

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

DEPT: Chief Executive Office

BOARD AGENDA # 9:15 a.m.

Urgent

Routine

AGENDA DATE August 7, 2007

CEO Concur with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

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

STAFF RECOMMENDATIONS:

1. Conduct a Public Hearing to Establish Fire Protection Facilities Fees for the Westport Fire Protection District based upon the fee study prepared for the Westport Fire Protection District, testimony, and other information received at the public hearing;
2. Authorize imposing the Fire Protection Facility Fees set forth in the fee study and this item on all building permits that are issued in the Westport Fire Protection District after October 8, 2007 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. 2007-624

On motion of Supervisor DeMartini, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Conduct a Public Hearing to Establish Fire Protection Facilities Fees for the Westport 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 Westport Fire Protection District is a rural fire district located southwest of Modesto in Stanislaus County. The District provides a comprehensive range of services including fire suppression, emergency medical services, and fire prevention activities. The District is currently staffed by volunteer firefighters.

The District receives the majority of its revenues from property tax. The voters approved a special property tax assessment in 1983 to replace fire apparatus and upgrade firefighter turnouts and breathing apparatus. This assessment is still needed for replacement of existing apparatus and equipment as it ages. 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 new residents and businesses in the region. Hence, the District is considering the imposition of fire facilities impact fees to fund the fire facilities needed to serve new development.

The District does not currently have a fire facility impact fee in place.

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 Westport Fire Protection District by an independent consultant (Muni Financial), to determine replacement cost data and a base fee schedule.

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

Recommended Fee Program:

Residential space \$0.47 per square foot

Non Residential

Commercial space \$0.30 per square foot

Office space \$0.40 per square foot

Industrial space \$0.16 per square foot

Unoccupied Ag * \$0.08 per square foot

*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:

- Purchase of additional equipment and apparatus;
- Planned modular sleeping quarters building
- Facilities Master Plan

Fee revenue will be used to maintain the current standard apparatus, vehicles and equipment per capita. In addition, new development is projected to make up 10% of the District's service population in 2025. Thus, 10% of the cost of the planned modular sleeping quarters building, or \$9,400 is allocated to new development. The District anticipates applying for and receiving grant funding for the remaining costs of the sleeping quarters building. Finally, the District plans to complete a facilities master plan at a cost of \$20,000 to more fully evaluate its strategies for serving new development.

POLICY ISSUE

The Board should consider whether the imposition of a Fire Protection Facilities Fee program for the Westport Fire Protection District is an effective aid in mitigating the impacts of new development on the District's ability to maintain an appropriate level of service.

STAFFING ISSUES

There are no staffing issues related to this item.

FIRE FACILITIES IMPACT FEE STUDY

WESTPORT FIRE PROTECTION DISTRICT

JUNE 19, 2007

REVISED FINAL REPORT



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INTRODUCTION

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

The Westport Fire Protection District is a rural fire district located southwest of Modesto in Stanislaus County. The District provides a comprehensive range of services including fire suppression, emergency medical services, and fire prevention activities. The District is currently staffed by volunteer firefighters.

The District receives the majority of its revenues from property tax. Voters approved a special property tax assessment in 1983 to replace fire apparatus and upgrade firefighter turnouts and breathing apparatus. This assessment is still needed for replacement of existing apparatus and equipment as it ages. 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 new residents and businesses in the region. Hence, the District is considering the imposition of fire facilities impact fees to fund the fire facilities needed to serve new development.

The District's boundaries encompass only 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 Westport 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 Westport Fire Protection District serves homes, businesses, and rural areas. 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 2007 and new development between 2007 and 2025. Total service population is comprised of residents and employees working within the District. Employees are weighted less than residents in calculating service population to reflect their lower per capita use of fire services.

Table 1: Fire Facilities Service Population

	Residents or Workers	Demand Factor ¹	Service Population
<u>Existing Development (2007)</u>			
Residential	2,374	1.00	2,374
Nonresidential ²	1,065	0.69	735
Total Existing Service Population			3,109
<u>Future Development (2007-2025)</u>			
Residential	263	1.00	263
Nonresidential ²	118	0.69	81
Increase in Service Population			345
<u>Projected Total Development (2025)</u>			
Residential	2,637	1.00	2,637
Nonresidential ²	1,183	0.69	816
Total Future Service Population			3,454

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 Nonresidential (worker) demand based on City of Phoenix analysis of fire department call data by land use type.

² Total current employment from EDD. Future employment is estimated by maintaining the existing jobs to residents ratio.

Sources: Stanislaus County Office of Emergency Services; Stanislaus County Planning Department; 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). The number of residents is based on 2000 U.S. Census data for the Westport Fire Protection District provided by the Stanislaus County Office of Emergency Services. The 2000 figures were adjusted to 2007 estimates using a growth rate based on the annual number of net new dwelling units constructed, derived from building permit data provided by the County Planning Department for 2005 and 2006. Estimates of future development are also based on the annual growth rate of net new dwelling units derived from building permit data. Estimates of low growth within the District over the planning period are consistent with current and anticipated future land use. Land in the District is primarily zoned as Agricultural, and is not currently envisioned as an area for development in the near future. In addition, the District borders the cities of Modesto and Ceres. Any urban growth that occurs along the boundaries of the cities would likely be annexed into the cities and served by their respective fire departments.

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

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

Tables 2 through 4 provide a detailed inventory of the District's station, apparatus and special equipment. 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.** Value of the land upon which the District's fire station is located as estimated by PMZ Real Estate, Modesto, California.
- ◆ **Buildings.** Estimated replacement costs generated by MuniFinancial based on data provided by the District as well as experience with other Stanislaus County fire districts.
- ◆ **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 land and buildings. The District currently serves the entire service area from a single fire station. The District owns both the station and the land on which it is located. Because the current station consists of a metal tilt-up construction engine room and a wood-construction station/administrative building, Table 2 shows two replacement costs per square foot to reflect the variation in the value of the construction. Actual replacement cost for the station would typically be higher, but the estimated value used reflects the age and specific characteristics of the building.

Table 2: Land and Building Facilities

	Amount	Unit Cost	Total Cost
<i>5160 South Carpenter Road</i>			
Land	1.00 acre	\$ 350,000	\$ 350,000
Building			
Engine Room	2,400 sq. ft.	\$ 100	\$ 240,000
Station/Administrative	2,800 sq. ft.	200	560,000
Subtotal	5,200 sq. ft.		\$ 800,000
Total			<u>\$ 1,150,000</u>

Sources: Westport Fire Protection District; MuniFinancial.

Table 3 illustrates the inventory and estimated value of fire apparatus and vehicles. The District provided replacement cost estimates for new engines. MuniFinancial estimated the replacement value for older apparatus and vehicles based on experience with other fire districts. Values for older engines are significantly discounted from the new price because a robust secondary market for used engines exists.

Table 3: Existing Apparatus and Vehicle Inventory and Valuation

Vehicle Type and Make	Engine #	Vehicle ¹
<i>Engines</i>		
1996 Pierce/International Type I	26	\$ 175,000
1973 Howe/Ford Type I	28	87,500
Subtotal, Engines		\$ 262,500
<i>Other Vehicles</i>		
1983 FMC Van Pelt/Ford Type I Water Tender	60	\$ 40,000
1989 HI Tech/GMC Type 2 Rescue Truck	84	100,000
Subtotal, Other Vehicles		\$ 140,000
Total All Vehicles & Equipment		<u>\$ 402,500</u>

¹ Value based on current replacement value. Replacement values shown are estimates of the cost of equivalent new vehicles, reduced 50% for vehicles over 10-20 years old and 75% for vehicles over 20 years old, based on MuniFinancial estimate.

Sources: Westport Fire Protection District; MuniFinancial.

Table 4 provides the inventory of special protective gear, communications equipment, office equipment, and other miscellaneous equipment owned by the District. The District provided all replacement cost estimates shown below.

Table 4: Westport Fire Protection District Special Equipment

Description	Total
<u><i>Firefighters' Equipment</i></u>	
Self-contained Breathing Apparatus (12)	\$ 60,000
Spare Breathing App. Air Bottles (14)	12,000
Structural Fire Turnouts (22 sets)	44,000
Wildland Fire Turnouts (22 sets)	18,000
Thermal Imaging Camera	12,000
Fire Hose	16,000
Subtotal Firefighters' Equipment	<u>\$ 162,000</u>
<u><i>Communications Equipment</i></u>	
Radios - Mobile (8)	\$ 12,000
Radios - Portable (17)	17,000
Pagers - Minitor 4 (25)	10,000
Subtotal Communications Equipment	<u>\$ 39,000</u>
<u><i>Office Equipment and Furniture</i></u>	
Office Equipment	\$ 6,000
Station Furnishing	7,000
Subtotal Office Equipment and Furniture	<u>\$ 13,000</u>
<u><i>Miscellaneous</i></u>	
Hurst Rescue Equipment ¹	\$ 60,000
Defibrillator	4,000
Cascade Air System	12,000
Subtotal Miscellaneous Equipment	<u>\$ 76,000</u>
Total Value for All Equipment	<u><u>\$ 290,000</u></u>

Note: All values based on current replacement value.

¹ Includes "Jaws of Life" and spreaders.

Source: Westport Fire Protection District.

The District's current facility standards, expressed in value of facilities per capita are shown in **Table 5**. The current value of facilities per capita is estimated to be \$592.

Table 5: Estimated Value Per Capita of Department Inventory

<u>Land and Buildings</u>	
Value of Land and Buildings	\$ 1,150,000
Service Population	3,109
Value per Capita	\$ 370
<u>Apparatus and Vehicles</u>	
Value of Apparatus and Vehicles	\$ 402,500
Service Population	3,109
Value per Capita	\$ 129
<u>Special Equipment</u>	
Value of Special Equipment	\$ 290,000
Service Population	3,109
Value per Capita	\$ 93
Total Facilities Value per Capita	\$ 592

Sources: Tables 1, 2, 3, and 4; MuniFinancial.

PLANNED FIRE FACILITIES

The District does not presently have a facilities master plan that describes plans for future fire protection facilities. The District plans to complete a fire facilities master plan study in the future. Nevertheless, the District recognizes that new facilities will be needed to maintain an adequate level of service as the service population increases. The District has identified some facilities needs.

SLEEPING QUARTERS

The District currently has volunteers sleep at the fire station overnight to improve response times. However, there is not a separate sleeping area and there are no showers at the station. For the continued sustainability of this program, the District may need to create sleeping quarters at the fire station. Based on discussions with suppliers of modular buildings in the Central Valley, the purchase of a small modular building could be an economical way for the District to provide sleeping quarters. A rough estimate of the cost of a 750 square foot modular building with bathroom and shower is \$93,750, including delivery and installation. There is suitable asphalt-covered space around the station to for a modular building, and utility connections available from the station, so site preparation costs would likely be minimal.

APPARATUS, VEHICLES, AND SPECIAL EQUIPMENT

The District plans to maintain the present standard of value of apparatus and vehicles per capita and value of special equipment per capita. As shown in Table 5 above, this will require the District to purchase \$129 worth of vehicles and apparatus and \$93 worth of special equipment for each unit increase in service population.

COST OF FACILITIES TO SERVE NEW DEVELOPMENT

Table 6 shows the cost of facilities planned to serve new development. The total cost of planned facilities allocated to new development is \$105,900. This includes \$76,500 to maintain the current standard apparatus and vehicles and equipment per capita. New development is projected to make up 10% of the District's service population in 2025. Thus, 10% of the cost of the planned modular sleeping quarters building, or \$9,400, is allocated to new development. The District anticipates applying for and receiving grant funding for the remaining costs of the sleeping quarters building. Finally, the District plans to complete a facilities master plan at a cost of \$20,000 to more fully evaluate its strategies for serving new development.

Table 6: Estimated Future Fire Facility Needs

Facility Standard for Apparatus and Vehicles	\$	129	
Facility Standard for Equipment		93	
Total	\$	222	
Projected Service Population Growth		345	
Needed Apparatus and Equipment ¹	\$		76,500
New Development Share of 2025 Service Population		0.10	
Estimated Cost of Modular Sleeping Quarters ²	\$	93,750	
Share of Modular Sleeping Quarters	\$		9,400
Estimated Cost of Facilities Master Plan	\$		20,000
Total Cost of Facilities to Serve New Development	\$		<u>105,900</u>

¹ Maintaining existing standard (value/capita) for apparatus and vehicles and equipment.

² Assumes a 750 square foot prefabricated structure. MuniFinancial cost estimate based on conversations with Pacific Mobile and Design Space Modular Buildings, Inc.

Sources: Tables 1 and 5; MuniFinancial.

If land in the District is rezoned to allow increased development or significant development is expected for other reasons, the District may need to build another fire station to serve new development. Should the District develop other specific plans for new facility needs, it should revisit these fee calculations and their underlying assumptions 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.

IMPACT FEE CALCULATION

Impact fees can be calculated based on several commonly accepted approaches:

- ◆ The “Existing Facilities” method estimates the replacement value of existing facilities divided by the existing service population and uses the resulting facility standard as a basis for impact fee calculation.
- ◆ The “Master Plan” method calculates a facilities standard based on the combination of existing and future planned facilities and allocates the resulting costs based on the proportionate share of existing and future service population. This method enables a district to increase its facilities standard while equitably allocating the costs associated with the higher standard to new development.
- ◆ The “Planned Facilities” method derives impact fees per capita based on the value of planned facilities divided by the increase in future service population.

After consultation with the District, it was determined that the planned facilities approach is most appropriate in this case because of the District’s high existing facility standards. In addition, only a small amount of new development is projected in the District. The District should experience significant economies of scale in fire facilities, as new development can be served from the existing station. Because of these economies of scale, the per capita cost of facilities to accommodate future development is less than the per capita cost of facilities currently serving existing development. As mentioned previously, if current growth patterns change significantly based on changes in zoning or other factors affecting land use, the methodology should be reconsidered as part of a thorough impact fee reanalysis and documentation.

As shown in **Table 7**, the total cost of facilities to serve new development is divided by the projected increase in service population to generate a per capita cost of \$307 per new resident and \$212 per new worker. This standard based on a preliminary projection of fire facility needs to accommodate new development is significantly lower than the existing service standard of \$592 per service population unit, as shown in Table 5.

Table 7: Planned Facilities Cost Per Capita

Cost of Planned Fire Facilities	\$ 105,900
Projected Service Population Growth (2007-2025)	<u>345</u>
Cost per Capita	\$ 307
Cost per Resident	\$ 307
Cost per Worker ¹	\$ 212

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

Sources: Tables 1 and 6; MuniFinancial.

FEE SCHEDULE

To ensure a reasonable relationship between each fee and the type of development paying the fee, impact fees distinguish between different land use types. The land use types used in this analysis are defined below.

- ◆ **Residential:** All dwelling units.
- ◆ **Commercial:** All commercial, retail, educational, and hotel/motel development.
- ◆ **Office:** All general, professional, and medical office development.
- ◆ **Industrial:** All manufacturing development.
- ◆ **Unoccupied Agricultural:** Agricultural buildings not routinely occupied by humans.

Some developments may include more than one land use type, such as an industrial warehouse with living quarters (a live-work designation) or a planned unit development with both single and multi-family uses. In these cases the public facilities fee would be calculated at the higher fee.

The District should have the discretion to impose the fire protection fee based on the specific aspects of a proposed development regardless of zoning. The guideline to use is the probable occupant density of the development, either residents per dwelling unit or workers per building square foot. The fee imposed should be based on the land use type that most closely represents the probable occupant density of the development.

Table 8 shows the fire facilities impact fee for new development throughout the District based on the facilities cost per capita shown in Table 7. 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 Westport Census County Division. Employment densities are taken from an 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 building permit records for 2005 and 2006.

A special fee category “Unoccupied Agricultural” has been included at 50 percent of the calculated industrial land use fee. This category is also included in a number of other Stanislaus County fire protection district fee schedules. The purpose of this special category is to address the construction of buildings common in rural agricultural areas that require fire protection but 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: Westport Fire Protection District Proposed Fire Facilities Impact Fee

Land Use	A Costs per Capita	B Density ¹	C = A * B Cost per HU or per 1000 SF	D = C * 0.02 Admin. Costs ²	E = C + D Total Cost per HU or per 1000 SF	F Fee per SF Divisor ³	G = E / F Fee per SF
<u>Residential</u> ⁴	\$ 307	2.92	\$ 896	\$ 18	\$ 914	1,960	\$ 0.47
<u>Nonresidential</u>							
Commercial	\$ 212	1.37	\$ 290	\$ 6	\$ 296	1,000	\$ 0.30
Office	212	1.87	396	8	404	1,000	0.40
Industrial	212	0.74	157	3	160	1,000	0.16
Unoccupied Agricultural ⁵			79	2	80	1,000	0.08

¹ Persons per dwelling unit for residential land uses and employees per thousand square feet nonresidential land uses.

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 Residential fee per square foot is based on an average size of 1,960 square feet for new dwelling units constructed in the District in 2005 and 2006.

⁴ Residential category includes single family dwelling units, multiple family dwelling units and mobile homes.

⁵ 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 Group 2001 Employment Density Study prepared for Southern California Association of Governments, using density values for "developing suburban" regions; Westport Fire Protection District; MuniFinancial.

PROGRAM IMPLEMENTATION

Consistent with other fire protection district facilities fees collected in Stanislaus County, 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:

- 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 implement a regularly scheduled (e.g. annual) inflation adjustment.

For inflation indexes, the District should use separate indexes for land and construction. Calculating the appropriate inflation factor for land may require use of a property appraiser every several years. (Currently no additional land is included in the envisioned planned facilities used to calculate the fee, but it could be added in a future update of this study.) 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.

ALTERNATIVE FUNDING SOURCES

As noted in the introduction, the District receives revenues from a special property tax assessment, which it fully uses to maintain and update its existing apparatus and equipment. 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 majority property owner approval. Any new or increased property-related charge or fee would require a majority voter approval.

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 Westport 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 Westport 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 District does not presently have a facilities master plan that describes plans for future fire protection facilities. However, the District has identified a need to provide separate sleeping quarters for volunteer fire fighters staffing the fire station overnight. Expansion of facilities to provide sleeping quarters is a legitimate use of impact fee revenue.

Other facility needs may be identified in the future through the annual budget or master planning documents. If other facility plans are developed, 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. Standards are based on the planned

facilities anticipated by the District allocated across the District's anticipated service population growth through 2025. The facilities standards used to calculate the fee are lower than the existing standards because of anticipated efficiencies to serve growth. Thus, the fees are set to represent the actual costs of implementing the planned facilities to serve 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 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.