

**Department of
Conservation and
Development**

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**Contra
Costa
County**



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Director

Aruna Bhat
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Jason Crapo
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Assistant Deputy Director

Victoria Mejia
Business Operations Manager

November 22, 2016

RE: Airport Land Use Commission Fee Schedule

To: Contra Costa County Planning Directors

On September 13, 2016 the Contra Costa County Board of Supervisors adopted a resolution establishing planning fees for review of projects under the purview of the Contra Costa Airport Land Use Commission ("ALUC"). A project is under the purview of the ALUC if it is in the Airport Influence Area. November 14, 2016 was the effective date of the fee.

Prior to ALUC staff initiating review of policy and/or development proposals, your applicants must be informed that an initial payment of \$500¹ (time and materials deposit) must be submitted to Contra Costa County, Department of Conservation and Development. Checks can be made out to the "Department of Conservation and Development" and submitted to the above address. More information on the fee is provided in the enclosures.

Thank you in advance for your cooperation. If you have any questions please do not hesitate to contact ALUC staff, Jamar Stamps, Senior Planner, at (925) 674-7832 or e-mail at jamar.stamps@dcd.cccounty.us.

Sincerely,

A handwritten signature in blue ink that reads "Maureen Toms".

Maureen Toms, AICP, Deputy Director
Department of Conservation and Development

Enclosures

cc: CALTRANS Division of Aeronautics
Alameda County Airport Land Use Commission
San Joaquin County Airport Land Use Commission

¹ The cost for a project referred to the full Airport Land Use Commission for review requires an additional \$2,500 deposit, plus time and materials.



Contra
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County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: September 13, 2016

Subject: Adoption of Airport Land Use Commission Fee Schedule

RECOMMENDATION(S):

OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.

ADOPT Resolution No. 2016/529, establishing planning fees for review of projects under the purview of the Airport Land Use Commission.

FISCAL IMPACT:

No impact to the General Fund. Costs are currently covered by the Airport Enterprise Fund and will be replaced by the subject fee charged to project sponsors.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/13/2016** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 13, 2016

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Robert Sarmiento (925)
674-7822

cc:

BACKGROUND:

The Department of Conservation and Development (DCD) provides staff support to the Airport Land Use Commission (ALUC), due to the land-use planning aspect of the role. Currently, the Public Works Department (Airports Division) reimburses DCD staff charges through its operating budget, which is sourced from the Airport Enterprise Fund.

DCD is proposing a County ALUC fee schedule so that costs associated with ALUC project review and other Commission actions can be recouped from project applicants instead of the Airport Enterprise Fund. Public Utilities Code Section 21671.5 and Government Code Section 66016 authorize counties to establish and adopt planning fees for projects under the purview of Airport Land Use Commissions, and authorize those fees to be charged to project applicants.

At the August 24, 2016 ALUC meeting, the Commission recommended the establishment of an ALUC fee schedule (Exhibit A), consistent with the following fees:

Initial Review by ALUC Staff - \$500 deposit, plus time and materials

Review by the ALUC - \$2,500 deposit, plus time and materials

A project is under the purview of the ALUC if it is in the Airport Influence Area, a specific geographic area designated in the County's Airport Land Use Compatibility Plan (ALUCP). All projects that require ALUC review go through an initial review by ALUC staff to determine if the project conforms with the ALUCP. This initial review is proposed to require a \$500 deposit, plus time and materials. If the project conforms to the ALUCP, no further action is required. If the project does not conform to the ALUCP, the project is referred to the ALUC for its review. Before the ALUC hearing, staff conducts additional review of the project and develops a staff report. The cost for a project referred to the ALUC for review is proposed to be an additional \$2,500 deposit, plus time and materials.

These fees are based on the hourly rate of staff multiplied by the average number of hours to review a project. Currently, the hourly rate of ALUC staff is \$172.30. In the case of a project that is referred to the ALUC, the costs to prepare a staff report and hold an ALUC hearing are included.

If the ALUC staff costs exceeds the initial deposit, additional charges based on the hourly rate of the staff time and materials will be assessed. If ALUC staff costs are less than the deposit, all unused fees are refunded back to the applicant. The "Initial Review" deposit was initially proposed by staff to be a flat fee consistent with the fee study and how other jurisdictions administer their fee. The ALUC expressed concern that the \$500 flat fee could be excessive in the circumstance of a simple project. In response to this concern staff proposed to change the initial review to be a deposit, subject to refund of unused

funds.

DCD has determined that these fees will not exceed the estimated reasonable cost of providing the services for which the fees are charged.

Exhibit B identifies the process taken by staff to calculate the appropriate fee amounts to recoup the cost of ALUC review of a project application.

The ALUC Fee Schedule is effective 60 days following adoption of the fee resolution.

CONSEQUENCE OF NEGATIVE ACTION:

If the ALUC fee schedule is not adopted, ALUC activities will continue to be funded through the Airport Enterprise Fund.

CLERK'S ADDENDUM

Speaker: Tom Weber, resident of Pleasant Hill. CLOSED the public hearing; and ADOPTED Resolution No. 2016/529, establishing planning fees for review of projects under the purview of the Airport Land Use Commission.

ATTACHMENTS

Resolution No. 2016/529

Exhibit A - Draft ALUC Fee Schedule

Exhibit B - Process to Calculate Fee Amounts

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 09/13/2016 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2016/529

RESOLUTION APPROVING THE ADOPTION OF A FEE SCHEDULE THAT LEVIES FEES ON PROJECT PROPONENTS FOR SERVICES PROVIDED BY THE CONTRA COSTA COUNTY AIRPORT LAND USE COMMISSION.

WHEREAS Contra Costa County is the designated Airport Land Use Commission (ALUC) for Contra Costa County; and

WHEREAS California Public Utilities Code Section 21671.5 allows ALUCs to charge project proponents for the cost of project reviews conducted by them; and

WHEREAS California Government Code Section 66016 requires that fees be based on studies that present a reasonable estimate of the costs of providing the service for which the ALUC is charged; and

WHEREAS the Contra Costa County ALUC desires to adopt a fee schedule, pursuant to Public Utilities Code Section 21671.5, to charge project proponents for review of their projects, in order to recoup the full cost of providing such services; and

WHEREAS a cost estimate fee study was undertaken to determine a reasonable cost of providing the services, and to ensure that the new fees represent a reasonable amount that does not exceed the cost of providing services for which the ALUC is charged.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors adopts the ALUC fee schedule, as follows:

-Initial review by ALUC Staff - \$500 deposit, plus additional fees for time and materials, at the hourly rate of the ALUC staff, if the cost of ALUC staff time exceeds the initial deposit. At the conclusion of review, any unused fees will be refunded to the applicant.

-Review by the Commission - \$2,500 deposit, plus additional fees for time and materials, at the hourly rate of the ALUC staff, if the cost of ALUC staff time exceeds the initial deposit. At the conclusion of review, any unused fees will be refunded to the applicant.

BE IT FURTHER RESOLVED that the Contra Costa County Board of Supervisors finds that:

1. The fee schedule is for the purpose of recouping costs incurred by the ALUC for reviewing project applications.
2. The fee schedule shall become effective 60 days after Board adoption.
3. The fee schedule may be adjusted as needed by the Board of Supervisors to ensure full recoupment of costs incurred by ALUC staff and the Commission review of project applications.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 13, 2016

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Robert Sarmiento (925) 674-7822

By: , Deputy

cc: