



Kelseyville Fire Protection District Fire Mitigation Fee Nexus Study



Final Draft Report

Ridgeline Project # 23003

Prepared for:



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EXECUTIVE SUMMARY

This Fire Mitigation Fee Nexus Study (the “Nexus Study”) was prepared by Ridgeline Municipal Strategies, LLC (“Ridgeline”) for the Kelseyville Fire Protection District (the “District”) to update the District’s Fire Mitigation Fee (the “Fee”). The Fee is collected on all new development within the District to fund the one-time costs of public facilities used to provide fire protection and emergency medical response services.

The methodology of the Nexus Study satisfies the legal requirements of the Constitution of the United States of America, the Constitution of the State of California, and the California Mitigation Fee Act (the “Act”).

The District’s service area covers the communities of Kelseyville, Clear Lake Riviera, Riviera Heights, Riviera West, Buckingham, and Soda Bay in the unincorporated portion of the County of Lake (the “County”). The current version of the District’s Fire Mitigation Fee Program (the “Fee Program”) was adopted in 1992 by the County. The Nexus Study provides an update to the existing Fee based on new development projections through 2040 and recommends certain revisions to the Fee Program.

The Fee Program is designed to help the District provide fire protection and emergency medical response services to new development in a fiscally responsible manner. The Fee revenues can only be used to expand the District’s public facilities (buildings and structures, apparatus and vehicles, and equipment) to serve new development, including reimbursements to the District for facilities that have been upsized to accommodate new development. The Fee revenues cannot be spent on operations, maintenance or to address existing public facility deficiencies.

FEE PROGRAM UPDATE OVERVIEW

The demand for the District’s services and associated public facilities is driven by the building structures that the District protects. The District assesses the Fee on all new residential and nonresidential development within its service area, including additions to existing structures.

The Fee is calculated based on building square footage. The Fee amount per square foot is the same for all types of development.

Accessory dwelling units (“ADUs”) smaller than 750 sq. ft. are currently exempt from the Fee by the State law. A change in the law could result in such ADUs to no longer be exempt.

Buildings and structures owned and used by government entities, including, but not limited to, schools, city halls, administration buildings, fire and police stations, corporate yards, etc., are not subject to the Fee.

The existing development within the District consists of approximately 10.4 million building sq. ft. It is estimated to grow by approximately 15 percent (1.6 million sq. ft.) by 2040, with the bulk of the growth (64 percent) happening on the nonresidential side.

PROPOSED AND CURRENT FEE

Table 1 shows the proposed Fee amount. The Fee is collected on a per square foot basis for all development types and includes a 2% administrative surcharge.

Table 1
Kelseyville Fire Protection District
Proposed Fire Mitigation Fee (2023 \$)

Description	Amount / Sq.Ft.
Base Fee per Sq. Ft.	\$1.47
Administrative Surcharge 2%	\$0.03
Total Fee Amount	\$1.50

Source: Kelseyville Fire Protection District and Ridgeline

The Fee is based on cost estimates in 2023 dollars. To account for inflationary impacts, it is recommended that the Fee be automatically adjusted annually without further action by the District Board and the County Board of Supervisors on the first day of each fiscal year, starting July 1, 2024, by the previous calendar year percentage change in the Engineering News-Record Construction Cost Index (20-City Average), or its successor publication.

Since the Fee amount has not been updated since 1992, the proposed Fee increase is significant, as it captures three decades of inflation and takes into consideration the expansion of the District services to include emergency medical response. **Table 2** compares the existing and proposed Fee amounts.

Table 2
Kelseyville Fire Protection District
Comparison of Existing and Proposed Fee

Development Type	Existing Fee	Proposed Fee	Difference	Percentage Difference
All Development	\$1.00	\$1.50	\$0.50	50%

Source: Kelseyville Fire Protection District and Ridgeline

PROPOSED FEE PROGRAM CHANGES

The following changes are proposed to the Fee Program with this update:

- Eliminate Fee ceiling.
- Establish an automatic annual inflation adjustment.
- Make the Fee specific to the District service area of the County, with other fire protection districts setting their own fee amounts.

IMPLEMENTATION

The District’s Board of Directors, assisted by the District staff, should review and evaluate the Nexus Study for accuracy and alignment with the District’s operational and financial framework. Once the Board of Directors is satisfied that the legislative requirements of the Mitigation Fee Act are met and the Fee update recommendations are valid, it will need to approve the Nexus Study and forward it to the County with the recommendation for adoption on behalf of the District by the County Board of Supervisors per the requirements of the Mitigation Fee Act.

Upon receipt of the Nexus Study and receiving public input, the County Board of Supervisors will vote to approve findings and a resolution to adopt the updated Fee Program. If approved, the Fee will be imposed pursuant to the County’s development “police powers” under Article XI, section 7, of the California Constitution.

REPORT ORGANIZATION

Chapter I of this Nexus Study provides an overview of the District, the legal framework for the Fee, the Nexus Study’s purpose, the Fee calculation methodology, and the current Fee amount.

Chapter II contains the data on existing development and documents future development projections within the District.

Chapter III lists the existing and planned public facilities of the District.

Chapter IV contains the calculations for the public facility cost allocation across existing and future development and the proposed Fee amount.

Chapter V documents the nexus findings that address the requirements of the Mitigation Fee Act.

Chapter VI provides recommendations for adopting and implementing the Fee.

I. INTRODUCTION AND BACKGROUND INFORMATION

INTRODUCTION

The Lake County Fire Chief’s Association, on behalf of its member districts, retained Ridgeline Municipal Strategies, LLC to prepare fire mitigation fee nexus studies for each of the districts. This Nexus Study pertains to the Fee collected by the Kelseyville Fire Protection District (the “District”).

The County of Lake (the “County”), on behalf of the District, imposes the Fire Mitigation Fee (the “Fee”) on new development within the District’s service area. The Fee funds one-time public facility costs attributable to new development to allow the District to accommodate such new development and maintain its level of service.

The existing Fee was adopted by the Board of Supervisors of the County on October 10, 1992 by a Fire Mitigation Fee Ordinance that established the Fee for all unincorporated areas of the County.¹

There have not been any updates to the District’s Fire Mitigation Fee Program (the “Fee Program”) since then.

This Fee Program update is intended to address the public facilities necessary to accommodate the expected growth within the District through 2040.

The Nexus Study provides the legal and policy basis for the calculation and imposition of the Fee on all new development within the District. The study evaluates the existing Fee Program, considers the development changes that have occurred within the District, analyzes the impact of recent and future development on the District facilities, and documents the need for a Fee adjustment due to the amount of new development within the District, inflation and increasing public facility costs, and a wider scope of services provided by the District.

This chapter provides an overview of the District, the legal framework for the Fee, the Nexus Study purpose, the Fee calculation methodology, and the current Fee amounts.

DISTRICT OVERVIEW

The Kelseyville Fire Protection District is an independent special district located in Kelseyville, CA. The District provides a full range of fire protection, fire suppression, fire safety, emergency medical response, rescue and extrication, containment and mitigation of hazardous materials

¹ The County Fire Mitigation Fee Ordinance established a uniform fee for the entire County area, which is currently serviced by five fire protection districts (Kelseyville, Lake County, Lakeport, Northshore, and South Lake County). With this update of the Fee Program, each district will have its own fee program and fee amount reflecting its unique development pattern and public facility needs.

exposure, and other life safety services (the “Services”) on the south shore of Clear Lake, including the communities of Kelseyville, Clear Lake Riviera, Riviera Heights, Riviera West, Buckingham, and Soda Bay in the unincorporated portion of the County of Lake. The District’s service area covers approximately 100 square miles and has approximately 12,000 residents.

The District is governed by a five-member Board of Directors (the “Board”) and a career Fire Chief. The Board and Fire Chief are responsible for strategic planning, policy development, and approval of capital expenditures. The District employs 16 full-time equivalent employees and has 1 volunteer staff member based at two fire stations.

In 2022, the District responded to 2,266 calls, including structure and wildland fires, vehicle accidents, technical rescue, hazardous materials, and medical aid.

THE MITIGATION FEE ACT

The passage of Proposition 13 in 1978, Proposition 218 in 1996, and other State fiscal measures have limited the revenue availability for local public agencies. Local funding sources, such as property and sales taxes, are now mostly used for operations and maintenance and are often insufficient to fund public facilities and capital improvements. State and federal funding are not keeping up with the rising costs. The decline of popular support for bond measures has further restricted the local governments’ ability to develop infrastructure and facilities for the next generation of residents and businesses.

These funding limitations have led to declining service levels, accelerated physical deterioration, lower efficiency, and increasing maintenance and operating costs of public facilities. They have also resulted in an increasing need to use mitigation fees (also known as development impact fees, or simply impact fees) to fund new public facilities.

California’s mitigation fee statute originated in AB 1600, which went into effect in 1989. The bill added several sections to the Government Code (Sections 66000 through 66025), which are now officially known as the “Mitigation Fee Act” (the “Act”).

The Act sets forth requirements for establishing, increasing, and imposing mitigation fees, contains provisions concerning their collection, expenditure, and administration, and mandates periodic accounting, reporting, and re-evaluation of fee programs. The implementation and administration requirements mandated by the Act are covered in **Chapter VI** of the Nexus Study.

The fees (the term used throughout the Act) are defined as “a monetary exaction, other than a tax or special assessment... 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...”² The Nexus Study uses the term “mitigation fees” to mean such fees.

² Gov’t Code § 66000(b)

The Act broadly defines public facilities to include "public improvements, public services and community amenities³." The Act limits mitigation fees to an amount that "does not exceed the estimated reasonable cost of providing the service or facility for which the fee... is imposed"⁴ and prohibits the levy, collection, or imposition of mitigation fees for general revenue purposes. The case law and Gov't Code § 65913.8 stipulate that mitigation fees may not be used for operating or maintenance costs. The Act does not limit the types of facilities for which mitigation fees may be imposed, but does require that the collected fees be used for their intended purposes.

The Act specifies that mitigation fees "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 refurbish existing facilities to maintain the existing level of service or achieve an adopted level of service that is consistent with the general plan."⁵ As such, mitigation fees may be used to recover costs of existing facilities to the extent that such facilities are needed to serve new development and have the capacity to do so.

NEXUS STUDY PURPOSE

This Fire Mitigation Fee Nexus Study (the "Nexus Study") was prepared to satisfy the legal requirements governing mitigation fees, including provisions of the U. S. Constitution, the California Constitution, and the California Mitigation Fee Act.

The purpose of the Nexus Study is to establish the legal and policy basis for the continued imposition and update of the Fee within the District's service area by analyzing the impacts of new development on the need for fire protection and emergency medical response public facilities.

For purposes of this Nexus Study, the terms "public facility," "capital facility," and "facility" refer to:

- land, buildings, and improvements (including fire stations, administration buildings, and other building structures);
- fire apparatus, ambulances, and other vehicles; and
- equipment

used by the District to provide the Services.

The terms "development project" and "new development" refer to any residential or nonresidential project undertaken for the purpose of development that requires issuance of a permit for construction or reconstruction.

³ Gov't Code § 66000(d)

⁴ Gov't Code § 66005(a)

⁵ Gov't Code § 66001(g)

To update and impose the Fee, the Nexus Study demonstrates that a reasonable relationship, or “nexus,” exists between new development that occurs within the District and the need for public facilities. It is generally accepted that the concept of nexus encompasses the following three standards.

- *Need/Impact:* To be subject to mitigation fees, development has to create an impact and/or generate a need for public facilities to be funded by such fees. As a recipient of public services, new development results in additional demand for some or all public facilities. Absent a facility capacity increase to address the additional demand, the quality and/or availability of public services will deteriorate for the entire community. Mitigation fees may be used to recover public facility costs, but only to the extent that the need for such facilities is related to the development project paying the fees. The courts have held that development exactions can only be used to mitigate impacts of the projects upon which they are imposed. This Nexus Study quantifies and allocates development impacts on facility needs in terms of the total cost per square foot and contains the calculations necessary to document compliance with the need / impact standard.
- *Benefit:* Development must also benefit from the public facilities funded by the mitigation fees that it paid. In other words, the facilities funded by the fees have to be available to serve the development paying the fees. Moreover, the mitigation fee revenues must be segregated from other funds and used in a timely manner to fund the facilities for which they were collected. There is no legal requirement that facilities paid for with mitigation fee revenues can only be available to the development projects paying the fees. Unspent fees must be refunded. These requirements are put in place to ensure that new development benefits from the mitigation fees it is required to pay. This Nexus Study contains implementation provisions necessary to guide the District in compliance with the benefit standard.
- *Proportionality:* Finally, mitigation fees must be proportional to the impact created by development projects paying the fees. Proportionality is ensured through proper documentation of applicable facility costs and fee calculations that allocate these costs based on the impact created by different development types. The fee calculation methodology used in this Nexus Study is designed to ensure compliance with the proportionality standard.

The Act stipulates that any mitigation fee program must meet and document five nexus findings.⁶ **Chapter V** of this Nexus Study addresses this requirement.

MITIGATION FEE CALCULATION METHODOLOGY

There are several accepted mitigation fee calculation methodologies. The methodology selection is usually determined by the types of services provided, types of public facilities required,

⁶ Gov’t Code § 66001

development patterns, and availability of data. Regardless of the selected methodology, the facility cost allocation must be done in proportion to the need created by new development.

New development's impact can be quantified by selecting a variable that best reflects such impact and corresponds to the type of services required, such as added square footage, population, employment, vehicle trips, call volume, etc. AB 2668, which amended the Act, states that any "nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of proposed units of the development,"⁷ unless certain conditions are met and properly documented.

- *The Plan-Based Methodology* is utilized when there are clearly defined capital improvement or facility plans prepared for new development. The facilities needed to serve the new development are identified and their costs are allocated to each development category in proportion to the generated service demand. The total required facility cost is divided by the total additional demand units to calculate a cost per demand unit (e.g., a cost per square foot of new construction). This methodology is most often used to set fees for large development projects requiring its own public facilities.
- *The Capacity-Based Methodology* is utilized when a facility's capacity can only accommodate a known level of development. The total facility cost is proportionately allocated to each unit of development within the facility's service area. If incremental facility costs can be allocated to an incremental development unit, this approach provides sufficient flexibility to accommodate changing development patterns.
- *The Standard-Based Methodology* is based on a specified service standard required for each unit of development. The standard can be established as a matter of policy or be based on the service level that is being provided to existing development. Once the standard for each development unit is established, a cost to achieve the standard can be allocated proportionately.

Under each methodology type, the agency can utilize the mechanism of buy-in fees to recover a portion of the existing facility costs, provided the facilities have capacity available to serve additional development.

The general order to calculate mitigation fees is as follows:

1. Quantify existing development units and prepare new development projections.
2. Develop capital improvements or facilities plan, identify facility service capacity, and/or establish a service standard.
3. Determine the amount and cost of facilities required to accommodate new development.
4. Calculate mitigation fee by allocating the total facility costs per unit of development (usually on a square foot basis).

⁷ Gov't Code § 66016.5(5)(A)

Proper methodology allocates public facility costs to new development fairly and ensures that new development is not required to fund existing service deficiencies, while existing development is not subsidizing facilities for new development.

Given the fixed service area of the District, the coverage and response times provided by the existing fire stations, and the limited anticipated development growth pattern, the capacity-based methodology will be utilized in this Nexus Study.

During the preparation of the Nexus Study, the District determined the scope of facilities needed to ensure that they can accommodate the anticipated new development. The Nexus Study uses the District's current and planned facilities as the facilities standard. The existing facilities serve the current population and have the capacity to serve new development. However, as future growth occurs, some facility expansion will be necessary.

To mitigate its impact on the District's service level, new development is required to pay mitigation fees to cover its proportionate fair share of the one-time facility costs.

The District has the flexibility to revise the list of necessary facilities shown in this report as conditions change. If the cost of facilities necessary to serve the anticipated growth materially changes, the District should update the Fee Program accordingly.

The current service standard is based on the District's ratio of existing facilities to the square footage of existing development. Existing development refers to the current residential and nonresidential development within the District's service area. However, the existing facilities have been upsized to accommodate additional development.

The Act requires that in establishing a mitigation fee program, the facilities funded by the fee must be identified. This Nexus Study contains a detailed list of facilities and the associated costs and replacement values.

The District's facilities form a comprehensive fire protection and emergency medical response system benefiting the District's entire service area. The resources of one station are not limited to the use of nearby properties, but are used to provide coverage to the entire service area as needed. Responding to service calls often requires resources from multiple stations. Similarly, new development will be served by all of the District facilities, not just by those of the nearest station.

The terms "standard" and "level of service" will be used throughout the Nexus Study (at times interchangeably) to describe the level of public facility investment needed to serve the community.

A *standard* is defined as the benchmark that the District plans to achieve for any particular facility.

A *level of service* is the actual level of benefit experienced by the existing development. Level of service may be different from the standard for a given facility.

When the existing level of service is less than the standard, or the facility is over capacity relative to the standard, a deficiency exists, and new development is not expected to cover that deficiency. If the opposite is the case and there is a capacity surplus, the District may recover a portion of its investment in that facility that is available to serve new development.

If there is no established standard for a given facility, the existing level of service becomes the *de facto* “current standard,” and the two terms may be interchangeable.

By policy, the District can adopt its own reasonable facility standards to reduce, maintain, or increase the existing standard. However, basing the Fee on a standard that is higher than the existing level of service is fair to new development only if the District uses alternative funds to increase the capacity of facilities benefiting the existing development.

The District’s existing two fire stations will continue to provide services to the existing and future development. As such, new development is required to contribute its fair share of the existing facility costs.

Additionally, the District anticipates that a new fire station and the associated apparatus, vehicles, and equipment, are necessary to improve its overall service level to properly address the community needs. As such, new development is required to contribute its fair share of funding for these new facilities in proportion to the benefit it receives from such facilities.

CURRENT FEES

The current Fee within the County area was adopted in 1992 based upon the analysis performed by the Lakeshore Fire Protection District, a nearby agency within the County. The Fee ceiling was set at \$1.00 per sq. ft. The Fee was adopted before the District started providing the emergency medical response services. The Fee has not been updated since its adoption and does not include an inflation adjustment provision. The Fee ordinance provides for a 2% administrative surcharge. The Fee is currently being charged at the ceiling level.

When the Fee was first adopted and last updated, the following assumptions were utilized:

- The District served a smaller population and required less facilities.
- Facility costs were significantly lower than they are now. For instance,
 - Fire station construction costs were estimated at \$64-70 per sq. ft. (compared to \$600 per sq. ft. currently).
 - Class A Engine / Pumper cost was estimated at \$200,000 (compared to \$700,000 currently).
 - Water Tender cost was estimated at \$110,000 (compared to \$400,000 - \$550,000 currently).

For the most recent 5-year period (calendar years 2018-2022), the District collected Fee revenue of \$140,642.

II. EXISTING AND PROJECTED DEVELOPMENT

To develop growth projections for this Fee Program update, Ridgeline analyzed existing development and recent building permit data for the District service area. The growth projections reflect recent residential and nonresidential development trends and known proposed projects. To ensure that new development contributes its fair share of facility funding, the growth projections and the associated public facility costs are estimated through 2040.

The existing and projected development data provided in this chapter will be used to establish levels of service, analyze facility needs, allocate facility cost between existing and future development, and calculate the updated Fee amount.

SERVICE AREA

The District boundary constitutes the service area analyzed in this Nexus Study. It encompasses the communities of Kelseyville, Clear Lake Riviera, Riviera Heights, Riviera West, Buckingham, and Soda Bay in the unincorporated portion of the County of Lake, as shown on **Figure 1**.

Figure 1
Kelseyville Fire Protection District
Service Area Map



The District is responsible for the protection of a variety of geographical areas, ranging from residential neighborhoods, commercial and industrial buildings, rural areas, and agricultural and public lands. The District covers approximately 100 square miles and serves a population of approximately 12,000 residents.

In 2020-2022 calendar years, the District responded to approximately 7,400 service calls. Rescue and EMS calls constituted 77% of all calls, as shown in **Table 3**. On average, the District received approximately 2,480 service calls per year over the past three years.

**Table 3
Kelseyville Fire Protection District
Service Calls Summary - 2020-2022**

Incident Type	Incidents				%
	2020	2021	2022	Total	
Fire	63	69	71	203	2.73%
Rescue & Emergency Medical Service	2,194	1,938	1,739	5,871	78.99%
Hazardous Conditions (No Fire)	41	66	49	156	2.10%
Service Call	139	134	157	430	5.79%
Good Intent Call	211	197	209	617	8.30%
False Alarm / False Call	64	46	41	151	2.03%
Special Incident	1	4	0	5	0.07%
TOTAL	2,713	2,454	2,266	7,433	100.00%

Source: Kelseyville Fire Protection District

TYPES OF DEVELOPMENT

The demand for the District’s Services and the associated public facilities is driven by the residential and nonresidential building structures within the service area. Therefore, the District assesses the Fee on all new residential and nonresidential development within its service area, including additions to existing structures.

The District currently charges a uniform fee per building square foot regardless of development type. The uniform Fee structure is supported by the following observations:

- The recent revision of the Act (AB 2668) stipulates that a fee per square foot should be the default method for setting mitigation fees for housing development,⁸ which inherently incorporates service demand differences between various residential development types.

⁸ Gov’t Code § 66016.5(5)(A)

- Nonresidential development within the District is fragmented and lacks major dominant categories. Significant growth in nonresidential development is not anticipated.
- The current building code mandates all new buildings to be sprinklered.
- Building height differences have not proven to significantly impact the demand for fire protection and medical emergency response services.

Recent legislation (SB 13) requires that mitigation fees for accessory dwelling units (“ADUs”) must be proportional to the relationship between the square footage of the ADU and the square footage of the primary unit. With the Fee being calculated on a square foot basis for both the primary unit and the ADU, the proportionality requirement is maintained. The Fee may not be imposed on an ADU smaller than 750 sq. ft. under the current State Law.

Buildings and structures owned and used by government entities, including, but not limited to, schools, city halls, administration buildings, fire and police stations, corporate yards, etc., are exempt from the Fee and, as such, are excluded from nonresidential development.

NEW DEVELOPMENT PROJECTIONS

Development projections are an important input for the Nexus Study. The Fee is calculated by allocating the total cost of all facilities needed throughout the District by 2040 across all residential and nonresidential development expected to be in place by that time, and then using that allocation to calculate the Fee for new development.

EXISTING DEVELOPMENT SUMMARY

As shown in **Table 4**, the existing residential and nonresidential development within the District makes up approximately 10.4 million sq. ft.

Table 4
Kelseyville Fire Protection District
Existing Development Summary

Development Type	Parcels with Structures	Total Sq. Ft.	Avg. Sq. Ft. / Parcel
Residential			
Residential Parcels	4,940	8,361,100	1,693
MHC Sites [1]	590	755,200	1,280
Subtotal: Residential	5,530	9,116,300	1,649
Nonresidential			
Non-Residential Parcels	246	1,042,800	
Recent Hoop House Construction		103,000	
Recent Winery Improvements		89,100	
Subtotal: Nonresidential	246	1,234,900	
TOTAL	5,776	10,351,200	

Source: County of Lake, Kelseyville Fire Protection District, Ridgeline

[1] See Table A-1.

Existing Development Calculation Methodology

To prepare the existing development summary, we analyzed the 2022 parcel data set that was provided to the District by the County (the “2022 Parcel Data”), as well as the Fee collections data for the past 5 years provided by the District.

The 2022 Parcel Data was missing building square footage data for manufactured homes, so we made the following assumptions, which were added to the data set:

- An average single-wide manufactured home was assumed to be 960 sq. ft.
- An average double-wide manufactured home was assumed to be 1,600 sq. ft.
- All parcels marked in the 2022 Parcel Data as having a “trailer on site” were reviewed on Google Maps and a visual determination was made on the type of home located there, if one was visible.
- For manufactured home communities, a home count was performed utilizing Google Maps imagery.

The supporting data for the manufactured home communities is summarized in **Table A-1** in **Appendix A**.

The typical manufactured home sizes are based on the information from MHVillage⁹:

⁹ <https://www.mhvillage.com/resources/buyers/explore/mobile-home-sizes-guide>

- single-wide homes range from 480 to 1,440 sq. ft., with a midpoint of 960 sq. ft.
- double-wide homes range from 640 to 2,560 sq. ft., with a midpoint of 1,600 sq. ft.

We also updated the 2022 Parcel Data to include all development that paid mitigation fees in 2018-2022 calendar years.

Finally, we reviewed the 2022 Parcel Data to identify all parcels with building assessed value of \$50,000 or more and no building square footage data. For such parcels, we manually estimated the building size using Google Earth or other available information.

DEVELOPMENT PROJECTIONS

To prepare future development projections through 2040, we utilized the following approach:

- *Residential Development – New Homes:* Based on the mitigation fee collections data for the past 5 years, an average of 14 new homes totaling approximately 28,100 sq. ft. were built within the District each year. We assume that this trend will continue unchanged through 2040.
- *Residential Development – Additions:* Based on the mitigation fee collections data for the past 5 years, an average of 3,700 sq. ft. of existing home additions took place within the District each year. We assume that this trend will continue unchanged through 2040.
- *Hoop Houses Development:* Based on the information provided by the District, an average of approximately 25,800 sq. ft. of hoop house development has been taking place within the District each year for the past 4 years. We assumed that this trend will continue for 10 years.
- *Winery Improvements:* Based on the information provided by the District, a total of approximately 89,100 sq. ft. of various winery improvements have been identified within the District in the past several years. As their timing for the most part is unknown, we assumed that they took place over the last 4 years. We assumed that this trend will continue for 10 years.
- *Nonresidential Development:* Based on the mitigation fee collections data for the past 5 years, an average of approximately 29,400 sq. ft. of nonresidential development takes place within the District each year. We assumed that this trend will continue unchanged throughout 2040.

The new development activity details for the past 5 years are provided in **Tables A-2, A-3, and A-4** in **Appendix A**.

As shown in **Table 5**, new development within the District is estimated to add approximately 1.6 million building sq. ft. through 2040, based on the assumptions identified above. Most of that growth (64%) is expected to be on the nonresidential side.

Table 5
Kelseyville Fire Protection District
Future Development Projections - 2023-2040

Development Type	Source	Units / Yr	Sq.Ft. / Yr	Total Sq.Ft. Thru 2040
Residential - New Homes	Table A-2	14	28,100	505,800
Residential - Additions	Table A-4		3,700	66,600
Nonresidential - Hoop Houses	Table A-3		25,800	258,000
Nonresidential - Wineries	Table A-3		22,300	223,000
Nonresidential - Miscellaneous	Table A-4		29,400	529,200
Total		14	109,300	1,582,600

Source: Kelseyville Fire Protection District, Ridgeline

As shown in **Table 6**, the total development within the District is projected to reach approximately 11.9 million sq. ft. by 2040. This development estimate assumes the continuation of the recent growth rates and does not constitute the buildout calculation for the District.

Table 6
Kelseyville Fire Protection District
Existing Dev't and Growth Projections Summary (2022 - 2040)

Description	Sq. Ft.
Residential Development	
Existing Development	9,116,300
Projected Future Development	572,400
<i>Subtotal: Residential Development</i>	<i>9,688,700</i>
Nonresidential Development	
Existing Development	1,234,900
Projected Future Development	1,010,200
<i>Subtotal: Nonresidential Development</i>	<i>2,245,100</i>
<hr/>	
Total Development	
Existing Development	10,351,200
Projected Future Development	1,582,600
Total Development	11,933,800

Source: Kelseyville Fire Protection District, County of Lake, and Ridgeline.

III. DISTRICT FACILITIES INVENTORY

To provide its Services, the District relies on a system of public facilities (administrative office, fire stations, apparatus, and equipment). Anticipated new development occurring through 2040, as well as the existing development's service demand, require construction of a new station and procurement of additional vehicles and equipment so that the District can continue providing timely responses to calls for fire, medical, and other emergencies. Planned facility needs are determined by the District based on response time requirements and overall Services demand.

This chapter provides an inventory of the District's existing and planned facilities and their replacement and estimated costs.

The terms "public facility," "capital facility," and "facility" in this Nexus Study refer to:

- Land, buildings, and improvements (including fire stations, administration buildings, and other building structures);
- Fire apparatus, ambulances, and other vehicles; and
- Equipment

used by the District to provide its Services.

The District provided inventories and replacement cost estimates for the existing facilities. A prior capital improvement project was funded through debt financing, and the associated remaining financing costs are included in the existing facility cost estimates.

The District also provided inventories and cost estimates for planned facilities needed to serve existing and future development through 2040. It is assumed that the new fire station construction and some of the additional and replacement apparatus will be financed. The estimated financing costs are included in the planned facility cost estimates.

All replacement value and cost estimates are expressed in 2023 dollars and based on the best currently available information. The District will conduct periodic facility cost and development pattern reviews and make Fee adjustments if this information materially changes or if other funding sources become available.

LAND, BUILDINGS, AND IMPROVEMENTS

EXISTING FIRE STATIONS AND STRUCTURES

The District presently operates two fire stations and a headquarters facility. **Table 7** offers details about these structures, their construction years, site areas and building sizes, and estimated replacement costs.

Table 7
Kelseyville Fire Protection District
Existing Fire Stations and Structures (2023 \$)

Facility Name / Address	Year Built	Site Area (acres)	Bldg Sq.Ft.	Land Value [1], [2]	Building Insured Value [2]	Total Replacement Cost
District Headquarters / Station 55						
4020 Main Street	2006	0.95	9,500	\$525,000	\$3,000,000	\$3,525,000
Kelseyville CA 95451	1955					
Station 56						
9757 Hwy 281	1977	0.39	3,335	\$58,500	\$2,000,000	\$2,058,500
Kelseyville CA 95451						
TOTAL		1.34	12,835	\$583,500	\$5,000,000	\$5,583,500

Source: Kelseyville Fire Protection District and Ridgeline

[1] Land value is the greater of (a) actual cost or (b) current market comparables.

[2] Actual land cost and building insured value is provided by the District. Current market value of land is estimated at \$150,000 per acre based on market comparables.

The replacement cost includes the land value and building replacement cost. The land value is the greater of (a) the actual cost paid by the District or (b) the current market comparable. The current land value estimate based on market comparables is provided in **Table B-1 in Appendix B**. The replacement cost of the buildings is based on their insured value as determined by the District’s insurance company.

PLANNED FIRE STATIONS

To continue providing proper level of Services to its existing and future development, the District plans to add a new station, as shown in **Table 8**.

Table 8
Kelseyville Fire Protection District
Planned Fire Stations (2023 \$)

Facility Name / Address	Site Area (acres)	Bldg Sq.Ft.	Site Cost [1]	Construction Cost	Total Estimated Cost [2]
New Station	0.50	4,000	\$75,000	\$2,134,000	\$2,209,000

Source: Kelseyville Fire Protection District and Ridgeline

[1] Site cost estimated at \$150,000 per acre based on market comparables.

[2] Total cost estimate provided by the District.

The District has not acquired the site for the new station at this time. The site cost is estimated based on the current market comparables, as shown in **Table B-1** in **Appendix B**. The construction cost is estimated by the District based on interviews with other fire districts that are in the process of building new fire stations. The timing of the new station construction will depend on funding availability.

FIRE APPARATUS, AMBULANCES, AND OTHER VEHICLES

EXISTING FLEET

Table 9 details the District’s current fleet of firefighting apparatus, ambulances, and other vehicles. The replacement cost estimate was provided by the District and is based on the current market prices of comparable vehicles. These vehicles constitute an essential capital investment needed to provide the Services and have at least a five-year service life.

Table 9
Kelseyville Fire Protection District
Existing Fire Apparatus and Vehicles Inventory (2023 \$)

Description	Model Year	Qty	Replacement Cost
Pierce Saber	2001	1	\$800,000
Ferrara Pumper Type 1 Engine	2019	1	\$800,000
Fireblast Training Trailer	2008	1	\$800,000
Freightliner Water Tender	1998	1	\$450,000
International Pumper Type 3 Engine	2015	1	\$400,000
International Pumper	1989	1	\$400,000
Dodge Ambulance	2015	1	\$400,000
Dodge Ambulance	2014	1	\$400,000
Dodge Ram Type 6 Engine	2022	1	\$350,000
International Squad	1995	1	\$250,000
Ford Transit Ambulance	2018	1	\$100,000
Ford Transit Ambulance	2019	1	\$100,000
Dodge Ram 2500 Chief	2020	1	\$80,000
Dodge Ram 2500 Utility	2012	1	\$80,000
Dodge Ram 2500 Prevention	2011	1	\$80,000
Polaris UTV	2013	1	\$45,000
TOTAL		16	\$5,535,000

Source: Kelseyville Fire Protection District

PLANNED FLEET EXPANSION

To maintain adequate service levels and response times, the District plans to expand its fleet by adding a Type 3 engine and a utility truck, which will be located at the planned new station.

Table 10 details these planned additions, along with the cost estimates based on current market prices of comparable vehicles.

Table 10
Kelseyville Fire Protection District
Planned Fire Apparatus and Vehicles (2023 \$)

Description	Qty	Cost per Unit
Fire Engine - Type 3	1	\$460,000
Utility Truck	1	\$80,000
TOTAL		\$540,000

Source: Kelseyville Fire Protection District

EQUIPMENT

EXISTING EQUIPMENT INVENTORY

Fire protection and emergency medical response is an equipment-intensive service. The District’s facilities, vehicles, and personnel are equipped with and utilize various types of machinery, tools, gear, and technology valued at approximately \$1.45 million, as documented in **Table B-2** in **Appendix B**. The replacement cost estimate was provided by the District and is based on the recent prices paid and current market prices of comparable equipment. This equipment constitutes an essential capital investment needed to provide the Services and all items listed have at least a five-year service life.

PLANNED ADDITIONAL EQUIPMENT

With the new station addition, the District needs to expand its equipment inventory to maintain service levels. The total cost of the additional equipment is estimated at approximately \$245,000, as shown in **Table B-3** in **Appendix B**. The cost estimate is based on recent prices paid, current market prices for comparable equipment, and third party estimates.

FACILITY FINANCING COSTS

Financing plays a vital role in ensuring generational equity and facility costs allocation to the service population benefiting most from the facility rather than requiring existing development to pay for facilities for future residents.

The District currently has one loan outstanding. The loan financed a station upgrade project and is scheduled to be repaid in 2025. The financing costs associated with this loan are the remaining interest payments and are shown in **Table 11**.

Table 11
Kelseyville Fire Protection District
Existing Financing Costs (rounded)

Description	Amount
Fire Station Loan	\$22,400
Total Existing Financing Costs	\$22,400

Source: Kelseyville Fire Protection District

The District expects to finance the new station construction with bonds or bank loan. Fleet expansion vehicles and existing fleet replacement for the vehicles costing \$250,000 or more will also be financed. All vehicle financing is expected to be done through municipal equipment leases, which work like loans (the District pays off the entire financed amount over the term of the lease and keeps the vehicle once the lease is fully paid off).

All equipment is expected to be paid for with cash.

The financing costs include the costs of issuance and interest on the bonds, loans, and leases.

Table 12 shows the expected future financing costs.

Table 12
Kelseyville Fire Protection District
Planned Facilities Financing Costs (2023 \$)

Description	Financed Amount	Financing Term (yrs)	Interest Rate	Total Payments	Interest Cost	Cost of Issuance	Total Financing Cost
New Station	\$2,209,000	20	4.00%	\$3,250,842	\$1,041,842	\$125,000	\$1,166,842
Fire Engine - Type 3	\$460,000	10	4.35%	\$577,063	\$117,063	\$6,000	\$123,063
Utility Truck	\$80,000	5	4.35%	\$90,736	\$10,736	\$2,000	\$12,736
Apparatus Replacement [1]	\$5,050,000	7	4.35%	\$5,966,059	\$916,059	\$50,500	\$966,559
Total (Rounded)	\$7,799,000			\$9,885,000	\$2,086,000	\$184,000	\$2,269,000

Source: Kelseyville Fire Protection District and Ridgeline

[1] Assumes that all replacement apparatus costing \$250,000 and over is financed with average term of 7 years.

FACILITIES SUMMARY

Table 13 summarizes the replacement values for the existing facilities and the estimated costs for the planned facilities. The total cost estimate of \$17.8 million includes approximately \$12.6 million for existing facilities and \$5.3 million for planned facilities and financing costs.

Table 13
Kelseyville Fire Protection District
Facilities Summary (2023 \$) (rounded)

Description	Source	Amount
<i>Existing Facilities</i>		
Fire Stations and Structures	Table 7	\$5,584,000
Apparatus & Vehicles	Table 9	\$5,535,000
Equipment	Table B-2	\$1,445,000
Financing Costs	Table 11	\$22,000
<i>Subtotal: Existing Facilities</i>		<i>\$12,586,000</i>
<i>Planned Facilities</i>		
Fire Stations and Structures	Table 8	\$2,209,000
Apparatus & Vehicles	Table 10	\$540,000
Equipment	Table B-3	\$245,000
Financing Costs	Table 12	\$2,269,000
<i>Subtotal: Planned Facilities</i>		<i>\$5,263,000</i>
Total Facilities		\$17,849,000

Source: Kelseyville Fire Protection District and Ridgeline

These facilities benefit both the existing and future development within the District. The cost allocation among the existing and future development is calculated in the next chapter of the Nexus Study.

IV. FACILITY COST ALLOCATION AND FEE CALCULATION

This chapter of the Nexus Study documents the District’s existing and planned facility cost allocation to the existing and future development and calculation of the proposed Fee amount.

The existing development has paid and will continue to pay its fair share of the costs through the prior Fee payments, property taxes, General Fund balances, and other one-time and on-going revenue sources. The future development is required to pay its fair share of the facility costs through the Fee.

The Fee is comprised of the new development’s share of the facility costs and an administration surcharge, as discussed below.

COST ALLOCATION AND METHODOLOGY

The Act requires that mitigation fee calculations ensure a reasonable relationship between the amount of the fee and the cost of public facilities attributable to the development on which the fee is imposed. In this chapter, the cost of the District’s system-wide facilities is allocated to the existing and future development in proportion to their demand for Services.

The facility cost allocation and the updated Fee amount calculation use the capacity-based methodology, as discussed in Chapter I. Capacity-based fees allocate system-wide facility costs to all existing and future development.

For the District, the costs for all existing and planned facilities are allocated to all existing and future development to ensure that the Fee charged to future development covers its proportionate fair share of the total facility costs.

SERVICE DEMAND VARIABLE

To calculate mitigation fees, the relationship between facility needs and development must be quantified through cost allocation formulas. This Nexus Study uses building square footage as the service demand variable representing development’s impact on public facilities.

Service demand variables are selected because they either directly measure service demand or are reasonably correlated with that demand. The recent Act update (AB 2668) requires that all nexus studies adopted after July 1, 2022 calculate mitigation fees for housing development based on building square footage, unless a finding is made that such methodology is not appropriate¹⁰. The District believes that the methodology recommended by the State is suitable for the Fee calculation. Moreover, the square footage has been the demand variable for the Fee calculation since its original implementation.

¹⁰ Gov’t Code § 66016.5(5)(A) and (B)

The majority of existing development within the District is residential. Nonresidential development, for the most part, supports the existing residential development. The District responds to residential and nonresidential development calls from the same facilities. Therefore, it does not believe that different fee amounts are warranted for residential and nonresidential development within its service area.

As discussed in Chapter II, the District currently services approximately 10.4 million sq. ft. of residential and nonresidential development. The District projects that an additional 1.6 million building sq. ft. will be developed within the District by 2040. The total amount of development serviced by the District is expected to reach 11.9 million sq. ft. by 2040.

NET FACILITY COSTS

As discussed in Chapter III, the public facilities needed to serve the existing and projected development are valued at approximately \$17.8 million (in 2023 dollars).

As of April 30, 2023, the District had approximately \$295,000 in unspent Fee proceeds, which are available to help fund the planned facilities identified in this Nexus Study. **Table 14** calculates the net public facility costs that need to be allocated across the existing and future development.

Table 14
Kelseyville Fire Protection District
Net Facility Costs (2023 \$)

Description	Amount
Facilities	
Existing Facilities	\$12,586,000
Planned Facilities	\$5,263,000
<i>Total Facility Costs</i>	<i>\$17,849,000</i>
Available Funding Sources	
Mitigation Fee Account Balance	\$295,000
<i>Total Available Revenue</i>	<i>\$295,000</i>
Net Facility Costs	\$17,554,000

Source: Kelseyville Fire Protection District and Ridgeline

NET FACILITY COSTS ALLOCATION

The next step in calculating the Fee amount is to allocate the Net Facility Costs to the existing and future development. **Table 15** shows the allocation of the Net Facility Costs per sq. ft. of all existing and projected development through 2040.

Table 15
Kelseyville Fire Protection District
Facility Cost Allocation Factor (2023 \$)

Description	Amount
Net Facility Costs	\$17,554,000
Total Development (sq.ft.)	11,934,000
Cost per Sq.Ft.	\$1.47

Source: Kelseyville Fire Protection District, County of Lake, and Ridgeline

FEE CALCULATION PER SQUARE FOOT

The final step in calculating the Fee amount is to add the administrative surcharge, which is commonly set at 2%. This surcharge covers the Fee Program implementation and management costs, including nexus studies and on-going monitoring and reporting.

Table 16 shows the Fee calculation per sq. ft. of new development within the District.

Table 16
Kelseyville Fire Protection District
Fire Mitigation Fee Calculation (2023 \$)

Description	Amount / Sq.Ft.
Base Fee per Sq. Ft.	\$1.47
Administrative Surcharge 2%	\$0.03
Total Fee Amount	\$1.50

Source: Kelseyville Fire Protection District and Ridgeline

PROJECTED FEE REVENUE

The total Fee revenue through 2040 can be estimated by multiplying the Fee calculated in **Table 16** by the projected square footage of new development from **Table 5**. As shown in **Table 17**, it is estimated at approximately \$2.3 million, net of the administrative surcharge (in 2023 dollars).

Table 17
Kelseyville Fire Protection District
Projected Fire Mitigation Fee Revenue Through 2040 (2023 \$)

Description		Amount	%
Proposed Base Fire Mitigation Fee per Sq.Ft.	(a)	\$1.47	
Projected Future Development (thru 2040)	(b)	1,582,600	
Projected Base Fire Mitigation Fee Revenue (rounded)	(c) = (a) x (b)	\$2,328,000	
<hr/>			
Total Planned Facility and Financing Costs	(d)	\$5,263,000	100.0%
Less:			
Projected Base Fire Mitigation Fee Revenue	(e)	(\$2,328,000)	44.2%
Mitigation Fee Account Balance	(f)	(\$295,000)	5.6%
Funding Required from Other Sources	(g) = (d) - (e) - (f)	\$2,640,000	50.2%

Source: Ridgeline

The projected Fee revenue is substantially less than the planned facility costs. The current unspent Fee proceeds and projected Fee revenue will fund approximately 50 percent, or \$2.6 million, of the \$5.3 million planned facility costs. The District will need to fund the difference from other sources, including, but not limited, general obligation bonds, grants, the District’s general fund, existing or new special taxes and assessments, other debt proceeds, etc.

The Fee revenue may be used only for public facilities that expand the District’s system capacity to serve future development and to reimburse the cost of existing facilities’ upsizing for such future development. This approach maintains a reasonable relationship between the new development and the use of the Fee proceeds.

The District may revise the planned facilities scope and substitute other facilities as long as they help expand the District’s system. The Fee revenue may be used to purchase land, construct buildings, expand existing structures, purchase vehicles and equipment with a minimum of a five-year life span, and enhance utility of existing system, as allowed by the Act.

The Fee revenue shall not be used to fund existing deficiencies such as station renovation that do not expand the District’s system capacity.

V. NEXUS FINDINGS

The Mitigation Fee Act requires an agency establishing, increasing, or imposing mitigation fees to make findings to:¹¹

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.
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.
5. 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.

These findings demonstrate that the fee adheres to the “reasonable relationship,” or “nexus,” standard, as well as the principle of “rough proportionality,” as articulated in court decisions concerning mitigation fees and other exactions.

This Nexus Study has been prepared to update the Fee in accordance with the procedural guidelines established in the Act and makes the following findings pertaining to the Fee calculated herein.

Purpose of the Fee: The purpose of the Fire Mitigation Fee (the “Fee”) calculated in this Nexus Study is to ensure that new development within the Kelseyville Fire Protection District’s service area contributes its proportionate share of the existing and future one-time public facility costs incurred by the District to provide the Services required by such development. In imposing the Fee on behalf of the District, the County ensures that existing property owners are not subsidizing new development and that the existing service level is maintained even as the service population is increasing.

Use of the Fee: The Fee will be used to fund expansion and/or addition of public facilities (land, buildings, other structures, apparatus and vehicles, and equipment) to mitigate the impact of new development on the need for such facilities within the District, as well as to fund the administration of the Fee Program (Fee collection, accounting, reporting, nexus studies, and other expenses related to compliance with the Act requirements). The Fee revenue will not be used to fund operations, maintenance, or existing facility deficiencies that do not expand the District’s system capacity.

Reasonable Relationship between the Use of the Fee and the Type of Development: The Fee will be used to fund expansion of and/or additions to the District’s public facilities to address the additional demand for fire protection and medical emergency services associated with new

¹¹ Gov’t Code § 66001(a) and (b)

development within the District. Since the Fee will be used to provide public facilities needed to serve the new residents and employees generated by the new development, a reasonable relationship exists between the use of the Fee and the residential and nonresidential development on which the Fee is imposed.

Reasonable Relationship between the Need for Public Facilities and the Type of Development:

New residential and nonresidential development generates new residents and employees and results in additional demand for fire protection and medical emergency services provided by the District. Additional public facilities are needed to ensure that the increased demand is addressed without reducing the level of services for the existing development. Thus, a reasonable relationship exists between the need for the public facilities and the type of new development on which the Fee is imposed.

Reasonable Relationship between the Amount of the Fee and the Facility Cost Attributable to New Development:

The amount of the Fee charged to new development is based on the fair share of the District's public facility costs attributed to such new development on a per square foot basis. The total public facility costs are allocated between the existing and new development in a manner proportional to their demand for facilities. The Fee charged to a development project reflects the impact of that project on the overall need for public facilities needed to provide fire protection and medical emergency services to the project. Thus, a reasonable relationship exists between the amount of the Fee and the costs of the facilities attributable to the new development.

VI. IMPLEMENTATION

This chapter contains recommendations for the adoption, administration, interpretation, and application of the Fee. It provides an overview of the Mitigation Fee Act provisions and common current practices, but is not intended as legal advice.

AUTHORITY TO IMPOSE MITIGATION FEES

Mitigation fees can be imposed by cities and counties as a condition of approval for development projects based on land use authority. Special districts, including fire protection districts, lack such authority and cannot impose mitigation fees.

Moreover, fire districts are specifically prohibited from imposing mitigation fees. California Health and Safety Code § 13916, part of the Fire Protection District Law of 1987, states: “A [fire protection] district board shall not charge a fee on new construction or development for the construction of public improvements or facilities or the acquisition of equipment.”

While the District may not directly impose mitigation fees, it is a common practice for counties to do so for the benefit of special districts providing public services within their jurisdiction. Counties rely on their police powers authority granted by the California Constitution to levy such fees. As such, the Fee must be adopted by the County Board of Supervisors on behalf of the District.

FEE ADOPTION PROCESS

To Fee Program update and adoption process should be as follows:

- First, the Board of Directors of the District needs to approve the Nexus Study and the proposed Fee Program.
- Then, the County Board of Supervisors needs to adopt the Nexus Study and the Fee Program on behalf of the District.

Mitigation fee adoption process is governed by the Act. The general steps for the Fee approval and adoption by the District and the County are outlined below. These need to be reviewed and executed in consultation with the legal counsel of the District and the County.

FEE APPROVAL BY THE DISTRICT

- a. The Board of Directors of the District should hold at least one open and public meeting, at which oral or written presentation on the proposed Fee Program is made. Such meeting must be a part of a regularly scheduled meeting.

- b. At least 30 days before the meeting, the District shall post a notice of public hearing on its website and where notices are physically posted.
- c. At least 14 days before the meeting, the District should mail a notice of the meeting to any interested party who has filed a written request for notice of the adoption of new or increased fees.
- d. At least ten days before the meeting, the District should make the Nexus Study and all related documents available to the public for review.
- e. At least ten days before the meeting, the District should publish a notice of the time and place of the meeting twice in a newspaper of general circulation with at least five days between the dates of the first and last publication, not counting such publication dates.
- f. After the public hearing, the District’s Board of Directors shall adopt a resolution approving the Nexus Study and the Fee Program with a recommendation that the County Board of Supervisors adopts the Fee Program on behalf of the District pursuant to the County’s “police powers” under Article XI, Section 7 of the California Constitution.

FEE ADOPTION BY THE COUNTY OF LAKE

- a. The County Board of Supervisors shall hold at least one open and public meeting, at which oral or written presentation on the proposed Fee Program is made. Such meeting must be a part of a regularly scheduled meeting.
- b. At least 30 days before the meeting, the County shall post a notice of public hearing on their websites and where notices are physically posted.
- c. At least 14 days before the meeting, the County shall mail a notice of the meeting to any interested party who has filed a written request for notice of the adoption of new or increased fees.
- d. At least ten days before the meeting, the County shall make the Nexus Study and all related documents available to the public for review.
- e. At least ten days before the meeting, the County shall publish a notice of the time and place of the meeting twice in a newspaper of general circulation with at least five days between the dates of the first and last publication, not counting such publication dates.
- f. After the public hearing, the County Board of Supervisors shall adopt a resolution adopting the Nexus Study and the Fee Program (including the automatic annual adjustment of the Fee for inflation) on behalf of the District, as applicable, pursuant to the County’s “police powers” under Article XI, Section 7 of the California Constitution.
- g. The Fee Program becomes effective at least 60 days after the adoption of the resolution, unless an urgency ordinance, valid for 30 days, is adopted (see discussion below).

NEXUS FINDINGS LANGUAGE

As discussed in Chapter V, the Act requires specific nexus findings to be made as part of the mitigation fee adoption process. Sample findings language that could be used for the Fee is shown below. This language should be reviewed and approved by the legal counsel of the agencies adopting the Fee.

Sample Finding Language: Purpose of the Fee. The Board of Directors / Board of Supervisors finds that the purpose of the mitigation fees hereby enacted is to protect the public health, safety, and welfare of the community by requiring new development to contribute to the cost of fire protection and emergency medical response facilities necessary to mitigate the impacts created by that development.

Sample Finding Language: Use of the Fee. The Board of Directors / Board of Supervisors finds that revenue from the mitigation fees hereby enacted will be used to provide public facilities needed to mitigate the impacts of new development. These facilities are identified in the Kelseyville Fire Protection District Fire Mitigation Fee Nexus Study prepared by Ridgeline Municipal Strategies, LLC¹².

Sample Finding Language: Reasonable Relationship. Based on analysis presented in the Kelseyville Fire Protection District Fire Mitigation Fee Nexus Study prepared by Ridgeline Municipal Strategies, LLC, the Board of Directors / Board of Supervisors finds that there is a reasonable relationship between:

- a. The use of the mitigation fee and the types of development projects on which the fee is imposed;
- b. The need for public facilities and the types of development projects on which the fee is imposed; and,
- c. The amount of the fee and the cost of the public facilities attributable to the development on which the fee is imposed.

FEE EFFECTIVE DATE

Once the Fee is adopted, there is a mandatory 60-day waiting period before it takes effect, unless an urgency ordinance, valid for 30 days, is adopted making certain findings regarding the claimed urgency. The ordinance must be readopted at the end of the first period (and possibly at the end of the second period, depending on the County Board of Supervisors meeting date) to cover the next 30 days and, as such, the entire 60-day waiting period. Fees adopted or increased by urgency go into effect immediately.

¹² Gov't Code Section 66001(a)(2) stipulates that the use of the fee may be specified in a capital improvement plan, the general or specific plan, or other public documents that identify the public facilities for which the fee is charged. The Nexus Study is an example of such public document.

FEE APPLICABILITY

Once the Fee takes effect, it will be collected by the District on all new residential and nonresidential development, including additions to existing development, which requires the issuance of building permit within the District boundary.

Large or specialized development may necessitate special considerations and could be evaluated on a project-by-project basis. In-lieu mitigation agreements may be required to accurately determine mitigation fees for development projects with unique characteristics.

Accessory dwelling units (“ADUs”) are included in the Fee Program and subject to the Fee if their square footage is 750 sq. ft. or greater. The Fees for ADUs shall be charged proportionately in relation to the square footage of the primary dwelling unit. A change in the State law could result in ADUs under 750 sq .ft. to no longer be exempt from the Fee.

SB 330 (The Housing Crisis Act of 2019) prohibits imposition of new requirements on a housing project once a preliminary application has been submitted. The rule applies to mitigation fee increases, except when the fee resolution or ordinance authorizes automatic inflationary fee adjustments.

The Act stipulates that a local agency shall not require the payment of mitigation fees by residential development prior to the date of the final inspection or of the issuance of a certificate of occupancy, whichever occurs first. However, "utility service fees" (term not defined in the Act) may be collected upon application for utility service. In a residential development project of more than one dwelling, the Act allows the agency to determine whether to collect the fees either for individual units or for project phases upon final inspection or certificate of occupancy, whichever occurs first, or for the entire project upon final inspection or certificate of occupancy, whichever occurs first, for the first dwelling unit.¹³

The Act provides two exceptions when the local agency may require fee payment from residential development at an earlier time¹⁴:

1. When the local agency determines that the fees “will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy,” or
2. When the fees are “to reimburse the local agency for expenditures previously made.”¹⁵

The Act does not specify any restrictions on the time at which mitigation fees may be collected on nonresidential development.

¹³ Gov’t Code § 66007(a)

¹⁴ Gov’t Code § 66007(b)(1)

¹⁵ This exception does not apply to units reserved for occupancy by lower income households included in residential development proposed by a nonprofit housing developer in which at least 49% of the total units are reserved for occupancy by lower income households at an affordable rent. See Gov’t Code § 66007(b)(2)(A).

If the fees are not fully paid prior to the building permit issuance for residential development, the local agency may require the property owner to execute a contract to pay them within the time specified above and record that contract as a lien against the property until the fees are paid.¹⁶

FEE PROGRAM ADMINISTRATION

The Act establishes procedures for mitigation fee program administration, including collection, handling, accounting, reporting, and refunds.

FEE COLLECTION AND HANDLING

There likely to be a delay in spending collected Fee revenue on facilities until a sufficient fund balance is accumulated. The District is required to deposit, invest, account for, and expend the Fee in a prescribed manner.

The Fee revenue must be deposited into a separate capital facilities account or fund to prevent commingling with other District revenues. Interest earned on the capital facilities account or fund balance must be credited to the Fee Program.¹⁷ Common practice is to maintain separate funds or accounts for mitigation fee revenues by facility category (e.g., fire protection), but not necessarily for individual projects.

The Fee revenue may only be used for the purpose for which it was collected, i.e., for capital facilities that expand the District’s ability to deliver its Services to accommodate new development. This conforms with the reasonable relationship between new development and use of fee revenue standard. The District may revise the planned facilities scope and substitute other facilities as long as they help expand the District’s system.

REPORTING REQUIREMENTS

The Act mandates annual and five-year reporting for mitigation fee programs, as described below. As the Fee must be adopted by the County on behalf of the District, the two agencies should determine who is responsible for such reporting and develop procedures to ensure compliance with the Act reporting requirements.

Annual Report

The Act requires that an “Annual Report” be made available to the public within 180 days of each fiscal year end. The report must contain the following information:

- a brief description of the type of the Fee in the fund;
- the amount of the Fee;

¹⁶ Gov’t Code § 66007(c)

¹⁷ Gov’t Code § 66006(a)

- the beginning and ending balance of the fund;
- the Fee amount collected and the interest earned;
- an identification of each public improvement on which the Fee was expended and the amount of the expenditures for each improvement, including the total percentage of the cost that was funded by the Fee;
- if the District determines that sufficient funds have been collected to complete an incomplete public improvement, an identification of an approximate date by which construction of the facility will commence;
- a description of each inter-fund transfer or loan made from the fund, including the public improvement on which the transferred or loaned Fee will be expended, the date on which any loan will be repaid, and the rate of interest that the fund will receive on the loan; and
- the amount of money refunded under Gov't. Code § 66001.

AB 516 recently added the following requirements to the content of the Annual Report:

- an identification of each public improvement identified in a previous Annual Report as having sufficient fund to complete such improvement and whether construction began on the approximate date noted in the previous report;
- if the construction for the above identified improvement did not commence by the approximate date provided in the previous report, the reason for the delay and a revised approximate date that the agency will commence construction;
- the number of persons or entities identified to receive refunds.

The District must review the Annual Report at the next regularly scheduled public meeting, but not less than 15 days after it was made available to the public. Notice of the time and place of the meeting, including the address where the Annual Report may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any party who files a written request for mailed notice of the meeting. Written requests for mailed notices are valid for one year from the date filed unless renewed by April 1 of each year. A reasonable annual charge for sending notices based on the estimated cost of providing the service may be established.

Five-Year Findings Report

In the fifth fiscal year following the first receipt of any Fee proceeds, and every five years thereafter, the District and the County must comply with the Gov't Code § 66001(d)(1) by demonstrating that the District still needs unexpended Fee revenues to achieve the purpose for which it was originally imposed and that the District has a plan on how to use the unspent balance to achieve that purpose. The following findings, entitled "Five-Year Findings Report," shall be made with respect to that portion of the 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 of incomplete improvements; and
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate fund.

These findings are to be made in conjunction with the Annual Report discussed above.

The District must refund the unspent or uncommitted Fee revenue portion for which a need could not be demonstrated, unless the administrative costs exceed the amount of the refund.

Fee Refunds for Incomplete Projects

If all necessary funds have been collected to construct a public improvement, but the improvement remains incomplete, the District, within 180 days of determining that sufficient funds have been collected, shall identify an approximate date by which construction will commence. If such identification is not made, the District shall refund to the then current record owner of the development project on a prorated basis the unexpended portion of the Fee and any accrued interest, provided that if the administrative costs of such refund exceed the amount to be refunded.¹⁸

FEE EXEMPTIONS, REDUCTIONS, AND WAIVERS

Several types of development are specifically exempt from the Fee Program:

- All public agencies, including federal and state agencies, public school districts, and the County, unless other arrangements or agreements are negotiated with the District.
- Replacement or reconstruction on the same parcel by the owner of a dwelling or dwellings damaged or destroyed by fire or other calamity or demolished for replacement provided that:
 - The application for building permit to replace such dwelling is filed with the County within one (1) year after the destruction or demolition of the dwelling, or within three (3) years of the date a local emergency is declared if the destruction or demolition occurred within the geographical area encompassed by that local emergency declaration and resulted from events giving rise to said declaration;
 - There is no change in occupancy or land use type; and
 - There is no increase in square footage of the structure.
- Residential accessory structures that do not increase covered building square footage such as open decks and pools.
- ADUs that are under 750 sq. ft. Such ADUs are currently exempt from development impact fees by the State law. A change in the law could result in such ADUs to no longer be exempt.

¹⁸ Gov't Code § 66001(e)

Written fee waivers may be available on a case-by-case basis for certain agricultural facilities and temporary structures (including temporary mobile homes).

If a development project is found to have no impact on facilities for which the Fee is charged, such project will be exempted from the Fee.

If a project has characteristics that make its impacts on a particular public facility significantly and permanently smaller than the average impact used to calculate the Fee, the Fee should be reduced accordingly. Since there must be a reasonable relationship between the Fee amount and the cost of the public facility attributable to the development on which the Fee is imposed, the Fee reduction is required if the fee is not proportional to the impact of the development.

In some cases, the District may desire to voluntarily waive or reduce the Fees that would otherwise apply to a project as a way of promoting goals such as affordable housing or economic development. Such a waiver or reduction may not result in increased costs to other development projects, so the effect of such policies is that the lost revenue must be made up from other fund sources.

FEE CREDITS

Developer Fee Credits and Reimbursements

The purpose of the Fee Program is to provide funds for new fire protection and emergency medical response facilities. While it is not anticipated that private developers will dedicate land or provide facilities for the District, should this occur, the developers may enter into a Fee credit and reimbursement agreement with the District. If a developer voluntarily offers to dedicate land or construct facilities in lieu of paying the Fee, the District may accept or reject such offer and negotiate the terms under which such offer is accepted. Excess developer contributions may be offset by reimbursement agreements.

The following conditions will apply to developer credits and reimbursements:

- Only funds collected through the Fee Program shall be used to reimburse a developer who provided eligible facilities or acquired eligible equipment identified in the Fee Program.
- The value of any developer-provided facilities for Fee credit or reimbursement purposes shall be based upon the lesser of (a) the actual facility cost or (b) the cost estimates (as updated) used to establish the Fee amount.
- The use of accumulated Fee revenues shall be in the following priority order: (1) critical projects, (2) repayment of inter-fund loans, and (3) repayment of accrued reimbursement to private developers. A project is considered to be a “critical project” when failure to complete it prohibits further development within the District.

Credit for Existing Development

To comply with the Act and recent court cases, a Fee credit must be given for demolished existing square footage as part of a new development project.

CAPITAL IMPROVEMENT PLAN AND ANNUAL UPDATES

The Act specifies that if a local agency cites a capital improvement plan to identify the use of mitigation fees, that plan must be adopted and annually updated by a resolution of the governing body at a noticed public hearing¹⁹. Alternatively, improvements can be identified by applicable general or specific plans or in other public documents (such as this Nexus Study)²⁰.

A capital improvement plan often has a limited planning horizon. As such, it may not include all facilities needed to serve future development covered by a fee program.

We recommend that this Nexus Study be cited as the public document identifying the use of the Fee.

ANNUAL AUTOMATIC INFLATION ADJUSTMENT

The Nexus Study calculates the Fee based on current cost estimates expressed in 2023 dollars. To ensure that the Fee Program stays fiscally viable, these cost estimates should be automatically adjusted annually to account for inflation and changes in the costs of public facilities covered by the Fee that have not been completed. A recommended index for such adjustments is the Engineering News Record Building Cost Index (20-Cities Average) published monthly in the Engineering News Record for the 12-month period ending in the month before the adjustment takes place.

Any inflationary adjustment must first be authorized in the enacting Fee resolution or ordinance. The adjustments are recommended to take place annually on July 1, beginning on July 1, 2024.

FEE UPDATES

The District should conduct periodic reviews of development patterns and projections, construction costs, and available funding sources. If costs, development projections, or other funding sources change materially, the Fee should be updated accordingly. Any such updates must be presented to the District's Board of Directors and the County Board of Supervisors before becoming effective.

¹⁹ Gov't Code § 66002 (b)

²⁰ Gov't Code § 66001 (a) (2)

Additionally, the Act requires²¹ that nexus studies must be updated at least every eight years. Therefore, the next Nexus Study update is due no later than November 1, 2031. However, if new material information becomes available prior to that, the District should consider updating the Fee earlier.

TRANSPARENCY REQUIREMENTS²²

The District and the County must make the following information available on their internet websites:

- A current schedule of or direct link to the Fee;
- The current and five previous Annual Reports;
- The current and any previous nexus studies conducted after January 1, 2018.

All such information needs to be updated within 30 days of any changes.

AB 516 recently added the following transparency requirements:

- A local agency shall inform a person paying a mitigation fee of both of the following:
 - The person’s right to request an audit of the fee program; and
 - The person’s right to file a written request for mailed notice of the local agency’s meeting to review the information made public pursuant to the fee program.
- A local agency shall provide a person paying a mitigation fee a link to the page on the local agency’s internet website where the information made public regarding the fee program is available for review.

TRAINING AND PUBLIC INFORMATION

Effective mitigation fee program administration requires considerable preparation and training. The following practices are recommended:

- Ensure that the District and the County staff members responsible for collecting the Fee and for explaining it to the public understand both the details of the Fee Program and its supporting rationale.
- Review all printed materials containing the Fee information for the public to ensure that the Fee is clearly distinguished from other fees, such application fees, and the purpose and use of the Fee are clearly stated.
- Ensure that anyone responsible for accounting, budgeting, or project management for facilities funded by the Fee is fully aware of the Fee revenue use restrictions, and that this Nexus Study is referenced to for a list of facilities on which the Fee calculations are based.

²¹ Gov’t Code § 660016.5 (a)(8)

²² Gov’t Code § 65940.1 (a)

Appendix A: Development Analysis Supporting Data

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**Table A-1
Kelseyville Fire Protection District
Manufactured Home Communities Detail**

Community Name / Address	Single-Wide		Double-Wide		Total	
	Homes	Sq.Ft. [1]	Homes	Sq.Ft. [2]	Homes	Sq.Ft.
Kelseyville Garden 5226 4th Street	31	29,760	6	9,600	37	39,360
Bella Lago 8940 Soda Bay Road	9	8,640	23	36,800	32	45,440
Konokti Estates 8936 Soda Bay Road	5	4,800	8	12,800	13	17,600
Konocti Shores 8920 Soda Bay Road	77	73,920	27	43,200	104	117,120
Koala Landing 8910 Soda Bay Road	0	0	11	17,600	11	17,600
Walnut Estates 5th St Ext	22	21,120	17	27,200	39	48,320
Good Pastures 5665 Main Street	0	0	8	12,800	8	12,800
4355 Montezuma Way	25	24,000	29	46,400	54	70,400
8890 Soda Bay Road	18	17,280	3	4,800	21	22,080
Reel Inn 9495 Konocti Bay Rd	32	30,720	10	16,000	42	46,720
Richmond Park 9435 Konocti Bay Rd	3	2,880	0	0	3	2,880
Idle Wheels / Kelsey Creek / Live Oak	73	70,080	153	244,800	226	314,880
TOTAL	295	283,200	295	472,000	590	755,200

Source: Kelseyville Fire Protection District, Ridgeline

[1] Assumes 960 sq.ft. per home

[2] Assumes 1,600 sq.ft. per home

Table A-2
Kelseyville Fire Protection District
Single Family Home Development Summary

Year	New Homes	Total Sq.Ft.	Avg Sq.Ft.
2018	13	33,373	2,567
2019	17	42,768	2,516
2020	7	9,653	1,379
2021	15	24,982	1,665
2022	18	29,866	1,659
Total	70	140,642	2,009
Average	14	28,128	

Source: Kelseyville Fire Protection District

Table A-3
Kelseyville Fire Protection District
Hoop House and Winery Improvements Summary

Description / Year	Sq.Ft.
Hoop Houses	
2019	22,000
2020	25,000
2021	28,000
2022	28,000
Hoop Houses Total	103,000
Hoop Houses Average / Year	25,750
Wineries	
Lajour	7,900
Chacewater	34,200
Boatique	22,000
Mercantile	25,000
Winery Improvements Total	89,100
Wineries Average / Year [1]	22,275

Source: Kelseyville Fire Protection District

[1] Assumes winery improvements were constructed over 4 years.

Table A-4
Kelseyville Fire Protection District
Residential Additions and Nonresidential Development

Description / Year	Sq.Ft.
Residential Additions	
2018	2,615
2019	2,387
2020	2,282
2021	5,405
2022	5,659
Total Residential Additions	18,348
Residential Additions Average / Year	3,670
Nonresidential Development	
2018	27,146
2019	43,114
2020	36,100
2021	15,255
2022	25,311
Total Nonresidential Development	146,926
Nonresidential Dev't Average / Year	29,385

Source: Kelseyville Fire Protection District

Appendix B: District Facility Supporting Data

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Table B-1
Kelseyville Fire Protection District
Land Value Estimate (2023 \$)

Property Description	Status	Notes	Sale Date	Acres	Total Price	Price / Acre
3955 Hill Rd, Lakeport, CA	Sold		10/18/2021	5.49	\$210,000	\$38,251
18196 S State Hwy 29, Middletown, CA	Sold		1/5/2022	111.71	\$10,869,880	\$97,304
1900 S. Main St, Lakeport, CA	Sold	Retail Center	3/1/2022	2.23	\$325,000	\$145,740
8840 Red Hills Rd, Kelseyville, CA	Listed	Brightwood Villages		167.1	\$2,300,000	\$13,764
15197 Olympic Drive, Clearlake, CA	Listed			0.99	\$235,000	\$237,374
16125-16175 Main St, Lower Lake, CA	Listed			2.35	\$595,000	\$253,191
5860 Live Oak Dr., Kelseyville, CA	Listed	MF		8.77	\$975,000	\$111,174
15400 Davis Ave, Clearlake, CA	Listed	Distress		32.27	\$900,000	\$27,890
Estimated Land Value for a smaller developable site						\$150,000

Source: CoStar and Marcus & Millichap

Table B-2
Kelseyville Fire Protection District
Existing Equipment Inventory (2023 \$)

Description	Qty	Cost Per Unit	Total Estimated Cost
Heart Monitors	6	\$35,000	\$210,000
SCBA Systems	30	\$5,000	\$150,000
Fire Hoses & Nozzles			\$150,000
PPE Structure Gear	20	\$7,500	\$150,000
PowerLoad Gurney	4	\$35,000	\$140,000
PPE Wildland	20	\$5,000	\$100,000
Radios / Chargers	15	\$6,000	\$90,000
Generator	2	\$30,000	\$60,000
B/A Compressor	2	\$30,000	\$60,000
Holmato Tools	2	\$25,000	\$50,000
Defibtech Arm Mech Chest Comp Device	3	\$15,000	\$45,000
Extractor & Dryer	2	\$20,000	\$40,000
Cell Phones and Tablets	12	\$3,000	\$36,000
Furniture			\$30,000
Computers	10	\$2,500	\$25,000
Tools - Fire			\$20,000
Security Cameras and Software			\$20,000
Thermal Imagers	15	\$1,000	\$15,000
Oxygen Tank Station	3	\$3,500	\$10,500
Tools - Maintenance			\$10,000
Ice Machines	2	\$5,000	\$10,000
KX-NS700 Phone System	1	\$7,000	\$7,000
CAMS Software	1	\$6,500	\$6,500
Connex Storage	1	\$5,000	\$5,000
Printers	5	\$750	\$3,750
Shredder	1	\$1,200	\$1,200
TOTAL			\$1,444,950

Source: Kelseyville Fire Protection District

Table B-3
Kelseyville Fire Protection District
Planned Equipment Inventory (2023 \$)

Description	Qty	Cost Per Unit	Total Estimated Cost
New Station Furnishings	1	\$50,000	\$50,000
Extractor & Dryer	1	\$20,000	\$20,000
HVAC for Apparatus Bay	1	\$45,000	\$45,000
Fuel Vault	1	\$15,000	\$15,000
Generator	1	\$10,000	\$10,000
Personal Equipment	3	\$7,500	\$22,500
SCBA Systems	3	\$6,000	\$18,000
Radios / Chargers	3	\$9,800	\$29,400
Life Pack Monitor	1	\$35,000	\$35,000
TOTAL			\$244,900

Source: Kelseyville Fire Protection District

CONTACT INFORMATION

This report was prepared for the Kelseyville Fire Protection District by Ridgeline Municipal Strategies, LLC ("Ridgeline").

Ridgeline is a municipal advisory and financial consulting firm registered with the U.S. Securities and Exchange Commission and the Municipal Securities Rulemaking Board.



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