently serves the entire service area from one fire station located in central Keyes. The District owns both the station and the land on which it is located as well as a currently undeveloped lot adjacent to the station. Because the station consists of an older section constructed in 1963 and a new addition added in 1983, **Table 2** shows two replacement costs to reflect the variation in the quality of the structure. Actual replacement cost for the station would typically be higher, but the value used reflects the age and specific characteristics of the building.

Table 2: Existing Land and Building Facilities

	Amount	Unit Cost	Total Cost
<u>5629 7th Street</u>			
Land	0.55 acres	\$ 550,000	\$ 303,700
Building			
Original Station	3,472 sq. ft.	125	\$ 434,000
Newer Addition	1,924 sq. ft.	250	481,000
Subtotal	5,396 sq. ft.		
Total Value Existing Stations			\$ 1,218,700

Source: Keyes Fire Protection District; MuniFinancial.

Table 3 illustrates the inventory and estimated value of existing apparatus and vehicle cost estimates including the fire fighting, emergency medical, and communications equipment needed to stock each vehicle. Replacement cost estimates were provided by the District for most of these items. The replacement cost values for the two Ford 1990 Type 3 engines are estimates generated by MuniFinancial based on the viable secondary market for fire engines. The 2006 Type IV engine was recently acquired and will be paid for in several installments. The value shown represents the amount that has been paid to date.

Table 3: Existing Apparatus and Equipment Inventory and Valuation

Vehicle Type and Make	Engine #	Vehicle ¹	Equipment ¹	Total
<u>Engines</u>				
1990 Ford Type I	25	\$ 125,000	\$ 39,300	\$ 164,300
1990 Ford Type I	26	125,000	30,100	155,100
2005 Type III 4WD	51	250,000	30,000	280,000
2006 Ford F550 Type IV 4WD ²	50	23,700	-	23,700
Subtotal, Other Vehicles		\$ 523,700	\$ 99,400	\$ 623,100
<u>Other Vehicles</u>				
1993 Ford F-Series Super Duty	81	\$ 64,000	\$ 27,700	\$ 91,700
FFA Pumper on International Chassis	61	284,000	2,400	286,400
Chief's Utility Truck - Ford Extended Cab	91	40,000	15,000	55,000
Subtotal, Other Vehicles		\$ 388,000	\$ 45,100	\$ 433,100
Total All Vehicles & Equipment		\$ 911,700	\$ 144,500	\$ 1,056,200

¹ Value based on current replacement value. Vehicle replacement values for the 1990 engines reduced by 50% due to age, based on MuniFinancial estimate.

² Total value is \$37,840 for vehicle and an anticipated \$92,160 for equipment (not yet purchased). Value shown reflects payments made to date.

Source: Keyes Fire Protection District.

Table 5 displays the sum of the estimated value of the District's existing fire facilities. The District currently owns the equivalent of about \$2.66 million in fire protection facilities, apparatus and equipment to meet the needs of its existing service population. Also included in Table 5 is the District's existing fund balance of impact fee revenues. Though these revenues have not yet been used to purchase additional facilities, they represent a portion of existing development's investment in fire protection facilities and are therefore a legitimate component of the existing facility standard.

Table 5: Estimated Total Value of Department Inventory

Description	Value
Stations	\$ 1,218,700
Apparatus	1,056,200
Other Equipment	283,900
Existing Impact Fee Fund Balance	71,000
Total	\$ 2,629,800

Sources: Tables 2, 3, and 4.

FIRE FACILITIES TO ACCOMMODATE NEW DEVELOPMENT

The District does not presently have a facilities master plan that describes plans for future fire protection facilities. Nevertheless, the District recognizes that new facilities will be needed to maintain existing service standards as the service population increases. The District is certain to need new apparatus and equipment in the coming years to accommodate new development. Though the precise timing is not known at this time, the District will also eventually need to construct an additional fire station. Once a probable location is identified, the District may wish to use impact fee revenues to acquire land where the new station is to be located. In the nearer term, the District will probably need to construct additional garage space for new engines and additional sleeping quarters for a growing staff.

Should the District develop specific plans for new facility needs, it should revisit these fee calculations to ensure accordance with the planned facility needs. In the meantime, the District may expend impact fee revenues on capital expenses that expand its ability to serve new development.

FIRE FACILITY STANDARDS

The fire facilities impact fees calculated in this report are based on an existing inventory standard approach. The existing inventory standard incorporates all existing development and all existing facilities designed to serve that development. The existing inventory facilities standard represents the average per capita cost of all facilities to serve the current service population. Using this per

capita standard as a basis for the impact fee ensures that impact fee revenues in the future will be sufficient to allow the District to construct and acquire facilities needed to maintain its current facility standards. The District's facilities standard (calculated on a cost per capita basis) is shown in **Table 6**. The facility standard is shown separately for residents and workers because their respective demand for services is weighted differently (see service population discussion).

Had the fees been calculated using a system standard that considered the costs of planned facilities for the future, it is possible that a share of the costs would be allocated to existing rather than new development. This is because the burden of increasing the facility standards cannot be borne entirely by new development. In this case, however, the fees are based solely on the existing, rather than planned, facility inventory. Therefore, no share of facility costs is allocated to existing development.

Table 6: Fire Facilities Existing Standard

Existing Fire Facilities	\$	2,629,800
Existing Service Population		<u>9,200</u>
Facility Standard per Capita	\$	286
Cost per Resident	\$	286
Cost per Worker ¹		197

¹ Worker weighting factor of 0.69 applied to cost per resident.

Sources: Tables 1 and 5; MuniFinancial.

Table 7 shows the projected impact fee revenue in the District through 2025. Although the Keyes Community Plan did not specify a timeframe for the build out of the anticipated residential and nonresidential growth in the District, historical growth rates suggest a 20-25 year planning horizon. The precise rate of impact fee accrual will depend on the actual rates of development within the District.

Table 7: Projected Impact Fee Revenue

Value of Facility Standards per Capita	\$	286
Projected Service Population Growth (2006-2025)		<u>5,100</u>
Total Projected Fire Facilities Impact Fee Revenue	\$	1,458,600

Sources: Tables 1 and 6; MuniFinancial.

ALTERNATIVE FUNDING SOURCES

As noted in the introduction, the District receives revenues from a special property tax assessment. Though revenues from this assessment can be used for either facilities or operations, they are increasing needed for operations. Additional General Fund revenue is derived from the District's share of the constitutionally imposed one percent property tax rate that varies throughout the District. Any new or increased special tax would require two-thirds voter approval. Any new or increased assessment would require a majority property owner approval. Any new or increased property-related charge or fee would require a majority voter approval.

FEE SCHEDULE

Table 8 shows the fire facilities impact fee for new development throughout the District based on the facilities cost per capita shown in Table 6. The cost per capita is converted to a fee per square foot of development based on dwelling unit and building space densities (persons per dwelling unit and workers per 1,000 square feet of building space). The estimate of residential densities is based on the 2000 United States Census using data for the Keyes CDP. Employment densities are from the employment density study completed by the Natelson Group in 2001. The residential fee per square foot is based on the average dwelling unit size of units recently constructed in the District determined from impact fee collection records for January 2006 through May 2006.

A special fee category "Unoccupied Agricultural" has been included at 50 percent of the calculated industrial land use fee. The purpose of this special category is to address the construction of buildings common in rural agricultural areas that require fire protection but that are not routinely occupied by humans and therefore do not typically create medical response needs.

A two percent administrative charge, which will be retained by the District, is included to cover expenses associated with documenting, collecting and accounting for the fee. The fee does not include any charge for any of the District's other (non-fee related) administrative costs.

Table 8: Fire Facilities Impact Fee

Land Use	Costs per Capita	Density ¹	Cost/HU or Cost/1000 SF	Admin. Costs ²	Fee ³	Fee Per Square Foot ⁴
<i>Residential</i> ⁵						
Per Dwelling Unit	\$ 286	3.19	\$ 912	\$ 18	\$ 930	\$ 0.43
<i>Nonresidential</i>						
Commercial	\$ 197	1.37	\$ 270	\$ 5	\$ 275	\$ 0.28
Office	197	1.87	368	7	375	0.38
Industrial	197	0.74	146	3	149	0.15
Unoccupied Agricultural ⁶			73	1	74	0.07

¹ Persons per dwelling unit for residential land uses and employees per thousand square feet nonresidential land
² Two percent of the total fee for district costs such as fee studies, collection, accounting, and annual reporting required by *Calif. Govt. Code* Section 66000 et seq.
³ Per dwelling unit for residential uses or thousand square feet for nonresidential uses.
⁴ Residential fee per square foot is based on an average size of 2,185 square feet for new dwelling units constructed in the District from January 2006 through May 2006.
⁵ Residential category includes single family dwelling units, multiple family dwelling units and mobile homes.
⁶ Based on 50% of the fee for industrial development to account for construction of agricultural buildings that require fire protection but are not routinely occupied and therefore rarely create medical response needs.

Sources: Table 6; United States Census Bureau, Census 2000, Tables H31, H32 and H33; The Natelson Gorup 2001 Employment Density Study prepared for Southern California Association of Governments, using density values for "developing suburban" regions; Keyes Fire Protection District; MuniFinancial.

PROGRAM IMPLEMENTATION

The fire facilities impact fee would be collected at time of building permit issuance. Because the District does not have the statutory authority to adopt a fee, it must rely on the County Board of Supervisors for the authority. In addition, to implement the fee the District, in cooperation with the County, should:

- Seek to acquire the necessary property for new stations (if needed) through purchase or dedication.
- Prepare and maintain an updated master plan indicating fire facility standards and the types of facilities anticipated to accommodate growth;
- Identify funding sources to complement impact fee revenues to fully fund planned facilities, if needed;
- Maintain an annual Capital Improvement Program budget or another accounting mechanism to indicate where fees are being expended to accommodate growth;
- Maintain records on use of the administrative charge to justify the amount;
- Comply with the annual and five-year reporting requirements of *Government Code* 66001 and 66006; and
- Identify appropriate inflation indexes in the fee ordinance and allow an automatic inflation adjustment to the fee annually.

For inflation indexes, the District should use separate indexes for land and construction. Calculating the land index may require use of a property appraiser every several years. The construction index can be based on the District's recent capital project experience or taken from any reputable published source, such as the *Engineering News Record*. To calculate the fee increase, total planned facility costs represented by land or construction, as appropriate, should weight each index.

SPECIAL CASE LAND USES

The development impact fees presented in this report are calculated to provide revenues sufficient to fund facilities that are needed to serve new development. Because this need varies between land use types, the fee schedule contains differing fees for five land use categories and fees calculated based on average resident or employee densities. It is in the interest of both the District and the service population that impact fee revenues be sufficient to fund the facilities needed to serve new development. Most new development anticipated to occur within the District should be adequately covered by the five categories for which fees have been calculated.

However, it is impossible to anticipate every possible land use and the special risks or needs that might be associated with them. Therefore, in the situation where a particular land use represents a significantly higher than usual fire risk, and therefore the need for fire protection facilities over and above those described in this report, the District should consider requesting additional revenue for fire protection facilities as needed. As with the impact fees, if this is done, the result of any negotiations should bear a reasonable relationship to the need for fire protection facilities resulting from the particular development.

MITIGATION FEE ACT FINDINGS

To guide the widespread imposition of development impact fees, the State Legislature adopted the *Mitigation Fee Act* (the *Act*) with Assembly Bill 1600 in 1988 and subsequent amendments. The *Act* is contained in *California Government Code* Section 66000 *et seq.* and establishes requirements for the imposition and administration of impact fee programs. The *Act* became law in January 1988 and requires local governments to document the five findings explained in the sections below when adopting an impact fee. For the fire facilities impact fee to be adopted by Stanislaus County on behalf of the Keyes Fire Protection District, the findings are summarized here and supported in detail by the report that follows. All statutory references are to the *Act*.

PURPOSE OF FEE

For the first finding the County must:

Identify the purpose of the fee. (§66001(a)(1))

The policy of Stanislaus County, per Chapter 24.01 of the County Code, is that "in order to protect and safeguard the public from the peril of fire, to implement the goals and objectives of the county general plan and to mitigate impacts caused by new development within the county, fire protection facilities fees are necessary. These fees are needed to finance fire protection facilities and to assure that new development pays its fair share for these improvements." The purpose of the Keyes Fire Protection District fire facilities impact fee is to implement this policy by providing a funding source from new development for capital improvements to serve that development. The fee advances a legitimate interest of the County by assuring that new

development within the County is provided with adequate fire protection facilities and services.

USE OF FEE REVENUES

For the second finding the County must:

Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged. (§66001(a)(2))

The fire facilities impact fee will fund expanded facilities to serve new development. All planned facilities will be located within the Keyes Fire Protection District boundaries:

- Land for fire station and other related structures;
- Fire stations including furniture and other equipment;
- Fire apparatus including equipped engines and other vehicles;
- Medical response, hazardous materials, training, and other specialized fire fighting equipment.
- Potential financing costs associated with the above.

Planned fire facilities have not been identified with precision at this time. Facility needs may be identified in the future through the annual budget or master planning documents. Should detailed facility plans become available, the District should revisit the fire impact fees, calculations, and documentation.

BENEFIT RELATIONSHIP

For the third finding the County must:

Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. (§66001(a)(3))

The District will restrict fee revenues to the acquisition of land, construction of public buildings, and purchase of related equipment, furnishings, and vehicles that will serve new development and the additional residents and workers associated with that new development as part of a district-wide network of fire protection facilities and services. Thus, there is a reasonable relationship between the use of fee revenues and the residential and nonresidential types of new development that will pay the fee.

BURDEN RELATIONSHIP

For the fourth finding the County must:

Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. (§66001(a)(4))

Service population provides an indicator of the demand for the facilities needed to accommodate growth. Service population is calculated based on residents associated with residential development and employment associated with nonresidential development. To

calculate a single per capita standard, one worker is weighted less than one resident based on an analysis of the relative demand for fire facilities by land use type.

The need for the fee is based on the facility standards identified in this report and the growth in district-wide service population projected through 2025. Facilities standards represent the current level of service the District provides at this time. Standards are based on the District's total existing facilities allocated across the District's total service population in 2006. Thus, the fees are set to represent the actual costs of maintaining the facility standard that result from new development.

See the *Fire Facilities Service Population* section, for a description of how service population and growth projections are calculated. Facility standards are described in the *Fire Facility Standards* section.

PROPORTIONALITY

For the fifth finding the County must:

Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. (§66001(b))

This reasonable relationship between the fire facility impact fee for a specific development project and the cost of the facilities attributable to that project is based on the estimated size of the service population that the project will accommodate. The total fee for a specific project is based on its size as measured by dwelling units or building square feet. The fee schedule converts the estimated service population that a development project will accommodate into a fee based on the size of the project. Larger projects of a certain land use type will have a higher service population and pay a higher fee than smaller projects of the same land use type. Thus, the fee schedule ensures a reasonable relationship between the public facility fee for a specific development project and the cost of the facilities attributable to that project.

See the *Fee Schedule* section for a description of how service population is determined for different types of land uses. The *Fee Schedule* section also presents the fire facilities impact fee schedule.