



RESOLUTION NO. 116-2016
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
RESOLUTION ESTABLISHING DEVELOPMENT IMPACT FEES
ON BEHALF OF
EL DORADO HILLS COMMUNITY SERVICES DISTRICT
FOR THE SERRANO DEVELOPMENT

WHEREAS, AB 1600 was passed and codified in California Government Code Sections 66000-66025 (“Mitigation Fee Act”) allowing the establishment of a development impact fee as a condition of approval where the purpose and use of the fee are identified and a reasonable relationship to the development project can be demonstrated; and

WHEREAS, the County of El Dorado has adopted Ordinance No. 5057, codified in Chapter 13, Section 20 of the El Dorado County Code authorizing the establishment of a development impact fee collected on behalf of a special district upon the issuance of all building permits for development within the special district in order to fund the construction or purchase of public facilities and equipment necessary to mitigate the impacts of such development on the district’s ability to provide public services; and

WHEREAS, the Board of Supervisors has previously established fees within the boundaries of the El Dorado Hills Community Services District (“District”), for the purpose of funding the construction or purchase of parks and recreation facilities and equipment necessary to mitigate the impacts of new development on the District’s ability to provide parks and recreation services within the District, and the previously established fees are documented by Resolution 135-2018 adopted July 17, 2018; and

WHEREAS, several developers have filed appeals, pursuant to County Ordinance Code Section 13.20.050, to the application of District’s impact fees to development within the Serrano Development located north of Highway 50 as identified in the El Dorado Hills Specific Plan (“Serrano Development”); and

WHEREAS, County has determined, based on a third-party independent analysis, incorporated herein, that developments within the Serrano Development are entitled to a reduction of the District’s impact fee, necessitating the establishment of specific fee amounts for such developments, which are based on the Fee Nexus Study and Report from Resolution 135-2018 and the independent analysis, both of which are incorporated herein and made by reference a part hereof (collectively, “Report”); and

WHEREAS, on July 11, 2019, District approved specific fees for developments within the Serrano Development; and

WHEREAS, the establishment of specific fees for developments within the Serrano Development shall have no effect on the fees established for all other developments in accordance with Resolution 135-2018 and the Fee Nexus Study and Report incorporated therein; and

WHEREAS, Resolution 135-2018 shall continue in effect as to development within the District and outside of the Serrano Development; and

WHEREAS, notice of this hearing was published in the *Mountain Democrat* on July 5, 2019, and July 12, 2019, in accordance with Section 66018 of the Mitigation Fee Act; and

WHEREAS, the Board of Supervisors finds as follows:

- A. The purpose of these fees is to finance public facilities and equipment to mitigate the impact new of development on parks and recreation services within the District.
- B. The fees collected pursuant to this Resolution shall be used to finance the facilities and equipment as described and identified in the Report, provided that any expenditure will be reimbursed only if the District submits adequate supporting information to show that there is a reasonable relationship between the use of the fee and the type of development project for which the fee was imposed, including the percentage of the development project funded from the fee, and a reasonable relationship between the need for the public facility and the type of development for which the fee was imposed.
- C. Upon consideration of the Report and testimony received at this hearing, the Board approves the Report, incorporating such herein by reference, and further finds that new development within the boundaries of the District will generate an additional need for parks and recreation equipment and facilities and will contribute to the degradation of current services within the area.
- D. The facts and evidence presented in the Report establish a reasonable relationship between the need for the public facilities and equipment and the impact of the development for which the fee is charged, and a corresponding relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships are described in more detail in the Report.
- E. The cost estimates set forth in the Report are reasonable cost estimates for constructing these facilities or acquiring the equipment needed and the fees expected to be generated by new development will not exceed the total of these costs.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors hereby resolves and determines as follows:

1. *Residential* means and includes, but is not limited to, residential structures used for the following purposes:
 - a. Single Family detached homes;
 - b. Multi-family, including buildings with attached residential units including apartments, town homes, condominiums, duplexes, and all other residential units not classified as Single Family Detached;
 - c. Age-restricted, including residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens and having at least 35 dwelling units. At least 80% of the occupied units include at least one resident who is verified to be over the age of 55, and the community follows a policy that demonstrates an intent to provide housing for those aged 55 or older.
2. Effective sixty (60) days following adoption of this resolution, the following fees shall be charged upon issuance of any building permit within the Serrano Development and shall be paid to the County prior to the issuance of the building permit.

Land Use Type	Total Fee
Serrano Development Single Family Residential	\$6,265 per Unit
Serrano Development Multi Family Residential	\$4,135 per Unit
Serrano Development Age-Restricted	\$3,634 per Unit

3. Accessory Dwelling Units, which shall be defined as Secondary Dwellings as defined in the Zoning Ordinance Glossary, and in any amendments for Accessory Dwelling Units pursuant to Government Code 65852.2, shall be exempt from the above fees.
4. Fees collected on the reuse of an existing building shall be calculated based upon the current land use category less any previous fee paid to the District. The land owner shall be required to provide evidence of prior payment of the fee.
5. The fee established by this Resolution shall be collected and expended in compliance with the Mitigation Fee Act and El Dorado County Chapter 13.20 and, notwithstanding any examples provided in the Report, any expenditure will be reimbursed only if adequate supporting information is provided to show that there is a reasonable relationship between the use of the fee and the type of development project for which the fee was imposed, including the percentage of the development project funded from the fee, and a reasonable relationship between the need for the public facility and the type of development for which the fee was imposed.
6. Any judicial action or proceedings to attack, review, set aside, void, or annul this Resolution shall be brought forward within 120 days of adoption of the Resolution.
7. Any adjustment or increase to the fees adopted herein, including any adjustment for inflation, must be requested by the District and shall comply with the Mitigation Fee Act. No automatic adjustment will occur.
8. All fees shall be paid to and maintained by County and disbursed to District only upon a request with sufficient supporting documentation as provided in this Resolution. Any credit or reimbursement will be determined by the County pursuant to El Dorado County Chapter 13.20.
9. Except as provided herein for development within the Serrano Development, Resolution 135-2018 shall continue in effect as to development within the District that is outside of the Serrano Development.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of the Board of Supervisors, held the _____ day of _____, 20____, by the following vote of said Board:

Attest:
James S. Mitrisin
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chair, Board of Supervisors