



RESOLUTION NO.
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION ESTABLISHING DEVELOPMENT IMPACT FEES
ON BEHALF OF
EL DORADO HILLS COUNTY WATER DISTRICT
FOR EL DORADO HILLS FIRE DEPARTMENT

WHEREAS, AB 1600 was passed and codified in California Government Code Section 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. 3991, codified in Chapter 13, Section 20 of the El Dorado County Code authorizing the imposition of fire district improvement fees on new development within the unincorporated area of the County in order to construct or purchase fire protection facilities and equipment necessary to mitigate the impacts of such development in a fire protection district; 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;

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 such development in a fire protection District, as documented by Resolution #041-2018 approved on March 20, 2018; and

WHEREAS, the District has caused to be prepared a Fire Development Impact Fee Justification Study (“Report”) for the purpose of establishing the legal and policy basis for increasing the development impact mitigation fee within the District, and the County has reviewed the Report, which is incorporated herein and made by reference a part hereof; and

WHEREAS, on October 16, 2025, the District adopted Resolution No. 2025-18, approving the Report and requesting the Board of Supervisors adopt the impact fees proposed therein; and

WHEREAS, the Report was made available for public review 30 days prior to this public hearing and notice of this hearing was published in the Mountain Democrat on November 21, 2025, and December 5, 2025, in accordance with Section 66018 of the Mitigation Fee Act; and

WHEREAS, upon consideration of the Report and testimony received at this hearing, the Board approves the Report, incorporating such herein by reference, except that the County does not agree that Section 13.20.050 of the El Dorado County Code of Ordinances authorizes project specific fee adjustments, and further finds 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; and

WHEREAS, after a full public hearing during which the fee structure was studied and reviewed, the Board makes the following findings pursuant to Government Code Section 66001:

- A. **Government Code Section 66001(a)(1); Identify the purpose of the fee.** The purpose of these fees is to fund the cost of fire protection and emergency response facilities, apparatus, and equipment attributable to new residential and nonresidential development in the District. The fire impact fee will enable the District to maintain its existing level of service by ensuring that the costs of expanded facilities, apparatus, and equipment required to accommodate growth are funded by new development rather than placing a financial burden on existing development.
- B. **Government Code Section 66001(a)(2): Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified.** The fees collected pursuant to this Resolution shall be used to finance the facilities and equipment as described, identified, or referenced in the attached 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. 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.
- C. **Government Code Section 66001(a)(3): Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.** New residential and nonresidential development projects in the District will increase the number of persons (residents and employees) and the structural area (residential area and nonresidential building area) in which these persons live or work. The growth in population and structural area will create an additional need for the District's fire protection and prevention, emergency response services, and a corresponding need for new or expanded facilities, as well as the replacement of apparatus, vehicles, and equipment. The fee will be imposed on different types of development projects for the additional service population generated and the structural area created by new development projects.
- D. **Government Code Section 66001(a)(4): Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.** The cost of fire protection facilities, apparatus, and equipment attributable to a development project is based upon the level of existing development served by the District's existing fire protection facilities. The use of an existing facility standard methodology to determine the fire impact fee achieves proportionality between existing development and new development. Moreover, these equivalent costs are applied to nine land use categories in proportion to the need they create for expanded facilities. The use of a fire facilities demand factor to determine the fire impact fee schedule achieves proportionality across the types of development on which the fee is imposed. Larger development projects will generate a higher number of residents and a larger structural area to protect, and as a result, will pay a higher fee than smaller development projects. Thus, the application of a fire impact fee schedule to a specific project ensures a reasonable relationship between the fee and the cost of the facilities, equipment, and apparatus attributable to that project.

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

- 1. *New development* shall mean original construction of residential, retail/commercial, industrial, agricultural, or warehouse/distribution improvement, or the addition of floor space to existing residential, retail/commercial, industrial, agricultural, or warehouse/distribution.

2. Effective sixty (60) days following adoption of this resolution, the following fees shall be charged upon issuance of any building permit and shall be paid to the County prior to the issuance of the building permit by all new residential development within the District.

<u>Residential Development</u>	<u>Fee Per Living Area Sq. Ft.</u>
Single Family Housing	\$1.65
Multi-Family Housing	\$2.14
Mobile Home	\$1.82
Assisted Living Facility	\$3.30
ADU < 750 sq. ft.	Exempt
ADU ≥ 750 sq. ft.	\$1.65

<u>Nonresidential Development</u>	<u>Per Building Sq. Ft.</u>
Retail/Commercial	\$3.19
Office	\$4.33
Industrial	\$2.85
Agriculture	\$0.42
Warehouse/Distribution	\$1.52

3. Pursuant to Government Code Section 66324(c), 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 has the same meaning as defined in Government Code Section 66313(a). A Junior Accessory Dwelling Unit has the same meaning as defined in Government Code Section 66313(d).
4. Definitions for the land use classifications for Nonresidential Development are provided on page 18 of the Report.
5. 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.
6. The fee established by the 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.
7. 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.
8. This Resolution supersedes Resolution #171-2022 approved on December 6, 2022.
9. 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.

10. 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

_____ George Turnboo - Chair, Board of Supervisors