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Developer Agrees to Pay Fire Service Mitigation Charge

By Nick Marnell

The Moraga-Orinda Fire District board May 4 authorized Fire Chief Stephen Healy to enter into an agreement with the Richfield Real Estate Corporation and the Bigbury Company, the developers of the beleaguered Palos Colorados project, to pay the district \$180,000 as a fire service mitigation fee within 60 days of the issuance of the first building permit. The developer acknowledged in the agreement that its proposed 123-unit Moraga development places an increased fire service burden on the district, which plans to apply the mitigation fee toward the purchase of a new fire engine. Only director Fred Weil voted against the agreement, citing a clause in the contract that contains an out for the developer. The out-clause will take effect if the East Bay Municipal Utility District agrees to supply water at a rate of 2,250 gallons per minute to the project, the same water flow rate that MOFD used as a standard for new development when the project was approved in 1999.

Since then, the fire codes have changed, MOFD fire marshal Kathy Leonard said. Homes are now equipped with sprinkler systems, construction rules are tougher and wildfire prevention ordinances are stronger. And no longer does EBMUD install pipes that can transport water at 2,250 gpm at the project site; current pipes allow a water flow of only 1,500 gpm, as confirmed by Andrea Pook, EBMUD spokeswoman. MOFD firefighter Anthony Stevens told the board that 1,500 gpm was more than adequate for today's firefighting needs.

Thus, Leonard insisted that the clause Weil objected to was moot. She said the district was anxious to finalize its agreement with a development fraught with years of lawsuits, delays and failed permit approvals, including unsuccessful state and federal approvals for a golf course.

The developer will also pay MOFD \$2,000 prior to the issuance of a building permit for each approved lot. The money will be used for vegetation inspections, maintenance of open space and the upkeep of fire trails, plus hard costs. "For each home, we have to do three plan reviews and two separate fire inspections," Leonard said.

The first building permit is expected to be issued before the end of fiscal year 2016-17, which is why the district executed the agreement now. The projected cost of a new fire engine is \$585,000, so with the board's approval of the mitigation fee agreement, the cost will be reduced to \$405,000.

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[back](#)

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