



CALAVERAS CONSOLIDATED FIRE PROTECTION DISTRICT

FIRE IMPACT FEE NEXUS STUDY

FEBRUARY 2019
FINAL REPORT V.1.1

PREPARED FOR:

**BOARD OF DIRECTORS
CALAVERAS CONSOLIDATED FIRE PROTECTION DISTRICT**

PREPARED BY:

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CALAVERAS COUNTY FIRE PROTECTION DISTRICT

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EXECUTIVE SUMMARY

INTRODUCTION

The Calaveras Consolidated Fire Protection District (“District”) provides first-responder fire protection services to 168 square miles in the western portion of unincorporated Calaveras County (“County”). Specifically, the District’s services include fire prevention and suppression; emergency medical response and transport and rescue and hazardous materials response.

The District was formed through a Joint Powers Agreement between the Jenny Lind Fire Protection District and Foothill Fire Protection District on July 1, 2013. Before consolidation, each fire protection district-imposed fees to mitigate the impact of new development. The County of Calaveras (“County”), on behalf of District, currently imposes “exaction fees for the acquisition of fire suppression service equipment” in the Jenny Lind Fire Protection District service area of the District in the amount of \$300 per new dwelling unit, and \$100 per 1,000 square feet of new commercial or industrial non-dwelling units. The County, on behalf of the District, also imposes “fire impact mitigation fees” in the amount of \$300 per new residential unit, and \$0.75 per square foot of new multi-family residential and commercial/industrial construction in the Foothill Fire Protection District service area of the District. These fees, established in 1990 and 2003 respectively, are outdated and insufficient to mitigate the impact of new development.

This Fire Impact Fee Nexus Study (“Nexus Study”) was prepared pursuant to the “Mitigation Fee Act” as found in Government Code § 66000 et seq. and County Municipal Code Chapter 15.08. The purpose of this Nexus Study is to establish the legal and policy basis for the collection of new fire impact fees (“fees”) on new residential and nonresidential development within the District. The purpose of the fee is to fund the one-time cost of expanding the District’s facilities, apparatus, and equipment needed to accommodate new development.

For purposes of this Nexus Study, the term “facilities” or “fire system facilities” will refer to facilities (land, stations and other buildings), apparatus (engines, ambulances, and other vehicles), and equipment. The term “new development” will generally refer the persons (residents and employees working in the District) and the structural area (residential area and nonresidential building area) in which the persons live or work.

In order to impose such fees, this Nexus Study will demonstrate that a reasonable relationship or “nexus” exists between new development that occurs within the District and the need for fire protection facilities, apparatus, and equipment as a result of new development. More specifically, this Nexus Study will present findings in order to meet the procedural requirements of the Mitigation Fee Act, also known as AB 1600, which are as follows:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put.
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed (“**benefit relationship**”).
4. Determine how there is a reasonable relationship between the need for the fire facilities and the type of development project on which the fee is imposed (“**impact relationship**”).
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (“**proportional relationship**”).

Additionally, the Act specifies that the fee shall not include costs attributable to existing deficiencies in public facilities but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to refurbish existing facilities to maintain the existing level of service or achieve an adopted level of service that is consistent with the general plan.

To determine the District's fire impact fee consistent with these **substantive requirements**, this Nexus Study utilizes a system-wide existing facility standard methodology. Under this method, the District's ratio existing fire protection facilities, apparatus, and equipment to existing service population establishes the standard for determining new development's fair share of the cost to expand the District's fire system as growth occurs. Existing development is determined based on District service call data. The value of the District's existing fire system is determined using the replacement value of the District's existing inventory of fire protection facilities, apparatus, and equipment. These costs are then applied to eight land use categories in proportion to the need they create for fire protection and emergency response services.

The Nexus Study also identifies the fair share cost of planned fire and emergency response services facilities needed to serve existing development at the same facilities standard applied to new development. The identification and use of an existing facility standard and the proper expenditure of the fee revenue ensure that new development will not fund any existing deficiencies, but instead only planned facilities costs needed to accommodate growth. Thus, consistent with the Act, this Nexus Study demonstrates that there is a reasonable relationship between new development, the amount of the fee, and facilities, apparatus and equipment funded by the fee.

The Nexus Study also details the **procedural requirements** for approval of the Nexus Study and proposed fire impact fee program ("fee program") by the District Board of Directors and adoption by the County Board of Supervisors on behalf of the District. Also, the Act contains specific requirements for the **annual administration** of the fee program. These statutory requirements and other important information regarding the imposition and collection of the fee are provided in the last sections of the Nexus Study.

SUMMARY OF GENERAL FINDINGS

The following general findings from the Nexus Study are presented:

1. Impact fees are necessary to ensure that the District can adequately expand its fire protection facilities, apparatus, and equipment needed for the resident and employee growth and new structural area created by new development.
2. The District's current fire impact fees are outdated and insufficient to mitigate the impact of new development.
3. The District may approve, and County may adopt on their behalf, the following fee at or below the maximum level determined by this Nexus Study.

FIGURE 1 – MAXIMUM FIRE IMPACT FEE SCHEDULE

Land Use	Maximum Fire Impact Fee
	Per Living Area Sq. Ft.
Residential Development	
Single Family Housing	\$0.90
Multi-Family Housing	\$1.06
Mobile Home	\$0.68
	Per Building Sq. Ft.
Nonresidential Development	
Retail / Commercial	\$1.22
Office	\$1.70
Industrial	\$1.12
Agriculture	\$0.16
Warehouse / Distribution	\$0.60

4. Consistent with nexus requirement of the Act, this Nexus Study demonstrates that there is a reasonable relationship between new development, the amount of the proposed fee, and facilities, apparatus, and equipment funded by the fee.
5. Fee revenue may be used to fund 100% of the cost of new and expanded facilities, 100% of the cost of apparatus, vehicles, and equipment that expand the District's existing inventory, and up to 11.4 percent of apparatus and vehicle replacement costs.

6. Projected fee revenue and unexpended fire impact fee proceeds, will fund approximately \$1.19 million of the District's \$13.19 million in planned new facilities and replacement of existing apparatus, vehicles, and equipment.
7. Since only Cities and Counties have land use authority to impose development impact fees as a condition of project approval, the District's proposed fee must be adopted by the County on behalf of the District.
8. The maximum fire impact fee determined by this Nexus Study is consistent with Calaveras County Municipal Code 15.22 and the County General Plan.

SUMMARY OF GENERAL RECOMMENDATIONS

Based on the findings presented in the Nexus Study, the following general recommendations are presented:

1. The District should establish a new fire impact fee to fairly allocate the costs of providing fire protection facilities, apparatus, and equipment to new development.
2. The District's new fire impact fee should be adopted and implemented in accordance with the applicable provisions of the Mitigation Fee Act (Government Code § 66000 et al.) and County Municipal Code Chapter 15.08.
3. Fee proceeds should be deposited into a new, separate fund or account so there will be no commingling of fee proceeds with the unexpended balances in the existing fee program funds. Once the existing fee program funds have been spent, the accounts should be closed.
4. Fee revenue should be used to fund only the cost of new and expanded facilities, apparatus, vehicles, and equipment to serve new development as further detailed on page 21.
5. The District and the County should comply with the annual reporting requirements under Government Code § 66006(b) and County Municipal Code Chapter 15.08.120.
6. Following the fifth fiscal year after the first deposit of fee revenue and every five years thereafter, the District should comply with the reporting requirements under Government Code § 66001(d).

7. The cost estimates presented in this Nexus Study are in 2018 dollars. Pursuant to County Municipal Code 15.08.070, the fire impact fee should be adjusted automatically without further action by the District Board of Directors or County Board of Supervisors on the first day of each fiscal year by the next percentage change percentage change in the Engineering News-Record Construction Cost Index for San Francisco.
8. Pursuant to County Municipal Code Chapter 15.08.120, the District shall update the Nexus Study and bring forward updated fire impact fee every five years for consideration by the County Board of Supervisors.

DETERMINATION OF EXISTING AND FUTURE DEVELOPMENT

The District serves both residences and businesses throughout their service area. As such, the demand for the District's fire protection services and associated fire protection facilities, apparatus, and equipment is measured by its service population (residents or employees) and the structural area (i.e., living area or nonresidential building area) in which they live or work. This section will first determine the service population and structural area within the District. These figures along with the District's service call data will be used to establish an existing facilities demand factor for the various residential, and nonresidential land uses within the District, which in turn will be used to determine existing development's total facilities demand.

The Mitigation Fee Act requires that development impact fees be determined in a way that ensures a reasonable relationship between the fee and the type of development on which the fee is imposed.

EXISTING SERVICE POPULATION AND STRUCTURAL AREA

The District provides fire protection and emergency response services to the western portion of unincorporated County and includes the communities of Valley Springs, Burson, Wallace, Campo Seco, Milton, Rancho Calaveras, La Contenta and Jenny Lind. A map of the District's boundaries is provided in Appendix A.

As shown in Figure 2 on the following page, the District currently serves an estimated resident population of 10,451 and protects approximately 5,770 occupied and vacant dwelling units. These figures are based on figures from the 2010 Census for the District's service area, Calaveras County Assessor's data as of February 2018, and the 36.5 percent vacancy rate for unincorporated County as reported by the California Department of Finance.

The District also serves an estimated 1,154 workers and protects approximately 400,000 square feet of new nonresidential building area. The estimated number of workers in the District is based on a County jobs-to-housing ratio of 0.20 provided by the County Planning Department. The estimated nonresidential structural area is calculated by multiplying the number of workers by 346 square feet of nonresidential building area for every worker (or 2.89 workers per 1,000 square feet.)

FIGURE 2 – CURRENT RESIDENTIAL DEMOGRAPHICS

Land Use Categories	Total Dwelling Units ¹	Vacant Dwelling Units ²	Occupied Housing Units	Average Occupancy per Unit ³	Resident Population
	Calc	a	b	c = a - b	d
Single-Family Housing	5,222	1,906	3,316	2.98	9,882
Multi-Family Housing	118	43	75	1.77	133
Mobile Home	430	157	273	1.60	437
Total Residential	5,770	2,106	3,664	2.85	10,451

¹ From Calaveras County Assessor's data as of February 2018.

² Based on the 36.5% vacancy rate for unincorporated Calaveras County as reported by the California Department of Finance.

³ Figure for single-family housing is from the U.S. Census Bureau's 2012-2016 American Community Survey 5-Year Estimates for Rancho Calaveras, Valley Springs, and Wallace CDPs. Figures for multi-family housing and mobile homes is based on the countywide average due to an inadequate sample size from the CDPs.

FUTURE DEVELOPMENT

Figure 3, on the following page, lists the approved residential development projects within the District. As shown, the County has approved residential development projects totaling 715 new dwelling units. According to the County Planning Department, maximum residential development potential at buildout within the District is 9,903 dwelling units based on the Planning Commission draft recommended General Plan.

Future nonresidential development is more difficult to project. Again, using the County's jobs-to-housing ratio of 0.20 provided by the County Planning Department and assuming 351 square feet of nonresidential building area for every new worker, it is reasonable that 143 jobs and approximately 50,000 square feet of new nonresidential building area could be generated along with the additional 715 new dwelling units.¹

¹ 715 dwelling units multiplied by a 0.2 jobs-to-housing ratio equals 143 new employees. 143 employees multiplied by 346 square feet per employee equals 50,000 square feet of new nonresidential area (rounded).

FIGURE 3 – RESIDENTIAL DEVELOPMENT PROJECTS WITHIN THE DISTRICT

File Number	Project Name	Dwelling Units
2002-142	Hogan Oaks Unit #1	122
2003-154	Stamper Ranch	21
2004-138	Las Tres Marias	15
2005-174	Del Verde	91
2006-007	Calaveras River Estates	5
2006-178	Mission Ranch	219
2006-187	Old Golden Oaks	96
2011-035	Hogan Oaks Unit #2	122
Unknown	Vosti Properties	24
Total		715

Source: Calaveras County Planning Department

It is important to note that the maximum fire impact fee determined by this Nexus Study is not directly influenced by the level of development. The fire impact fee is determined with an open-end approach based on the District's existing level of service rather a definite facility plan and a definite level of future development. Therefore, the fire impact fee will not be affected whether the actual level of development is at significantly higher or lower rate than projected.

RESIDENT EQUIVALENT DEMAND FACTOR

For purposes of this Nexus Study, a calls-for-service approach is used to help establish the relative fire facilities demand from residential and nonresidential land uses. Specifically, service call data is converted into a resident equivalent demand factor, which represents the demand for service from a worker compared to a household resident.

As shown in Figure 4, service call data indicates the property used for service calls for years 2015 through 2017 were gathered from the District's Emergency Reporting database software. Over the three-year period, the District had 2,760 service calls originating from residential property and 273 service calls originating from nonresidential properties. Service calls originating from highways, roads, open fields, or otherwise not classified as originating from a residential or nonresidential land use were excluded. By dividing service calls for residential and nonresidential land uses by the corresponding estimated number of residents and workers results the relative number of per capita for residential and nonresidential land uses. As shown, District residents are weighted at 1.0 and workers in the District are weighted 0.90 compared to District residents.

FIGURE 4 – RESIDENT EQUIVALENT DEMAND FACTOR

	Calc	Residential	Nonresidential
Number of Service Calls ¹	a	2,760	273
Residents or Workers ²	b	10,451	1,154
Per Capita Fire Service Demand	$c = a / b$	0.26	0.24
Resident Equivalent Demand Factor	$d = c / 0.26$	1.00	0.90

Sources: Calaveras County Fire Protection District; SCI Consulting Group

Notes:

¹ From District's Emergency Reporting database for years 2015 thru 2017.

² See Figure 2. Workers is based on the County's jobs-to-housing ratio of 0.2.

EXISTING FIRE FACILITIES EDU DEMAND FACTOR

Next, equivalent dwelling unit (“EDU”) demand factors are established to compare the relative fire facilities demand across three residential, and five nonresidential land uses. The EDU is also used to convert nonresidential building area to a residential dwelling unit value. This common approach allows for the cost of fire protection facilities, apparatus, and equipment to be fairly apportioned among residential and nonresidential land uses.

Figure 5 on the following page shows the calculation of the existing fire facilities EDU demand factor for eight land use categories. The residential land use categories are expressed per dwelling unit, and the nonresidential land use categories are expressed per 1,000 square feet of building area. The occupancy density for land use category is multiplied by their respective resident equivalent demand factor, then converted to single-family home value. By this measure, for example, one single-family home creates the demand for fire facilities equal to 750 square foot of retail / commercial building area.

Occupancy density for single-family housing is based on census data from the U.S. Census Bureau’s 2012-2016 American Community Survey 5-Year Estimates for Rancho Calaveras, Valley Springs, and Wallace Census-Designated Places which found to be representative of the boundaries of the District. Occupancy density for multi-family units and mobile homes are based on the countywide averages due to inadequate sample size for the three census-designated places.

The retail / commercial employment density of 2.5 employees per 1,000 square feet of building area or 400 square feet of building area per employee are from the Calaveras County 2004 Road Impact Mitigation Fee Nexus Study, page 22, figure 7. Office, Industrial, and Warehouse / Distribution density figures are from the 2001 “Employment Density Study” prepared by The Natelson Company, Inc. for the Southern California Association of Governments. The employment density figure for agriculture is from the 2004 “Employment Density in the Puget Sound Region” report prepared by E.K. Pflum for the University of Washington. All density figures are expressed in terms of the number of employees per 1,000 square feet of building area. The density figure for “nonresidential” is weighted assuming a land use mix of 35% retail / commercial, 49% office, 12% industrial, 1% agriculture, and 3% warehouse / distribution.²

² Based on figures Calaveras County Housing Element 2014-2019, Table 4.6 Employment by Industry for 2013.

FIGURE 5 – EXISTING FACILITIES EDU DEMAND FACTOR

Land Use Category	Unit	Occupancy Density per Unit ¹	Resident Equivalent Demand Factor ²	Existing Facilities EDU Demand Factor
	Calc	a	b	$c = (a * b) / 2.98$ (rounded)
Single-Family Housing	DU	2.98	1.00	1.00
Multi-Family Housing	DU	1.77	1.00	0.59
Mobile Home	DU	1.60	1.00	0.54
Residential ³	DU	2.85	1.00	0.96
Retail / Commerical	KBSF	2.50	0.90	0.75
Office	KBSF	3.47	0.90	1.04
Industrial	KBSF	2.28	0.90	0.69
Agriculture	KBSF	0.33	0.90	0.10
Warehouse / Distribution	KBSF	1.23	0.90	0.37
Nonresidential ³	KBSF	2.89	0.90	0.87

DU = Dwelling Unit; KBSQ = 1,000 square feet of building area

Notes:

¹ Residents per unit is based on census data from the 2010 U.S. Census for Rancho Calaveras CDP, Valley Springs CDP and Wallace CDP. Retail / Commercial density figures are from the 2004 Road Impact Mitigation Fee Nexus Study for Calaveras County. Office, Industrial, and Warehouse / Distribution density figures are from the 2001 "Employment Density Study" prepared by The Natelson Company, Inc. for the Southern California Association of Governments. The density figure for Agriculture is from the 2004 "Employment Density in the Puget Sound Region" report prepared by E.K. Pflum for the University of Washington. All density figures are expressed in terms of the number of employees per 1,000 square feet of building area.

² See Figure 4.

³ The weighted average occupancy density per unit is based on units counts from Figure 2. The weighted average occupancy density per unit for nonresidential assumes 35% retail / commercial, 49% office, 12% industrial, 1% agriculture and 3% warehouse.

EXISTING FIRE FACILITIES DEMAND EDUS

Figure 6 below calculates the District's existing demand EDUs based on the total number of dwelling units and estimated nonresidential building area within the District. As shown, total existing demand EDUs for the District is 5,871. Existing demand EDUs represents the level of existing development served by the District's existing facilities.

FIGURE 6 – EXISTING DEMAND EDUS

Land Use	Unit	Existing Units ¹	Fire Facilities EDU Demand Factor	Total Existing Demand EDUs
	Calc	a	b	c = a * b
Single Family Housing	DU	5,222	1.00	5,222
Multi-Family Housing	DU	118	0.59	70
Mobile Home	DU	430	0.54	232
Nonresidential	KBSF	399	0.87	347
Total		6,169		5,871

Source: Calaveras County Assessor's Office; SCI Consulting Group

Notes:

¹ Housing units and nonresidential building square feet are from the Calaveras County Assessor's data as of February 2018.

DETERMINATION OF EXISTING FIRE PROTECTION FACILITIES

The next step in determining the District's existing fire facilities standard is to calculate the replacement value of the District's fire protection facilities, apparatus, and equipment. Figure 7 below presents a summary of replacement cost (in 2018 dollars) for the District's existing fire facilities (land and fire stations), apparatus (engines and special vehicles) and equipment.

Fire station replacement costs are based on construction cost estimates from the Engineering News-Record Square Foot Costbook, 2016 Edition for fire station construction in the greater Stockton area with an 8 percent adjustment for inflation. The estimated replacement value of the District's apparatus, vehicles, and equipment inventory is based on unit cost assumptions provided by the District. Estimated values of older apparatus have been discounted from the replacement value of the new apparatus to reflect their age. (The detailed inventory and estimated replacement value for each is provided in Appendix B.)

As shown below, the estimated replacement value of the District's existing fire protection facilities, apparatus, and equipment is approximately \$9.2 million.

FIGURE 7 – REPLACEMENT VALUE OF EXISTING FIRE SYSTEM

Fee Components	Total Replacement Value (2018 \$) ¹
Land Value	\$226,250
Building Value	\$6,914,880
Apparatus / Vehicles Value	\$1,481,250
Equipment	\$620,000
Total Fire System Facilities	\$9,242,380

Source: Calaveras Consolidated Fire Protection District; Engineering News-Record; SCI Consulting Group

Notes:

¹ See Appendix B for more detail.

DETERMINATION OF THE FIRE IMPACT FEE

The Mitigation Fee Act requires that development impact fees be determined in a way that ensures a reasonable relationship between the need for fire protection facilities, apparatus and equipment and the type of development project on which the fee is imposed. In this section, the District's existing fire facilities standard is determined and then applied to three residential, and five nonresidential land uses categories in proportion to the demand they create as measured by their EDU demand factor.

EXISTING FIRE FACILITIES STANDARD

The District's ratio of existing fire facilities, apparatus, and equipment to the District's service population establishes the standard for determining new development's fair share of the cost to expand the District's fire facilities as growth occurs. As shown in figure 8 below, this standard is represented by the existing fire system facilities cost of \$1,574.24 per demand EDU.

FIGURE 8 – EXISTING FIRE FACILITIES STANDARD

Existing Fire System Facilities ¹	\$9,242,380
Existing Demand EDUs ²	5,871
Existing Fire Facilities Standard	\$1,574.24

Notes:

¹ See Figure 7.

² See Figure 6.

RESIDENTIAL FIRE IMPACT FEE

Since residential land uses have varying dwelling unit occupancies and living areas, the residential fire impact fees are expressed on a per square footage basis for the three residential land use categories. Pursuant to County Municipal Code Section 15.08.020, the three residential land use categories are defined below.

- **"Single-family housing"** means a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundations.

- **"Multi-family housing"** means a group of attached dwelling units (three or more) within one structure.
- **"Mobile home"** means a factory assembled structure, transportable in one or more sections, that is constructed according to the Mobile Home Construction and Safety Standards, Part 280 of the Code of Federal Regulations, Title 24, with or without a permanent foundation and not including recreational vehicles.

The residential fire impact fee shall be charged on the square footage within the perimeter of a residential structure. Garages, carports, walkways, overhangs, patios, enclosed patios, detached storage structures, or similar areas are excluded.

Figure 9 on the following page presents the calculation of the maximum residential fire impact fee. As shown, the residential fee is determined by multiplying the fire facility standard by their respective EDU demand factor plus an additional 4 percent for administration of the fire impact fee program. The fee program administrative cost component is designed to offset the cost of County and District collection, documentation, annual reporting requirements, five-year report requirements, periodic Nexus Study updates and other costs reasonably related to compliance with the Act.

FIGURE 9 – MAXIMUM RESIDENTIAL FIRE IMPACT FEE

Residential Land Use	EDU Demand Factor ¹	Existing Facilities Standard ²	Cost per Dwelling Unit	Fee Program Admin. 4%	Average Living Area (Sq. Ft.) ³	Maximum Residential Fire Impact Fee ³
Calc	a	b	c = a * b	d = c * 0.04	e	f = (c + d) / e
			-- per dwelling unit --			- per sq. ft. -
Single-Family Housing	1.00	\$1,574.24	\$1,574.24	\$62.97	1,810	\$0.90
Multi-Family Housing	0.59	\$1,574.24	\$928.80	\$37.15	910	\$1.06
Mobile Home	0.54	\$1,574.24	\$850.09	\$34.00	1,292	\$0.68

Notes:

¹ See Figure 5.

² See Figure 8.

³ Average living areas area from data from the Calaveras County Assessor and expressed in terms of square feet.

⁴ The maximum residential fire impact fee is rounded down to the nearest cent.

NONRESIDENTIAL FIRE IMPACT FEES

As stated earlier, the Mitigation Fee Act requires that development impact fees be determined in a way that ensures a reasonable relationship between the fee and the type of development on which the fee is imposed. Since different nonresidential land uses have varying employment densities and structural area, the nonresidential fire impact fee expressed per square foot of building area for five nonresidential land use categories. Pursuant to County Municipal Code Section 15.08.020, the five nonresidential land use categories are defined below.

- **“Retail / Commercial”** means as non-manufacturing business establishments, including, but not limited to, hotels, restaurants, wholesale businesses, retail stores, and health, social and educational institutions.
- **“Office”** means establishments providing direct services to customers, business/service, executive headquarters, information processing and computer-dependent and/or telecommunications-based activities, professional, medical, and administrative services.
- **“Industrial”** means manufacturing buildings, including but not limited to, food processing, manufacturing, metal processing, pulp, and paper firms, voltage optimization, water and wastewater systems, transport processing or other activity involving farm products off-farm. In particular, it includes fixed pieces of equipment, buildings or complexes used to produce goods in connection with, or as part of, any process or system.
- **“Agriculture”** means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, including other agricultural structures located on agriculturally zoned land. This structure shall not be a place of human habitation.
- **“Warehouse/Distribution”** means buildings devoted to the storage and/or distribution of non-agricultural products. A distribution center for a set of products is a warehouse or other specialized building, which is stocked with products (goods) to be redistributed to retailers, to wholesalers, or directly to consumers.

The nonresidential fee shall be charged for “covered and enclosed space” within the perimeter of a nonresidential structure. Garages, parking structures, unenclosed walkways, utility or disposal areas, and storage areas incidental to the principal use of the development are excluded.

Figure 10 below presents the calculation of the nonresidential fire impact fee. As shown, the fee for the five nonresidential land uses is determined by multiplying the fire facilities standard by their respective EDU demand factor plus an additional 4 percent for administration of the fire impact fee program. Note that the costs are expressed per 1,000 square foot of nonresidential building area and then converted to a per-square-foot fee.

FIGURE 10 – MAXIMUM NONRESIDENTIAL FIRE IMPACT FEE

Nonresidential Land Use	EDU Demand Factor ¹	Existing Facilities Standard ²	Cost per Unit	Fee Program Admin. 4%	Total Cost per Unit	Maximum Fire Impact Fee ³
Calc	a	b	c = a * b	d = c * 0.04	e = c + d	f = e / 1,000
			per 1,000 sq. ft.			- per sq. ft. -
Retail / Commercial	0.75	\$1,574.24	\$1,180.68	\$47.23	\$1,227.91	\$1.22
Office	1.04	\$1,574.24	\$1,637.21	\$65.49	\$1,702.70	\$1.70
Industrial	0.69	\$1,574.24	\$1,086.23	\$43.45	\$1,129.68	\$1.12
Agriculture	0.10	\$1,574.24	\$157.42	\$6.30	\$163.72	\$0.16
Warehouse / Distribution	0.37	\$1,574.24	\$582.47	\$23.30	\$605.77	\$0.60

Notes:

¹ See Figure 5.

² See Figure 8.

³ The maximum nonresidential fire impact fee is rounded down to the nearest cent.

PROJECTED FEE REVENUE AND TEN-YEAR CAPITAL IMPROVEMENT PLAN

PROJECTED FIRE IMPACT FEE REVENUE

Figure 11 projects fire impact fee revenue through development of approved residential development projects listed in figure 3. It is assumed that nonresidential development will occur proportionately generating 50,000 square feet of new nonresidential area. Total fire impact fee revenue (in 2018 dollars) is then calculated by multiplying the fire facilities demand standard by demand unit growth.

FIGURE 11 – PROJECTED FIRE IMPACT FEE REVENUE

Land Use Category	Current Demand EDUs (2018) ¹	Demand EDU Growth ²	Existing Facilities Standard ³	Projected Fire Impact Fee Revenue (2018\$) ⁴
Calc	a	b	c	d = b * c
Residential	5,524	715	\$1,574.24	\$1,126,000
Nonresidential	347	43	\$1,574.24	\$67,000
Total District	5,871	758	\$1,574.24	\$1,193,000

Source: Calaveras County Planning Department; SCI Consulting Group

Notes:

¹ See Figure 8.

² Based on new 715 single-family homes (715 EDUs) and approximately 50,000 sq. ft. of new nonresidential building area (43 EDUs). See Appendix C, Figure 16 for more information.

³ See Figure 7.

⁴ Rounded to the nearest thousand.

TEN-YEAR CAPITAL IMPROVEMENT PLAN

The District's Ten-Year Capital Improvement Plan ("CIP") is provided in Appendix D. The plan calls for the relocation of two fire stations totaling approximately \$9.8 million within seven to ten years and nearly \$3.4 million of replaced and new apparatus, vehicles, and equipment within the next five years. As shown in figure 11 above, fire impact fee revenue will generate approximately \$1.19 million of the \$13.19 million needed to accomplish the CIP.

The District will need to fund existing development share of these improvements, and any other improvements not currently identified, with other funding sources. Other potential sources of funds include, but are not limited to, a general obligation bond measure, state

and federal grants, the District's general fund, and existing or new special tax and assessment proceeds, if allowable.

However, the District will also need to replace apparatus and vehicles more quickly due to the increase service calls from the growth in the persons and structure area created by projected units. The District will be able to use fee proceeds to fund 11.4 percent, or approximately \$1.3 million of the estimated \$10.9 million in apparatus, vehicles, and equipment replacement costs.³ This amount represents costs attributable to the increased demand for existing apparatus and vehicles replacement to maintain the District's existing level of service.

It is important to note at the fire impact fee program is designed not to be dependent on a specific capital improvement plan and specific level of new development. Only enough fee revenue will be generated for the District to expand its existing level of service to serve the growing service population. Fee revenue may be used to fund up to 100 percent of the cost of the expansion of fire stations or new apparatus and vehicles added to the District's inventory, and up to 11.4 percent of apparatus and vehicle replacement costs.

Fee revenue may not be used to fund 1) the renovation of existing facilities and 2) operational, maintenance or repair costs.

³ Represents the percentage growth in EDUs.

NEXUS FINDINGS

This section frames the Nexus Study findings in terms of the legislated requirements to demonstrate the legal justification of the fire impact fee. The justification of the fire impact fee on new development must provide information as set forth in Government Code § 66000. These requirements are discussed below.

PURPOSE OF FEE

The purpose of the fire impact fee is to fund the cost of fire protection and emergency response facilities, apparatus, and equipment attributable to new residential and nonresidential development in the District. The fire impact fee will ensure that new development will not burden existing development with the cost of expanded facilities, apparatus and equipment required to accommodate growth as it occurs within the District.

USE OF FEE REVENUE

Fee revenue will be used to fund the cost of expanded facilities, apparatus, and equipment to serve new development, such as, but not limited to those identified in Appendix D, Figure 17. Provided below is a summary of the allowable and prohibited uses of fee revenue.

FIGURE 12 – SUMMARY OF ALLOWABLE AND PROHIBITED USES OF FEE REVENUE

<u><i>Allowable Uses</i></u>	<u><i>Prohibited Uses</i></u>
<ul style="list-style-type: none"> • <i>New (added) or expanded land and facilities costs (100%)</i> • <i>Apparatus, vehicles and equipment purchases that expand the system inventory (100%)</i> • <i>Facility costs already incurred to provide growth-related capacity (100%)</i> • <i>A portion of apparatus, vehicles, and equipment replacement costs attributable to new development (11.4%)</i> • <i>A portion of a renovation project that expands service capacity</i> 	<ul style="list-style-type: none"> • <i>Existing deficiencies, such as improvements to existing facilities that do not expand service capacity</i> • <i>A portion of apparatus, vehicles, and equipment replacement costs attributable to existing development (88.2%)</i> • <i>Operational, maintenance or repair costs</i>

BENEFIT RELATIONSHIP

The fee will be collected as development occurs. To maintain its existing level of fire protection and emergency response services, fee revenue will be used to replace and expand the District's facilities, apparatus, and equipment to meet the additional demand generated by the new residents and employees and new structural area created by new development projects.

Fee revenue will be deposited into a separate fire impact fee account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the County. The fee revenue will be restricted to the uses described in the "Use of Fee Revenue" finding. These actions ensure that a development project paying the fire impact fee will benefit from its use.

IMPACT RELATIONSHIP

New residential and nonresidential development projects in the District will grow the persons (residents and employees) and the structural area (residential area and nonresidential building area) in persons live or work. The growth in persons and structural area will create additional need for the District's fire protection and prevention, emergency response service and a corresponding need for new or expanded facilities, and replacement of apparatus, vehicles, and equipment. The fee will be imposed on different types of development projects for the additional service population generated and structural area created by new development projects.

PROPORTIONALITY

The cost of fire protection facilities, apparatus, and equipment attributable to a development project is based upon the level of existing development served by the District's existing fire protection facilities. The use of an existing facilities standard methodology to determine the fire impact fee achieves proportionality between existing development and new development. Moreover, these equivalent costs are applied to eight land use categories in proportion to the need they create for expanded facilities.

The use of a fire facilities demand factor to determine the fire impact fee schedule achieves proportionality across the types of development on which the fee is imposed. Larger development projects will generate a higher number of residents and structural area to protect and, as a result, will pay a higher fee than smaller development projects. Thus, the application fire impact fee schedule to a specific project ensures a reasonable relationship between the fee and the cost of the facilities, equipment, and apparatus attributable to that project.

FEE PROGRAM ADOPTION REQUIREMENTS

The following are the general requirements for approval of the Nexus Study and proposed fire impact fee program ("fee program") by the District Board of Directors and adoption by the County Board of Supervisors on behalf of the District. The specific statutory requirements for the adoption of the fee program may be found in the Mitigation Fee Act (California Govt. Code § 66000 et seq.) and County Municipal Code 15.08. SCI recommends that the notice and hearing requirements be duplicated by the District and the County.

CALAVERAS CONSOLIDATED FIRE PROTECTION DISTRICT

1. The District Board of Directors shall conduct at least "one open and public meeting" as part of a regularly scheduled meeting on the proposed fee program.
2. At least 14 days before the meeting, the District shall mail out a notice of the meeting to any interested party who filed a written request for notice of the adoption of new or increased fees.
3. At least 10 days before the meeting, the District shall make available to the public the Nexus Study for review.
4. At least 10 days before the public hearing, a notice of the time and place of the meeting shall be published twice in a newspaper of general circulation with at least five days intervening between the dates of first and last publication not counting such publication dates.
5. After the public hearing, adopt a resolution approving the Nexus Study and proposed fee program with a recommendation that the County Board of Supervisors adopts the proposed fee program on behalf of the District.

COUNTY OF CALAVERAS

1. The Board of Supervisors shall conduct at least "one open and public meeting" as part of a regularly scheduled meeting on the requested fee program.
2. At least 14 days before the meeting, the County shall mail out a notice of the meeting to any interested party who filed a written request for notice of the adoption of new or increased fees.
3. At least 10 days before the meeting, the County shall make available to the public the Nexus Study for review.

4. At least 10 days before the public hearing, a notice of the time and place of the meeting shall be published twice in a newspaper of general circulation with at least five days intervening between the dates of first and last publication not counting such publication dates.
5. After the public hearing, adopt an ordinance establishing the proposed fee program on behalf of the District.
6. The fee shall become effective 60 days after adoption of the ordinance or longer as specified by the ordinance.

FEE PROGRAM ADMINISTRATION REQUIREMENTS

This section contains general requirements for the administration of the fee program. The specific statutory requirements for the administration of the fee program may be found in the Mitigation Fee Act (California Govt. Code § 66000 et seq.).

ACCOUNTING REQUIREMENTS

Proceeds from the new fire impact fee should be deposited into a separate fund or account so that there will be no commingling of fees with other revenue or unexpended balances of the existing fee program funds. Once the old existing fee program funds have been spent, the accounts should be closed.

The fire impact fees should be expended solely for the purpose for which they were collected. Any interest earned by such account should be deposited in that account and expended solely for the purpose for which originally collected.

REPORTING REQUIREMENTS

The following information, entitled "Annual Report," must be made available to the public within 180 days after the last day of each fiscal year:

- a brief description of the type of fee in the account;
- the amount of the fee;
- the beginning and ending balance of the account;
- the fees collected that year and the interest earned;
- an identification of each public improvement for which the fees were expended and the amount of the expenditures for each improvement;
- an identification of an approximate date by which development of the improvement will commence if the local agency determines that sufficient funds have been collected to complete financing of an incomplete public improvement;
- a description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, the date on which any loan will be repaid, and the rate of interest to be returned to the account; and
- the amount of money refunded under section Govt. Code § 66001.

The County shall review the information made available to the public pursuant to paragraph (1) at the next regularly scheduled public meeting, not less than 15 days after this information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the County for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

For the fifth fiscal year following the first receipt of any fire impact fee proceeds, and every five years thereafter, the District must comply with Government Code Section 66001(d)(1) by affirmatively demonstrating that the District still needs unexpended fire impact fees to achieve the purpose for which it was originally imposed and that the District has a plan on how to use the unexpended balance to achieve that purpose. Specifically, the District shall make the following findings, entitled "Five-Year Report," with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put;
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
- Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements; and
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

The County shall provide for the refund of all or any part of such unexpended or unappropriated fee revenue, together with any actual interest accrued thereon, in the manner described in Section 66001 (e) of the Government Code, to the current record owner of any property for which a fee was paid; provided that if the administrative costs of refunding such fee revenue exceed the amount to be refunded.

FEE CREDITS

A fee credit must be given for demolished existing square footage as part of a new development project in order to comply with the Act and recent court cases. Additionally, subject to certain restrictions, if a developer dedicates land, constructs facilities, provide apparatus or equipment for the District, the fee imposed on that development project may be adjusted to reflect a credit for the cost of the dedicated land, facilities constructed, and apparatus and equipment provided.

Additionally, pursuant to County Municipal Code Section 15.08.110, a fee credit must be given for the following development projects:

- A development project that, through demolition or conversion, will eliminate existing development is entitled to a fee credit if the existing development is a lawful use under the county code, including a nonconforming use.
- A development project that will replace development that was partially or totally destroyed by fire, flood, earthquake, mudslide, or other casualty or act of God, is entitled to a fee credit if the development that was partially or totally destroyed was a lawful use under the county code, including a nonconforming use, at the time, thereof.
- Credit for such eliminated development or development that was partially or totally destroyed (as above specified) shall be calculated in accordance with the fee schedule set forth in the resolution to be adopted pursuant to this chapter.

FEE EXEMPTIONS

Pursuant to County Municipal Code Section 15.08.100, the following are exempted from payment of the fee:

- A structure owned by a governmental agency.
- A structure which is being reconstructed following damage or destruction by fire or another casualty, or the voluntary demolition thereof, provided that the number of structures or the size in such reconstructed structure is no greater than the number of structures or the size of the structure prior to such damage, destruction or demolition.
- A temporary mobile home as provided in Section 17.55.020(0). (Ord. No. 3068, § 3, 3-8-2016)

IMPROVEMENTS IN-LIEU OF FEES

Subject to certain restrictions, if a developer dedicates land, constructs facilities and / or provide apparatus/equipment for the District, the fire impact fees imposed on that development project may be adjusted to reflect a credit for the cost of the dedicated land, facilities constructed and / or apparatus/equipment provided.

ANNUAL INFLATIONARY ADJUSTMENT

Pursuant to County Municipal Code Section 15.08.070, the fire impact fee shall be adjusted automatically without any further action by the Board of Supervisors on the first day of each fiscal year by the net percentage change during the preceding calendar in the Engineering News-Record Construction Cost Index for San Francisco.

UPDATE OF NEXUS STUDY AND FIRE IMPACT FEE PROGRAM

Pursuant to County Municipal Code Section 15.08.070, the District must update the Nexus Study and the fire impact fee program every five years.

APPENDICES

Appendix A – Map of District's Boundaries

Appendix B – Fire System Inventory and Replacement Cost Estimates

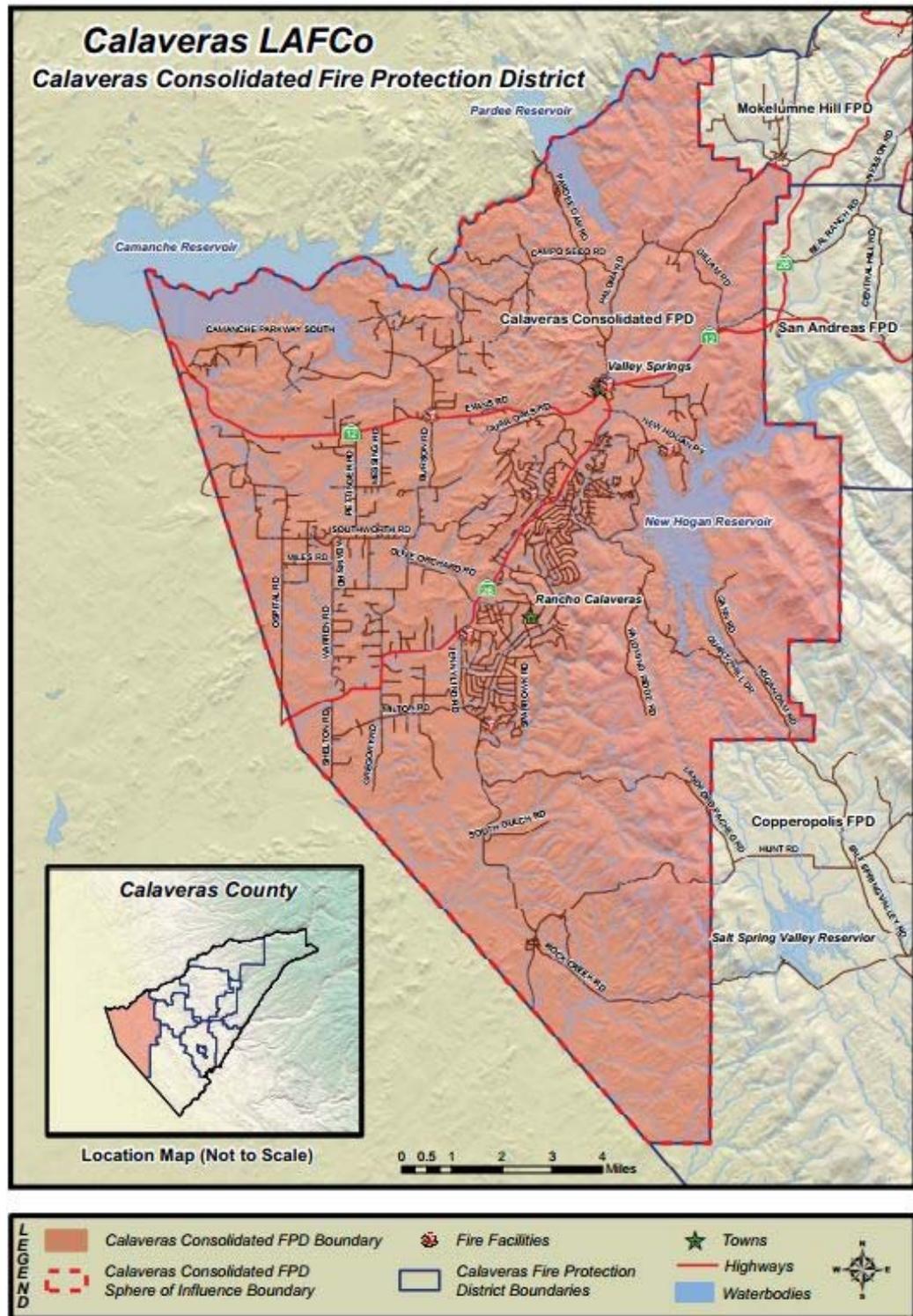
Appendix C – Determination of Existing and Future Nonresidential EDUs

Appendix D – Ten-Year Capital Improvement Plan

Appendix E – Calaveras County Code Chapter 15.08

APPENDIX A – MAP OF DISTRICT BOUNDARIES

FIGURE 13 – MAP OF DISTRICT BOUNDARIES



APPENDIX B – FIRE SYSTEM INVENTORY AND REPLACEMENT COST ESTIMATES

FIGURE 14 – EXISTING FIRE STATION INVENTORY

Fire Station	Amount	Unit Cost	Replacement Cost (2018\$)
Calc	a	b	c = a * b
Station 1, 3255 Helisma Rd, Burson			
Land	3.13 acres	\$25,000 per acre	\$78,250
Buldings	4,640 sq. ft.	\$392.00 per sq. ft.	\$1,818,880
Station 2, 129 E Hwy 12, Valley Springs			
Land	0.32 acres	\$25,000 per acre	\$8,000
Buldings	5,900 sq. ft.	\$392.00 per sq. ft.	\$2,312,800
Station 3, 6501 Jenny Lind Rd, Valley Springs			
Land	5.60 acres	\$25,000 per acre	\$140,000
Buldings	7,100 sq. ft.	\$392.00 per sq. ft.	\$2,783,200
Total Replacement Cost (Land and Buildings)			\$7,141,130

Source: Calaveras Consolidated Fire Protection District; SCI Consulting Group

FIGURE 15 – APPARATUS AND EQUIPMENT INVENTORY

Type / Make	Purchase Year	Apparatus / Vehicles ¹	Equipment	Replacement Value (2018\$)
International Burton (Type I)	1990	\$118,750	\$105,000	\$223,750
International HiTech Fire Engine (Type I)	1990	\$118,750	\$105,000	\$223,750
Pierce Saber Fire Truck (Type I)	1994	\$118,750	\$105,000	\$223,750
Pierce Enforcer (Type I WUI)	2016	\$475,000	\$105,000	\$580,000
International HiTech Fire Engine (Type III)	2006	\$175,000	\$50,000	\$225,000
International Westmark (Type III)	2001	\$87,500	\$50,000	\$137,500
Kenworth Tender	2003	\$150,000	\$25,000	\$175,000
Kenworth Tender	1996	\$150,000	\$25,000	\$175,000
Chevy Pickup	2013	\$35,000	\$10,000	\$45,000
Dodge Ram	1999	\$8,750	\$10,000	\$18,750
Dodge Ram	2004	\$17,500	\$10,000	\$27,500
Ford F150	1998	\$8,750	\$10,000	\$18,750
Ford F250	2006	\$17,500	\$10,000	\$27,500
Total Apparatus and Equipment		\$1,481,250	\$620,000	\$2,101,250

Source: Calaveras County Consolidated Fire Protection District

Notes:

¹ Replacement value based on estimated current replacement value. Adjustments have been made to discount apparatus and vehicles based on age (0 - 5 years at 100%, 6-10 years at 75%; 11 - 15 years at 50% and 16 years or more at 25%.)

APPENDIX C – DETERMINATION OF EXISTING AND FUTURE NONRESIDENTIAL EDUS

FIGURE 16 – DETERMINATION OF EXISTING AND FUTURE NONRESIDENTIAL EDUS

	Calc	Existing	Growth
Housing Units ¹	a	5,770	715
Jobs-to-Housing Ratio ²	b	0.20	0.20
Estimate of Employees	$c = a * b$	1,154	143
Average Building Area per Employee ³	$d = 1000 / 2.89$	346	346
Estimate of Nonresidential Building Area Units	$e = c * d$	399,308	49,481
Estimate of Nonresidential Building Area Units	$f = d / 1000$ (rounded)	399	49
Nonresidential Existing Facilities EDU Demand Factor ³	g	0.87	0.87
Nonresidential EDUs	$h = f * g$	347	43

Notes:

¹ See Figure 6 and Figure 3.

² Provided by the County Planning Department.

³ See Figure 5.

APPENDIX D – TEN-YEAR CAPITAL IMPROVEMENT PLAN

FIGURE 17 – TEN-YEAR CAPITAL IMPROVEMENT PLAN

Type	Location	Size	Timing of Availability	Facilities	Apparatus	Equipment	Total Estimated Cost (2018\$)
Facilities							
Fire Station Relocation	Wallace	10,000 sq. ft.	2027	\$3,920,000			\$3,920,000
Fire Station Relocation	Valley Springs	15,000 sq. ft.	2024	\$5,880,000			\$5,880,000
Apparatus, Vehicles and Ancillary Equipment							
New Type I Urban Interface	Systemwide	Type 1	2021		\$475,000	\$105,000	\$580,000
New Ariel Ladder Truck	Systemwide	Ladder	2022		\$1,000,000	\$125,000	\$1,125,000
Type III Replacement	Systemwide	Type III	2019		\$350,000	\$50,000	\$400,000
Type III Replacement	Systemwide	Type III	2019		\$350,000	\$50,000	\$400,000
Water Tender Replacement	Systemwide	Tender	2021		\$300,000	\$25,000	\$325,000
Water Tender Replacement	Systemwide	Tender	2022		\$300,000	\$25,000	\$325,000
Command Vehicle Replacement	Systemwide	3/4 Ton	2018		\$50,000	\$15,000	\$65,000
Command Vehicle Replacement	Systemwide	3/4 Ton	2018		\$50,000	\$15,000	\$65,000
New Communication Tower	Systemwide		2018		\$100,000	-	\$100,000
Total Improvements				\$9,800,000	\$2,975,000	\$410,000	\$13,185,000

Source: Calaveras Consolidated Fire Protection District; SCI Consulting Group

APPENDIX E – CALAVERAS COUNTY CODE CHAPTER 15.08

Chapter 15.08 - CALAVERAS FIRE MITIGATION FEE ORDINANCE

Sections:

15.08.010 - Title.

This chapter shall be known and may be cited as the "Calaveras Fire Mitigation Fee Ordinance."

(Ord. No. 3068, § 3, 3-8-2016)

15.08.020 - Definitions.

For the purposes of carrying out the intent of this chapter, words, phrases and terms used in this title shall be deemed to have the meaning ascribed to them in this chapter. When not inconsistent with the text, singular number includes the plural; words in the plural include the singular. The words "shall", "is" or "will" denote mandatory; the word "may" denotes permissive.

"Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, including other agricultural structures located on agriculturally zoned land. This structure shall not be a place of human habitation.

"Board of supervisors" means the board of supervisors of the county.

"Capital improvement plan" or "CIP" means the plan for fire facility capital improvements as identified in the county's five-year CIP or their successor, as adopted or updated annually by the board of supervisors which indicates the approximate location, size, time of availability and estimated cost of capital improvements to be financed with impact mitigation fees and appropriate money for capital improvement projects.

"County" means the county of Calaveras, a political subdivision of the state of California.

"Development" or "development project" means any project undertaken for the purpose of development in the fire protection district and shall include all projects involving the issuance of a permit for construction or reconstruction, remodeling, or any work requiring any permit under the county code or ordinances of the county, as the same presently exist

or may be amended from time to time hereafter. The term "development" or "development project" shall also include manufactured housing or structures, and structures moved into the fire protection district.

"District" means any independent fire protection district organized under the 1987 Fire District Protection Law (Health and Safety Code Sections 13800 et seq. or its predecessor law) within Calaveras County that seeks to benefit from the provisions herein.

"Fire impact fee" or "fee" means a monetary exaction, other than a tax or special assessment that is charged by the county in connection with approval of a development project for the purpose of defraying all, or a portion of, the cost of fire facilities, apparatus and equipment related to the development project or subdivision on behalf of the fire protection district but does not include fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 <<https://www.municode.com/library/>>, Division 1, Title 7 of the California Government Code.

"Apparatus" means and includes but is not limited to fire engines, brush engines, utility vehicles, staff vehicles, water tenders, bulldozers, rescue vehicles, and paramedic ambulances.

"Equipment" means and includes but is not limited to ladders, fittings, hoses, radios, cellular telephones, tools, safety clothing, breathing apparatus, hazardous materials equipment and medical and rescue equipment with a useful life of five years or more.

"Fire facilities" means public improvements, including buildings and structures, including but not limited to the building of fire stations, administrative buildings and training buildings, permit approvals, land purchase and utility connection fees, etc. and related planning, engineering, and construction costs.

"Industrial" means manufacturing buildings, including but not limited to, food processing, manufacturing, metal processing, pulp and paper firms, voltage optimization, water and wastewater systems, transport processing or other activity involving farm products off-farm. In particular, it includes fixed pieces of equipment, buildings or complexes used to produce goods in connection with, or as part of, any process or system.

"Multi-family dwelling" means a group of attached dwelling units (three or more) within one structure.

"Mixed use" means any urban, suburban, village development, or single building that blends a combination of residential, retail, commercial, cultural, institutional, industrial or agricultural uses.

"Mobile home" means a factory assembled structure, transportable in one or more sections, that is constructed according to the Mobile Home Construction and Safety Standards, Part 280 of the Code of Federal Regulations, Title 24, with or without a permanent foundation and not including recreational vehicles.

"Mobile home park" means any area tract of land where two or more mobile home spaces are rented, leased, or offered for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.

"Office" means establishments providing direct services to customers, business/service, executive headquarters, information processing and computer-dependent and/or telecommunications-based activities, professional, medical, and administrative services.

"Retail/commercial" is defined as non-manufacturing business establishments, including, but not limited to, hotels, restaurants, wholesale businesses, retail stores, and health, social and educational institutions.

"Single family dwelling" means a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundations.

"Warehouse/distribution" means buildings devoted to the storage and/or distribution of non-agricultural products. A distribution center for a set of products is a warehouse or other specialized building, which is stocked with products (goods) to be redistributed to retailers, to wholesalers, or directly to consumers.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.030 - Purpose.

This chapter is enacted pursuant to State Mitigation Fee Act, as set forth in Chapter 5, Division 1, Title 7 of the California Government Code (commencing with Section 66000) to provide the authority for and process by which development fees may be imposed for fire

prevention, suppression and emergency response within the unincorporated territory of the county covered by district's legal geographic area of responsibility. Such fees may be imposed by the county for the district whose proposed improvements can be financed based upon a reasonable relationship between new development and the fee to be charged. It is intended that new development shall pay its fair share to maintain the pre-existing level of service, thereby mitigating the impact of development on a District's ability to provide such service.

Specifically:

The Legislature passed the Mitigation Fee Act "in response to concerns among developers that local agencies were imposing development fees for purposes unrelated to development projects." (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 864) The Act creates uniform procedures for local agencies to follow in establishing, imposing, collecting, accounting for, and using development fees. (*Centex Real Estate Corp. v. City of Vallejo* (1993) 19 Cal.App.4th 1358, 1361-1362) In passing the Act, the Legislature found and declared that "untimely or improper allocation of development fees hinders economic growth and is, therefore, a matter of statewide interest and concern." (Section 66006, subd. (e).)

The Act defines a development fee as "a monetary exaction other than a tax or special assessment... that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project..." (Section 66000, subd. (b).) "A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan." (Section 66001, subd. (g).) "Public facilities' includes public improvements, public services, and community amenities." (Section 66000, subd. (d).)

To establish a development fee a local agency must identify "the purpose of the fee" and "the use to which the fee is to be put." (Section 66001, subd. (a).) The agency also must determine that both "the fee's use" and "the need for the public facility" are reasonably related to "the type of development project on which the fee is imposed." (*Home Builders Assn. of Tulare/Kings Counties, Inc. v. City of Lemoore* (2010) 185 Cal.App.4th 554, 561) "The Act thus codifies, as the statutory standard applicable by definition to nonpossessory monetary exactions, the 'reasonable relationship' standard employed in California and elsewhere to measure the validity of required dedications of land (or fees in lieu of such

dedications) that are challenged under the Fifth and Fourteenth Amendments." (Ehrlich, supra, 12 Cal.4th at p. 865.)

To impose an established development fee as a condition of approval for a specific development project, a local agency 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." (Section 66001, subd. (b).) The agency also must "identify the public improvement that the fee will be used to finance." (Section 66006, subd. (f).)

Each development fee a local agency collects must be deposited "in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency." (Sections 66006, subd. (a); 66001, subd. (c).) A local agency must expend all development fees it collects "solely and exclusively for the purpose or purposes" the agency identified when it imposed the fee on a development project (Section 66008; see Section 66006, subd. (a)), and the public facilities built or established with the fee must serve the developments on which the fee was imposed (Home Builders, supra, 185 Cal.App.4th at p. 566). A development fee may not be "levied, collected, or imposed for general revenue purposes." (Section 66008; see Section 66006, subd. (a).)

At the end of each fiscal year, a local agency must separately account for each development fee it collected by providing the public certain information, including a brief description of the fee and its amount, the beginning and ending balance of the account in which the fee was deposited, the amount of fees collected and interest earned, an identification of each public improvement on which the fee was expended, and an approximate date when construction will begin on any incomplete public improvement identified when the fee was imposed if the agency determines it has collected sufficient funds to finance the identified improvement. (Section 66006, subd. (b)(1).) If the agency does not provide an approximate start date for construction within one hundred eighty days of determining it has collected sufficient funds, the agency must refund the unexpended portion of the fee and all accrued interest to the current owners of the properties on which the fee was imposed. (Section 66001, subd. (e).)

When a local agency has not used all of a development fee within five years of the date it started to collect the fee, the agency must make findings that (1) identify the agency's purpose in holding the unexpended balance; (2) demonstrate a reasonable relationship between the unexpended balance and the purpose identified when the agency assessed the fee; (3) identify the sources and funding anticipated to complete any incomplete public

improvement identified when the fee was established; and (4) designate the approximate date the agency expects that funding to be deposited in the account holding the unexpended balance. (Section 66001, subd. (d)(1).) These findings therefore require the local agency to affirmatively demonstrate that it still needs the unexpended fee to achieve the purpose for which it was originally imposed, and that the agency has a plan on how to use the unexpended balance to achieve that purpose. These findings are due at the end of each five-year period if the agency continues to hold an unexpended portion of a development fee. (Ibid.) The Act requires the agency to refund the unexpended fees to the current owners of the affected properties if it fails to make the five-year findings. (Section 66001, subd. (d)(2).)

The five-year findings requirement establishes "a mechanism... to guard against unjustified fee retention" by a local agency (Home Builders, *supra*, 185 Cal.App.4th at p. 565) and it ensures the agency "refund[s] any portion of [a development] fee not expended within five years unless the local agency can demonstrate a reasonable relationship between the unexpended fee and its purpose" (Centex, *supra*, 19 Cal.App.4th at p. 1361).

In short, for all unexpended development fees, the agency must make findings every fifth year that identify how the fee will be used, demonstrate a reasonable relationship between the fee and the purpose for which it is charged, identify all sources and amounts of funding anticipated to complete financing for incomplete improvements that were identified when the fee was established, and designate the approximate dates for that funding to be deposited into a dedicated account. (Section 66001, subd. (d)(1).) The public agency must make these findings "in connection with" the annual report the Act requires the agency to provide. (Section 66001, subd. (d)(2).) If these findings are not made, "the local agency shall refund the moneys in the account or fund" to the then current owners of the affected properties on a prorated basis plus accrued interest. (Section 66001, subds. (d)(2) and (e); see Home Builders, *supra*, 185 Cal.App.4th at pp. 565—566.)

(Ord. No. 3068, § 3, 3-8-2016)

15.08.040 - Establishment and imposition of fees and providing for their adoption by resolution by district and the board of supervisors.

A fire protection district impact fee may not be established unless requested by a district seeking establishment of a fee under this chapter via district resolution which identifies new, specific, and an identifiable development project or projects upon which a fee is to be imposed, and describes either (1) the required connection between development projects

and improvements sought; or (2) the direct relationship between the impact created by a project and the project-specific fee sought to be imposed on an ad hoc basis.

The fee shall not include the costs attributable to existing deficiencies in public facilities, but includes the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service; or (2) achieve an adopted level of service that is consistent with the general plan.

The board of supervisors shall establish the amount of such fee via board resolution at a publicly noticed meeting after completion of an adequate nexus study, commissioned by a district seeking establishment of the fee. The nexus study shall establish a reasonable development fee for the district and demonstrate by competent analysis the reasonable relationship between such fee and the impacts of such development, satisfying the statutory requirements for fees for development projects contained in Chapter 5, Division 1, Title 7 of the Government Code Section 66000 et seq. These fees may from time to time be amended as circumstances warrant by the adoption of a superseding resolution by the board of supervisors. Any action to adopt a resolution levying or increasing such fee shall follow the procedures set forth in Government Code Section 66016 et seq., and any subsequent amendments, including, without limitation, notice, public hearing and effective date provisions.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.050 - Segregation of funds.

- A. A fee collected pursuant to this chapter, together with any interest, shall be maintained and accounted for in a separate capital facilities account or fund in a manner to avoid any commingling of such moneys with other revenues or funds and expended in a timely fashion only for approved purposes.
- B. County shall withhold two percent of the total fee collected to cover administrative costs at current weighted hourly salary associated with the implementation of this chapter. If the county administrative costs exceed two percent, the county shall charge the district each fiscal year for any deficiency the previous fiscal year.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.060 - Payment of fee.

- A. Fees established pursuant to this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit.

- B. Fees shall be payable in those specific amounts designated by the board of supervisors.
- C. Chargeable residential square footage shall include new habitable living space within the perimeter of a structure, not including any carport, walkway, garages, overhangs, patios, enclosed patios, detached accessory structure or detached storage space. Chargeable nonresidential square footage shall include new covered and enclosed space within the perimeter of a nonresidential structure, not including any storage areas incidental to the principal use of the construction, garage, parking structure, unenclosed walkway, or utility or disposal area. Chargeable square footage shall be determined and calculated in accordance with the standard practice of the county.
- D. Fee calculations for mixed use development shall be calculated based on the amount of gross square footage for each separate land use category.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.070 - Automatic inflationary adjustment of fees.

Fees established pursuant to this chapter shall be adjusted automatically without any further action by the board of supervisors on the first day of each fiscal year, beginning on July 1, 2017, by the net percentage change during the preceding calendar year in the Engineering News Record Construction Cost Index for San Francisco (based on 1913 U.S. average equals one hundred) as published in the Engineering News-Record.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.080 - Periodic recalculation of the fee.

During the fifth year following the county's adoption of a resolution initially establishing the amount of the fee in the manner provided by this chapter on behalf of district, and every fifth year thereafter, the fees authorized by this chapter are to be recalculated by the county in the manner required by the chapter. The county shall cause such recalculated fees to be incorporated into a proposed resolution amending such fees, and shall present the proposed resolution to the board of supervisors for consideration and adoption.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.090 - Refund of fees paid.

- A. If construction of a development project has not commenced before the expiration of the building permit that would have enabled the applicant to proceed with construction, then a fee payer shall be entitled to a refund, without interest, of the

fees paid as a condition for the issuance of such permit. The fee payer must submit an application for such a refund within thirty calendar days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.

- B. In the event any fee collected pursuant to this chapter remains unexpended in the fund established pursuant to this chapter, the board of supervisors, in cooperation with the district, shall make the following findings for the fifth fiscal year following the first deposit into such account, and every five years thereafter, with respect to that portion of the fee remaining unexpended, whether committed or uncommitted: (1) identify the purpose to which the fee is to be put; (2) demonstrate a reasonable relationship between the fee and the purpose for which it was charged; (3) identify all sources and amounts of funding anticipated to complete financing of public facilities; and (4) designate the approximate dates on which such funding is expected to be deposited into the fund.
- C. The unexpended portion of the fees, and any interest accrued thereon, for which need cannot be demonstrated pursuant to this section, shall be refunded to the then current record owner or owners of lots or units of the development project or projects on a prorated basis.
- D. The provisions of California Government Code Section 66001(d), (e) and (f), as the same may be amended from time to time, shall apply fully to any refund of fees, and the provisions of this chapter <<https://www.municode.com/library/>> shall be subordinate to the section and shall be applied in a manner consistent therewith.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.100 - Exemptions.

The following shall be exempted from payment of the fee:

- A. A structure owned by a governmental agency.
- B. A structure which is being reconstructed following damage or destruction by fire or other casualty, or the voluntary demolition thereof, provided that the number of structures or the size in such reconstructed structure is no greater than the number of structures or the size of the structure prior to such damage, destruction or demolition.
- C. A temporary mobile home as provided in Section 17.55.020(D).

(Ord. No. 3068, § 3, 3-8-2016)

15.08.110 - Credits for certain development projects.

- A. A development project that, through demolition or conversion, will eliminate existing development is entitled to a fee credit if the existing development is a lawful use under the county code, including a nonconforming use.
- B. A development project that will replace development that was partially or totally destroyed by fire, flood, earthquake, mudslide, or other casualty or act of God, is entitled to a fee credit if the development that was partially or totally destroyed was a lawful use under the county code, including a nonconforming use, at the time, thereof.
- C. Credit for such eliminated development or development that was partially or totally destroyed (as above specified) shall be calculated in accordance with the fee schedule set forth in the resolution to be adopted pursuant to this chapter.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.120 - Annual review.

For fees established pursuant to this chapter, the county shall, within one hundred eighty days after the last day of each fiscal year, make available to the public the information required by California Government Code Section 66006(b).

(Ord. No. 3068, § 3, 3-8-2016)

15.08.130 - County reimbursement and indemnification by district.

Calaveras County is responsible for issuance of all RFPs to secure engineering consultants or vendors to prepare any nexus study required by this chapter. The district seeking establishment of a fee under this chapter shall pay for all engineering and consultant fees required to complete the relevant nexus study. The relevant nexus study shall be approved by specialized counsel of the County's choosing, who shall review the nexus study for legal defensibility only, not certainty to withstand legal scrutiny. The district seeking establishment of a fee under this chapter also shall pay for all specialized counsel legal fees, whether or not the nexus study is opined legally defensible. The county shall not proceed with any nexus study and specialized counsel review unless the district adopts a resolution accepting all terms of this chapter.

To the fullest extent permitted by law, any district seeking establishment of a fee under this chapter agrees to defend, indemnify, and hold harmless the county, its officers and employees, agents and assigns for all claims, demands or liability (including reasonable attorney's fees) arising out of or in connection with implementation of this chapter, including legal defense costs resulting from a third party suit, except to the proportionate

extent of all such losses caused by any negligent act or failure to act by the county. Legal defense counsel shall be chosen by the county exclusively, after consultation with a relevant district. In the event legal defense counsel is required, district agrees to sign a joint defense agreement if deemed legally necessary by retained counsel.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.140 - California state law.

The provisions of this chapter and any resolution adopted pursuant hereto shall at all times be subject and subordinate to the provisions of Chapter 5 (commencing with Section 66000), Division 1, of Title 7 of the California Government Code, as the same presently exist or may hereafter be amended from time to time, to the extent the same are applicable. In the event of any applicable conflict between the provisions of this chapter and the state law, the latter shall control.

(Ord. No. 3068, § 3, 3-8-2016)

15.08.150 - Superseding provisions.

The provisions of this chapter and any resolution adopted pursuant hereto shall supersede any previous ordinance or resolution to the extent the same is in conflict herewith.

(Ord. No. 3068, § 3, 3-8-2016)

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