

**PLACER COUNTY  
OFFICE OF EMERGENCY SERVICES**

**MEMORANDUM**

**To:** Honorable Board of Supervisors

**From:** Thomas Miller, County Executive Officer  
by Rui Cunha, Program Manager, Office of Emergency Services

**Date:** April 20, 2009

**Subject:** Adopt a Resolution approving the new FY 2009-2010 Northstar Community Services District Fire Facilities Impact Fee Study and Capital Improvement Plan with a 16.9% increase in mitigation fees.

---

**ACTION REQUESTED**

Adopt a Resolution approving the FY 2009-2010 Northstar Community Services District Fire Facilities Impact Fee Study and Capital Improvement Plan which is a newly written plan with a base mitigation fee 16.9% greater than the fee currently in effect.

**BACKGROUND**

Legal Authority

Government Code 66000 *et seq* (GC 66000) allows local agencies to *collect*, but not to *levy* fees to offset the impact of new development on local services. In fact, legal authority to *levy* fees rests with the Board of Supervisors. The Board did enable fire protection districts to collect development fees by creating a legal framework for collections County Code (Chapter 15.36.010). However, per GC 66000, in order for a fire district to collect fees it must prepare an annual Capital Facilities (or Capital Improvements) Plan, which is subject to approval by the Board of Supervisors.

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.

Northstar Community Service District Plan: The District's current plan and mitigation fee structure was written in 2003 and does not adequately consider the increase in service demand based on continuing growth in its service area. The proposed fee structure for 2009 and beyond is based on a comprehensive review that ensures new development funds its fair share of the cost of any new facilities, equipment and apparatus required to bring fire protection service in line with demand. The District hired *Willdan Financial Services*, a consulting firm (previously doing business as *MuniFinancial*) to update its plan, validate its fee calculation methodology, and set a new baseline fee structure. The resultant Fire Facilities Impact Fee Study concluded that the District could adopt a fee schedule, with identical residential and commercial fees, that tops out at \$2.51/ft<sup>2</sup> to better meet future capital needs. However, the District has elected to increase fees only from \$0.77/ft<sup>2</sup> to \$0.90/ft<sup>2</sup> representing a 16.9%

percentage increase over the previous, old plan level. As required by CGC 66000, the Board of Directors of the Northstar Community Services District held a properly noticed public hearing on March 18, 2009 to review the plan subsequently adopting it by Resolution 09-03 (attached). As in the past and in the absence of a local newspaper, a memo announcing the meeting was posted throughout the Northstar community at local offices and businesses (attached).

### **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**

- Northstar Fire Department Fire Facilities Impact Fee Study Final Report with Capital Improvement Plan (CIP), March 4, 2009

### **Attachments**

Resolution  
Northstar Community Services District Resolution No. 09-03  
N.C.S.D. Northstar Fire Department Notice of Public Hearing

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

In the matter of: **A RESOLUTION APPROVING  
THE 2009-2010 NORTHSTAR FIRE  
DEPARTMENT FIRE FACILITIES IMPACT  
FEE STUDY FINAL REPORT WITH CAPITAL  
IMPROVEMENT PLAN WHICH HAS A 16.9%  
INCREASE IN MITIGATION FEES**

Resol. No: \_\_\_\_\_

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **APRIL 21, 2009** by the following vote on roll call:

Ayes:

Noes:

Absent:

**Signed and approved by me after its passage.**

\_\_\_\_\_  
Chairman, Board of Supervisors

**Attest:**

**Clerk of said Board** \_\_\_\_\_

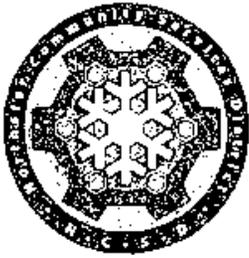
**WHEREAS**, Government Code 66000 et seq (GC 66000) allows local agencies to collect fees on new development to offset resultant impacts on services, but fire districts in and of themselves do not have direct legal authority to levy fees. That authority, in fact, rests with the Board of Supervisors, which codified the requisite legal framework, specifically for fire districts, in County Code Chapter 15.36.010; and

**WHEREAS**, GC 66000 requires that in order to collect mitigation fees on new development, the fire district must annually prepare and submit to the Board of Supervisors a Capital Facilities (or "Improvements") Plan that delineates and supports a proposed fee schedule; and

**WHEREAS**, the Northstar Community Services District (District) hired the consulting firm, *Willdan Financial Services* to conduct a comprehensive review of the impact of future development on fire protection services, update its plan, validate its fee calculation methodology, and set a new baseline fee structure; and

**WHEREAS**, the Northstar Community Services District Board of Directors held a public hearing to review its new plan on March 18, 2009, and the Board adopted it by passing Resolution Number 09-03. The 16.9% rate increase incorporated in the plan results in an adjustment of residential and commercial mitigation fees from \$0.77/ft<sup>2</sup> to \$0.90 ft<sup>2</sup>; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Placer that the fiscal year 2009-2010 Capital Improvement Plan for the Northstar Fire Department is hereby approved.



**N.C.S.D**

Northstar Community Services District  
908 Northstar Drive, Northstar, CA 96161  
P: 530.562.0747 • F: 530.562.1505 • www.northstarcsd.com

**Board of Directors**

DIANE EVANS  
JEANN GREEN  
NANCY IVES  
MIKE MOUL  
FRANK SEEBIG

**General Manager**

MICHAEL STAUBENMAYER

**BOARD OF DIRECTORS  
NORTHSTAR COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 09-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTHSTAR COMMUNITY SERVICES DISTRICT ADOPTING THE DISTRICT FIRE FACILITIES IMPACT FEE STUDY AND CAPITAL IMPROVEMENT PLAN, AND ESTABLISHING THE CAPITAL ASSETS MITIGATION FEE FOR THE 2009-2010 FISCAL YEAR**

WHEREAS, the Board of Directors (the "Board") of the Northstar Community Services District (the "District") has previously adopted and periodically updated a Capital Improvement Plan in connection with fire protection purposes; and

WHEREAS, the Board has prepared an updated capital improvement plan (the "Updated CIP") in connection with fire protection purposes; and

WHEREAS, at the request of the Board, Willdan Financial Services has prepared a Fire Facilities Impact Fee Study dated March 4, 2009 (the "Fee Study") which the Board has reviewed and which incorporates the Updated CIP (collectively, the Fee Study and the Updated CIP are hereinafter referred to as the "2009 CIP"); and

WHEREAS, the Board has considered the adoption of the 2009 CIP for fire protection purposes; and

WHEREAS, the 2009 CIP supports and indicates a need for a "Mitigation Fee" in the amount of \$0.90 per square foot of new enclosed/habitable construction of over 500 square feet in size, including commercial, residential, miscellaneous buildings and garages; and

WHEREAS, Government Code Section 66002(b) requires that the Mitigation Fee and 2009 CIP be adopted only after a noticed public hearing; and

WHEREAS, the 2009 CIP was available for public inspection and review, and was presented during a public hearing after the requisite notice; and

WHEREAS, after the public hearing and upon due consideration of the 2009 CIP, it appears that new development within the Northstar area will adversely impact and degrade the level of fire protection services in the District unless the recommended Mitigation Fee is adopted and that establishing the Mitigation Fee at the recommended sum is necessary for new development to pay its proportionate share of fire protection services; and

WHEREAS, the 2009 CIP reflects the requisite relationship and recommends fees reasonably calculated not to exceed the cost of capital improvements or services required by such new development, in compliance with Government Code Section 66000 *et seq.*; and,

WHEREAS the area within the Northstar Community Facilities District No. 1 (the "CFD") is contributing substantial revenues and infrastructure to offset the impact of the CFD on the District's fire protection services, and so the CFD should be excluded from payment of the Mitigation Fee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the District hereby approves and adopts the 2009 CIP and establishes a Mitigation Fee for all new construction in the District (but excluding areas within the CFD), as follows:

1. A Mitigation Fee equal to \$0.90 per square foot of new enclosed/habitable construction of over 500 square feet in size, including commercial, residential, miscellaneous buildings and garages, effective July 1, 2009.
2. The Mitigation Fee may be increased annually at the beginning of each fiscal year to reflect the current cost of the proposed capital facilities projects, beginning on July 1, 2010. The annual increase, if any, shall be established using the then most current *Engineering News-Record* Construction Cost Index.
3. Pursuant to Government Code Section 66002(b), the 2009 CIP shall be annually updated by resolution after a noticed public hearing.
4. The Board requests that the Placer County Board of Supervisors adopt and establish the Mitigation Fee set forth in Section 1.
5. The District shall be responsible for the proper accounting for and expenditure of the Mitigation Fee and further agrees to hold the County of Placer harmless from and defend it against any action, claim or damages related to the Mitigation Fee, including any challenge to the validity, implementation or use thereof.

ADOPTED AND APPROVED by the Board of Directors of the Northstar Community Services District on March 18, 2009, by the following vote:

AYES: Evans, Green, Ives, Moll, Seelig

NOES: None

ABSTAIN: None

ABSENT: None



Duane E. Evans  
President of the Board

Attest:



Myra S. Tanner  
Secretary of the Board

**N.C.S.D  
NORTHSTAR FIRE DEPARTMENT**

**Notice of Public Hearing**

Please take notice that at 9:00 a.m. on March 18, 2009 at the Northstar Fire Station, 910 Northstar Drive, Northstar, California 96161, the Board of Directors of the Northstar Community Services District will hold a public hearing to consider the adoption of the updated Fire Facilities Impact Fee Study prepared by Willdan Financial Services dated January 26, 2009, and the updated Capital Improvement Plan, including establishing a capital assets mitigation fee of 90 cents per square foot for new enclosed habitable construction, over 500 square feet, including garages. The area of real property within which the capital assets mitigation fee will be applicable is the area within the boundary of the Northstar Community Services District, but which is outside the boundaries of the Northstar Community Facilities District No. 1.

Dated: March 4, 2009

Myra Tanner  
Secretary of the Board

20

