



**RESOLUTION NO.**  
**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**  
**RESOLUTION ESTABLISHING DEVELOPMENT IMPACT FEES**  
**ON BEHALF OF**  
**GARDEN VALLEY FIRE PROTECTION DISTRICT**

**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 Garden Valley Fire Protection District (“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 Garden Valley Fire Protection District to provide fire protection and emergency response services within the District, and the previously established fees are documented by Resolution 289-2007 adopted November 27, 2007; and

**WHEREAS**, the District has caused to be prepared a Fee Nexus Study and Report (“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 March 19, 2019, the District adopted Resolution No. 2019-01, 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 10 days prior to this public hearing and notice of this hearing was published in the Mountain Democrat on May 3, 2018 and May 10, 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 of new development on fire protection and emergency response 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 fire equipment and facilities and will contribute to the degradation of current services within the area.
- D. There is a 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.
- E. The facts and evidence presented in the study 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.
- F. 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. *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 following 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.

Residential Development	Per Living Area Sq. Ft.
Single Family Housing	\$1.43
Multi Family Housing	\$1.69
Mobile Home	\$1.51

Nonresidential Development	Per Building Sq. Ft.
Retail/Commercial	\$1.89
Office	\$2.29
Industrial	\$1.74
Agriculture	\$0.87
Warehouse/Distribution	\$1.27

- 3. 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.



**RESOLUTION NO. 2019-01  
OF THE BOARD OF DIRECTORS  
OF THE GARDEN VALLEY FIRE PROTECTION DISTRICT  
March 19, 2019**

**RESOLUTION APPROVING THE GARDEN VALLEY FIRE  
PROTECTION FIRE IMPACT FEE NEXUS STUDY AND REQUESTING  
THE COUNTY OF EL DORADO BOARD OF SUPERVISORS ADOPT  
AND IMPLEMENT THE PROPOSED FIRE IMPACT FEE PROGRAM  
ON BEHALF OF THE DISTRICT**

*WHEREAS*, AB 1600 was adopted and codified in California Government Code Section 66000 allowing the establishing, increasing or imposing of a development fee as a condition of approval where the purpose and use of the fee were identified, and reasonable relationship to the development project was demonstrated; and

*WHEREAS*, the Board of Supervisors (“County Board”) of the County of El Dorado (“County”), by Ordinance Number 5057, amending Chapter 13, Section 20 of the County Code authorizes the imposition of development impact fees (“Fire Impact Fees”) on behalf of fire agencies on new development with the unincorporated area of the County; and

*WHEREAS*, the Garden Valley Fire Protection District (“District”) Board of Directors (“District Board”) desires to establish a new Fire Impact Fee program to fund fire protection facilities, apparatus, and equipment necessary to mitigate the impacts caused by new development; and

*WHEREAS*, the Garden Valley Fire Protection District (“District”) Board of Directors (“Board”) has received and considered the District’s Fire Impact Fee Nexus Study prepared by SCI Consulting Group dated January 2019 Final Report (“Nexus Study”) that provides the required information to establish a new Fire Impact Fee program.

***NOW, THEREFORE, IT IS HEREBY RESOLVED*** that:

- 1) The District Board hereby receives and approves the Nexus Study.
- 2) Prior to the adoption of this Resolution, the District conducted a public hearing at which oral and written presentations were made, as part of the District's regularly scheduled March 19, 2019, meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in the local newspaper. Additionally, at least 10 days prior to the meeting the District made available to the public, data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to the Resolution by way of such public meeting, the District received the Nexus Study attached as Exhibit A, which formed the basis for the action taken pursuant to this Resolution.

- 5) The District does hereby approve the following Fire Impact Fees on new development which shall be collected upon issuance of a building permit:

<u>Land Use</u>	<u>Fire Impact Fees</u>
<u>Residential Development</u>	
Single Family Housing	Per Living Area Sq. Ft. \$1.43
Multi-Family Housing	\$1.69
Mobile Home	\$1.51
<u>Nonresidential Development</u>	
Retail / Commercial	Per Building Sq. Ft. \$1.89
Office	\$2.29
Industrial	\$1.74
Agriculture	\$0.87
Warehouse / Distribution	\$1.27

- 6) If any portion of this Resolution is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution.

**BE IT FURTHER RESOLVED** that by the Board of Directors of the Garden Valley Fire Protection District formally requests that the El Dorado County Board of Supervisors adopt and implement this approved Fire Impact Fee program on behalf of the with the District agreeing to be responsible for the proper accounting for and expenditure of said moneys and further agreeing to hold the County of El Dorado harmless from and to defend it from any action, claim or damages related to said fees, including any challenge to the validity of or use thereof.

**PASSED AND ADOPTED** by the Board of Directors of the Garden Valley Fire Protection District, at a regularly scheduled meeting held on the 19th of March Two-thousand and Nineteen, by the following vote of said District Board:

AYES: 4  
NOES: 0  
ABSTAIN: 0  
ABSENT: 1

ATTEST:

  
\_\_\_\_\_  
Ed Hawkins, Chair  
Board of Directors

  
\_\_\_\_\_  
Lisa Howard, Secretary  
Board of Directors



# **GARDEN VALLEY FIRE PROTECTION DISTRICT**

## **FIRE IMPACT FEE NEXUS STUDY**

MARCH 2019  
FINAL REPORT

PREPARED FOR:

**BOARD OF DIRECTORS  
GARDEN VALLEY FIRE PROTECTION DISTRICT**

PREPARED BY:

  
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## **GARDEN VALLEY FIRE PROTECTION DISTRICT**

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### **BOARD OF DIRECTORS**

Frank Clark, Director

Frank Edwards, Director

Ed Hawkings, Director

Dave Souza, Director

Mark Spaugh, Director

### **FIRE CHIEF**

Clive Savacool

### **DISTRICT CONSULTANT**

Blair Aas, Director of Planning Services

SCI Consulting Group



## ACKNOWLEDGMENTS

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This Fire Impact Fee Nexus Study was prepared by SCI Consulting Group ("SCI") under contract with the Garden Valley Fire Protection District ("District"). The work was accomplished under the general direction of Clive Savacool, Fire Chief of the District.

We would like to acknowledge special efforts made by the following individuals and organizations for this project:

Lisa Howard, Garden Valley Fire Protection District  
Captain Charles Frost, Garden Valley Fire Protection District  
Sue Hennike, County of El Dorado  
Michael Ciccozzi, County of El Dorado  
Roger Trout, County of El Dorado  
El Dorado County Auditor's Office  
El Dorado County Assessor's Office

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## EXECUTIVE SUMMARY

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### INTRODUCTION

This Fire Impact Fee Nexus Study (“Nexus Study”) was prepared pursuant to the Mitigation Fee Act (“Act”) as found in Government Code § 66000 et seq. The purpose of this Nexus Study is to establish the legal and policy basis for the collection of a new fire impact fee (“fee”) on new development within the Garden Valley Fire Protection District (“District”).

The District provides first-responder fire protection and emergency response services to the unincorporated communities of Garden Valley, Greenwood, and Kelsey in northwestern El Dorado County (“County”). Specifically, the District’s services include fire prevention and suppression; emergency medical response and transport; rescue and hazardous materials response.

The purpose of the fee is to fund the one-time cost of expanding the District’s facilities, apparatus, and equipment in order to maintain its existing level of service. For purposes of this Nexus Study, the term “facilities” or “fire system facilities” will refer to facilities (land, stations and other buildings), apparatus (engines, ambulances, and other vehicles), and equipment (ancillary and station). The term “new development” will generally refer the persons (residents and employees working in the District’s service area) and the structural area (residential area and nonresidential building area) in which the persons live or work.

Currently, the County imposes a fire impact fee on behalf of the District in the amount of \$0.77 per square foot of new un-sprinklered, construction and \$0.39 per square foot for sprinklered structure dwelling or non-dwelling of 500 square feet or larger.

In order to impose such fees, this Nexus Study demonstrates that a reasonable relationship between new development, the amount of the fee, and fire facilities, apparatus and equipment funded by the fee. More specifically, this Nexus Study will present findings in order to meet the procedural requirements of the Mitigation Fee Act (“Act”), also known as AB 1600, which are as follows:

1. Identify the **purpose** of the fee.
2. Identify the **use** to which the fee is to be put.
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 (“**benefit relationship**”).

4. Determine how there is a reasonable relationship between the need for the fire facilities and the type of development project on which the fee is imposed (“**impact relationship**”).
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (“**proportional relationship**”).

Additionally, the Act specifies that the fee shall not include costs attributable to existing deficiencies in public facilities but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to refurbish existing facilities to maintain the existing level of service or achieve an adopted level of service that is consistent with the general plan.

To determine the District’s fire impact fee consistent with these **substantive requirements**, this Nexus Study utilizes a system-wide existing facility standard methodology. Under this widely-used method, the District’s ratio of existing fire protection facilities, apparatus and equipment to existing development establishes the standard for determining new development’s fair share of the cost to expand the District’s fire system as growth occurs. Existing development is determined based on the assumption that 50 percent of the need and demand for fire service (and associated facilities, apparatus, and equipment) is related to the persons (residents or employees), and the other 50 percent of the need is related to the structural area (i.e., living area or nonresidential building area) in which they live or work. The value of the District’s existing fire system is determined using the replacement value of the District’s existing inventory of fire protection facilities, apparatus, and equipment. These costs are then applied to eight land use categories in proportion to the need they create for fire protection and emergency response services to establish a cost/fee per square foot.

The Nexus Study also identifies the fair share cost of planned fire and emergency response services facilities needed to serve existing development at the same facilities standard applied to new development. The identification and use of a facilities standard ensure that new development will only fund the share of planned facilities needed to accommodate growth. Thus, consistent with the Act, this Nexus Study demonstrates that there is a reasonable relationship between new development, the amount of the fee, and facilities, apparatus and equipment funded by the fee.

The Nexus Study also details the **procedural requirements** for approval of the Nexus Study and proposed fire impact fee program (“fee program”) by the District Board of Directors and adoption by the County Board of Supervisors on behalf of the District. Also, the Act contains specific requirements for the **annual administration** of the fee program. These statutory requirements and other important information regarding the imposition and collection of the fee are provided in the last sections of the Nexus Study.

## SUMMARY OF KEY FINDINGS

The following key findings from the Nexus Study are presented:

1. The County of El Dorado, on behalf of the District, currently imposes a fire impact fee in the amount of \$0.77 per square foot of new un-sprinklered, construction and \$0.39 per square foot for sprinklered structure dwelling or non-dwelling of 500 square feet or larger.
2. A fire impact fee is necessary to ensure that the District can adequately expand its fire protection facilities, apparatus, and equipment to accommodate the population and employment growth and new structural area created by new development.
3. Consistent with nexus requirements of the Act, this Nexus Study demonstrates that there is a reasonable relationship between new development, the amount of the proposed fee, and facilities, apparatus, and equipment funded by the fee.
4. The District may approve, and the County may adopt on their behalf, the following fee at or below the levels determined by this Nexus Study.

**FIGURE 1 – MAXIMUM FIRE IMPACT FEE SCHEDULE**

Land Use Category	Maximum Fire Impact Fee
	Per Living Sq.
<b>Residential Development</b>	<b>Ft.</b>
Single-Family Housing	\$1.43
Multi-Family Housing	\$1.69
Mobile Home	\$1.51
	Per Building Sq.
<b>Nonresidential Development</b>	<b>Ft.</b>
Retail / Commercial	\$1.89
Office	\$2.29
Industrial	\$1.74
Agriculture	\$0.87
Warehouse / Distribution	\$1.27

Notes:

<sup>1</sup> The fire impact fee is rounded to the nearest whole cent.

5. Fee revenue may be used to fund 100% of the cost of new and expanded facilities, 100% of the cost of apparatus, vehicles, and equipment that expand the District's existing inventory, and up to 10.5 percent the replacement cost of apparatus, vehicle and equipment purchases.
6. The proposed fire impact fee is consistent with El Dorado County Ordinance Code Chapter 13.20 and the policies of the El Dorado County General Plan.

#### SUMMARY OF GENERAL RECOMMENDATIONS

Based on the findings presented in the Nexus Study, the following general recommendations are presented:

1. The District should establish a new development impact fee to fund the costs of providing fire facilities, apparatus, and equipment needed to accommodate new development.
2. Since only cities and counties have land use authority to impose development impact fees as a condition of project approval, the District's proposed fee must be adopted by the County on behalf of the District.
3. The District's approved fee should be adopted and implemented in accordance with the applicable provisions of the Act.
4. The District should comply with the annual reporting requirements under Government Code § 66006(b).
5. Following the fifth fiscal year after the first deposit of fee revenue and every five years thereafter, the District should comply with the reporting requirements under Government Code § 66001(d).
6. The cost estimates presented in this Nexus Study are in January 2019 dollars. The resolution establishing the new fire impact fee should include a provision for annual inflationary adjustments based on 12-month percentage change in an appropriate engineering cost index as published by the Engineering News-Record.



## DETERMINATION OF EXISTING DEVELOPMENT

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The District serves both residences and businesses throughout their service area. As such, the demand for the District's services and associated facilities, apparatus, and equipment is measured by its service population and the structural area it protects. This section will first determine the service population and structural area within the District's service area. This data will be used to establish an existing facilities demand factor for the various residential, and nonresidential land uses within the District, which in turn will be used to determine existing development's total facilities demand.

### EXISTING SERVICE POPULATION AND STRUCTURAL AREA

The District provides first-responder fire protection and emergency response services to the unincorporated communities of Garden Valley, Greenwood, and Kelsey in northwestern El Dorado County. The District currently serves an estimated resident population of 4,070. The District's resident population estimate is based on figures from the 2010 U.S. Census for the District's service area and El Dorado County Assessor's data as of July 2018 and assumes a 15 percent vacancy rate.

The District also protects approximately 1,844 occupied and vacant housing units and approximately 200,000 square feet of nonresidential building area. Estimated total housing units and nonresidential building area are based on figures the El Dorado County Assessor as of July 2018.

### FIRE FACILITIES DEMAND FACTOR

To determine the relative demand for fire facilities for various land uses, this Nexus Study relies on equivalent dwelling unit ("EDU") factors to compare fire facilities demand across various residential and nonresidential land uses. For purposes of this Nexus Study, it is assumed that 50 percent of the demand for fire protection and emergency response services is related to the persons (residents or employees), and the other 50 percent of the need is to protect the structural area (living area or nonresidential building area) in which the persons live or work.

The equivalent dwelling unit ("EDU") is also used to convert the nonresidential building area to a residential dwelling unit value. This approach allows for the cost of facilities, apparatus, vehicles, and equipment to be fairly apportioned among residential and nonresidential land uses.

Figure 2 on the following page shows the calculation of the fire facilities demand factor for eight land use categories. The residential land use categories are expressed per dwelling unit, and the nonresidential land use categories are expressed per square foot of building area. By this measure, for example, one single-family home creates the demand for the District's facilities, apparatus, and equipment equal to 800 square feet of retail/commercial building area.

FIGURE 2 – FIRE FACILITIES DEMAND FACTOR

Land Use Category	Unit	Persons per Unit <sup>1</sup>	Persons EDU	Persons Demand Factor	Structural Area per Unit <sup>2</sup>	Structural Area EDU	Structural Area Demand Factor	Fire Facilities EDU Demand Factor
	Calc	a	b = a / 2.59	c = b * 50%	d	e = d / 1,650	f = e * 50%	g = c + f
Single-Family Housing	DU	2.59	1.00	0.50	1,650	1.00	0.50	1.00
Multi-Family Housing	DU	2.02	0.78	0.39	950	0.58	0.29	0.68
Mobile Home	DU	2.18	0.84	0.42	1,250	0.76	0.38	0.80
Residential	DU	2.59	1.00	0.50	1,601	0.97	0.49	0.99
Retail / Commercial	KBSF	2.56	0.99	0.49	1,000	0.61	0.30	0.80
Office	KBSF	3.47	1.34	0.67	1,000	0.61	0.30	0.97
Industrial	KBSF	2.28	0.88	0.44	1,000	0.61	0.30	0.74
Agriculture	KBSF	0.33	0.13	0.06	1,000	0.61	0.30	0.37
Warehouse / Distribution	KBSF	1.23	0.47	0.24	1,000	0.61	0.30	0.54
Nonresidential	KBSF	2.55	0.98	0.49	1,000	0.61	0.30	0.80

Notes:

<sup>1</sup> Residents per unit is based on census data from the 2010 U.S. Census for census tracts generally covering the District. However, due to a low sample size in the census tracts, the Countywide average is used for multi-family units and mobile homes. All nonresidential density figures (except Agriculture) are from 2001 "Employment Density Study" prepared by The Natelson Company, Inc. for the Southern California Association of Governments expressed in terms of the number of employees per 1,000 square feet of building area. The density figure for Agriculture is from the 2004 "Employment Density in the Puget Sound Region" report prepared by E.K. Pflum for the University of Washington.

<sup>2</sup> Residential structural area per unit is based on El Dorado County Assessor's data as of July 2018.

## EXISTING FIRE FACILITIES DEMAND EDUS

Figure 3 below calculates the District's existing demand EDUs based on the total number of dwelling units and estimated nonresidential building area within the District. As shown, total existing demand EDUs for the District is 1,925. Existing demand EDUs represents the level of existing development served by the District's existing facilities.

FIGURE 3 – EXISTING DEMAND EDUS

Land Use Categories	Unit	Units <sup>1</sup>	Fire Facilities EDU Demand Factor <sup>2</sup>	Existing Demand EDUs
	Calc	a	b	c = a * b
Single Family Housing	DU	1,497	1.00	1,497
Multi-Family Housing	DU	54	0.68	37
Mobile Home	DU	293	0.80	234
Nonresidential	KBSF	196	0.80	157
<b>Total</b>		<b>2,040</b>		<b>1,925</b>

Source: El Dorado County Assessor's Office; SCI Consulting Group

Notes:

<sup>1</sup> Housing unit count and nonresidential building area is from El Dorado County Assessor's data as of July 2018.

<sup>2</sup> See Figure 2.

## DETERMINATION OF EXISTING FIRE SYSTEM FACILITIES

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### EXISTING FIRE SYSTEM FACILITIES

The next step in determining the District's existing facilities standard is to calculate the replacement value of the District's fire protection and emergency response facilities system. Figure 4 below presents a summary of replacement value (in 2019 dollars) for the District's existing facilities (land and stations), apparatus (engines, ambulances, and other vehicles) and equipment (ancillary and station).

Fire station replacement costs are based on construction cost estimates from the Engineering News-Record Square Foot Costbook, 2016 Edition for fire station construction in the greater Sacramento area with a 3 percent adjustment for inflation. The estimated replacement value of the District's apparatus, vehicles, and equipment inventory is based on unit cost assumptions provided by the District. Estimated values of older apparatus have been discounted from the replacement value of the new apparatus to reflect their age. (The detailed inventory and estimated replacement value for each is provided in Appendix A.)

As shown below, the estimated value of the District's existing facilities, apparatus, and equipment is \$4.4 million in 2019 dollars.

FIGURE 4 – REPLACEMENT VALUE OF EXISTING FIRE SYSTEM FACILITIES

<b>Fee Components</b>	<b>Total Replacement Value (2019\$)</b>
Land	\$84,800
Stations / Other Buildings	\$2,591,600
Apparatus / Vehicles	\$1,477,500
Equipment	\$265,000
<b>Total Existing Fire System Facilities</b>	<b>\$4,418,900</b>

Source: Garden Valley Fire Protection District; SCI Consulting Group

### EXISTING FIRE FACILITIES STANDARD

The District's ratio of existing facilities, apparatus, and equipment to the existing demand establishes the standard for determining new development's fair share of the cost to replace and expand the District's facilities as growth occurs. As shown below, the standard is represented by the existing fire system facilities cost of \$2,295.53 per demand EDU.

**FIGURE 5 – FIRE FACILITIES COST PER DEMAND EDU**

Existing Fire System Facilities <sup>1</sup>	\$4,418,900
Existing Demand EDUs <sup>2</sup>	1,925
<b>Existing Fire Facility Cost Per EDU</b>	<b>\$2,295.53</b>

Notes:

<sup>1</sup> See Figure 4.

<sup>2</sup> See Figure 3.

## DETERMINATION OF THE FIRE IMPACT FEE

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The Mitigation Fee Act requires that development impact fees be determined in a way that ensures a reasonable relationship between the amount of the fee and the cost of facilities, apparatus, and equipment attributable to the development on which the fee is imposed. In this section, the District's facilities standard determined and then applied to eight land uses categories in proportion to the demand they create as measured by their fire facilities EDU demand factor.

### RESIDENTIAL FIRE IMPACT FEE

Since residential land uses have varying dwelling unit occupancies and sizes, the residential fire impact fee is expressed on a per square footage basis for the following three residential land use categories defined below.

- **"Single-family housing"** means detached or attached one-family dwelling unit with an assessor's parcel number for each dwelling unit; and
- **"Multifamily housing"** means buildings or structures designed for two or more families for living or sleeping purposes and having kitchen and bath facilities for each family, and
- **"Mobile home"** means a development area for residential occupancy in vehicles which require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle; and

The fire impact fee shall be charged on the square footage within the perimeter of a residential structure. Garages, carports, walkways, overhangs, patios, enclosed patios, detached storage structures, or similar areas are excluded.

Figure 6 below presents the calculation of the District's proposed residential fire impact fees. The District may approve, and the County may adopt on their behalf, the following fees at or below the levels determined by this Nexus Study. As shown, the residential fees are determined by multiplying the facilities standard by their respective facilities demand EDU factor plus an additional 3 percent for annual administration of the fire impact fee program. The fee program administrative cost component is designed to offset the cost of County collection, documentation, annual reporting requirements, five-year report requirements, periodic Nexus Study updates, and other costs reasonably related to compliance with the Act.

FIGURE 6 – PROPOSED RESIDENTIAL FIRE IMPACT FEES

Residential Land Use Category	Facility Standard <sup>1</sup>	Facilities Demand	Cost per Unit	Admin. Expense 3% <sup>3</sup>	Average Living Area per Sq. Ft. <sup>4</sup>	Proposed Residential Fees <sup>5</sup>
		EDU Factor <sup>2</sup>				
Calc	a	b	c = a * b	d = c * 0.03	e	f = (c + d) / e
			<i>- per dwelling unit -</i>			<i>- per sq. ft. -</i>
Single-Family Housing	\$2,295.53	1.00	\$2,295.53	\$68.87	1,650	\$1.43
Multi-Family Housing	\$2,295.53	0.68	\$1,560.96	\$46.83	950	\$1.69
Mobile Home	\$2,295.53	0.80	\$1,836.43	\$55.09	1,250	\$1.51

Notes:

<sup>1</sup> See Figure 5.

<sup>2</sup> See Figure 2.

<sup>3</sup> County collection, documentation, annual reporting requirements, five-year report requirements, periodic Nexus Study updates and other costs reasonably related to compliance with the Act.

<sup>4</sup> Based on El Dorado County Assessor's Lien Roll Data as of July 1, 2018.

<sup>5</sup> Proposed residential fire impact fees are rounded down to the nearest cent.

#### NONRESIDENTIAL FIRE IMPACT FEES

As stated earlier, the Mitigation Fee Act requires that development impact fees be determined in a way that ensures a reasonable relationship between the fee and the type of development on which the fee is imposed. Since different nonresidential land uses have varying employment densities, the nonresidential fire impact fee is expressed per square foot of building area based on their respective facilities demand EDU factor for five nonresidential land use categories. The five nonresidential land use categories are as follows:

- **"Retail / Commercial"** means retail, commercial, educational and hotel/motel construction;
- **"Office"** means general, professional and medical office construction;
- **"Industrial"** means manufacturing construction;
- **"Agriculture"** means construction of barns other agricultural structures; and
- **"Warehouse / Distribution"** means construction of buildings primarily devoted to the storage and / or distribution of materials.



The nonresidential fee shall be charged for “covered and enclosed space” within the perimeter of a nonresidential structure. Any storage areas incidental to the principal use of the development, garage, parking structure, unenclosed walkway, or utility or disposal area are excluded.

Figure 7 below presents the calculation of the nonresidential fire impact fees. The District may approve, and the County may adopt on their behalf, the following fees at or below the levels determined by this Nexus Study. As shown, the fees for the five nonresidential land uses are determined by multiplying the facilities standard by their respective facilities demand factor plus an additional 3 percent for administration of the fire impact fee program.

**FIGURE 7 – PROPOSED NONRESIDENTIAL FIRE IMPACT FEES**

Nonresidential Land Use Category	Facility Standard <sup>1</sup>	Facilities Demand EDU Factor <sup>2</sup>	Cost per Unit	Admin. Expense 3% <sup>3</sup>	Total Cost per Unit	Proposed Nonres. Fire Impact Fee <sup>4</sup>	
							Calc
			<i>- per 1,000 sq. ft. of building area -</i>				<i>- per sq. ft. -</i>
Retail / Commercial	\$2,295.53	0.80	\$1,836	\$55.09	\$1,891.52	\$1.89	
Office	\$2,295.53	0.97	\$2,227	\$66.80	\$2,293.47	\$2.29	
Industrial	\$2,295.53	0.74	\$1,699	\$50.96	\$1,749.65	\$1.74	
Agriculture	\$2,295.53	0.37	\$849	\$25.48	\$874.83	\$0.87	
Warehouse / Distribution	\$2,295.53	0.54	\$1,240	\$37.19	\$1,276.78	\$1.27	

Notes:

<sup>1</sup> See Figure 5.

<sup>2</sup> See Figure 2.

<sup>3</sup> County collection, documentation, annual reporting requirements, five-year report requirements, periodic Nexus Study updates and other costs reasonably related to compliance with the Act.

<sup>4</sup> Proposed nonresidential fire impact fees are rounded down to the nearest cent.

## PROJECTED FIRE IMPACT FEE REVENUE

Figure 8 projects fire impact fee revenue through 2039 based on a conservative annual growth rate provided by the District of 0.5%, or approximately 9 homes per year. It is assumed that nonresidential development will occur proportionately. Total fire impact fee revenue (in 2019 dollars) is then estimated by multiplying the total cost per demand EDU by demand EDU growth for the period. As shown, approximately \$464,000 (in 2019 dollars) is expected in fire impact revenue over the next 20 years.

FIGURE 8 – PROJECTED FIRE IMPACT FEE REVENUE

Land Use Category	Current	Demand EDU Growth (2039) <sup>2</sup>	Total Cost per Demand EDU <sup>3</sup>	Projected Fire Impact Fee Revenue (2019\$)	
	Demand EDUs (2019) <sup>1</sup>				
	Calc	a	b	c	d = b * c
Residential		1,768	185	\$2,295.53	\$426,000
Nonresidential		157	16	\$2,295.53	\$38,000
<b>Total</b>		<b>1,925</b>	<b>202</b>	<b>\$2,295.53</b>	<b>\$464,000</b>

Source: Garden Valley Fire Protection District; SCI Consulting Group

Notes:

<sup>1</sup> See Figure 3.

<sup>2</sup> Assumes an annual growth rate of 0.5%, or about 9 homes annually.

<sup>3</sup> See Figure 5.

It is important to note at the fire impact fee program is designed not to be dependent on a specific capital improvement plan and specific level of new development. Only enough fee revenue will be generated for the District to expand its existing level of service to serve the growing community. Fee revenue may be used to fund up to 100% of the cost of new or expansion of existing facilities, apparatus, vehicles and equipment, and up to 10.5 percent the replacement cost of apparatus, vehicle and equipment purchases. Fee revenue may not be used to fund 1) the renovation of existing facilities, and 2) operational, maintenance or repair costs.

## NEXUS FINDINGS

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This section frames the Nexus Study findings in terms of the legislated requirements to demonstrate the legal justification of the fire impact fees. The justification of the fire impact fees on new development must provide information as set forth in Government Code § 66000. These requirements are discussed below.

### PURPOSE OF FEE

The purpose of the fire impact fee 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 fees will ensure that new development will not burden existing development with the cost of facilities required to accommodate growth as it occurs within the District.

### USE OF FEE REVENUE

Fee revenue will be used to fund the cost of new and expanded facilities, apparatus and equipment to serve new development, such as, but not limited to, those identified in Figure 9. Provided below is a summary of the allowable and prohibited uses of fee revenue.

FIGURE 9 – SUMMARY OF ALLOWABLE AND PROHIBITED USES OF FEE REVENUE

<u><i>Allowable Uses</i></u>	<u><i>Prohibited Uses</i></u>
<ul style="list-style-type: none"> <li>• <i>New (added) or expanded land and facilities costs (100%)</i></li> <li>• <i>Apparatus, vehicles and equipment purchases that expand the system inventory (100%)</i></li> <li>• <i>Facility costs already incurred to provide growth-related capacity (100%)</i></li> <li>• <i>Portion of apparatus, vehicles, and equipment replacement costs attributable to new development (10.5%)</i></li> <li>• <i>Portion of a renovation project that expands service capacity</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Existing deficiencies, such as improvements to existing facilities that do not expand service capacity</i></li> <li>• <i>Portion of apparatus, vehicles, and equipment replacement costs attributable to existing development (89.5%)</i></li> <li>• <i>Operational, maintenance or repair costs</i></li> </ul>

### **BENEFIT RELATIONSHIP**

The fee will be collected as development occurs. In order to maintain its existing level of fire protection and emergency response services, fee revenue will be used to expand the District's facilities and equipment and replace and expand District apparatus and vehicles to meet the additional demand generated by the new residents and employees and new structural area created by new development projects.

Fee revenue will be deposited into a separate fire impact fee account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the District. The fee revenue will be restricted to uses described in the "Use of Fee Revenue" finding. These actions ensure development project paying the fees will benefit from their use.

### **IMPACT RELATIONSHIP**

New residential and nonresidential development projects in the District will grow the persons (residents and employees) and the structural area (residential area and nonresidential building area) in persons live or work. The growth in persons and structural area will create additional need for the District's fire protection and prevention, emergency response service and a corresponding need for new or expanded facilities, and replacement of apparatus, vehicles, and equipment. The fee will be imposed on different types of development projects for the additional service population generated and structural area created by new development projects.

### **PROPORTIONALITY RELATIONSHIP**

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 and emergency response facilities. The use of a facilities standard methodology to determine the fire impact fee achieves proportionality between existing development and new development. Moreover, these equivalent costs are applied to eight land use categories in proportion to the need they create for improved and expanded facilities.

Larger development projects will generate a higher number of persons and structural area to protect and, as a result, will pay a higher fee than smaller development projects. Thus, the application of the fire impact fee schedule to a specific project ensures a reasonable relationship between the fee and the cost of the facilities, apparatus, and equipment attributable to that project.

## FEE PROGRAM ADOPTION REQUIREMENTS

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The following are the general requirements for approval of the Nexus Study and proposed fire impact fee program (“fee program”) by the District Board of Directors and adoption by the County Board of Supervisors on behalf of the District. The specific statutory requirements for the adoption of the fee program may be found in the Mitigation Fee Act (California Govt. Code § 66000 et seq.) and County Ordinance Code Chapter 13.20. SCI recommends that the notice and hearing requirements be satisfied by the District for approval and then by County for adoption.

### GARDEN VALLEY FIRE PROTECTION DISTRICT

1. The District Board of Directors shall conduct at least “one open and public meeting” as part of a regularly scheduled meeting on the proposed fee program.
2. At least 14 days before the meeting, the District shall mail out a notice of the meeting to any interested party who filed a written request for notice of the adoption of new or increased fees.
3. At least 10 days before the meeting, the District shall make available to the public the Nexus Study for review.
4. At least 10 days before the public hearing, a notice of the time and place of the meeting shall be published twice in a newspaper of general circulation with at least five days intervening between the dates of first and last publication not counting such publication dates.
5. After the public hearing, adopt a resolution approving the Nexus Study and proposed fee program with a recommendation that the County Board of Supervisors adopt the proposed fee program on behalf of the District.

### EL DORADO COUNTY

1. The County Board of Supervisors shall conduct at least “one open and public meeting” as part of a regularly scheduled meeting on the requested fee program.
2. At least 14 days before the meeting, the County shall mail out a notice of the meeting to any interested party who filed a written request for notice of the adoption of new or increased fees.
3. At least 10 days before the meeting, the County shall make available to the public the Nexus Study for review.

4. At least 10 days before the public hearing, a notice of the time and place of the meeting shall be published twice in a newspaper of general circulation with at least five days intervening between the dates of first and last publication not counting such publication dates.
5. After the public hearing, adopt a resolution establishing the proposed fee program on behalf of the District.
6. The fire impact fees take effect 60 days after adoption of the County resolution.

## FEE PROGRAM ADMINISTRATION REQUIREMENTS

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This section contains general requirements for the administration of the fee program. The specific statutory requirements for the administration of the fee program may be found in the Mitigation Fee Act (California Govt. Code § 66000 et seq.).

### ACCOUNTING REQUIREMENTS

Proceeds from the fire impact fee should be deposited into a separate fund or account so that there will be no commingling of fees with other revenue. The fire impact fees should be expended solely for the purpose for which they were collected. Any interest earned by such account should be deposited in that account and expended solely for the purpose for which originally collected.

### REPORTING REQUIREMENTS

The following information, entitled *Annual Report*, must be made available to the public within 180 days after the last day of each fiscal year:

- a brief description of the type of fee in the account;
- the amount of the fee;
- the beginning and ending balance of the account;
- the fees collected that year and the interest earned;
- an identification of each public improvement for which the fees were expended and the amount of the expenditures for each improvement;
- an identification of an approximate date by which development of the improvement will commence if the local agency determines that sufficient funds have been collected to complete financing of an incomplete public improvement;
- a description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, the date on which any loan will be repaid, and the rate of interest to be returned to the account; and
- the amount of money refunded under section Govt. Code § 66001.

The District shall review the information made available to the public pursuant to paragraph (1) at the next regularly scheduled public meeting, not less than 15 days after this information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be

reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the District or the County for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

For the fifth fiscal year following the first receipt of any fire impact fee proceeds, and every five years thereafter, the District must comply with Government Code Section 66001(d)(1) by affirmatively demonstrating that the District still needs unexpended fire impact fees to achieve the purpose for which it was originally imposed and that the District has a plan on how to use the unexpended balance to achieve that purpose. Specifically, the District shall make all of the following findings, entitled Five-Year Report, with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put;
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
- Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements; and
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

The County shall provide for the refund of all or any part of such unexpended or unappropriated fee revenue, together with any actual interest accrued thereon, in the manner described in Section 66001 (e) of the Government Code, to the current record owner of any property for which a fee was paid; provided that if the administrative costs of refunding such fee revenue exceed the amount to be refunded.

#### **ANNUAL INFLATIONARY ADJUSTMENT**

In order for the District to maintain its level of service, the fee will need to be automatically adjusted annually commensurate with changes in the cost of facilities, apparatus, and equipment. Therefore, the fire impact fee should be adjusted on July 1 of each fiscal year by the percentage change in an appropriate engineering cost index as published by the Engineering News-Record, or its successor publication for the preceding twelve months.



### **IMPROVEMENTS IN-LIEU OF FEES**

Subject to certain restrictions, if a developer dedicates land, constructs facilities and / or provide apparatus/equipment for the District, the fire impact fees imposed on that development project may be adjusted to reflect a credit for the cost of the dedicated land, facilities constructed and / or apparatus/equipment provided.<sup>1</sup>

### **FEE CREDITS**

In order to comply with the Act and recent court cases, a fee credit must be given for demolished existing square footage as part of a new development project.

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<sup>1</sup> See El Dorado County Code Section 13.20.040 for more information.

## APPENDICES

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Appendix A – Fire System Inventory and Replacement Cost Estimates

Appendix B – Comparison of Current and Proposed Fire Impact Fees

Appendix C – El Dorado County Ordinance Code Chapter 13.20

## APPENDIX A – FIRE SYSTEM INVENTORY AND REPLACEMENT COST ESTIMATES

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FIGURE 10 – EXISTING LAND AND BUILDING INVENTORY

Fire Station	Amount	Unit Cost	Replacement Cost (2019\$)
Calc	a	b	c = a * b
<b>Station 51 - 4860 Marshall Road, Garden Valley</b>			
Land	1.01 acres	\$20,000 per acre	\$20,200
Buildings	4,400 sq. ft.	\$341 sq. ft.	\$1,500,400
<b>Station 52 - 9751 Highway 193, Kelsey</b>			
Land	0.17 acres	\$20,000 per acre	\$3,400
Buildings	1,600 sq. ft.	\$341 sq. ft.	\$545,600
<b>Station 53 - 3813 Highway 193, Greenwood</b>			
Land	3.06 acres	\$20,000 per acre	\$61,200
Buildings	1,600 sq. ft.	\$341 sq. ft.	\$545,600
<b>Total Existing Facilities (Land and Buildings)</b>			<b>\$2,676,400</b>

Source: Garden Valley Fire Protection District; SCI Consulting Group

FIGURE 11 – EXISTING APPARATUS AND EQUIPMENT INVENTORY

Engine #	Make / Model	Type	Year	Apparatus / Vehicles <sup>1</sup>	Ancillary Equipment	Replacement Value (2019\$)
<b>Apparatus</b>						
E51	Ferrera	Type 1 Engine	2007	\$250,000	\$80,000	\$330,000
E351	International	Type 3 Engine	2015	\$400,000	\$50,000	\$450,000
W51	Freightliner	Water Tender	2011	\$262,500	\$30,000	\$292,500
SQ1	Ford	Rescue	2006	\$87,500	\$10,000	\$97,500
E52	Ford	Type 2 Engine	1984	\$100,000	\$30,000	\$130,000
P51	GMC	Type 6	1998	\$50,000	\$12,000	\$62,000
E251	Freightliner	Type 2 Engine	2003	\$100,000	\$30,000	\$130,000
<b>Vehicles</b>						
U251	Ford Crown Victoria	Staff Vehicle	2006	\$22,500	\$3,000	\$25,500
B51	Chevy Sliverado	Staff Vehicle	2018	\$100,000	\$3,000	\$103,000
U51	Chevy Pickup	Staff Vehicle	2005	\$30,000	\$7,000	\$37,000
7302	Chevy Pickup	Staff Vehicle	2005	\$37,500	\$7,000	\$44,500
7300	Ford SUV	Staff Vehicle	2005	\$37,500	\$3,000	\$40,500
<b>Total Apparatus, Vehicles and Equipment</b>				<b>\$1,477,500</b>	<b>\$265,000</b>	<b>\$1,742,500</b>

Source: Garden Valley Fire Protection District

Notes:

<sup>1</sup> Value based on estimated current replacement value. Adjustments have been made to discount apparatus and vehicles based on age (0 - 5 years at 100%, 6-10 years at 75%; 11 - 15 years at 50% and 16 years or more at 25%.)

## APPENDIX B – COMPARISON OF CURRENT AND PROPOSED FIRE IMPACT FEE

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FIGURE 12 – COMPARISON OF CURRENT AND PROPOSED FIRE IMPACT FEE

Land Use Categories	Current	Proposed	% Change
<b>Residential Development</b>	<b>Per Sq. Ft. of Living Area</b>		
Single-Family Housing	\$0.77	\$1.43	85.7%
Multi-Family Housing	\$0.77	\$1.69	119.5%
Mobile Home	\$0.77	\$1.51	96.1%
<b>Nonresidential Development</b>	<b>Per Sq. Ft. of Building Area</b>		
Retail / Commercial	\$0.77	\$1.89	145.5%
Office	\$0.77	\$2.29	197.4%
Industrial	\$0.77	\$1.74	126.0%
Agriculture	\$0.77	\$0.87	13.0%
Warehouse / Distribution	\$0.77	\$1.27	64.9%

**Example - Fee for Average Dwelling Unit**

Residential Development	Per Average Dwelling Unit		
Single-Family Housing	\$1,271	\$2,360	85.7%
Multi-Family Housing	\$732	\$1,606	119.5%
Mobile Home	\$963	\$1,888	96.1%

## APPENDIX C – EL DORADO COUNTY ORDINANCE CODE CHAPTER 13.20

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### DEVELOPMENT IMPACT MITIGATION FEES FOR SPECIAL DISTRICTS

#### Section 13.20.010. - Purpose.

This chapter sets forth the requirements for the establishment and administration of development impact mitigation fees collected by the County of El Dorado on behalf of a Special District within the County. For purposes of this chapter, "Special District" includes a fire improvement district, a community services district, a recreation and park district, or any other public agency authorized by law to provide fire protection, public recreation, or any other community service. A Special District may request the establishment and administration of a development impact mitigation fee under this chapter only if the Special District lacks statutory authority to independently impose a development impact mitigation fee.

#### Section 13.20.020. - Establishment of fee.

At the request of the Special District and in compliance with the Mitigation Fee Act, California Government Code sections 66000-66025, the Board of Supervisors may, in its sole discretion, establish a development impact mitigation fee collected on behalf of the Special District upon the issuance of all building permits for development within the Special District. The Special District shall propose the amount of any new or modified fee, which shall be based on a study and written report that demonstrates and allows the Board of Supervisors to independently evaluate the appropriate nexus between the fee and the purpose for which it is to be charged. The fee revenue and any interest accrued thereon may only be used as provided in the Mitigation Fee Act.

#### Section 13.20.030. - Agreement required.

The County may only collect and disburse fees on behalf of a Special District pursuant to a written agreement between the County and Special District that has been approved as to form by County Counsel. Even if a fee was created before enactment of this chapter, the County shall not disburse any fee on behalf of a Special District until the agreement required by this section is duly executed by the County and Special District. At a minimum, the agreement shall clearly define the rights and duties of each party and, to the fullest extent allowed by law, shall provide for the Special District to defend, indemnify, and hold the County, its officers, agents, and employees harmless from and against any and all liability, loss, damage, claims, judgments, costs, staff time, losses, expenses, and any other costs of defense arising out of, resulting from, or related to the creation, establishment, modification, collection, or disbursement of fees on behalf of the Special

District or any other obligation of the Special District or County under the agreement to collect and distribute fees on behalf of the Special District, the Mitigation Fee Act, or this chapter. The agreement shall also provide that the Special District shall ensure that any fee collected on its behalf complies with the Mitigation Fee Act.

**Section 13.20.040. - Developer construction of facilities.**

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this chapter which facility is determined by the Special District to have supplemental size, length, or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this chapter on the development project, shall be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development.

**Section 13.20.050. - Reductions and Appeals.**

- A. Reduction and/or appeals of a fee described in this chapter may be granted by the Chief Administrative Officer to a developer of any project under any one of the following scenarios:
  - 1. The requirements of this chapter have been incorrectly applied to the development project; and/or
  - 2. That application of the requirements of this chapter to the development project is unlawful under and/or conflict with federal, state, or local law and/or regulation including constituting an unlawful taking of property without just compensation.
- B. Application for reduction and/or appeals of a fee described in this chapter must be made no later than the date of application for the building permit for the development project on a form provided by the County and shall include payment of the fee. The burden of establishing by satisfactory factual proof the applicability and elements of this section shall be on the applicant. The applicant must submit full information in support of their submittal as requested by the Chief Administrative Officer. Failure to raise each and every issue that is contested in the application and provide appropriate support evidence will be grounds to deny the application and will also preclude the applicant from raising such issues in court. The Chief Administrative Officer may require at the expense of the Applicant, review of the submitted materials by a third party.

- C. The County shall mail the applicant a final, written determination on the application for a reduction and/or appeal within 30 days of the appeal. Within 10 days of receiving the final, written determination from the Chief Administrative Officer, the applicant may appeal the Chief Administrative Officer's decision to a Hearing Officer appointed under Chapter 12.28. The Hearing Officer shall issue a written decision within 30 days and the Hearing Officer's decision is final and not administratively appealable. The 30-day deadlines for decisions in this section may be extended by the County if the complexity of an application necessitates additional time.
- D. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee.
- E. Failure to timely submit an application for reduction and/or appeal of a fee under this section and a protest under California Civil Code section 66020 shall constitute a failure to exhaust administrative remedies that shall preclude such person from challenging the fee in court.



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