RESOLUTION NO. 3696-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ADOPTING A NEW FIRE IMPACT FEE FOR FUTURE DEVELOPMENT WITHIN THE TOWN OF WINDSOR ON BEHALF OF THE SONOMA COUNTY FIRE DISTRICT AND SUPERSEDING THE EXISTING FEES ESTABLISHED BY RESOLUTION NO. 3345-17

WHEREAS, the 2040 General Plan ("General Plan") of the Town of Windsor ("Town") was adopted April 4, 2018, by Resolution No. 3448-18; and

WHEREAS, the General Plan Goal PFS-7 is to "provide high-quality fire and emergency response to prevention the loss of life, injury, and property; and

WHEREAS, AB 1600 was adopted and codified in California Government Code Section 66000 allowing the establishing, increasing, or imposing of a development fee as a condition of approval where the purpose and use of the fee were identified, and reasonable relationship to the development project was demonstrated; and

WHEREAS, the Sonoma County Fire District ("District") Board of Directors ("District Board") desires to establish a new Fire Impact Fee program to fund fire protection facilities, apparatus and equipment necessary to mitigate the impacts caused by new development; and

WHEREAS, Article 3 of Chapter 6, Title XVI of the Code of the Town of Windsor ("Municipal Code") establishes a fire impact fee applicable to development with the Town; and

WHEREAS, the fire impact fee currently applied was last updated and adopted on March 1, 2017, by Resolution No. 3345-17; and

WHEREAS, the Council has received and considered the District's Fire Impact Fee Nexus Study, prepared by SCI Consulting Group, dated February 2021 Updated Final Report ("Report") that provides the required information to establish a new Fire Impact Fee program, a true copy of which is attached hereto as Exhibit A; and

WHEREAS, the Report presents proposed fire impact fees for future development and describes the fee methodology, underlying data and assumptions, and benefits of the method for establishing fees; and

WHEREAS, the District Board, on February 16, 2021, by Resolution No. 2021-04 adopted the Report and formally requested that the Windsor Town Council adopt and implement this approved Fire Impact Fee program on behalf of the District; and

WHEREAS, the Municipal Code provides that the amount of fire impact fees and administrative guidelines for implementing such fees shall be established by the adoption of a Resolution by the Town Council; and

WHEREAS, in accordance with the California Government Code section 66016(a), at least 14 days before the public hearing at which this Resolution was adopted, a notice of the time and place of the hearing was mailed to eligible interested parties who filed written requests with the Town for mailed notice of meetings on new or increased fees; and

WHEREAS, in accordance with California Government Code section 66016(a), ten days before the public hearing at which this Resolution was adopted, the Town made the Report available to the public; and

WHEREAS, ten days advance notice of the public hearing at which this Resolution was adopted was given by publication in accordance with California Government Code section 6062(a); and

WHEREAS, a duly noticed public hearing was held on December 16, 2020, at 6:00 p.m. and again on September 1, 2021, at which time all interested persons had the opportunity to be heard.

FINDINGS

WHEREAS, the Town Council finds as follows:

A. The purpose of the fire impact fee set forth in this Resolution is to finance fire facilities, apparatus, vehicles, and equipment to mitigate the impacts caused by future development in the Town. Such facilities are described in the Report (page 19).

B. The fire Impact fee collected pursuant to this Resolution shall be used to finance the fire facilities, apparatus, vehicles, and equipment described in the Report and/or alternative facilities in accordance with this Resolution.

C. After considering the Report, the testimony received at this noticed public hearing, the agenda statements, the General Plan, the Report and all correspondence received (together, "Record"), the Town Council approves and adopts the Report and incorporates such Report by reference herein, and further finds that future development in the Town will generate the need for fire facilities, apparatus, vehicles, and equipment consistent with the General Plan.

D. In adopting the fire impact fee set forth in this Resolution, the Town Council is exercising its powers under California Government Code §66000 *et. seq.*

E. The Record establishes:

1. That there is a reasonable relationship between the use of the fire impact fee set forth in this Resolution and the needs created by, and the benefits accruing to new development in the District, both residential and nonresidential.

2. That the amount of the fire impact fee set forth in this Resolution does not exceed the estimated reasonable cost of the fire facilities, apparatus, vehicles, and equipment or portion of the fire facilities, apparatus, vehicles, and equipment attributable to new development in the District, both residential and nonresidential, on which the fee is imposed.

3. That the method of allocation of the fire impact fee set forth in this Resolution to a particular development bears a fair relationship, and is roughly proportional, to each development's burden on, and benefits from, the fire facilities, apparatus, vehicles, and equipment to be funded by such fee, in that such fee is calculated.

ADOPTION OF FEE

NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES RESOLVE AS FOLLOWS:

1. Definitions.

a. "Accessory Dwelling Unit (ADU)" means either an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated, and may be located within the living space of an existing primary single-family residence as defined in the Town's Zoning Ordinance.

b. "Retail/Commercial" shall mean any Development constructed or to be constructed on land having a General Plan land use designation of Retail Commercial, Service Commercial, Gateway Commercial, General Business, Neighborhood Center/Mixed-Use, Boulevard Mixed-Use or Town Center/Mixed-Use or zoning designation for facilities for the purchase or sale of commodities or services and/or the sales, servicing, installation or repair of such commodities or services and other space uses incidental to these activities. Commercial land uses include, but are not limited to: apparel and clothing stores; auto dealers and malls, auto accessories stores; banks and savings and loans; beauty salons; book stores, discount stores and centers; dry cleaners; drug stores; eating and drinking establishments; furniture stores and outlets; general merchandise stores; hardware stores; home furnishings and improvement centers; hotels and motels; laundromats; liquor stores; restaurants; service stations; shopping centers; supermarkets; and theaters.

c. "Development" means the construction, alteration, or addition, other than by the Town, of any building or structure within the Town of Windsor.

d. "Facilities" shall include those facilities, apparatus, vehicles, and equipment that are described as projects in the Report and the Findings above. "Facilities" shall also include comparable alternative facilities should later changes in projections of development in the region necessitate construction of such alternative facilities; provided that the Town Council later determines in accordance with applicable law (1) that there is a reasonable relationship between development within the Town and the need for alternative facilities (2) that the alternative facilities are comparable to the facilities listed in the Report, and (3) that revenue from fees charged pursuant to this Resolution will be used only to pay new development's fair and proportionate share of alternative facilities.

e. "Fee" means a Fire impact fee as established by the Town of Windsor Code and has the same meaning as "fee" under Government Code §66000.

f. "Industrial" shall mean any Development constructed or to be constructed on land having a General Plan land use designation of Public/Quasi Public/Institutional, or on land having a General Plan land use or zoning designation for the manufacture, production, assembly, or processing of consumer goods and/or other space uses incidental to these activities. General Plan land use designations for Industrial include Light Industrial and Heavy Industrial.

g. "Mixed-Use" means a development with two or more types of development and may combine residential types of development (single-family and/or multi-family) with any nonresidential type of development.

h. "Multi-family" or "Multiple-family" means a residential development with two or more dwelling units including but not limited to duplexes, triplexes, fourplexes, apartments, condominiums, townhouses, and mobile home parks as defined in the Town's Zoning Ordinance and is any development constructed or to be constructed on land having a General Plan use designation of Very Low-Density Residential, Low-Density Residential, Medium-Density Residential, High-Density Residential, and Mobile Home Park.

i. "Nonresidential" means development including but not limited to commercial, office, public, manufacturing, and warehouse buildings and is any development constructed or to be constructed on land having a General Plan use designation of Town Center Mixed-Use, Boulevard Mixed-Use, Neighborhood Center Mixed-Use, Retail Commercial, Service Commercial, Gateway Commercial, General Business, Light Industrial, Heavy Industrial, and Public/Quasi-Public.

j. "Office" means establishments providing direct services to consumers including but not limited to insurance, real estate, advertising, counseling, attorney, and accounting offices as defined in the Town's Zoning Ordinance and is any development constructed or to be constructed on land having a General Plan use designation of Town Center Mixed-Use, Boulevard Mixed-Use, Neighborhood Center Mixed-Use, Retail Commercial, Service Commercial, Gateway Commercial, General Business, Light Industrial, Heavy Industrial, and Public/Quasi-Public.

k. "Public Buildings" means public buildings including but not limited to public schools, libraries, police and fire facilities, and cemeteries as defined in the Town's 2040 General plan and is development constructed or to be constructed on land having a General Plan use designation of Public/Quasi-Public.

l. "Single-Family" means a single-family dwelling unit development including but not limited to factory-built modular housing units and mobile homes/manufactured housing on permanent foundations as defined in the Town's Zoning Ordinance and is any development constructed or to be constructed on land having a General Plan use designation of Rural Residential, Estate Residential, Very Low-Density Residential, Low-Density Residential, and Medium-Density Residential.

2. Fire Impact Fee Imposed.

In accordance with California Government Code §66000 *et.seq.*, a fee shall be imposed and paid at the times, and in the amounts and otherwise apply and be administered as prescribed in this Resolution on the following development: each single-family and multiple-family development (including each portion of such residential development within Mixed-Use development), each nonresidential development, and each addition of 1,000 square feet or more to any nonresidential development if it increases the existing building or structure by twenty-five percent (25%) or more to any nonresidential development (including each portion of such nonresidential development within Mixed-Use development).

3. Time for Imposing Fee for Residential Subdivisions.

In accordance with California Government Code §65961, the fee for subdivisions for single-family and multiple-family subdivision development for which tentative or parcel maps are required pursuant to the Subdivision Map Act (California Government Code § 66410 *et seq.*) shall be imposed at the time of setting the conditions of approval that apply to the tentative map for such residential subdivision development, as applicable. Payment of the Fee shall be deemed to be a condition of all such tentative maps. The fee amount shall be the amount in effect at the time of building permit issuance. Notwithstanding this Section 3, the time for payment of the fee for all development, including single-family and multiple-family subdivisions, shall be as specified in Section 4, below.

4. Time for Fee Payment.

a. The fee shall be charged and paid for each single-family and multiple-family residential development prior to issuance of the building permit for such residential development unless payment is not required until a later time in accordance with California Government Code §66007.

b. A Fee shall be charged and paid for each residential development upon issuance of the building permit for such residential development. The 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.

c. A Fee shall be charged and paid for each nonresidential development involving any addition to any existing building or structure if the addition exceeds 1,000 square feet and if it increases the existing building or structure by twenty-five (25%) or more upon issuance of the building permit for such nonresidential development. 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.

d. A Fee shall be charged and paid for each mixed-use development upon issuance of the building permit.

5. Amount of Fee.

a. The amount of the fee shall be as forth below.

Fee Category	**Fee**
Residential Development	Per Living Area Sq. Ft.
Single-Family Housing	$1.62
Multi-Family Housing	$2.14
Mobile Home	$1.19
Nonresidential Development	Per Building Sq. Ft.
Retail / Commercial	$1.81
Office	$2.96
Industrial	$1.26

b. The amount of the Fee for Mixed-Use development shall be the sum of the following as applicable (i+ii-iii):

i. The applicable amount per unit pursuant to Section 5(a) above for each residential unit within a mixed-use development.

ii. The applicable amount per 1,000 square feet pursuant to Section 5(a) above for the nonresidential development or portion of such development within a mixed-use development.

iii. The total fee for the mixed-use development shall be decreased by fifteen percent (15%) of the lower amount calculated per 5(b).i and 5(b).ii above.

c. Proposed developments that include intensification or change in land use shall receive a credit for previous payments. The value of the credit is based on the current fee structure at the time of issuance of the building permit. Credits and fees are not to be refunded. The fee to be charged shall be the difference in calculated fees for the two land uses. For example, land-use is intensified when replacing a group of single-family homes with multi-family units. The same principle is applied with changes in land use, such as demolishing an industrial building to build a residential development.

d. The amount of the fee for an Accessory Dwelling Unit with a living area 750 square feet or greater shall be imposed proportionately in relation to the square footage of the primary dwelling unit.

6. Designation of Developments.

Nonresidential developments other than Mixed-Use Developments (but including nonresidential Developments within Mixed-Use Developments) which are not within the definition of "Retail/Commercial," "Industrial," or "Office" established in Section 1, above, shall be designated as "Commercial," "Industrial," or "Office" by the Town Manager or Town Manager's designee for purposes of imposition and charging of the fee. The Town Manager or Town Manager's designee shall assign such categories as consistently as possible with the definitions of such categories established pursuant to this Resolution or as later amended by the Town Council.

7. Exemptions from Fee.

a. The fee shall not be imposed on:

i. Any alteration or addition to a residential structure, except to the extent that a residential unit is added to a single-family residential unit or another unit is added to an existing multi-family residential unit.

ii. Any replacement or reconstruction of an existing residential structure that has been destroyed or demolished, provided that the building permit for reconstruction is obtained within two years after the building was destroyed or demolished.

iii. Any replacement or reconstruction of an existing nonresidential structure that has been destroyed or demolished; provided that the building permit for reconstruction is obtained within two years after the building was destroyed or demolished; and provided further that there is no change in the land use designation of the property unless replacement or reconstruction adds an additional 1,000 or more square feet and increases the existing building or structure by twenty-five (25%). A fee is only imposed on the additional square footage.

iv. Any nonresidential building or structure constructed on property on which a building or structure was demolished for which a development impact fee to fund fire facilities, apparatus, vehicles, and equipment has been paid to the Town within the prior ten-year period; provided that the exemption shall be in the amount of the previously paid fee only; and provided further that the applicant shall pay any additional amount based on the then-current fee.

v. Any Accessory Dwelling Unit less than 750 square feet of living area.

b. The Town Council, in its discretion, may waive the applicability of the fee to certain development constructed or to be constructed and occupied by a public entity upon findings of the Town Council that such a waiver is in the interest of public health, safety, and/or welfare, for reasons specified in the findings. Such reasons may include, but are not limited to, that the fee, as it would apply to such development by a public entity, will be sufficiently recovered in whole or in part from residential development, the residents of which may constitute the primary users of the public entity development.

8. Use of Fee Revenue.

In accordance with California Government Code §66006(a), the revenues raised by payment of the fee shall be placed in a separate, interest-bearing account to permit accounting for such revenues and the interest which they generate. Such revenues and interest shall be used as described in the Report.

9. Periodic Review.

During each fiscal year, the Town Manager shall prepare a report for the Town Council, pursuant to Government Code Section 66006, identifying the balance of Fee revenues in the Fee account.

10. Fee Adjustments.

As inflation increases, the cost of constructing or purchasing the facilities for which the Fee is collected also increases. The fee may be adjusted annually for inflation on July 1 by the annual percentage change in the Engineering News-Record Construction Cost Index (20-City Average), or its successor publication.

11. Credits and Reimbursement for Developer Constructed Facilities.

The Town and a developer may enter into an improvement agreement to allow the developer to construct certain of the Facilities. Such an agreement is totally discretionary on the part of the Town. Such agreement shall provide for security for the developer's commitment to construct the Facilities and shall refer to this Resolution for credit and reimbursement. If the Town enters into such an agreement with a developer prior to construction of one or more of the Facilities, the Town shall provide the developer credit in accordance with the following:

a. Credit Amount. The credit shall be in the amount of the lowest bid received for construction of the facility, as approved by the Town Engineer. However, in no event shall a credit pursuant to this provision exceed the current facility cost. For the purposes of this Section, such current facility cost shall be the amount listed in the Report for that particular facility as subsequently adjusted pursuant to Sections 11 and 12 of this Resolution prior to issuance of the building permit for that facility. Once issued, credit pursuant to this Section shall not be adjusted for inflation or any other factor. Credit provided pursuant to this Section is not transferable.

b. Application of Credit. Credit pursuant to this Section may be applied by developers against the fee applicable to a particular project until the credit is exhausted or excess credit results. The total credit shall be divided by the number of units (for a residential project) to determine the amount of credit which can be applied against the fee for each unit and, if the credit per unit is less than the fee per unit, the developer shall pay the difference for each unit. If a credit pursuant to this Section is less than the fee applicable to a particular nonresidential development project, the developer shall pay the Town the balance in cash.

c. Reimbursement for Excess Credit. Reimbursement for excess credit shall only be from remaining unspent Fee revenues. Once all the Facilities have been constructed or acquired and to the extent Fee revenues are sufficient to cover all claims for reimbursement of Fee revenues, including reimbursement for excess credit, developers with excess credit shall be entitled to reimbursement, subject to such developers certifying in writing to the Town that the cost of constructing the facility which resulted in an excess credit was not passed on to homeowners, and indemnifying the Town from landowner claims for reimbursement under Government Code Section 66000 et seq. and Section 66001 in particular. If remaining fee revenues after all of the facilities have been constructed or acquired are insufficient to cover all claims for reimbursement of fee revenues, such claims, including claims for reimbursement of excess credit, shall be reimbursed on a pro-rata basis in accordance with applicable law.

12. CEQA.

This action is exempt from California Environmental Quality Act (CEQA) under Section 15273 because is not a "project" because the Resolution provides a mechanism for funding fire protection and emergency response facilities, apparatus, and equipment but does not involve a commitment to any specific project for such purposes that may result in a potentially significant impact on the environment.

13. Effective Date.

In accordance with California Government Code section 66017, the fee shall become effective 60 days from the adoption of this Resolution.

14. Severability.

Each component of the fee and all portions of this Resolution are severable. Should any individual component of the fee or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining Fee components and/or Resolution portions shall be and continue in full force and effect, except as to those Fee components and/or Resolution portions that have been adjudged invalid. The Town Council hereby declares that it would have adopted this Resolution and each Section, subsection, clause, sentence, phrase, and other portion thereof, irrespective of the fact that one or more Section, subsection clause, sentence, phrase, or other portion may be held invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED this 1st day of September 2021, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, LEMUS, VICE MAYOR REYNOZA AND MAYOR SALMON**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK

Attachment:

- **Exhibit A** – Fire Impact Fee Nexus Study, February 2021, SCI Consulting Group

EXHIBIT A

SONOMA COUNTY FIRE DISTRICT

FIRE IMPACT FEE NEXUS STUDY

FEBRUARY 2021
UPDATED FINAL REPORT

PREPARED FOR:

BOARD OF DIRECTORS
SONOMA COUNTY FIRE DISTRICT

PREPARED BY:

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SONOMA COUNTY FIRE DISTRICT

BOARD OF DIRECTORS

Steve Klick, President
Arnie Tognozzi, Vice President
Bob Blair, Director
John Hamann, Director
Gary So, Director
Frank Treanor, Director
Jason Weaver, Director

FIRE CHIEF

Mark Heine

DEPUTY CHIEF

Matt Gustafson

FINANCE MANAGER

Terri Bolduc

IMPACT FEE CONSULTANT

Blair Aas, Director of Planning Services
SCI Consulting Group

ACKNOWLEDGMENTS

This Fire Impact Fee Nexus Study was prepared by SCI Consulting Group ("SCI") under contract with the Sonoma County Fire District ("District"). The work was accomplished under the general direction of Matt Gustafson, Deputy Chief of the District.

We would like to acknowledge special efforts made by the following individuals and organizations for this project:

Terri Bolduc, Sonoma County Fire District
William Adams, Johnston Thomas Attorneys at Law, PC
William Arnone, Merrill, Arnone & Jones, LLP
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Jessica Jones, Town of Windsor
Linda Schiltgen, County of Sonoma
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Sonoma County Auditor's Office
Sonoma County Assessor's Office

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EXECUTIVE SUMMARY

INTRODUCTION

The Sonoma County Fire District ("District") provides first-responder fire protection and emergency response services to a 180-square-mile area in the western portion of Sonoma 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 currently serves the Town of Windsor and the unincorporated communities of Larkfield, Wikiup, Mark West, Mountain, Middle Rincon, Bennett Valley, Bellevue, Graton Casino, Fulton, Guerneville, Rio Nido. The District was formed in April 2019 after the process of consolidating the Rincon Valley Fire Protection District (est. 1945), the Windsor Fire Protection District (est. 1965), the Bennett Valley Fire Protection District (est. 1948), and the Mountain Volunteer Fire Department (est. 1968). In July 2020, the Russian River Fire Protection District (est. 1922 as the Guerneville Fire Protection District) joined the District. In May 2021, the District will merge with the Forestville Fire Protection District (est. 1958).

This Fire Impact Fee Nexus Study ("Nexus Study") was prepared pursuant to the "Mitigation Fee Act," as found in California Government Code § 66000 et seq (the "Act"). The purpose of this Nexus Study is to establish the legal and policy basis for the imposition of new fire impact fees ("fees") on new residential and nonresidential development within the District. The fee's purpose is to fund the one-time cost of expanding the District's facilities, apparatus, and equipment needed to maintain its existing level of service. No capacity exists to serve new development. If the District's fire system capacity is not increased to satisfy the additional demand, the quality and responsiveness of the District's fire protection and emergency response services will deteriorate.

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 to 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.

The proposed fee program area is districtwide and includes the District's boundaries as of July 2020 and the Forestville Fire Protection District, which will merge with the District in May 2021. (A map of the District's boundaries and the area to be subject to the proposed fee program is provided in Appendix A.) Under California law, the District does not have

land-use authority to impose impact fees on development projects. Because the District serves the Town of Windsor ("Town") and unincorporated areas of the County, the Town Council and County Board of Supervisors must adopt the fire impact fee program on behalf of the District. Currently, the Town of Windsor imposes an outdated fire impact fee on behalf of the District which is proposed to be replaced by this fee program. The County currently does not impose a fee program on behalf of the District.

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 Act, 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 public facility and the type of development project on which the fee is imposed **("impact or need 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 **("rough 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.

METHODOLOGY / APPROACH

To determine the District's fire impact fee consistent with these **substantive requirements**, this Nexus Study utilizes a systemwide existing facility standard methodology. The facility standard methodology is a commonly used method for the calculation of fire impact fees. It was validated by the Homebuilders Association of Tulare/Kings Counties, Inc. v. City of Lemoore in 2010. Under this method, identification and use of an existing facility standard and the restricted uses of fee revenue ensure that new development will not fund any existing deficiencies as prohibited by the Act. Instead, only capital improvements and

apparatus, vehicle, and equipment purchases that expand the District's fire system are allowable uses of fee revenue. Likewise, the fee program will generate only enough revenue to proportionally expand the fire system to maintain the existing level of service.

The existing facility standard is based on the District's ratio of existing fire protection and emergency response facilities, apparatus, and equipment to the existing service population. Existing development refers to 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. Existing development demand is based on the District service call data. The District's existing fire system's value 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 six land use categories in proportion to the need they create for fire protection and emergency response services.

The Act requires that in establishing a development impact fee program, the facilities funded by the fee must be identified. However, the Act provides flexibility regarding how that identification may be made. The fee program may identify a broad class of projects[1] or made by reference to a capital improvement plan, made in applicable general or specific plan requirements, or made in other public documents[2]. Since the District just recently consolidated and has not yet prepared a comprehensive, long-term capital improvement plan and facilities master plan, this fee program identifies facilities (land, stations, and other buildings), apparatus (engines, ambulances, and other vehicles), and equipment as the broad classes that will be funded with the fee.

The capital improvements within the District and apparatus and equipment purchases will benefit the District's entire fire system. The District's fire protection and emergency response resources are organized as an integrated fire system. The resources of a one fire station do not serve a particular area in isolation from the District's other fire stations and resources. When the District has a service call, whether for a fire or other emergency, the District's response often involves resources from multiple fire stations. Likewise, new development in area of the District is served by all the District facilities, apparatus, and equipment, not just by the nearest fire station.

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[1] According to Government Code § 66000(b) and validated by Homebuilders Association of Tulare/Kings Counties, Inc. v. City of Lemoore in 2010.
[2] According to Gov't Code Section 66001(a)(2).

OTHER REVENUE SOURCES

Based on the findings concerning the District in the 2018 Municipal Service Review prepared and approved by the Sonoma County Local Agency Formation Commission ("LAFCO"), ad valorum property tax revenues, sometimes referred to as the "AB8 rate", are the largest revenue source for the District. The District also levies a voter-approved District-wide special tax. The County of Sonoma makes annual direct payments to the District based on a Property Tax Exchange Agreement that was part of the LAFCO-approved consolidation(s). The District also occasionally receives one-time grant money which is usually targeting for specific purposes, i.e., SAFER staffing grants; designated equipment improvements; FMAG emergency response enhancements. These various sources of revenue will continue to comprise the vast majority of District revenue after approval of District fire impact fees – so that prior revenue sources from all District residents will be the primary funder of new facilities and equipment. There are also potential additional revenue sources in the future through transient occupancy or sales tax measures.

FEE PROGRAM IMPLEMENTATION

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 Town Council and County Board 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. It is the objective of the District to maintain its existing level of service by establishing a fire impact fee to fund the cost of expanding the District's facilities, apparatus, and equipment attributable to new development.
3. The District's current fire impact fees imposed by the Town are outdated and insufficient to mitigate the impact of new development.

4. The District may approve, and the Town and County may adopt on their behalf, the following fees at or below the maximum level determined by this Nexus Study.

FIGURE 1 – MAXIMUM FIRE IMPACT FEE SCHEDULE

Land Use	Maximum Fire Impact Fee
Residential Development	**Per Living Area Sq. Ft.**
Single Family Housing	$1.62
Multi-Family Housing	$2.14
Mobile Home	$1.19
Assessory Dwelling Unit	See Figure 1
Residential Development	**Per Average Unit**
Single Family Housing	$2,859
Multi-Family Housing	$2,354
Mobile Home	$1,666
Nonresidential Development	**Per Building Sq. Ft.**
Retail / Commerical	$1.81
Office	$2.96
Industrial	$1.26

Notes:

[1] Pursuant to Govt. Code § 65852.2(f)(3)(A), development impact fees for a new accessory dwelling unit must be imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

5. Consistent with the requirements of the Act, this Nexus Study demonstrates a reasonable relationship between new development, the amount of the proposed fee, and facilities, apparatus, and equipment funded by the fee.

6. Fee revenue may only fund the costs of expanded facilities, apparatus purchases that expand the District's existing inventory, and up to 10.6 percent of apparatus replacement costs, and fee administrative costs.

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 Town and County on behalf of the District.
8. The maximum fire impact fee determined by this Nexus Study is consistent with the Sonoma County General Plan and the Town of Windsor 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.).
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 with the Town have been spent, the account should be closed.
4. Fee revenue must be used to fund only the cost of expanded facilities, apparatus, ambulances, vehicles, and equipment to serve new development, as further detailed in Figure 11.
5. The District, the Town, and the County should comply with the annual reporting requirements under Government Code § 66006(b).
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 January 2021 dollars. The fire impact fee should be adjusted automatically without further action by the District Board, the Town Council, or the County Board of Supervisors on the first day of each fiscal year by the previous calendar percentage change in the Engineering News-Record Construction Cost Index (20-City Average), or its successor publication.

DETERMINATION OF EXISTING 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, ambulances, 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 facility 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 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 Sonoma County, including the Town of Windsor. A map of the District's service boundaries is provided in Appendix A.

As shown in Figure 2 on the following page, the District currently serves an estimated resident population of 71,288 and protects approximately 26,452 occupied and vacant dwelling units. These figures are based figures from the U.S. Census Bureau's 2015-2019 American Community Survey 5-Year Estimate for the District's service area, Sonoma County Assessor's data as of July 2020, and an 8 percent vacancy rate as reported by the California Department of Finance.

The District also serves an estimated 19,337 workers and protects approximately 8,630,000 square feet of new nonresidential building area. The estimated number of workers in the District is based on an estimated jobs-to-housing ratio of 0.73 provided by the Town of Windsor. The estimated nonresidential structural area is calculated by multiplying the number of workers by 446 square feet of nonresidential building area for every worker (or 2.24 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	Dwelling Unit Occupancy Factor [3]	Resident Population
Calc	a	b	c = a - b	d	e = c * d
Single-Family Housing	23,007	1,831	21,176	3.03	64,163
Multi-Family Housing	2,333	186	2,147	2.48	5,325
Mobile Home	1,112	89	1,023	1.76	1,800
Total Residenital	26,452	2,106	24,346	2.93	71,288

Notes:

[1] From Sonoma County Assessor's data as of July 2020.

[2] Based on an estimated 8% vacancy rate.

[3] Based on census data from the U.S. Census Bureau's 2015-2019 American Community Survey 5-Year Estimate for Fulton CDP, Larkfield-Wikiup CDP, and the Town of Windsor.

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, representing the demand for service from a worker compared to a household resident.

As shown in Figure 3 on the following page, service call data for fiscal years 2017-18 through 2019-20 were gathered from the District's Emergency Reporting database software for the former Windsor FPD and Rincon FPD service areas. These areas are found to be representative of the larger District. Over the three years, the District averaged 954 annual service calls originating from residential property and 236 service calls originating from nonresidential properties. Service calls originating from highways, roads, open fields, or otherwise not classified as originating from residential or nonresidential land use are excluded. By dividing service calls for residential and nonresidential land uses by the corresponding estimated number of residents and workers results in the relative number of per capita for residential and nonresidential land uses. As shown, District residents are served at 1.0, and workers in the District are served at 0.95 compared to District residents.

FIGURE 3 – RESIDENT EQUIVALENT DEMAND FACTOR

	Calc	Residential	Nonresidential
Average Annual Service Calls [1]	a	954	236
Residents or Workers [2]	b	49,741	12,984
Per Capita Fire Service Demand	c = a / b	0.0192	0.0182
Resident Equivalent Demand Factor	d = c / 0.0182	1.00	0.95

Sources: Sonoma County Fire District; SCI Consulting Group

Notes:

[1] Average for fiscal years 2016 thru 2018 from District's Emergency Reporting database for the former Winsor FPD and Rincon FPD services areas of the District.

[2] Estimated exsiting residents with former Windsor FPD and Rincon FPD service area. Workers is based on estimated jobs-to-housing ratio of 0.73 for the City of Windsor.

FACILITIES EDU DEMAND FACTOR

Next, equivalent dwelling unit ("EDU") demand factors are established to compare the relative fire facilities demand across three residential and three nonresidential land uses. 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 4 below shows the facilities EDU demand factor calculation for six 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 each 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 630 square feet of retail/commercial building area.

FIGURE 4 – FACILITIES EDU DEMAND FACTOR

Land Use Category	Unit	Occupancy Density per Unit [1]	Resident Equivalent Demand Factor [2]	Facilities EDU Demand Factor
Calc		a	b	c = (a * b) / 3.03 (rounded)
Single-Family Housing	DU	3.03	1.00	**1.00**
Multi-Family Housing	DU	2.48	1.00	**0.82**
Mobile Home	DU	1.76	1.00	**0.58**
Residential	DU	2.86	1.00	**0.94**
Retail / Commerical	KBSF	2.00	0.95	**0.63**
Office	KBSF	3.30	0.95	**1.03**
Industrial	KBSF	1.40	0.95	**0.44**
Nonresidential	KBSF	2.24	0.95	**0.70**

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

Notes:

[1] Residents per unit is based on census data the 2010 U.S. Census American Community Survey 2015-19 5-Year Estimate for for Fulton CDP, Larkfield-Wikiup CDP, and Town of Windsor. Retail / commercial, office, and industrial density figures the 2017 Town of Windsor Impact Fee Study 2017.

[2] See Figure 3.

EXISTING FACILITIES DEMAND EDUS

Figure 5 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, the total existing demand EDUs for the District is 31,608. Existing demand EDUs represents the level of existing development served by the District's existing fire system.

FIGURE 5 – EXISTING DEMAND EDUS

Land Use	Unit	Existing Units [1]	Fire Facilities EDU Demand Factor [4]	Total Existing Demand EDUs
Calc		a	b	c = a * b
Single Family Housing	DU	23,007	1.00	23,007
Multi-Family Housing	DU	2,333	0.82	1,913
Mobile Home	DU	1,112	0.58	645
Nonresidential	KBSF	8,633	0.70	6,043
Total		**35,085**		**31,608**

Notes:

[1] See Figure 2.

[2] See Figure 4.

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 6 below presents a summary of replacement cost (in 2021 dollars) for the District's existing fire facilities (land and fire stations), apparatus (engines, ambulances, and special vehicles), and equipment.

Replacement values for Stations 2, 4, 5, and 7 are from the District's 2018 Facilities Condition Assessment Report prepared by Kitchell. Replacement values for other District stations are based on the average for Stations 2, 4, 5. 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 are provided in Appendix B.)

As shown below, the estimated replacement value of the District's existing fire protection facilities, apparatus, and equipment is approximately $87.4 million.

FIGURE 6 – REPLACEMENT VALUE OF EXISTING FIRE SYSTEM

Cost Components	Total Replacement Value (2021 $)[1]
Land Value	$4,377,000
Building Value	$71,650,312
Apparatus / Vechicles Value	$8,660,450
Equipment Value	$2,748,000
Total Fire System Facilities	**$87,435,762**

Source: Sonoma County Fire District; SCI Consulting Group

Notes:
[1] See Appendix B for more detail.

DETERMINATION OF THE FIRE IMPACT FEE

The 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 three 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 the cost to expand the District's fire facilities as growth occurs to maintain the existing level of service. As shown in Figure 7 below, this standard is represented by the existing fire system facilities cost of $2,766.25 per demand EDU.

FIGURE 7 – EXISTING FACILITIES STANDARD

Existing Fire System Facilities [1]	$87,435,762
Existing Demand EDUs [2]	31,608
Existing Facilities Standard	**$2,766.25**

Notes:

[1] See Figure 6.

[2] See Figure 5.

RESIDENTIAL FIRE IMPACT FEE DETERMINATION

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 four residential land use categories. The four residential land use categories are defined below.

- **"Single-family housing"** means detached or attached one-family dwelling unit with an assessor's parcel number for each dwelling unit.
- **"Multi-family housing"** means buildings or structures designed for two or more families for living or sleeping purposes and having kitchen and bath facilities for each family.
- **"Mobile home"** means a development area for residential occupancy in vehicles that require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle.
- **"Accessory dwelling unit"** or **"ADU'** means a dwelling unit, or granny flat, either a detached or attached dwelling unit, which provides complete, independent living facilities for one or more persons with provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence.

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

Figure 8, 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 District, Town, and County collection, documentation, annual reporting requirements, five-year report requirements, periodic Nexus Study updates, and other costs reasonably related to compliance with the Act.

Pursuant to Government Code 65852.2(f)(3)(A), the fire impact fee for the construction of an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For example, the calculation of the maximum fire impact fee for the construction of a 750 square foot accessory dwelling unit on a single-family parcel with a 2,250 square foot single-family home would be (750 / 2,250) * $3,645 = $1,215.00. Construction of ADUs less than 750 square feet of living area is exempt.

The District may approve, and the Town and County may adopt fees lower than the maximum, justified amounts shown below, provided that they are reduced by the same percentage for each land use category.

FIGURE 8 – MAXIMUM RESIDENTIAL FIRE IMPACT FEE

Residential Land Use Categories	Existing Facilities Standard [1]	EDU Demand Factor [2]	Cost per Dwelling Unit	Fee Program Admin. 4%	Average Living Area (Sq. Ft.) [3]	Maximum Fire Impact Fee [4]
Calc	a	b	c = a * b	d = c * 0.04	e	f = (c + d) / e
	---------- per dwelling unit ----------					- per sq. ft. -
Single Family Housing	$2,766.25	1.00	$2,766.25	$110.65	1,765	$1.62
Multi-Family Housing	$2,766.25	0.82	$2,268.33	$90.73	1,100	$2.14
Mobile Home	$2,766.25	0.58	$1,604.43	$64.18	1,400	$1.19
Assessory Dwellling Unit						See Figure 5

Notes:

[1] See Figure 7.

[2] See Figure 4.

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

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

[5] Pursuant to Govt. Code § 65852.2(f)(3)(A), development impact fees for a new accessory dwelling unit must be imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

NONRESIDENTIAL FIRE IMPACT FEE DETERMINATION

As stated earlier, the 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 is expressed per square foot of building area for three nonresidential land use categories. The three nonresidential land use categories are defined below.

- **"Retail / Commercial"** means retail, commercial, educational, and hotel/motel construction.
- **"Office"** means general, professional, and medical office construction.
- **"Industrial"** means manufacturing construction.

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 development's principal use are excluded.

Figure 9 below presents the calculation of the nonresidential fire impact fee. As shown, the fee for the three nonresidential land uses is determined by multiplying the existing facilities standard by their respective EDU demand factor plus an additional four percent for administration of the fire impact fee program. Note that costs are expressed per 1,000 square feet of nonresidential building area and then converted to a per-square-footage fee.

The District may approve, and the Town and County may adopt fees lower than the maximum, justified amounts shown below, provided that they are reduced by the same percentage for each land use category.

FIGURE 9 – MAXIMUM NONRESIDENTIAL FIRE IMPACT FEE

Nonresidential Land Use Categories	Existing Facilities Standard [1]	EDU Demand Factor [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 / Commerical	$2,766.25	0.63	$1,742.74	$69.71	$1,812.45	**$1.81**
Office	$2,766.25	1.03	$2,849.24	$113.97	$2,963.21	**$2.96**
Industrial	$2,766.25	0.44	$1,217.15	$48.69	$1,265.84	**$1.26**

Notes:

[1] See Figure 7.

[2] See Figure 4.

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

PROJECTED FIRE IMPACT FEE REVENUE

Figure 10 projects fire impact fee revenue through 2040 based on household and employment projections figures provided by the Association of Bay Area Governments. Residential demand assumes an annual growth rate of 1% for the Town and 0.26% for the unincorporated area of the District. It is assumed that nonresidential development will occur proportionately. Total fire impact fee revenue (in 2021 dollars) is then calculated by multiplying demand EDU growth by the existing facilities standard. As shown, fire impact fee revenue will contribute approximately $10.33 million (in 2021 dollars) towards the District's future long-term capital improvement plan, which represents new development's fair share of the plan.

Certainly, arguments can be made for higher or lower demand growth. However, the projected demand growth and fee revenue are merely estimates for planning purposes. The 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.

FIGURE 10 – PROJECTED FIRE IMPACT FEE REVENUE (DISTRICTWIDE)

Land Use Category	Current Demand EDUs (2021) [1]	Demand EDU Growth (2040) [2]	Existing Facilities Standard [3]	Projected Fire Impact Fee Revenue (2021$) [4]
Calc	a	b	c	d = b * c
Residential	25,565	3,021	$2,766.25	$8,356,000
Nonresidential	6,043	714	$2,766.25	$1,975,000
Total District	**31,608**	**3,735**	**$2,766.25**	**$10,331,000**

Source: Association of Bay Area Governments; SCI Consulting Group

Notes:

[1] See Figure 5.

[2] Based on a projected annual growth rate from the Association of Bay Area Governments of 1% for the Town of Windsor and 0.26% for the unincorporated areas of the District.

[3] See Figure 7.

[4] Rounded to the nearest thousand.

Fee revenue may be used to fund up to 100 percent of the cost of new (added) or expansion of fire stations or new apparatus, vehicles, ambulances, and equipment added to the District's inventory. Additionally, the District many need to replace apparatus and vehicles more quickly due to the increase in service calls from the growth in the persons and structure area created by new development. Therefore, the District may use fee proceeds to fund up to 10.6 percent of apparatus, ambulance, and vehicle replacement costs.[3] This amount represents costs attributable to the increased demand for existing apparatus and vehicle replacement to maintain the District's existing level of service.

Fee revenue may not be used to fund 1) existing deficiencies such as station renovations and 2) operational, maintenance or repair costs. (The use of the fee is detailed further in the next section.)

The District will need to fund existing deficiencies and any other purchases and improvement costs above District existing level of service 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.

[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. 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 solely and exclusively to fund facilities (land, stations, and other buildings), apparatus (engines, ambulances, and other vehicles), and equipment costs that expand the District's fire system capacity. Provided below is a summary of the allowable and prohibited uses of fee revenue.

FIGURE 11 – SUMMARY OF ALLOWABLE AND PROHIBITED USES OF FEE REVENUE

Allowable Uses	***Prohibited Uses***
▪ *New (added) or expanded land and facilities costs (100%)*	▪ *Existing deficiencies, such as improvements to existing facilities that do not expand service capacity*
▪ *Apparatus, ambulances, vehicles, and equipment purchases that expand the system inventory (100%)*	▪ *The portion of apparatus, vehicles, and equipment replacement costs attributable to existing development (89.4%)*
▪ *Facility costs already incurred to provide growth-related capacity (100%)*	▪ *Operational, maintenance, or repair costs*
▪ *The portion of apparatus, ambulances, and vehicles replacement costs attributable to new development (10.6%)*	
▪ *The portion of a renovation project that expands service capacity*	
▪ *Collection, accounting, documentation, annual reporting requirements, five-year report requirements, periodic nexus studies, and other costs reasonably related to compliance with the Act.*	

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 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. The fee revenue will be restricted to the uses described in the "Use of Fee Revenue" finding. Additionally, the Act ensures that fees are either expended expeditiously or revenue will be refunded. These Act requirements ensure that a development project paying the fire impact fee will benefit from its use. Moreover, since the District's fire protection and emergency response resources are organized as an integrated fire system, improvements and purchases with the District benefit the entire fire system.

IMPACT OR NEED RELATIONSHIP

New residential and nonresidential development projects in the District will increase the number of persons (residents and employees) and the structural area (residential area and nonresidential building area) in which 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 in order to maintain the District's existing service level. 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.

ROUGH 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 system. 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 six 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 Town Council and 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.).

SCI recommends that the notice and hearing requirements be duplicated by the District and the Town and County.

SONOMA COUNTY FIRE 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 ten days before the meeting, the District shall make the Nexus Study available to the public for review.
4. At least ten 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.

TOWN OF WINDSOR

1. The Town Council 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 Town 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 ten days before the meeting, the County shall make the Nexus Study available to the public for review.

4. At least ten 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 or resolution establishing the proposed fee program on behalf of the District.
6. The fee shall become effective 60 days after the adoption of the ordinance or longer as specified by the ordinance.

COUNTY OF SONOMA

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 ten days before the meeting, the County shall make the Nexus Study available to the public for review.
4. At least ten 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 the 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 an account should be deposited in that account and expended solely for the originally collected purposes.

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.

For the fifth fiscal year following the first receipt of any fire impact fee proceeds, and every three 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.

A refund shall be provided for 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.

TRANSPARENCY REQUIREMENTS

Pursuant to AB 1483 enacted in 2019, the District must clearly post the following information on the District's website regarding the fee program:

- The current fee schedule indicated the effective date when approved by the County Board of Supervisors and the Town Council.
- Current and five previous annual accounting reports.
- Fire Impact Fee Nexus Study, Final Report

FEE EXEMPTIONS

The following development projects 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 development project found to have no impact on the District's fire system.
- An accessory dwelling unit less than 750 square feet.

FEE CREDITS

A fee credit shall 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. The fee credit shall be based on the effective fee for the land use category that was demolished.

IMPROVEMENTS IN-LIEU OF FEES

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

FEE PROGRAM UPDATES

The fee program should be reviewed regularly and updated with any changes in the District's demographics, upon release of the 2020 U.S. Census, or significant changes in the District's facilities plan and associated costs.

AUTOMATIC ANNUAL INFLATIONARY ADJUSTMENT

The fire impact fee should be adjusted automatically without any further action by the District Board, Town Council, or County Board in the first day of each fiscal year by the net percentage change during the preceding calendar in the Engineering News-Record Construction Cost Index (20-City Average), or its successor publication.

APPENDICES

Appendix A – Map of District Boundaries and Fee Program Area

Appendix B – Fire System Inventory and Replacement Cost Estimates

APPENDIX A – MAP OF DISTRICT BOUNDARIES AND FEE PROGRAM AREA

FIGURE 12 – MAP OF DISTRICT BOUNDARIES AND FEE PROGRAM AREA

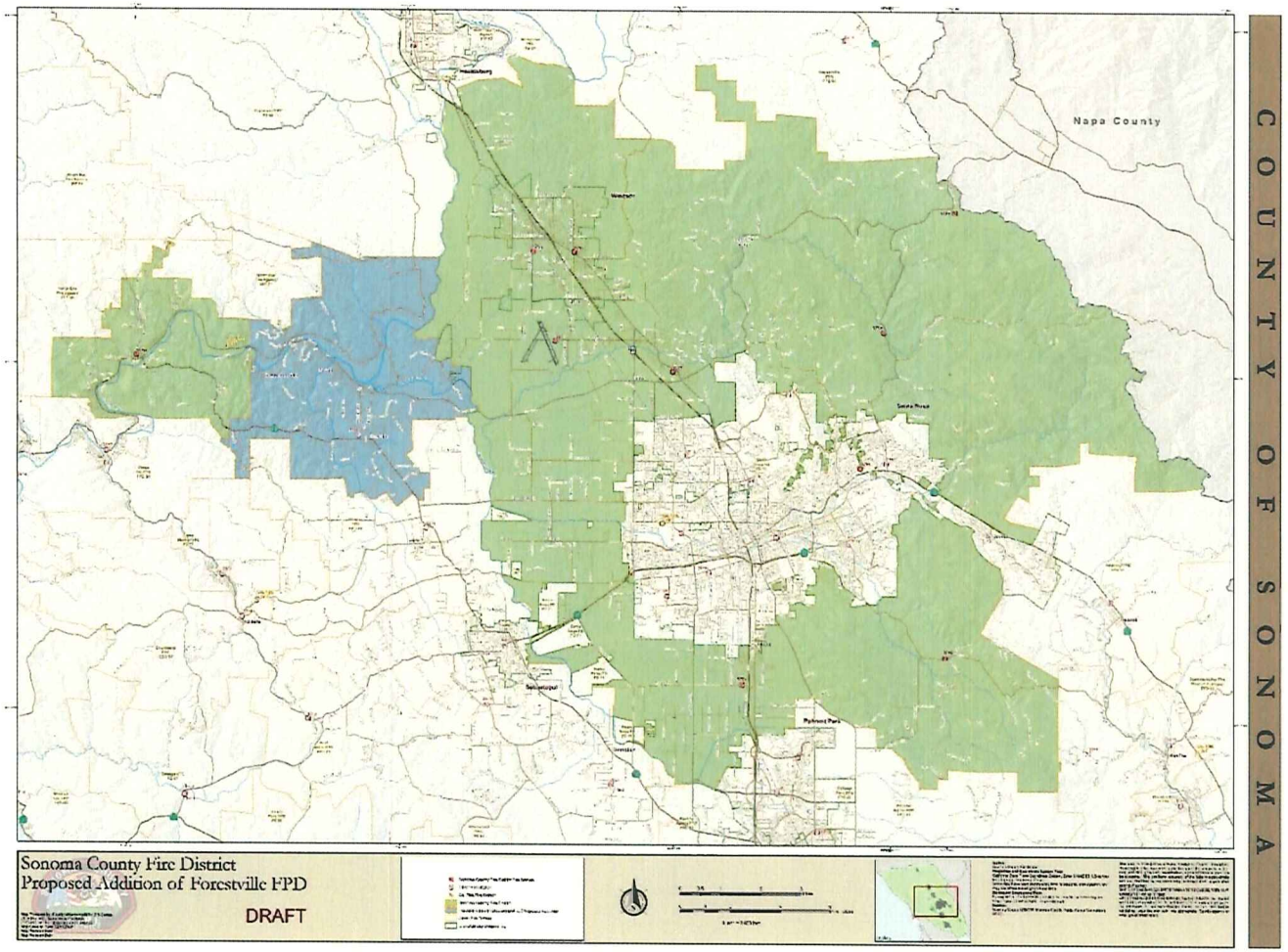


FIGURE 13 – EXISTING FIRE STATION INVENTORY

Fire Station	Units	Unit Cost [1]	Replacement Cost (2021$)
Calc	a	b	c = a * b
County Station 1, 8200 Old Redwood Highway, Windsor			
Land	1.30 acres	$400,000 per acre	$520,000
Buldings	17,122 sq. ft.	$1,225.00 per sq. ft.	$20,974,450
County Station 2, 45 Lark Center Drive, Santa Rosa			
Land	1.00 acres	$300,000 per acre	$300,000
Buldings	3,802 sq. ft.	$1,290.00 per sq. ft.	$4,904,580
County Station 3, 8600 Windsor Road, Windsor			
Land	2.00 acres	$400,000 per acre	$800,000
Buldings	7,700 sq. ft.	$1,225.00 per sq. ft.	$9,432,500
County Station 4, 207 Todd Road, Santa Rosa			
Land	1.00 acres	$300,000 per acre	$300,000
Buldings	3,626 sq. ft.	$1,060.00 per sq. ft.	$3,843,560
County Station 5, 91 Middle Rincon Road, Santa Rosa			
Land	3.00 acres	$300,000 per acre	$900,000
Buldings	3,838 sq. ft.	$1,319.00 per sq. ft.	$5,062,322
County Station 6, 5198 Sharp Road, Calistoga			
Land	0.58 acres	$300,000 per acre	$174,000
Buldings	3,900 sq. ft.	$1,225.00 per sq. ft.	$4,777,500
County Station 7, 2601 Calistoga Raod, Santa Rosa			
Land	0.58 acres	$300,000 per acre	$174,000
Buldings	1,250 sq. ft.	$500.00 per sq. ft.	$625,000
County Station 8, 6161 Bennett Valley Road, Santa Rosa			
Land	2.00 acres	$300,000 per acre	$600,000
Buldings	4,000 sq. ft.	$1,225.00 per sq. ft.	$4,900,000
County Station 9, Armstrong Wood Road, Guerneville			
Land	0.58 acres	$300,000 per acre	$174,000
Buldings	6,904 sq. ft.	$1,225.00 per sq. ft.	$8,457,400
6554 Mirabel Road, Forestville			
Land	1.45 acres	$300,000 per acre	$435,000
Buldings	7,080 sq. ft.	$1,225.00 per sq. ft.	$8,673,000
Total Replacement Cost (Land and Buildings)			**$76,027,312**

Source: Sonoma County Fire District; Kitchell; SCI Consulting Group

Notes:

[1] Replacement values for Stations 2, 4, 5 and 7 are from the District's 2018 Facilities Condition Assessment Report prepared by Kitchell. Building replacement values for the other stations are based on the average for Stations 2, 4, 5.

FIGURE 14 – APPARATUS, AMBULANCE, AND EQUIPMENT INVENTORY

Unit ID	Type	Make / Model	Year	Apparatus / Vechicles [1]	Equipment	Replacement Value (2021$)
5680	Type 1 Engine	Ferrara	2013	$487,500	$95,000	$582,500
5660	Type 3 Engine	Ferrara	2018	$350,000	$95,000	$445,000
5685	Type 1 Engine	Pierce	1994	$162,500	$95,000	$257,500
5630	Utility / Light Rescue	Dodge 3500	2000	$87,500	$12,000	$99,500
5640	Utility	Ford F-150	2011	$48,750	$12,000	$60,750
576	Ambulance	Demers F-450	2019	$210,000	$65,000	$275,000
577	Ambulance	Leader E-450	2009	$105,000	$65,000	$170,000
576R	Ambulance	Leader E-450	2014	$157,500	$65,000	$222,500
5644	Rescue Boat	Zodiac	2015	$7,500	$0	$7,500
5645	Jet Ski	Sea Doo	2016	$10,000	$0	$10,000
U7541	Utility Pickup	Chevrolet Silverado 2500	2009	$32,500	$12,000	$44,500
U7542	Utility SUV	Ford Expedition	2006	$32,500	$12,000	$44,500
U7543	Utility Pickup	Chevrolet 1/2 Ton 4x4	2006	$32,500	$12,000	$44,500
U7544	Utility SUV	Ford Expedition	2006	$32,500	$12,000	$44,500
U7545	Utility Pickup	Chevrolet Pickup	2010	$48,750	$12,000	$60,750
U7545	Utility Pickup	Dodge Dodge	2001	$16,250	$12,000	$28,250
U7546	Utility Pickup	Dodge Ram	2001	$16,250	$12,000	$28,250
U7548	Utility Pickup	Chevrolet K-1500 P/U	2008	$32,500	$12,000	$44,500
U75K9	Utility SUV	Ford Expedition	2007	$32,500	$12,000	$44,500
P7521	Utility Pickup	Chevrolet Silverado 1500	2017	$65,000	$12,000	$77,000
BC7	Utility Pickup	Chevrolet Silverado 2500	2019	$65,000	$12,000	$77,000
C7500	Utility SUV	Chevrolet Tahoe	2017	$65,000	$12,000	$77,000
C7502	Utility Pickup	Chevrolet Silverado 1500	2019	$65,000	$12,000	$77,000
7520	Utility Pickup	Chevrolet Silverado 1500	2019	$65,000	$12,000	$77,000
7546	Utility Pickup	Dodge 2500	2019	$65,000	$12,000	$77,000
R7531	Light Rescue	Ford Ferrara	2003	$75,000	$20,000	$95,000
R7532	Medium Rescue	International Pierce	2004	$100,000	$20,000	$120,000
R7538	Light Rescue	Ford F-550	2006	$150,000	$20,000	$170,000
T7550	Truck/Quint	Pierce Quint	2008	$600,000	$95,000	$695,000
E7581	Type 1 Engine	Ferrara Spartan	2006	$325,000	$95,000	$420,000
E7582	Type 1 Engine	Pierce Pierce	2008	$325,000	$95,000	$420,000
E7583	Type 1 Engine	Ferrara Gladiator	2015	$650,000	$95,000	$745,000
E7584	Type 1 Engine	Ferrara Gladiator	2015	$650,000	$95,000	$745,000
E7585	Type 1 Engine	Pierce Dash	1992	$162,500	$95,000	$257,500
E7586	Type 1 Engine	HME BME	2006	$162,500	$95,000	$257,500
E7588	Type 1 Engine	Pierce Saber	2003	$162,500	$95,000	$257,500
E7562	Type 3 Engine	HME International 34D	2016	$350,000	$95,000	$445,000
E7573	Type 3 Engine	International	2002	$87,500	$95,000	$182,500
E7574	Type 3 Engine	International	2002	$87,500	$95,000	$182,500
E7575	Type 3 Engine	International	1998	$87,500	$95,000	$182,500
E7576	Type 3 Engine	International	1992	$87,500	$95,000	$182,500
E7578	Type 3 Engine	International	2018	$350,000	$95,000	$445,000

FIGURE 14 – APPARATUS, AMBULANCE, AND EQUIPMENT INVENTORY (CONTINUED)

Unit ID	Type	Make / Model	Year	Apparatus / Vechicles [1]	Equipment	Replacement Value (2021$)
WT7592	Type 1 Water Tender	International Pierce	1997	$62,500	$50,000	$112,500
WT7591	Type 1 Water Tender	Beck Ottowa	1988	$62,500	$50,000	$112,500
WT7595	Type 2 Water Tender	Pierce Freightliner	2015	$250,000	$50,000	$300,000
WT 7598	Type 1 Water Tender	International Central States	1995	$62,500	$50,000	$112,500
Dodge Ram			1999	$8,750	$10,000	$18,750
Dodge Ram			2004	$8,750	$10,000	$18,750
Ford F150			1998	$8,750	$10,000	$18,750
Ford F250			2006	$17,500	$10,000	$27,500
5144	Watercraft	Yamaha EX 1050-UA	2019	$10,000	$0	$10,000
5140	Utility Pickup	Chevrolet Silverado	2018	$65,000	$12,000	$77,000
5191	Type 1 Engine	HME	2018	$650,000	$95,000	$745,000
5161	Type 3 Engine	HME 34D	2018	$350,000	$95,000	$445,000
5100	Utility	Ford F150 XL 4x4	2010	$48,750	$12,000	$60,750
5141	Watercraft	Zodia IRB	2010	$11,250	$0	$11,250
5136	Type 6 Engine	Ford F550 4x4 Diesel	2008	$87,500	$30,000	$117,500
5181	Type 1 Engine	Pierce Saber Enginer	2002	$162,500	$95,000	$257,500
5143	Watercraft	See Doo GTS	1998	$1,200	$0	$1,200
5175	Type 3 Engine	International 4900 Door	1996	$87,500	$95,000	$182,500
5142	Watercraft	16" Alum Crestline	1995	$500	$0	$500
Total Apparatus and Equipment				**$8,660,450**	**$2,748,000**	**$11,408,450**

Source: Sonoma County Fire 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%.)

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