

PLACER COUNTY
OFFICE OF EMERGENCY SERVICES

MEMORANDUM

To: Honorable Board of Supervisors

From: David Boesch
by: John McEldowney, Emergency Services Program Manager

Date: June 16, 2015

Subject: Alpine Springs County Water District 2014/15 Capital Facilities and Mitigation Fee Expenditure

ACTION REQUESTED

Adopt a resolution approving the Alpine Springs County Water District 2014/15 Capital Facilities and Mitigation Fee Expenditure Plan that takes effect after May 30, 2015 and contains a 2.5% fee increase.

BACKGROUND

Legal Authority

Government Code 66000 *et seq* (CGC 66000) allows local agencies to collect fees from new development to offset the impacts of that development on local services. On August 28, 1990, the Placer County Board of Supervisors created the legal framework for fire districts to collect, but not to levy, development fees and codified it in Placer County Code (Chapter 15.36.010). Therefore, in order to *collect* mitigation fees, and as a requirement of CGC 66000, a fire protection district must complete a Capital Facilities Plan (or Capital Improvement Plan) which is subject to Board of Supervisors approval.

Capital Facilities Plans

The law requires a Capital Facilities Plan to address: anticipated development impacts, proposed usage of fees, establishment of a reasonable relationship between fees and type of development, accounting for funds separately, holding properly noticed public hearings, and conducting an annual program review and update. The Alpine Springs County Water District (District) plan addresses these legal requirements and incorporates them as a part of the required annual plan update.

Alpine Springs County Water District

The Alpine Springs County Water District (District) was established in 1963 to serve the Bear Creek Valley watershed and the greater Alpine Meadows Valley. Among other services, the District provides fire protection and fire prevention services through a contract with the North Tahoe Fire Protection District. As with the entire north Lake Tahoe area, development is occurring and promises to continue into the foreseeable future. The District, faced with increases in both residential and work force populations, must accommodate the increased demand for services with improvements in both facilities and the addition of fire engines and ancillary fire and emergency medical apparatus while taking into consideration the limited population base on the eastern side of Placer County, and the high cost to improve or construct facilities in the Lake Tahoe area.

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District Capital Facilities Plan 2014/15

The District's current mitigation fee structure is based on "type structures." This type of schedule helps to best meet future capital needs of the District. In the District's original plan, approved by your Board in July 2007, the District indicated that it would adjust fees each year based on the percent change in construction costs as defined in the Construction Cost Index (CCI) published by the *Engineering News-Record*. The District's last mitigation fee structure increase occurred in 2013. The CCI rate of change for the period November 2013 (CCI 9666) through November 2014 (CCI 9912) rose by 2.5%. The table below illustrates existing and proposed rates:

**Existing and Proposed Rates
 (\$/Ft²)**

	Existing	Proposed
Residential	\$1.14	\$1.17
Nonresidential		
• Commercial	\$1.87	\$1.91
• Office	\$2.38	\$2.43
• Industrial	\$1.66	\$1.70

The District Board of Directors held a properly noticed regular meeting on May 8, 2015, and reviewed the Capital Facilities and Mitigation Fee Expenditure Plan for Fiscal Year 2014/15. The District Board unanimously adopted the plan by Resolution 04-2015 (Attached).

The District expects to collect \$8,000 in mitigation fees and \$52 interest in Fiscal Year 2014/2015 and had a fund balance of \$28,523 at the beginning of the year. It plans expenditures of \$2,000 for Type I Fire Engine and equipment and \$150 in Mitigation Plan Update.

FISCAL IMPACT

There is no impact to the General Fund as a result of this action.

Available for Public Review at the Office of the Clerk of the Board:

Attachments

- Resolution
- Alpine Springs County Water District Board of Directors Resolution 04-2015
- Alpine Springs County Water District 2014/15 Capital Facilities and Mitigation Fee Expenditure Plan, May 2015.

Before the Board of Supervisors County of Placer, State of California

In the matter of: **A RESOLUTION APPROVING THE
ALPINE SPRINGS COUNTY WATER DISTRICT
2014/15 CAPITAL FACILITIES AND MITIGATION FEE
EXPENDITURE PLAN.**

Resol. No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **June 16, 2015** by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board _____

WHEREAS, Government Code 66000 et seq allows local agencies to collect fees from new development to offset the impacts of that development on local services, the Placer County Board of Supervisors, on August 28, 1990, created the legal framework for fire protection districts to collect fees to mitigate development impacts on services. That legal framework is codified in the Placer County Code Chapter 15.36.010; and

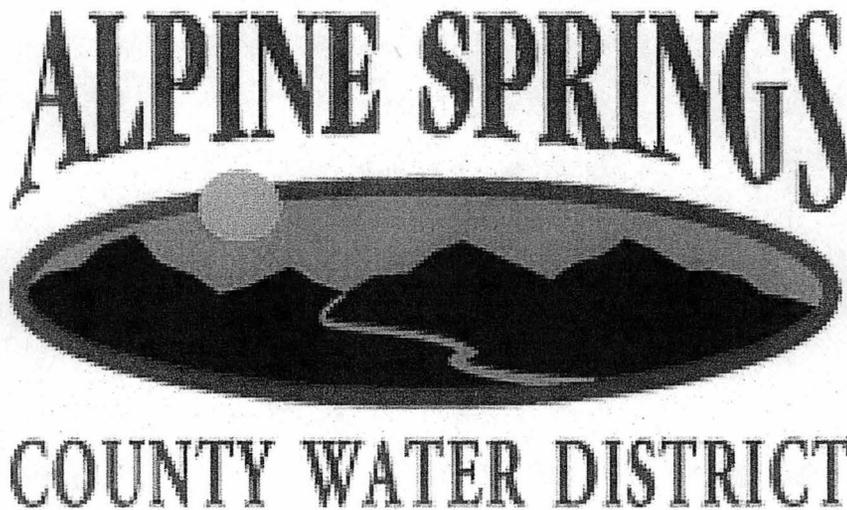
WHEREAS, the legal authority to levy fees stems from the police power of the County and rests with the Board of Supervisors, the fire protection districts in and of themselves do not have direct legal authority to levy fees. Therefore, in order to collect mitigation fees on new construction, a district must prepare and submit for approval to the Board of Supervisors a Capital Facilities (or Capital Improvement) Plan that delineates a proposed fee schedule; and

WHEREAS, the Board of Directors of the Alpine Springs County Water District held a regular meeting to review its plan on May 8, 2015 and unanimously adopted it by passing Resolution 04-2015. The District used the 2.5% increase in the Construction Cost Index for the period November 2013 - November 2014 to determine its proposed annual fee increase; and

WHEREAS, the District plans capital expenditures in Fiscal Year 2014/2015 of \$2,000 for a Type I Fire Engine and equipment and \$150 to update the Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of County of Placer approves the Alpine Springs Water District 2014/15 Capital Facilities and Mitigation Fees Expenditure Plan to take effect after May 30, 2015.

*Alpine Springs County Water District
Capital Facilities and
Fire Mitigation Fee Expenditure Plan*



*May 2015
Placer County*

Summary of the Mitigation Process

In light of the Tahoe Regional Planning Agency (TRPA) 2012 Regional Plan update and the improving state of the economy, growth is expected to continue in the Lake Tahoe basin. The increase in protection inventory and service population has served to spread existing assets of public agencies over a substantially larger service base. The North Tahoe Fire Protection District has experienced an increase in the amount of building inventory to protect. This development has contributed to an increase in fire protection inventory, requiring a commensurate increase in firefighting infrastructure.

Alpine Springs County Water District is faced with growing capital improvement needs that exceed property tax increments. With the advent of Proposition 218, special tax or assessments are no longer valid revenue sources to keep pace with growth, new service and infrastructure demands. The District is utilizing a proactive approach to continue an existing level of service and to meet the future needs of the District.

Historical data about staffing and inventory have been gathered to develop estimates of adequate staffing levels and capital inventory. This information has been used to develop a fair and equitable mitigation fund equation. The total impact is analyzed by correlation between community growth and the increased need for fire prevention and protection services. The ultimate purpose of the mitigation fees is to provide a continuing level of service rather than a remedy for past development and to hopefully arrest the degradation of service levels.

In 1986 Assembly Member Cortese recognized the need for concise legislation concerning mitigation. AB 1600 is the result of hearings. Through delay, the effective date of AB1600 was January 1, 1989. AB1600 enacted Government Code Sections 66000-66003. This in effect requires local agencies imposing mitigation fees to specify the public improvement, segregate the monies collected in special accounts, re-examine the necessity for the expanded balance after 5 years, and refund the balance with accrued interest. In addition, local agencies imposing the fee for defined facility and improvements would be authorized to adopt and annually review a specified capital facilities plan.

AB 1600 required the Alpine Springs County Water District to go through an established process to enact a reasonable relationship between a development fee and the specified improvement that it will be used for. In simple terms, the Alpine Springs County Water District cannot arbitrarily charge a mitigation fee without first showing the relationship between impact of development and the fee being charged. Through a thorough analysis in 2007 this process was met. In 2013 another thorough analysis was conducted that established and confirmed the relationship between the impact of development and the fee being charged.

The final hurdle was the actual levy of fees. The California Attorney General issued the opinion that Special Districts cannot levy mitigation fees. However, the California Constitution allows Counties and Cities to levy mitigation fees. Through this process and by Resolution Placer County has allowed the Alpine Springs County Water District to realize mitigation revenues. The content of this report will outline the spending plan for those fees in the fiscal year 2014/2015, and a proposal for a mitigation fee adjustment based on a generally accepted inflationary adjustment.

Relationship Between Growth and Capital Facilities Plan

Alpine Springs County Water District continues to experience growth in fire inventory, as well as population. This trend is expected to continue for years to come. This development has contributed to an increase in calls for service and increased fire potential.

The recent trend of expanding small mountain cabins to expansive resort homes is creating larger homes with larger population potential. Many of these homes are vacation rentals, which carry increased risks with transient guests unfamiliar with the unusual fire and safety risks of forested and heavy snow areas. As the demand for fire and Emergency Medical Services capability increases through infill construction and "teardown" remodels, the ability to transport personnel and apparatus will degrade proportionally. The major arterial routes are periodically congested and the projected increase in residents and visitors will only worsen the problem. The only plausible mitigation strategy is to maintain, upgrade or relocate staffed fire stations where response is timely, and to maintain enough redundancy in apparatus and equipment to act autonomously until assistance can arrive.

The continued growth will impact the District's ability to maintain the same level of service. The impact of this growth affects three aspects of the organization: (1) Personnel required (2) Fire Stations (3) Apparatus. Capital Mitigation fees may be used for specific items as clearly stated in AB 1600. Personnel cannot be funded with these fees. Development of fire stations and purchase of apparatus are allowed.

Personnel

Personnel cannot be funded with these fees.

Fire Stations

The Facilities Plan indicates the proposed expenditures for all existing facilities and those projected. Mitigation fees can only be used for Facility improvements directly related to growth. Funds shall not be used for replacement.

Applicable California State Codes and National Fire Protection Association Standards

Fire Station Facilities.

The District builds and maintains stations and facilities in accordance with the current California State Building Code, Electrical Code, Plumbing Code and Mechanical Code and Fire Code. Station and Facility construction must all meet requirements of the Nation Fire Protection Association (NFPA) for construction and maintenance. The following standards are examples of NFPA standards that apply to new facility project within the North Tahoe Fire Protection District.

- Standard 101 – Life Safety Code
- Ch 1.1.2 – The code addresses the construction, protection and occupancy features necessary to minimize danger to life from the effect of fire, including smoke, heat and toxic gasses created during a fire. Ch1.1.3 – The Code established minimum criteria for the design and egress facilities so as to allow prompt escape of occupants from buildings or, where, desirable, into safe areas within buildings.
- Standard 1500 – Fire Department Occupational Safety and Health Program
- Ch 9.1.1 Facility Safety – All Fire Department facilities shall comply with all legally applicable health, safety, building, and fire code requirement.
- A.9.1.1 where health, safety, building, and fire codes are not legally applicable to fire department facilities; steps should be taken to ensure that equivalent standards are applied and enforced. In absence of local requirements, the provisions of NFPA 1; Fire Code NFPA 70; NFPA 101, Life Safety Code; NFPA 5000, Building Construction and Safety Code should be applied.
- In addition, the workplace safety standards specified in 92CFR 1910, Occupation Safety and Health Standards, or an equivalent standard should be applied. Applicable requirements of the Americans with Disabilities Act (ADA) should be met.

Fire Department Apparatus.

The North Tahoe Fire Protection District provides fire protection / suppression services to Alpine Springs County Water District and it operates several types of fire apparatus. Structural fire fighting engines are built in accordance with NFPA 1901; water tenders are built in accordance with NFPA 1903 Standard for mobile water supply fire apparatus; wildland fire apparatus are built in accordance with NFPA 1906; the District's aerial fire apparatus will be built in accordance with NFPA 1904.

NFPA Standard 1500 – Fire Department Occupational Safety and Health Program; Ch6 Fire Apparatus, Equipment, and Driver/Operators section 6.1.1 states fire departments shall consider safety and health as primary concerns in the specification, design, construction, acquisition, operation, maintenance, and inspection and repair of all fire department apparatus. The District will continue to meet this standard.

Fire Department Staffing.

While staffing and personnel cannot be funded with Mitigation fees; the NFPA standard related to staffing is noted as staffing is an integral portion of fire attack and mitigation.

NFPA Standard 1710 – Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments; Ch 4.3 Staffing and deployment states staffing in the fire department shall identify minimum staffing requirements to ensure that a sufficient number of members are available to operate safely and effectively. It is the District’s intention to meet this standard.

The following table from Ch 4.3.2 indicates minimum staffing and response times required by NFPA:

Demand Zone	Demographics	Minimum Staff to Respond	Response Time (minutes)	Meets Objective
Urban Area	> 1,000 people / sq mi	15	9	90%
Suburban area	500 - 1000 people / sq mi	10	10	80%
Rural area	< 500 people / sq mi	6	14	80%
Remote area	Travel distance > 8 mi	4	Directly dependent on travel distance	90%

Physical Facilities & Equipment – Expenditure Plan

As development occurs within the boundaries of Alpine Springs County Water District, new or expanded fire facilities will be required to meet the service demands of future development. Existing fire protection facilities include the Alpine Meadows fire station, a Type II fire engine and various types of special equipment. Total estimated cost of the Water District's fire station building, land, vehicle and equipment, based on current replacement costs, equals approximately \$1.7 million.

Description	Estimated Cost
Station	\$1,344,000
Vehicle	\$ 180,000
Equipment	<u>\$ 153,487</u>
Total	\$1,677,487

The North Tahoe Fire Protection District in conjunction with the Water District analyzed the fire facilities needed to serve development within the Water District through 2035. Based on that analysis, the Alpine Meadows station can adequately serve future growth anticipated within the Water District through 2035. However additional vehicles and equipment will be needed to serve the additional development expected within the Water District.

Based on current and future development, the Alpine Meadows station will need a new Type I fire engine and equipment to outfit the engine. The current Type II fire engine has a full complement of equipment required by NFPA 1901. The District endeavors to comply with NFPA 1901 by ensuring all apparatus, including a new Type I fire engine carries equipment required by NFPA 1901.

Description	Estimated Cost
Vehicle	\$ 550,000
Equipment	<u>\$ 10,000</u>
Total	\$ 560,000

Ongoing Inflation Adjustment

Mitigation fees are adjusted annually to accommodate the impact of development (growth) on fire protection services within the District. The District adjusts mitigation fees based on the percent change in construction costs as defined in the Construction Cost Index (CCI) published by the *Engineering News-Record*. The need for the District to adjust mitigation fees annually was approved by the Placer County Board of Supervisors, and recommended in the Fire Facilities Mitigation Fee Study.

Proposed 2015 Mitigation Fee Rate adjustment based on the Updated Impact Fee Study

Fixed rate pricing structures are unable to keep pace with increasing costs of facilities, vehicles, and general fire protection infrastructure requirements. Thus consistent with the spirit of the enabling legislation, the District has adjusted its mitigation fee schedule for 2014/2015. District's last mitigation fee structure increase occurred in 2011 and was based on the Construction Cost Index (CCI) published by the *Engineering News-Record*. The CCI change for the period November 2013 through November 2014 was 2.5%.

The below chart outlines the existing and proposed rate structure for the mitigation fee schedule.

FEE SCHEDULE

CONSTRUCTION TYPE	EXISTING	NEW PROPOSED
Residential	\$1.14 per square foot	<i>\$1.17 per square foot</i>
<u>Nonresidential</u>		
Commercial	\$1.87 per square foot	<i>\$1.91 per square foot</i>
Office	\$2.38 per square foot	<i>\$2.43 per square foot</i>
Industrial	\$1.66 per square foot	<i>\$1.70 per square foot</i>

	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Projected	FY 15-16 Projected	FY 16-17 Projected	FY 17-18 Projected	FY 18-19 Projected
Mitigation Fund Beginning Balance	\$21,262	\$18,348	\$28,523	\$34,425	\$42,327	\$51,236	\$56,794
Revenue Category							
Projected annual mitigation fees revenue	\$71	\$10,156	\$8,000	\$8,000	\$9,000	\$9,000	\$9,000
Projected account interest	\$146	\$167	\$52	\$52	\$59	\$59	\$59
Total Revenues	\$21,479	\$28,671	\$36,575	\$42,477	\$51,386	\$60,294	\$65,853
Expenditure Category							
Type I Fire Engine and equipment	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0
Mitigation Plan Update	\$3,131	\$148	\$150	\$150	\$150	\$3,500	\$150
	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures							
Mitigation Fund Ending Balance	\$18,348	\$28,523	\$34,425	\$42,327	\$51,236	\$56,794	\$65,703

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Alpine Springs County Water District Use Statement

AB 1600 states that a District must have a statement of use to which mitigation fees are to be assigned. For the fiscal year 2014/2015, the fire mitigation fees collected within the Alpine Springs County Water District will be utilized towards the following programs:

- **New Fire Engine, Type I, fully equipped:** The Water District currently has a Type 2 engine. The District has determined the need for a Type I engine. This was based on the need for increased pump size and ability to carry more equipment due to increased service demands.
- **Equipment:** The Fire District has recognized the need to add additional equipment to our fire engine. Many of our engines have a full complement of equipment required by NFPA 1901, however some do not. The District endeavors to comply with NFPA 1901 by added new equipment to our fire engine.

NOTICE TO PLACER COUNTY BUILDERS

WITHIN THE

Alpine Springs County Water District

The Alpine Springs County Water District (ASCWD) has implemented a development Fire Mitigation Fee program. **These fees will be applicable to all permit applications processed by the District after May 30, 2015.** The revenue generated by these fees is designed specifically for capital improvements.

The ASCWD has contracted with the North Tahoe Fire Protection District (NTFPD) for fire prevention services including plan reviews. The North Tahoe Fire Protection District will need a set of your plans and a copy of your building permit application in order to establish your specific fee. The fees must be paid to the North Tahoe Fire Protection District prior to issuance of your building permit.

Alpine Springs County Water District
270 Alpine Meadows Road
Alpine Meadows, CA 96146
(530) 583-2342 FAX (530) 583-0228

North Tahoe Fire Protection District
P.O. Box 5879 / 222 Fairway Dr.
Tahoe City, CA 96145
(530) 583-6913 FAX (530) 583-6909

PROPOSED FEE SCHEDULE for FY 2014/2015

Fee per square foot (includes non-heated space)	
Residential	\$1.17
Nonresidential	
<i>Commercial</i>	\$1.91
<i>Office</i>	\$2.43
<i>Industrial</i>	\$1.70

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