



RESOLUTION NO.
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
RESOLUTION INCREASING DEVELOPMENT IMPACT FEES
ON BEHALF OF
EL DORADO HILLS COUNTY WATER DISTRICT
FOR THE EL DORADO HILLS FIRE DEPARTMENT

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 El Dorado Hills County Water District (“District”) has entered into an agreement required by County Code Section 13.20.030 providing for the District to defend and indemnify the County for any challenge related to the adoption, collection, or disbursement of fees on behalf of the District; and

WHEREAS, the Board of Supervisors has previously established fees within the boundaries of the District, for the purpose of funding the construction or purchase of fire protection facilities and equipment necessary to mitigate the impacts of new development on the ability of the El Dorado Hills Fire Department’s ability to provide fire protection and emergency response services within the District, and the established fees are documented by Resolution 041-2018 adopted March 20, 2018; and

WHEREAS, such fees were based on the El Dorado Hills Fire Department Fire Impact Fee Nexus Study (“Report”) detailing the legal and policy basis for increasing the development impact mitigation fee within the District; and

WHEREAS, the Report includes a recommendation for an annual inflationary adjustment based on the percentage change in the appropriate Construction Cost Index (CCI) as published by the Engineering News-Record for the preceding twelve months; and

WHEREAS, the following increases were approved by the Board of Supervisors by resolution:

1. June 9, 2020, based on the CCI increase of 2.518% for July 2018 – June 2019 on resolution 093-2020
2. November 17, 2020, based on the CCI increase of 5.409% for July 2019 – June 2020 on resolution 174-2020
3. November 9, 2021, based on the CCI increase of 4.270% for July 2020-June 2021 on resolution 134-2021

WHEREAS, on August 18, 2022, the District adopted Resolution No. 2022-14, adopting an increase to the fees of 14.096%, based on the change in the Construction Cost Index for San Francisco from July 2021 through June 2022, as published in the Engineering News-Record, and requesting the Board of Supervisors adopt the 14.096% increase to the established impact fees as proposed therein, and

WHEREAS, notice of this hearing was published in the *Mountain Democrat* on November 25, 2022 and December 2, 2022 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 of new development on fire protection and emergency response services within the District.
- B. As found in Resolution No. 041-2018, 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 the March 20, 2018 hearing, the Board approved the Report in Resolution No. 041-2018, incorporating such therein by reference, and further found that new development within the boundaries of the District will generate an additional need for fire equipment and facilities and will contribute to the degradation of current services within the area.
- D. As found in Resolution No. 041-2018, the facts and evidence presented in the study established 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. There continues to be a current and future need for new facilities and equipment necessary for the District to provide fire protection services to new development in compliance with fire safety policies and the County's General Plan, as found in Resolution No. 041-2018, and the cost to fulfill that need increases with increased costs of construction and equipment due to inflation.
- F. As found in Resolution No. 041-2018, 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, and the Board further finds that these costs increase relative to the increased costs of construction and equipment due to inflation.
- G. As stated in the Report, the fee should be adjusted annually by the percentage change in an appropriate cost index, and the Board finds that the Construction Cost Index for San Francisco as published in the Engineering News-Record is the most appropriate index available. The Board further finds that utilization of the inflationary index for one fiscal year (July 2021 to June 2022) produces a fee that maintains a reasonable relationship between the need for the public facility and the type of development for which the fee was imposed while accounting for increased costs of construction and equipment due to inflation.

- H. The Board of Supervisors has reviewed the assumptions of the Report supporting the original fee and evaluated the amount of fees collected under the original fee.

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

1. *New development* shall mean original construction of residential, commercial, industrial or other non-residential improvement, or the addition of floor space to existing residential, commercial, or industrial facilities.
2. Effective sixty (60) days following adoption of this Resolution, the fees established in Resolution 134-2021 shall be increased 14.096% and the fees shall be charged upon issuance of any building permit and shall be paid prior to the issuance of the building permit by all new development within the District. With the 14.096% increase provided for herein to account for inflation, the fees to be charged will be:

Residential Development	Per Living Area Sq. Ft.
Single Family Housing	\$1.18
Multi Family Housing	\$1.93
Mobile Home	\$1.38
Assisted Living Facility	\$1.94
Nonresidential Development	Per Building Sq. Ft.
Retail/Commercial	\$2.00
Office	\$2.50
Industrial	\$1.83
Agriculture	\$0.78
Warehouse/Distribution	\$1.24

3. Pursuant to Government Code Section 65852.2(f)(3)(A), a fee shall not be imposed upon the development of an Accessory Dwelling Unit less than 750 square feet or a Junior Accessory Dwelling Unit. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. An Accessory Dwelling Unit is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as defined in Section 18007 of the Health and Safety Code. A Junior Accessory Dwelling Unit is a residential unit that is no more than 500 square feet in size and contained entirely within a proposed or existing single-family structure and may include a separate bathroom or share a bathroom with the existing structure.
4. Definitions for the land use classifications for Nonresidential Development are on pages 13 and 14 of the of the Report.
5. The increased 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 the 14.096% fee increase provided for in this Resolution shall be brought within 120 days of the adoption of this Resolution. If this Resolution is set aside, void, or annulled for any reason and no subsequent Resolution provides otherwise, this Resolution shall be repealed automatically and Resolution 134-2021, adopted November 9, 2021, and the fees established therein shall remain in effect. Subject to this limitation, this Resolution supersedes Resolution 134-2021.
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.

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:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chair, Board of Supervisors