



## ***MEMORANDUM***

**TO:** PCALUC Board of Directors **DATE:** November 12, 2013

**FROM:** David Melko, Senior Transportation Planner

**SUBJECT:** **PUBLIC HEARING: PROPOSED AIRPORT LAND USE COMMISSION FEE SCHEDULE UPDATE**

### **ACTION REQUESTED**

Conduct a public hearing to obtain public input on the proposed update to the fee schedule for the Placer County Airport Land Use Commission (ALUC).

### **BACKGROUND**

PCTPA serves as the designated ALUC for Placer County. This designation occurred in 1997. An ALUC has two primary functions under State law:

- Adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise; and
- Prevent encroachment of incompatible land uses around public-use airports.

An ALUC accomplishes these functions by:

- Preparing an Airport Land Use Compatibility Plan (ALUCP) for the area around each public-use airport; and
- Reviewing proposed projects within the airport influence area for their compatibility with the ALUCP.

The ALUC review process may involve various tasks, including but not limited to:

- Review of development applications and environmental documents as submitted by local agencies for airport land use compatibility and a determination of ALUCP consistency;
- Coordination with developers, local agencies, stakeholder groups, and Caltrans Division of Aeronautics;
- Amending the ALUCP as necessary; and
- Other duties as defined by State law.

Under State law ALUCs are allowed to charge project proponents for the cost of project reviews. The fees cannot exceed the estimated reasonable cost of providing this service. The existing Placer County ALUC fee schedule adopted in 1997 is as follows:

- \$35 for minor projects;
- \$70 for larger projects; and
- \$150 for subdivisions and environmental impact reports.

State law requires that a public hearing be held prior to adopting a new fee or approving an increase in an existing fee. State law also requires that information regarding a new fee or an increase in an existing fee be provided to interest parties upon request. Consistent with these requirements notice was published in the Auburn Journal, the Colfax Record and the Lincoln Messenger ten days prior to this public hearing. Notice was also placed on PCTPA's website

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([www.pctpa.net](http://www.pctpa.net)) and made available to all stakeholders who have expressed an interest in the ALUCP Update.

**DISCUSSION**

As noted at your August meeting, the ALUC has maintained the same fee schedule since 1997. An analysis of costs has shown that the cost of processing an ALUC project review far exceeds the fees established in 1997. Actual staff costs for ALUC reviews performed from 2005 to the present have ranged from an average of \$600 to \$2400 per review, representing a significant deficit in cost recovery. Attachment 1 provides a recap of ALUC staff hours, costs, and the number of project reviews over this period. For 2013/14, the PCTPA Overall Work Program (OWP) projects an average staff cost of approximately \$1433 per review.

Staff reviewed the fee schedules for a number of ALUCs operating in California. The fees charged for project reviews vary substantially from one ALUC to another from no fee charged to almost \$4,000. Some ALUCs charge a flat fee and others distinguish between different types of entitlements. Attachment 2 summarizes the fee structure for 17 ALUCs in California.

Based on that Board discussion in August, staff is recommending an update to the existing fee schedule as follows:

- A nonrefundable fee designed to cover the cost of staff time. The proposed fees reflect an average hourly staff rate. The proposed fees do not exceed the estimated reasonable cost of providing the service. The proposed fee structure covers the majority of the cost of providing reviews without overcharging project proponents.
- A “Supplemental Deposit,” would be required if it is determined that staff needs technical assistance to complete the review. The needed technical assistance will be provided on a time and materials basis.
- Review of the fee schedule annually or upon recommendation of the ALUC Secretary.

Attachment 3 describes the proposed fee structure in further detail.

Based on today’s public hearing, staff will make changes and adjustments to the fee update, as directed by the Board, returning the item for Board action in January. It is anticipated the fee schedule would become effective 60 days after Board adoption.

CM: DM: ss

**Attachment 1: Recap of PCTPA (ALUC) Staff Hours: July 2005 - June 2012**

	2011/12	2010/11	2009/10	2008/09	2007/08	2006/07	2005/06
	7/11-6/12	7/10-6/11	7/09-6/10	7/08-6/09	7/07-6/08	7/06-6/07	7/05-6/06
	Hours	Hours	Hours	Hours	Hours	Hours	Hours
Staff Totals	63	99	109	381	344	493	207
Number of Project Reviews	7	5	11	10	34	26	16
Average Review Hours	9	20	10	38	10	19	13
<b>Average Review Cost</b>	<b>\$ 617</b>	<b>\$ 1,366</b>	<b>\$ 684</b>	<b>\$ 2,368</b>	<b>\$ 629</b>	<b>\$ 1,178</b>	<b>\$ 804</b>

**Notes:** Between July 2005 and June 2012, an average of three reviews per year are considered "Major Reviews;" the remaining would be classified as "Minor reviews."

10/28/2013

Attachment 2: Airport Land Use Commission Statewide Fee Comparison				
Jurisdiction	Agency	Airports	ALUCP(s)	ALUC Fees
Alameda	Community Development Agency - Planning Department	3	3 ALUCPs	\$250.00 for referral, after 2 hours staff time \$100/hr. If needs Commission hearing -\$100
City of Bakersfield	City Planning Department	1	Citywide	\$255 to \$9,931 depending upon level of entitlement being reviewed
Butte	Airport Land Use Commission	NA	Countywide	\$3,912 deposit and \$163/hour with 40 hour maximum
El Dorado	El Dorado County Transportation Commission	3	3 ALUCPs	\$55 to \$500 depending upon level of entitlement review
Los Angeles	County Department of Regional Planning	14	2 ALUCPS one Countywide; one airport specific	\$1399 (Minor), \$3000 Deposit (Major)
Madera	County Planning	2	2 ALUCPs for each airport; one countywide guidance document.	\$3,636.00 (subject to annual readjustment)
Nevada	Nevada County Transportation Commission	2	2 ALUCPs for each airport	\$150-250 deposit, \$2500 estimated additional charge. Actual cost based on time & materials
Placer	Placer County Regional Transportation Agency	3	Countywide	\$35 -- Minor Projects \$70 -- Larger Projects \$150-- Subdivision/ EIR
Riverside	Airport Land Use Commission	13	11 ALUCPs	\$347 to \$3,300 depending upon level of entitlement being reviewed
San Bernardino	Airport Land Use Commission	NA	NA	Flat rate charge of \$130/hour to \$160/hour depending upon Planner position review
San Joaquin	San Joaquin Council of Governments	6	Countywide	Ranges from \$35 for Minor Subdivisions to \$280 for General Plan Amendments
Santa Clara	County Planning Division	4	NA	Minor Project Review = \$600; Major project Review = \$2,500
Solano	Airport Land Use Commission	NA	Countywide	\$200 plus \$110/hour professional time and \$29/hour support staff time
Tulare	County RMA	7	Countywide	\$200 Initial, \$1500 Deposit+100/hr
Tuolumne	Community Development Department	2	Countywide	County does not charge a separate ALUC review fee. The County's cost for ALUC review is incorporated into the County's application fees
Ventura	Ventura County Transportation Commission	4	Countywide	\$500 flat fee
11 Remaining ALUCs	NA	NA	NA	No fee

Sources: California Airport Land Use Planning, October 2011 and ALUC Statewide Fee Matrix 2012.

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## Attachment 3: Placer County ALUC Proposed Fee Schedule

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### Introduction

The Placer County Transportation Planning Agency (PCTPA) was designated as the Placer County Airport Land Use Commission (ALUC) in 1997. The ALUC has maintained the same fee schedule since that time. An analysis of costs has shown that the cost of processing an ALUC project review exceeds the fees established in 1997. Therefore, an increase in the fees is recommended.

### Background

Public Utilities Code (Section 21671.5(f)) allows airport land use commissions to charge project proponents for the cost of project reviews conducted by the Commission. The fees cannot exceed the estimated reasonable cost of providing the service.

The ALUC project review process may involve various tasks, including, but not limited to:

- Review of development applications and environmental documents as submitted by local agencies for airport land use compatibility;
- Determination of consistency;
- Coordination with developers, local agencies, stakeholder groups, and Caltrans Division of Aeronautics;
- Amending the Airport Land Use Compatibility Plan as necessary; and
- Duties as defined by State law.

The existing fee schedule adopted in 1997 is as follows:

- \$35 for minor projects;
- \$70 for larger projects; and
- \$150 for subdivisions and environmental impact reports.

Actual staff costs for ALUC reviews performed from 2005 to the present have ranged from an average of \$600 to \$2400 per review, representing a significant deficit in cost recovery. The projected average staff cost for FY 2013/14 is approximately \$1433 per review.

The proposed Placer County Airport Land Use Compatibility Plan Update recommends that the Placer County Airport Land Use Commission (ALUC) consider updating the fee schedule for the purpose of recovering costs for conducting ALUC project reviews.

The ALUC staff reviewed the fee schedules of El Dorado, Nevada County, and The Truckee Tahoe Airport Land Use Commission.

### Objective

As allowed by State law, fees and deposits shall be established by the ALUC for the purpose of defraying costs associated with ALUC project reviews.

## Attachment 3: Placer County ALUC Proposed Fee Schedule

### Proposed Fee Update

In order to develop a fee that covers the cost of providing reviews without overcharging project proponents, staff is recommending a fee schedule consisting of two components.

The first component is a nonrefundable fee designed to cover the cost of staff time. The proposed fee amounts reflect an average hourly staff rate. Estimated staff time for Minor Projects is about three hours. Estimated staff time for Major Projects is about nine hours. Estimated staff time for Mandatory Projects is about 16 hours. Some Mandatory Projects, such as general plan housing elements, involve review of PCTPA member agency planning documents. It is proposed that fees for Mandatory Projects sponsored by a PCTPA member agency be waived by the Commission.

If it is determined that staff needs technical assistance to complete the review, then the second component of the fee, a "Supplemental Deposit," would be required to proceed. Once the "Supplemental Deposit" has been received from the project proponent, the needed technical assistance will be provided on a time and materials basis. ALUC staff will monitor this additional review to keep the cost reasonable. After the project review is completed, the project proponent will either receive an invoice for an additional amount due or a refund depending on the actual costs incurred. At the time the cost of the review reaches 80 percent of the deposited amount, the project proponent will be notified that additional payment may be required upon completion of the ALUC project review.

Staff recommends that the fee schedule below be adopted for the ALUC and that the fee schedule be reviewed annually or upon recommendation of the ALUC Secretary. The proposed fee schedule does not exceed the estimated reasonable cost of providing the ALUC services.

<b>Placer County Airport Land Use Commission Fee Schedule</b>		
October 29, 2013		
<b>Project Category</b>	<b>Fee<sup>1</sup></b>	<b>Supplemental Deposit<sup>2</sup></b>
Minor Project	\$250	Not Applicable
Major Project	\$750	\$2,500
Mandatory Project <sup>3</sup>	\$1,250	\$2,500
ALUC Appeals	\$50	Not Applicable

<sup>1</sup>The fee is the minimum charge and is non-refundable.  
<sup>2</sup>If it is determined that technical assistance is needed to complete the review, then the "Supplemental Deposit," must be deposited to proceed. After the project review is completed, the project proponent will either receive an invoice for an additional amount due or a refund depending on the actual costs incurred. At the time the cost of the review reaches 80 percent of the deposited amount, the project proponent will be notified that additional payment may be required upon completion of the review.  
<sup>3</sup>Fees for Mandatory Project review of local member agency planning documents would be waived.

### Fee Payment

Fees must be paid at the time of the project submittal.

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## Attachment 3: Placer County ALUC Proposed Fee Schedule

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### **Annual Fee Adjustment**

The fee schedule shall be reviewed annually or upon recommendation of the ALUC Secretary, and presented to the ALUC Board for action. Within 15 days of Board action, the adopted fee schedule shall be posted at the Placer County Transportation Planning Agency (PCTPA) webpage [www.pctpa.net](http://www.pctpa.net) and distributed to Placer County and the cities of Auburn and Lincoln.

### **Project Category Definitions**

State law allows ALUCs to require local agencies to refer all actions, regulations, and permits involving land within an airport influence area to the ALUC for review. Projects subject to the provisions of the ALUCP are grouped into three broad categories, defined as follows:

#### **Mandatory Projects**

The ALUCP identifies actions that require mandatory review, pursuant to State law. Mandatory Projects include General Plan Amendments, Zoning Amendments, Specific Plans, Special District Facility Master Plans, Building Code changes and airport planning projects (i.e., Airport Master Plans). For a complete list of Mandatory Projects refer to Policy 2.4.1 of the proposed ALUCP Update.

#### **Major Projects**

Major Projects are related to proposed land uses for which compatibility with airport activity is a particular concern, but for which ALUC review is not always mandatory under State law. For a complete list of Major Projects refer to Policy 2.5.2 of the proposed ALUCP Update.

#### **Minor Projects**

Minor Projects are considered to encompass those types of land use actions not defined as a Major or Mandatory Project.

#### **Referral Process**

Until such time that the cities of Auburn and Lincoln and Placer County General Plans are determined to be consistent with the ALUCP all projects proposed within the Auburn Municipal, Blue Canyon, and Lincoln Regional Airport Influence Areas shall be subject to an ALUC fee.

After the cities of Auburn and Lincoln and Placer County General Plans are determined to be consistent with the ALUCP, voluntary referral of any proposed Minor or Major Projects within the Airport Influence Areas involving a question of compatibility with airport activities is considered optional.

Prior to approving the types of actions that require mandatory review, the cities of Auburn and Lincoln and Placer County must refer the action to the ALUC for a determination of consistency.

#### **Effective Date**

The new ALUC fee structure would become effective 60 days after Board adoption.