



RESOLUTION NO.
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
RESOLUTION INCREASING DEVELOPMENT IMPACT FEES
ON BEHALF OF MOSQUITO FIRE PROTECTION DISTRICT

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

WHEREAS, the County of El Dorado has adopted Ordinance No. 3991, codified in Chapter 13, Section 20 of the El Dorado County Code authorizing the imposition of fire district impact fees on new development within the unincorporated area of the County in order to construct or purchase fire protection facilities and equipment necessary to mitigate the impacts of such development in a fire protection district; and

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

WHEREAS, the Board of Supervisors has previously established fees within the boundaries of the District, for the purpose of funding the construction or purchase of fire protection facilities and equipment necessary to mitigate the impacts of such development in a fire protection District, as documented by Resolution #074-2019 approved on May 14, 2019; and

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

WHEREAS, on June 23, 2022, the District adopted Resolution No. 2022-04, adopting an increase to the fees of 24.298%, based on the percentage change in the Engineering News-Record Construction Cost Index from July 2019 to June 2022, and requesting the Board of Supervisors adopt the 24.298% increase to the established impact fees as proposed therein; and

WHEREAS, notice of this hearing was published in the *Mountain Democrat* on August 19, 2022, and August 26, 2022 in accordance with Section 66018 of the Mitigation Fee Act; and

WHEREAS, the Board of Supervisors finds as follows:

- A. The purpose of these fees is to finance public facilities and equipment to mitigate the impact of development on fire protection services within the District.
- B. As found in Resolution #074-2019, the fees collected pursuant to this Resolution shall be used to finance the facilities and equipment as described, identified, or referenced 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 May 14, 2019 hearing, the Board approved 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. 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. As found in Resolution #074-2019, 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.
- F. As found in Resolution #074-2019, the cost estimates set forth in the Report are reasonable cost estimates for constructing these facilities or acquiring the equipment needed and the fees expected to be generated by new development will not exceed the total of these costs, and the Board further finds that these costs increase relative to the increased costs of construction and equipment due to inflation.
- G. As stated in the Report, the fee is subject to adjustment by the percentage change in the Engineering News-Record cost index and that utilization of the inflationary index for one year (July through June) produces a fee that maintains a reasonable relationship between the need for the public facility and the type of development for which the fee was imposed while accounting for increased costs of construction and equipment due to inflation.
- H. The Board of Supervisors has reviewed the assumptions of the Report supporting the original fee and evaluated the amount of fees collected under the original fee.

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

- 1. *New development* shall mean original construction of residential, commercial, industrial or other non-residential improvement, or the addition of floor space to existing residential, commercial, or industrial facilities.
- 2. Effective sixty (60) days following adoption of this resolution, the following fees shall be charged upon issuance of any building permit and shall be paid to the County prior to the issuance of the building permit by all new residential development within the District.

<u>Land Use Category</u>	<u>Fee Per Sq. Ft.</u>
Single Family Housing	\$2.72
Multifamily Housing	\$3.60
Mobile Home	\$3.19
Retail/Commercial	\$4.04

Office	\$5.00
Industrial	\$3.75
Agriculture	\$1.70
Warehouse/Distribution	\$2.66

1. Pursuant to Government Code Section 65852.2(f)(3)(A), a fee shall not be imposed upon the development of an Accessory Dwelling Unit less than 750 square feet or a Junior Accessory Dwelling Unit. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. An Accessory Dwelling Unit is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as defined in Section 18007 of the Health and Safety Code. A Junior Accessory Dwelling Unit is a residential unit that is no more than 500 square feet in size and contained entirely within a proposed or existing single-family structure and may include separate bathroom or share a bathroom with the existing structure.
2. Definitions for the land use classifications for Nonresidential Development are provided in the Report under the section entitled "Determination of the Fire Impact Fee."
3. 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.
4. The fee established by the Resolution shall be collected and expended in compliance with the Mitigation Fee Act and El Dorado County Chapter 13.20 and, notwithstanding any examples provided in the Report, any expenditure will be reimbursed only if adequate supporting information is provided to show that there is a reasonable relationship between the use of the fee and the type of development project for which the fee was imposed, including the percentage of the development project funded from the fee, and a reasonable relationship between the need for the public facility and the type of development for which the fee was imposed.
5. 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.
6. This Resolution supersedes Resolution #074-2019 approved on May 14, 2019.
7. Any adjustment or increase to the fees adopted herein, including any adjustment for inflation, must be requested by the District and shall comply with the Mitigation Fee Act. No automatic adjustment will occur.
8. All fees shall be paid to and maintained by County and disbursed to District only upon a request with sufficient supporting documentation as provided in this Resolution. Any credit or reimbursement will be determined by the County pursuant to El Dorado County Chapter 13.20.

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

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chair, Board of Supervisors