



February 16, 2022

El Dorado County Chief Administrative Office
 Attn: Sue Hennike, Deputy Chief Administrative Officer
 330 Fair Lane
 Placerville, CA 95667

**RE: EL DORADO HILLS COMMUNITY SERVICES DISTRICT RECOMMENDING
 EL DORADO COUNTY ADOPT TO APPLY THE ANNUAL CONSUMER PRICE INDEX (CPI)
 ADJUSTMENT FOR CALENDAR YEAR 2021 TO THE ADOPTED PARK IMPACT FEES**

Dear Ms. Hennike,

The El Dorado Hills Community Services District (“District”) is submitting this letter to El Dorado County (“County”) in regards to the established and adopted Park Impact Fees for the District. Per approved County Resolution 135-2018, it affords the District the ability to request an adjustment for inflation or CPI as follows, *“Any adjustment of 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.”*

The District adopted Resolution 2022-05 on February 10, 2022, recommending El Dorado County Adopt to Apply the Annual Consumer Price Index (CPI) Adjustment for Calendar Year 2021 to the Adopted Park Impact Fee. Adoption of this request would apply the inflationary adjustment of 4.2% for 2021 to the approved Park Impact Fees as follows:

DESCRIPTION	CURRENT PIF FEE	2021 CPI (4.2%) ADJUSTMENT
Single Family Residential	\$ 12,347	\$12,866
Multi-Family Residential & Affordable Housing	\$ 8,149	\$8,491
Age-Restricted Residential	\$ 7,215	\$7,518
Serrano Single Family Residential	\$ 6,601	\$6,878
Serrano Multi-Family Residential	\$ 4,356	\$4,539
Serrano Age-Restricted Residential	\$ 3,829	\$3,990
Mobile Home Park Homes	<i>Exempt</i>	<i>Exempt</i>
Accessory Dwelling Units	<i>Exempt</i>	<i>Pending</i>

The District is available to discuss the process and next steps related to El Dorado County adopting to apply the CPI increase as defined above. I can be reached at (916) 614-3236 or tfessler@edhcsd.org.

Thank you,

Tauni Fessler

Tauni Fessler

Principal Planner, El Dorado Hills Community Services District

Attachment(s):

1. EDHCSD Board Resolution 2022-05 EDHCSD Recommending El Dorado County Adopt to Apply the Annual Consumer Price Index (CPI) Adjustment for Calendar Year 2021 to the Adopted Park Impact Fee
2. El Dorado County Executed Resolution 022-2021
3. EDHCSD Board Resolution 2018-19 Approving the Revised Nexus Study for Park Impact Fees
4. El Dorado County Executed Resolution 135-2018

RESOLUTION NO. 2022-05

**OF THE
EL DORADO HILLS COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

**RECOMMENDING EL DORADO COUNTY ADOPT TO APPLY
THE ANNUAL CONSUMER PRICE INDEX (CPI) ADJUSTMENT FOR
CALENDAR YEAR 2021 TO THE ADOPTED PARK IMPACT FEE**

WHEREAS, the County of El Dorado established and adopted a Park Impact Fee for the El Dorado Hills Community Services District (“District”) in accordance with applicable law, including without limitation Government Code section 66000, et seq. (the Mitigation Fee Act), and authorized the imposition of Park Impact Fees in amounts set by District resolutions; and

WHEREAS, a report entitled Park Impact Fee Justification Study, El Dorado Hills Community Services District (the “Nexus Study”) was prepared, which established the nexus between the imposition of an updated Park Impact Fee program (“Park Impact Fees,” or “Fees”) and the estimated reasonable cost of providing the services and constructing the public facilities for which the Fees are being charged with figures and costs based in 2017; and

WHEREAS, the Park Impact Fee amounts were set by District Resolution 2018-19 and El Dorado County Resolution 135-2018; and

WHEREAS, County of El Dorado Resolution 135-2018 affords the District the ability to request an adjustment for inflation or CPI as follows, “*Any adjustment of 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*”; and

WHEREAS, The District approved a 2% CPI inflationary factor adjustment for 2020 on February 11, 2021, and seeks, by this Resolution, to make the annual request for calendar year 2021.

NOW, THEREFORE, BE IT RESOLVED by the District, after review of the U.S. Department of Labor, Bureau of Labor Statistics San Francisco, All Urban Consumers Index, which establishes an inflationary adjustment of 4.2% for 2021, that a CPI inflationary factor adjustment is warranted and that such adjustment by the County Board of Supervisors should be as follows:

DESCRIPTION	CURRENT PIF FEE	2021 CPI (4.2%) ADJUSTMENT
Single Family Residential	\$ 12,347	\$12,866
Multi-Family Residential & Affordable Housing	\$ 8,149	\$8,491
Age-Restricted Residential	\$ 7,215	\$7,518
Serrano Single Family Residential	\$ 6,601	\$6,878
Serrano Multi-Family Residential	\$ 4,356	\$4,539
Serrano Age-Restricted Residential	\$ 3,829	\$3,990

Mobile Home Park Homes	Exempt	Exempt
Accessory Dwelling Unit	Exempt	<i>Pending</i>

This resolution shall be effective immediately upon approval, and shall remain in effect until modified, terminated, or rescinded by subsequent resolution of the District. The resolution will be forwarded to the County of El Dorado for adoption, and once adopted by the County of El Dorado the inflationary-adjusted Fee schedule will be implemented per all applicable Government Code sections.

PASSED AND ADOPTED this 10th day of February 2022 by the following vote:

AYES: Hannaman, Hansen, Martinelli, Mattock, Paulsen

NOES:

ABSTAIN:

ABSENT:

BY:

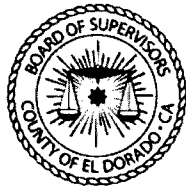


Michael Martinelli, *President (2022)*
Board of Directors

ATTEST:



Kevin A. Loewen, *General Manager*
Secretary to the Board of Directors



RESOLUTION NO. 022-2021

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION INCREASING DEVELOPMENT IMPACT FEES

ON BEHALF OF

EL DORADO HILLS COMMUNITY SERVICES 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 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, such fees were based on a Fee Nexus Study and Report (“Report”) detailing the legal and policy basis for increasing the development impact mitigation fee within the District; and

WHEREAS, on July 9, 2020, the District adopted Resolution No. 2020-16, adopting an increase to the fees by 3.3%, based on the change in the Consumer Price Index for calendar year 2019, and requesting the Board of Supervisors adopt the 3.3% increase to the established impact fees as proposed therein; and

WHEREAS, on November 10, 2020, the Board of Supervisors adopted the requested 3.3% increase by Resolution No. 166-2020; and

WHEREAS, on February 11, 2021, the District adopted Resolution No. 2021-02, adopting an increase to the fees of 2.0%, based on the change in the Consumer Price Index for calendar year 2020, and requesting the Board of Supervisors adopt the 2.0% increase to the established impact fees as proposed therein; and

WHEREAS, notice of this hearing was published in the *Mountain Democrat* on March 26, 2021 and April 2, 2021 in accordance with Section 66018 of the Mitigation Fee Act; and

NOW, THEREFORE, BE IT RESOLVED, pursuant to Government Code Section 66001, the Board of Supervisors has reviewed the proposed fee increase and makes the following findings:

- A. The purpose of these fees is to finance public facilities and equipment to mitigate the impact of new development on parks and recreation services within the District.

- B. As found in Resolution No. 135-2018, 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 July 17, 2018 hearing, the Board approved the Report in Resolution No. 135-2018, incorporating such therein by reference, and further found 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. As found in Resolution No. 135-2018, the facts and evidence presented in the fee nexus study established a reasonable relationship between the need for the improvements 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. As found in Resolution No. 135-2018, 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.
- F. As stated in the Report, the fee is subject to adjustment by the percentage change in the Consumer Price Index and that utilization of the inflationary index for one fiscal year (July 2020 to July 2021) 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.

NOW, THEREFORE, BE IT FURTHER 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. Residential Affordable Housing means housing affordable to very low, lower, and moderate income households, as defined in Chapter 130.31.020 of the El Dorado County Code, as may be amended from time to time. Currently, very low, lower, and moderate income households are defined in Chapter 130.31.020 as:
 - a. "Very low income household" means a household that earns less than 50 percent of the area median income for El Dorado County, adjusted for family size and updated annually. This term

includes extremely low income households earning less than 30 percent of the area median income for El Dorado County, adjusted for family size and updated annually.

- b. "Lower income household" means a household that earns between 50 and 80 percent of the area median income for El Dorado County, adjusted for family size and updated annually.
 - c. "Moderate income household" means a household that earns between 80 and 120 percent of area median income for El Dorado County, adjusted for family size and updated annually. 3.
3. 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.


Single Family Residential	\$ 12,347
Multi-Family Residential & Affordable Housing	\$ 8,149
Age-Restricted Residential	\$ 7,215
Serrano Single Family Residential	\$ 6,601
Serrano Multi-Family Residential	\$ 4,356
Serrano Age-Restricted Residential	\$ 3,829
Mobile Home Park Homes	<i>Exempt</i>
Accessory Dwelling Units	<i>Exempt</i>

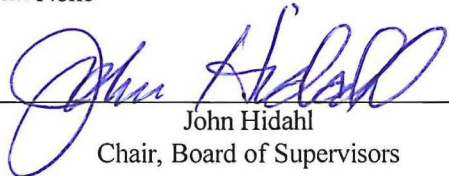
- 4. New or replacement mobile/manufactured homes in a mobile/manufactured home park as defined in the Zoning Ordinance Glossary shall be exempt from the above fees.
- 5. Accessory Dwelling Units, which shall be defined as Secondary Dwellings as defined in the Zoning Ordinance Glossary, and in any amendments for Accessory Dwelling Units pursuant to Government Code 65852.2, shall be exempt from the above fees.
- 6. 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.
- 7. 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.
- 8. Any judicial action or proceedings to attack, review, set aside, void, or annul the 2.0% fee increase provided for in this Resolution shall be brought within 120 days of 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 166-2020, adopted November 10, 2020, and the fees established therein shall remain in effect. Subject to this limitation, this Resolution supersedes Resolution 166-2020.
- 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.

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 6th day of April, 2021, by the following vote of said Board:

Ayes: Hidahl, Turnboo, Thomas, Parlin, Novasel
Noes: None
Absent: None

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: 
Deputy Clerk


John Hidahl
Chair, Board of Supervisors

RESOLUTION NO. 2018-19

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL DORADO HILLS
COMMUNITY SERVICES DISTRICT ADOPTING A NEXUS STUDY AND
RECOMMENDING THE COUNTY OF EL DORADO COUNTY ADOPT A PARK
IMPACT FEE**

Whereas, the El Dorado Hills Community Services District ("District") recommends the County of El Dorado establish and adopt a Park Impact Fees in accordance with applicable law including without limitation Government Code section 66000, et seq. (the Mitigation Fee Act), and authorize the imposition of Park Impact Fees in amounts to be set by subsequent District resolutions; and

Whereas, the Park Impact Fee amounts have previously been set by Resolution No. 2015-18 and Resolution No. 2007-15, respectively; and

Whereas, a report entitled Park Impact Fee Justification Study, El Dorado Hills Community Services District (the "Nexus Study") has been prepared that establishes the nexus between the imposition of an updated Park Impact Fee program ("Park Impact Fees," or "Fees") and the estimated reasonable cost of providing the services and constructing the public facilities for which the Fees are being charged.

Whereas, the El Dorado County Board of Supervisors held a public hearing on May 22, 2018, to consider the Nexus Study and recommended Park Impact Fees; and

Whereas, following the El Dorado County Board of Supervisors hearing, the District was provided with recommendations for changes to the suggested fees to address affordable housing concerns as recognized by the State Legislature through state law, including Government Code section 65852.150 and Health and Safety Code section 50052.5; and

Whereas, the District has considered the El Dorado County Board of Supervisors' recommendations and has determined that it is agreeable to those recommendations and the impacts from the fee reduction for affordable housing developments can be addressed through other funding mechanisms; and

Whereas, the El Dorado County Board of Supervisors' May 22, 2018 Meeting Minutes request the El Dorado Hills Community Services District to revise its development impact fee resolution to "allow very low, low and moderate housing units to fall under the same category as multi-family housing units;" and to "Exempt second dwellings and mobile homes from these fees;" and

Whereas, Park Impact Fees have been revised accordingly in this Resolution; and

Whereas, the District reaffirms its commitment to the continued pursuit to solutions to the affordable housing crisis in California, as expressed in the District's Resolution 2007-16; and

building code adopted by the Land Use Authority.

(b) “District” means the El Dorado Hills Community Services District.

(c) “Park Impact Fees” means the fees described by this Resolution to fund park development and construction, and operation of recreation facilities necessary to mitigate the impacts caused by new development.

(d) “Facilities” means the facilities financed by the Park Impact Fee.

(e) “Land Use Authority” means the County of El Dorado.

(f) “Nexus Study” means the Park Impact Fee Justification Study, El Dorado Hills Community Services District, dated August 21, 2017.

(g) “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, includes residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units. At least 80 percent (%) 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.

(h) “Affordable Housing” means housing affordable to very low, lower, and moderate income households

a. “Very low income household” means a household that earns less than 50 percent of the area median income for El Dorado County, adjusted for family size and updated annually and includes extremely low income households earning less than 30 percent of the area median income for El Dorado County, adjusted for family size and updated annually.

b. “Lower income household” means a household that earns between 50 and 80 percent of the area median income for El Dorado County, adjusted for family size and updated annually.

c. “Moderate income household” means a household that earns between 80 and 110 percent of area median income for El Dorado County, adjusted for family size and

Whereas, the Nexus Study identifies the purpose of the Park Impact Fees and the use to which the Fees will be put, and a copy of the Nexus Study is attached hereto as Exhibit "A" to this resolution, and incorporated herein by this reference.

Now, therefore, the District, after review of the Nexus Study, hereby finds, declares, and resolves as follows:

1. The District, using its independent judgment, has reviewed, approves and recommends the El Dorado County Board of Supervisors adopt the Park Impact Fee and Nexus Study as attached hereto and incorporated herein as Exhibit "A."
2. A reasonable relationship exists between the need for District public facilities and the type of development project on which the Park Impact Fees are imposed as indicated by the Nexus Study. Park Impact Fees collected from each new development will generate revenue which is necessary to offset development's impacts to the District's facilities.
3. A reasonable relationship exists between the use of Park Impact Fees and the type of development project on which the fees are imposed as indicated by the Park Impact Fee Justification Study. Park Impact Fees collected will be used for the acquisition, installation, and construction of the public facilities identified in the Nexus Study.
4. A reasonable relationship exists between the amount of the Park Impact Fees and the cost of the public facilities attributable to the development on which the Fees are imposed as indicated by the Nexus Study. The method of allocation of the respective Fees to a particular development project bears a fair relationship, and is roughly proportional to, the development project's burden on, and benefits from, public facilities to be funded by the Park Impact Fees.
5. The adoption of this resolution is statutorily exempt, pursuant to Public Resources Code Section 21080(b)(8) and the California Environmental Quality Act ("CEQA") and the CEQA Guidelines under Section 15273(a).
6. The Park Impact Fees collected shall be placed in an individual interest bearing account, or multiple accounts, established for the purpose of tracking the fee revenue and expenses separately.
7. The Park Impact Fees shall be solely used for (i) the purposes described in the Nexus Study; (ii) reimbursing the District for a development project's fair share of those public facilities identified in the Nexus Study and constructed by the District; or (iii) reimbursing developers who construct public facilities identified in the Nexus Study.
8. The following definitions shall apply in implementing the Fees and the terms of this resolution:
 - (a) "Building permit" means the permit issued or required for the construction or improvement of additional square footage for any structure pursuant to and as defined by the

updated annually.

(i) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated, as established in Government Code section 65852.2, as may be amended from time to time.

(j) “Manufactured home” means residential structures that are constructed in a factory and which, since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

9. Schedule of Fees. Effective on and after the date fixed by the Land Use Authority, Park Impact Fees shall be imposed according to the following schedule(s) unless otherwise amended by resolution of the Land Use Authority.

Table 1
Park Impact Fee – El Dorado Hills Community Services District

Land Use Type	Total Fee
Single Family Residential	\$11,718 per Unit
Multi-Family Residential (Includes Very Low, Low, and Moderate Income Homes, as defined in 8.H. herein)	\$7,734 per Unit
Age-Restricted	\$6,848 per Unit
Mobilehome Park Homes	Exempt
Accessory Dwelling Units	Exempt

- A. Park Impact Fees shall be charged on applicable new buildings.
- B. Park Impact Fees shall be calculated on the expansion of an existing non-residential building based on the applicable fee amount per 1,000 square foot described in this Section multiplied by the new enclosed square footage of building.
- C. Park Impact Fees shall be calculated at the time of issuance of the building permit of a building that is triggering their collection and shall be collected prior to the final inspection of said building permit.
- D. Park Impact Fees shall be calculated based on the building’s use, with a best fit into one of the applicable land use type fee categories identified in the Park Impact Fee Justification Study and in instances where a unique use is presented, the Board of Supervisors will determine, in its sole discretion, which land use category is most appropriate.

E. Park Impact Fees collected on Single Family and Multi-Family Residential property shall be based on the applicable amount per unit described in this Section.

F. Park Impact Fees collected on the reuse of an existing building shall be calculated based upon the current land use category less any previous Park Impact Fee paid to the District. The land owner shall be required to provide evidence of prior payment of the Park Impact Fee.

G. Park Impact Fees for affordable housing units shall be assessed Park Impact Fees at the same level as Multi-Family Residential projects, even where that development would qualify as a Single Family Residential development, subject to the higher Impact Fee.

H. Accessory dwelling units and manufactured home developments shall be exempted from the Park Impact Fees.

10. Administration.

a) *Administrative Fee.* The District shall be responsible for administration of the Park Impact Fee, including the calculation and collection of the fees, tracking of deposits, and preparation of required reports.

b) *Annual Adjustment.* An annual adjustment to account for cost escalations shall be applied to all Park Impact Fees in this Chapter in the manner and time specified herein:

1. Prior to the end of each fiscal year, the District shall report to the El Dorado County Clerk his or her finding on the annual escalation of construction costs for the prior twelve (12) months through May and the Park Impact Fees shall be adjusted accordingly.
2. The basis for this annual adjustment shall be the percentage increase in the Engineering News Record (ENR)'s Construction Cost Index (CCI) to reflect changes in construction costs. The escalation shall be based on the change in the ENR CCI for the 12-month period ending in October of the prior year.
3. The District shall post the annual adjustment in fees as specified in this section.

11. Credits and reimbursements.

(a) Park Impact Fee credits and reimbursements will be available to developers who fund construction of eligible Facilities. The District shall determine which Facilities will be eligible for developers to construct. Facilities must meet District standards for acquisition projects in order to be eligible for Park Impact Fee credits or reimbursements. Developers will be responsible for complying with all applicable laws, codes, and regulations relating to contracting and construction procedures for publicly funded public works projects.

(b) Developers will be eligible for Park Impact Fee credits up to one (100%) percent of the Park Impact Fees. Fee credits/reimbursements will be available for the Facility cost up to the lesser of (1) the cost shown in the Nexus Study and (2) actual construction cost of the eligible

Facilities. Park Impact Fee credits/reimbursements will be adjusted annually in the same manner as the Park Impact Fees. Once fee credits have been determined, they will be used at the time the respective fees would be due. The District, in its sole discretion, shall be responsible for determining the fee credit amount.

(c) Once all criteria are met, Park Impact Fee credits may be taken against fees when payable. To obtain fee credits, the Facilities must meet all District standards and criteria. The District maintains the flexibility to allocate fee credits in a manner it chooses.

(d) Reimbursements will be due to developers who finance Facilities in excess of their fair share of the cost of these Facilities. In such a case, developers would first obtain Park Impact Fee credits up to their fair share cost requirement for a Facility and then await reimbursement from Park Impact Fee revenue collections from other fee payers. Reimbursement priority will be determined on a first-in and first-out basis. When funds are available, and no high priority projects need to be financed, reimbursements will be paid to the first (1st) developer waiting for reimbursement. Once that developer is paid in full, the next developer awaiting reimbursement will start to be repaid in full. To obtain reimbursements, developers must enter into a reimbursement agreement with the District. Reimbursements will be paid only after the District's acceptance of the Facilities. Reimbursements are an obligation payable only from the Park Impact Fee program funds and not an obligation of the District's general fund.

12. Upon an update of the County of El Dorado's Housing Element, the District reserves the right to seek a reevaluation of the Nexus Study and Park Impact Fees.

13. This resolution shall be effective immediately upon approval, and shall remain in effect until modified, terminated, or rescinded by subsequent resolution of the District. Upon adoption by the County of El Dorado, the Fees approved herein shall supersede and replace the Park Impact Fee amounts previously adopted by the County of El Dorado upon the recommendation of the District, including but not limited to Park Impact Fees as referenced in Resolution No. 2015-18 and Resolution No. 2007-15, respectively.

PASSED, APPROVED, and ADOPTED this 14th day of June, 2018, by the following vote:

AYES: Lowery, Mattock, Paulsen, Vandegrift

NOES: -

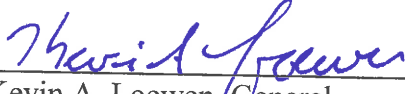
ABSTAIN: -

ABSENT: Priest



Ben Paulsen, Vice President
Board of Directors

ATTEST:



Kevin A. Loewen, General
Manager Secretary to the Board



RESOLUTION NO. 135-2018
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

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 177-2007 adopted July 10, 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 June 14, 2018, the District adopted Resolution No. 2018-19, 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 July 6, 2018, and July 13, 2018, 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 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.
- 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. *Residential Affordable Housing* means housing affordable to very low, lower, and moderate income households, as defined in Chapter 130.31.020 of the El Dorado County Code, as may be amended from time to time. Currently, very low, lower, and moderate income households are defined in Chapter 130.31.020 as:
 - a. "Very low income household" means a household that earns less than 50 percent of the area median income for El Dorado County, adjusted for family size and updated annually. This term includes extremely low income households earning less than 30 percent of the area median income for El Dorado County, adjusted for family size and updated annually.
 - b. "Lower income household" means a household that earns between 50 and 80 percent of the area median income for El Dorado County, adjusted for family size and updated annually.
 - c. "Moderate income household" means a household that earns between 80 and 120 percent of area median income for El Dorado County, adjusted for family size and updated annually.
- 3. 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.

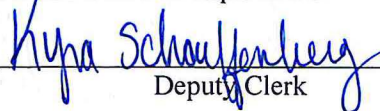
Land Use Type	Total Fee
Single Family Residential	\$11,718 per Unit
Multi Family Residential	\$7,734 per Unit
Single or Multi Family	
Residential Affordable Housing	\$7,734 per Unit
Age-Restricted	\$6,848 per Unit

4. New or replacement mobile/manufactured homes in a mobile/manufactured home park as defined in the Zoning Ordinance Glossary shall be exempt from the above fees.
5. 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.
6. 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.
7. 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.
8. 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.
9. This Resolution supersedes Resolution 177-2007 approved on July 10, 2007.
10. 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.
11. 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 17th day of July, 2018, by the following vote of said Board:

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

By: _____


Deputy Clerk

Ayes: Veerkamp, Frentzen, Ranalli, Novasel, Hidahl
Noes: None
Absent: None



Chair, Board of Supervisors
Michael Ranalli

CONTRACT ROUTING SHEET

Date Prepared: 6/19/18

Need Date: For BOS Mtg. 7/17/18

PROCESSING DEPARTMENT:

Department: CAO
Dept. Contact: Sue Hennike
Phone #: 5577
Department
Authorization: 

CONTRACTOR:

Name: _____
Address: _____
Phone: _____

CONTRACTING DEPARTMENT: N/A

Service Requested: Review impact fee resolution

Contract Term: N/A Contract Value: N/A

Compliance with Human Resources requirements? Yes: _____ No: _____

Compliance verified by: _____

COUNTY COUNSEL:

Approved: X Disapproved: _____ Date: 6/22/18 By: Bre Moebius
Approved: _____ Disapproved: _____ Date: _____ By: _____

Please see edits on document

EL DORADO COUNTY COUNSEL
2018 JUN 19 AM 10:26



February 16, 2022

El Dorado County Chief Administrative Office
Attn: Sue Hennike, Deputy Chief Administrative Officer
330 Fair Lane
Placerville, CA 95667

RE: EL DORADO HILLS COMMUNITY SERVICES DISTRICT PROPOSING EL DORADO COUNTY ADOPT AND COLLECT A PARK IMPACT FEE FOR ACCESSORY DWELLING UNITS (ADUs)

Dear Ms. Hennike,

The El Dorado Hills Community Services District (“District”) is submitting this letter to El Dorado County (“County”) in regards to the established and adopted Park Impact Fee (PIF) for Accessory Dwelling Units (ADUs). At the District’s Regular Board of Directors (“Board”) Meeting on February 10, 2022, the Board adopted Resolution 2022-02: Proposing the Collection of a Park Impact Fee for Accessory Dwelling Units (ADUs), signed Resolution attached.

Supporting Background

California SB 13 (Wieckowski), passed in 2019, modifies how local agencies may charge development impact fees for ADUs. The bill requires local agencies to exempt ADUs under 750 square feet from paying impact fees such as PIF, and also requires that impact fees be proportional to the floor area of the primary dwelling unit. Should the County adopt the proposed ADU PIF, the District shall calculate the fee based on the floor area of the primary dwelling unit and as a percentage of the Park Impact Fee for a standard single family detached dwelling unit.

The District is seeking the El Dorado County Board of Supervisors to adopt by resolution to authorize the collection of a Park Impact Fee for ADUs for the El Dorado Hills Community Services District. The District is available to discuss the process and next steps related to El Dorado County’s adoption for this fee element. I can be reached at (916) 614-3236 or tfessler@edhcsd.org.

Thank you,

Tauni Fessler

Tauni Fessler
Principal Planner, El Dorado Hills Community Services District

Attachment(s):

1. EDHCSD Board Resolution 2022-02 EDHCSD Proposing the Collection of a Park Impact Fee for Accessory Dwelling Units (ADUs)
2. EDHCSD Board Resolution 2018-19 Approving the Revised Nexus Study for Park Impact Fees
3. El Dorado County Executed Resolution 135-2018

**RESOLUTION NO. 2022-02
OF THE
EL DORADO HILLS COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

**PROPOSING THE COLLECTION OF A PARK IMPACT FEE FOR ACCESSORY
DWELLING UNITS (ADUs)**

WHEREAS, in conformance with the requirements of state law, the El Dorado Hills Community Services District's (the "District") Municipal Code allows the creation of accessory dwelling units ("ADUs") in all zones that permit single-unit residential development; and

WHEREAS, California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2(f)(1) allow local governments to assess development impact fees for ADUs subject to various requirements, including a requirement that those fees or charges do not exceed the estimated reasonable cost of providing the service; and

WHEREAS, in 2019 the California Legislature adopted SB 13 (Wieckowski) which amended California Government Code (GC) Section 65852.2 and further modified how local governments may charge development impact fees for ADUs; and

WHEREAS, the Board of Directors (the "Board") wishes to adopt an ADU impact fee policy pursuant to the requirements of SB 13 (Wieckowski); and

WHEREAS, the District has prepared an ADU Park Impact Fee Methodology, attached as Exhibit A, which adequately describes how the fees are calculated in conformance with state laws; and

WHEREAS, the District published a public hearing notice for the public hearing in a local newspaper, on January 26, 2022; and

WHEREAS, the Board of the District, conducted a public hearing on February 10, 2022, to consider adopting the park impact fee policy for accessory dwelling units.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the El Dorado Hills Community Services District as follows:

Section 1: Recitals

The Board hereby finds and declares that the foregoing recitals are true and correct.

Section 2: Park Impact Fees for ADUs Under 750 square feet

Development Impact Fees shall not be assessed for creation of ADUs that have less than 750 square feet gross floor area.

Section 3: Park Impact Fees for ADUs over 750 square feet

Park Impact Fees for accessory dwelling units with 750 square feet, or more, gross floor area shall be assessed as follows:

Park Impact shall be calculated based on the floor area of the primary dwelling unit and as a percentage of the Park Impact Fee for a standard single family detached dwelling unit. Please see **Exhibit A** of the Resolution for an example of the ADU impact fee calculation.

PASSED AND ADOPTED this 10th day of February 2022 by the following vote:

AYES: Hannaman, Hansen, Martinelli, Mattock
NOES: Paulsen
ABSTAIN:
ABSENT:

BY:



Michael Martinelli, *President (2022)*
Board of Directors

ATTEST:



Kevin A. Loewen, *General Manager*
Secretary to the Board of Directors

Attachment: EXHIBIT A - ADU Park Impact Fee Methodology

EXHIBIT A

**EL DORADO HILLS COMMUNITY SERVICES DISTRICT
ADU PARK IMPACT FEE METHODOLOGY**

Local Agencies are allowed to charge and collect development impact fees under the Mitigation Fee Act (Government Code 66000, et seq.). Development impact fees are designed so that new development pays a proportionate share for infrastructure and facilities required to serve that development.

When establishing a development impact fee, a local agency must demonstrate a reasonable relationship between the amount of the fee and the cost of public facility or portion of public facility attributable to the development on which the fee is imposed (Government Code 66001(a)(4)(b)).

The State of California mandates that Local Agencies allow accessory dwelling units (ADUs) in certain areas. Local Agencies are allowed to charge development impact fees to mitigate the impacts ADUs place on the Local Agencies infrastructure and facilities. SB 13 passed by the 2019 Legislature modified requirements and added restrictions on how Local Agencies can charge impact fees for ADUs. Under that bill Government Code (f)(3) was amended to read:

65852.2. (3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. 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.

Generally, following the principals of SB 13, the methodology for the calculating the ADU Park Impact Fee is as follows:

1. Exempt accessory dwelling units under 750 square feet floor area from the Park Impact Fee.
2. ADUs that are 750 square feet or larger will be charged Park Impact Fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit.

An example of the calculation for ADUs of 750 square feet or larger is as follows:

Table 1: Example of ADU Park Impact Calculation

ADU Total Size (Square Feet):	780 Sq. Ft.
Primary Dwelling Unit Size ("PDU") (Square Feet):	2,600 Sq. Ft.
Percent Proportion of ADU to PDU:	$780 / 2,600 = 30\%$
Park Impact Fee Total	30% of \$12,347 = \$3,704.10

RESOLUTION NO. 2018-19

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL DORADO HILLS
COMMUNITY SERVICES DISTRICT ADOPTING A NEXUS STUDY AND
RECOMMENDING THE COUNTY OF EL DORADO COUNTY ADOPT A PARK
IMPACT FEE**

Whereas, the El Dorado Hills Community Services District ("District") recommends the County of El Dorado establish and adopt a Park Impact Fees in accordance with applicable law including without limitation Government Code section 66000, et seq. (the Mitigation Fee Act), and authorize the imposition of Park Impact Fees in amounts to be set by subsequent District resolutions; and

Whereas, the Park Impact Fee amounts have previously been set by Resolution No. 2015-18 and Resolution No. 2007-15, respectively; and

Whereas, a report entitled Park Impact Fee Justification Study, El Dorado Hills Community Services District (the "Nexus Study") has been prepared that establishes the nexus between the imposition of an updated Park Impact Fee program ("Park Impact Fees," or "Fees") and the estimated reasonable cost of providing the services and constructing the public facilities for which the Fees are being charged.

Whereas, the El Dorado County Board of Supervisors held a public hearing on May 22, 2018, to consider the Nexus Study and recommended Park Impact Fees; and

Whereas, following the El Dorado County Board of Supervisors hearing, the District was provided with recommendations for changes to the suggested fees to address affordable housing concerns as recognized by the State Legislature through state law, including Government Code section 65852.150 and Health and Safety Code section 50052.5; and

Whereas, the District has considered the El Dorado County Board of Supervisors' recommendations and has determined that it is agreeable to those recommendations and the impacts from the fee reduction for affordable housing developments can be addressed through other funding mechanisms; and

Whereas, the El Dorado County Board of Supervisors' May 22, 2018 Meeting Minutes request the El Dorado Hills Community Services District to revise its development impact fee resolution to "allow very low, low and moderate housing units to fall under the same category as multi-family housing units;" and to "Exempt second dwellings and mobile homes from these fees;" and

Whereas, Park Impact Fees have been revised accordingly in this Resolution; and

Whereas, the District reaffirms its commitment to the continued pursuit to solutions to the affordable housing crisis in California, as expressed in the District's Resolution 2007-16; and

building code adopted by the Land Use Authority.

(b) “District” means the El Dorado Hills Community Services District.

(c) “Park Impact Fees” means the fees described by this Resolution to fund park development and construction, and operation of recreation facilities necessary to mitigate the impacts caused by new development.

(d) “Facilities” means the facilities financed by the Park Impact Fee.

(e) “Land Use Authority” means the County of El Dorado.

(f) “Nexus Study” means the Park Impact Fee Justification Study, El Dorado Hills Community Services District, dated August 21, 2017.

(g) “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, includes residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units. At least 80 percent (%) 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.

(h) “Affordable Housing” means housing affordable to very low, lower, and moderate income households

a. “Very low income household” means a household that earns less than 50 percent of the area median income for El Dorado County, adjusted for family size and updated annually and includes extremely low income households earning less than 30 percent of the area median income for El Dorado County, adjusted for family size and updated annually.

b. “Lower income household” means a household that earns between 50 and 80 percent of the area median income for El Dorado County, adjusted for family size and updated annually.

c. “Moderate income household” means a household that earns between 80 and 110 percent of area median income for El Dorado County, adjusted for family size and

Whereas, the Nexus Study identifies the purpose of the Park Impact Fees and the use to which the Fees will be put, and a copy of the Nexus Study is attached hereto as Exhibit "A" to this resolution, and incorporated herein by this reference.

Now, therefore, the District, after review of the Nexus Study, hereby finds, declares, and resolves as follows:

1. The District, using its independent judgment, has reviewed, approves and recommends the El Dorado County Board of Supervisors adopt the Park Impact Fee and Nexus Study as attached hereto and incorporated herein as Exhibit "A."
2. A reasonable relationship exists between the need for District public facilities and the type of development project on which the Park Impact Fees are imposed as indicated by the Nexus Study. Park Impact Fees collected from each new development will generate revenue which is necessary to offset development's impacts to the District's facilities.
3. A reasonable relationship exists between the use of Park Impact Fees and the type of development project on which the fees are imposed as indicated by the Park Impact Fee Justification Study. Park Impact Fees collected will be used for the acquisition, installation, and construction of the public facilities identified in the Nexus Study.
4. A reasonable relationship exists between the amount of the Park Impact Fees and the cost of the public facilities attributable to the development on which the Fees are imposed as indicated by the Nexus Study. The method of allocation of the respective Fees to a particular development project bears a fair relationship, and is roughly proportional to, the development project's burden on, and benefits from, public facilities to be funded by the Park Impact Fees.
5. The adoption of this resolution is statutorily exempt, pursuant to Public Resources Code Section 21080(b)(8) and the California Environmental Quality Act ("CEQA") and the CEQA Guidelines under Section 15273(a).
6. The Park Impact Fees collected shall be placed in an individual interest bearing account, or multiple accounts, established for the purpose of tracking the fee revenue and expenses separately.
7. The Park Impact Fees shall be solely used for (i) the purposes described in the Nexus Study; (ii) reimbursing the District for a development project's fair share of those public facilities identified in the Nexus Study and constructed by the District; or (iii) reimbursing developers who construct public facilities identified in the Nexus Study.
8. The following definitions shall apply in implementing the Fees and the terms of this resolution:
 - (a) "Building permit" means the permit issued or required for the construction or improvement of additional square footage for any structure pursuant to and as defined by the

updated annually.

(i) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated, as established in Government Code section 65852.2, as may be amended from time to time.

(j) “Manufactured home” means residential structures that are constructed in a factory and which, since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

9. Schedule of Fees. Effective on and after the date fixed by the Land Use Authority, Park Impact Fees shall be imposed according to the following schedule(s) unless otherwise amended by resolution of the Land Use Authority.

Table 1
Park Impact Fee – El Dorado Hills Community Services District

Land Use Type	Total Fee
Single Family Residential	\$11,718 per Unit
Multi-Family Residential (Includes Very Low, Low, and Moderate Income Homes, as defined in 8.H. herein)	\$7,734 per Unit
Age-Restricted	\$6,848 per Unit
Mobilehome Park Homes	Exempt
Accessory Dwelling Units	Exempt

- A. Park Impact Fees shall be charged on applicable new buildings.
- B. Park Impact Fees shall be calculated on the expansion of an existing non-residential building based on the applicable fee amount per 1,000 square foot described in this Section multiplied by the new enclosed square footage of building.
- C. Park Impact Fees shall be calculated at the time of issuance of the building permit of a building that is triggering their collection and shall be collected prior to the final inspection of said building permit.
- D. Park Impact Fees shall be calculated based on the building’s use, with a best fit into one of the applicable land use type fee categories identified in the Park Impact Fee Justification Study and in instances where a unique use is presented, the Board of Supervisors will determine, in its sole discretion, which land use category is most appropriate.

E. Park Impact Fees collected on Single Family and Multi-Family Residential property shall be based on the applicable amount per unit described in this Section.

F. Park Impact Fees collected on the reuse of an existing building shall be calculated based upon the current land use category less any previous Park Impact Fee paid to the District. The land owner shall be required to provide evidence of prior payment of the Park Impact Fee.

G. Park Impact Fees for affordable housing units shall be assessed Park Impact Fees at the same level as Multi-Family Residential projects, even where that development would qualify as a Single Family Residential development, subject to the higher Impact Fee.

H. Accessory dwelling units and manufactured home developments shall be exempted from the Park Impact Fees.

10. Administration.

a) *Administrative Fee.* The District shall be responsible for administration of the Park Impact Fee, including the calculation and collection of the fees, tracking of deposits, and preparation of required reports.

b) *Annual Adjustment.* An annual adjustment to account for cost escalations shall be applied to all Park Impact Fees in this Chapter in the manner and time specified herein:

1. Prior to the end of each fiscal year, the District shall report to the El Dorado County Clerk his or her finding on the annual escalation of construction costs for the prior twelve (12) months through May and the Park Impact Fees shall be adjusted accordingly.
2. The basis for this annual adjustment shall be the percentage increase in the Engineering News Record (ENR)'s Construction Cost Index (CCI) to reflect changes in construction costs. The escalation shall be based on the change in the ENR CCI for the 12-month period ending in October of the prior year.
3. The District shall post the annual adjustment in fees as specified in this section.

11. Credits and reimbursements.

(a) Park Impact Fee credits and reimbursements will be available to developers who fund construction of eligible Facilities. The District shall determine which Facilities will be eligible for developers to construct. Facilities must meet District standards for acquisition projects in order to be eligible for Park Impact Fee credits or reimbursements. Developers will be responsible for complying with all applicable laws, codes, and regulations relating to contracting and construction procedures for publicly funded public works projects.

(b) Developers will be eligible for Park Impact Fee credits up to one (100%) percent of the Park Impact Fees. Fee credits/reimbursements will be available for the Facility cost up to the lesser of (1) the cost shown in the Nexus Study and (2) actual construction cost of the eligible

Facilities. Park Impact Fee credits/reimbursements will be adjusted annually in the same manner as the Park Impact Fees. Once fee credits have been determined, they will be used at the time the respective fees would be due. The District, in its sole discretion, shall be responsible for determining the fee credit amount.

(c) Once all criteria are met, Park Impact Fee credits may be taken against fees when payable. To obtain fee credits, the Facilities must meet all District standards and criteria. The District maintains the flexibility to allocate fee credits in a manner it chooses.

(d) Reimbursements will be due to developers who finance Facilities in excess of their fair share of the cost of these Facilities. In such a case, developers would first obtain Park Impact Fee credits up to their fair share cost requirement for a Facility and then await reimbursement from Park Impact Fee revenue collections from other fee payers. Reimbursement priority will be determined on a first-in and first-out basis. When funds are available, and no high priority projects need to be financed, reimbursements will be paid to the first (1st) developer waiting for reimbursement. Once that developer is paid in full, the next developer awaiting reimbursement will start to be repaid in full. To obtain reimbursements, developers must enter into a reimbursement agreement with the District. Reimbursements will be paid only after the District's acceptance of the Facilities. Reimbursements are an obligation payable only from the Park Impact Fee program funds and not an obligation of the District's general fund.

12. Upon an update of the County of El Dorado's Housing Element, the District reserves the right to seek a reevaluation of the Nexus Study and Park Impact Fees.

13. This resolution shall be effective immediately upon approval, and shall remain in effect until modified, terminated, or rescinded by subsequent resolution of the District. Upon adoption by the County of El Dorado, the Fees approved herein shall supersede and replace the Park Impact Fee amounts previously adopted by the County of El Dorado upon the recommendation of the District, including but not limited to Park Impact Fees as referenced in Resolution No. 2015-18 and Resolution No. 2007-15, respectively.

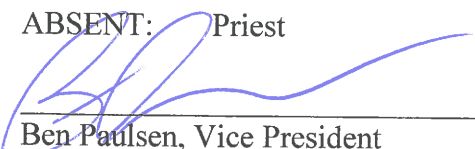
PASSED, APPROVED, and ADOPTED this 14th day of June, 2018, by the following vote:

AYES: Lowery, Mattock, Paulsen, Vandegrift

NOES: -

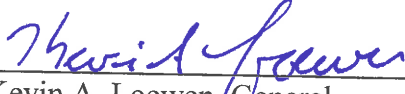
ABSTAIN: -

ABSENT: Priest



Ben Paulsen, Vice President
Board of Directors

ATTEST:



Kevin A. Loewen, General
Manager Secretary to the Board



RESOLUTION NO. 135-2018
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

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 177-2007 adopted July 10, 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 June 14, 2018, the District adopted Resolution No. 2018-19, 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 July 6, 2018, and July 13, 2018, 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 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.
- 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. *Residential Affordable Housing* means housing affordable to very low, lower, and moderate income households, as defined in Chapter 130.31.020 of the El Dorado County Code, as may be amended from time to time. Currently, very low, lower, and moderate income households are defined in Chapter 130.31.020 as:
 - a. "Very low income household" means a household that earns less than 50 percent of the area median income for El Dorado County, adjusted for family size and updated annually. This term includes extremely low income households earning less than 30 percent of the area median income for El Dorado County, adjusted for family size and updated annually.
 - b. "Lower income household" means a household that earns between 50 and 80 percent of the area median income for El Dorado County, adjusted for family size and updated annually.
 - c. "Moderate income household" means a household that earns between 80 and 120 percent of area median income for El Dorado County, adjusted for family size and updated annually.
- 3. 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.

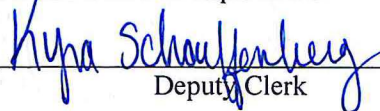
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Single or Multi Family	
Residential Affordable Housing	\$7,734 per Unit
Age-Restricted	\$6,848 per Unit

4. New or replacement mobile/manufactured homes in a mobile/manufactured home park as defined in the Zoning Ordinance Glossary shall be exempt from the above fees.
5. 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.
6. 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.
7. 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.
8. 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.
9. This Resolution supersedes Resolution 177-2007 approved on July 10, 2007.
10. 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.
11. 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 17th day of July, 2018, by the following vote of said Board:

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

By: _____


Deputy Clerk

Ayes: Veerkamp, Frentzen, Ranalli, Novasel, Hidahl
Noes: None
Absent: None


Chair, Board of Supervisors
Michael Ranalli

CONTRACT ROUTING SHEET

Date Prepared: 6/19/18

Need Date: For BOS Mtg. 7/17/18

PROCESSING DEPARTMENT:

Department: CAO

Dept. Contact: Sue Hennike

Phone #: 5577

Department: _____

Authorization: *[Signature]*

CONTRACTOR:

Name: _____

Address: _____

Phone: _____

CONTRACTING DEPARTMENT: N/A

Service Requested: Review impact fee resolution

Contract Term: N/A Contract Value: N/A

Compliance with Human Resources requirements? Yes: _____ No: _____

Compliance verified by: _____

COUNTY COUNSEL:

Approved: X Disapproved: _____ Date: 6/22/18 By: Bre Moebius

Approved: _____ Disapproved: _____ Date: _____ By: _____

Please see edits on document

EL DORADO COUNTY COUNSEL
2018 JUN 19 AM 10:26