



RESOLUTION NO. 166-2020

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 of 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, notice of this hearing was published in the *Mountain Democrat* on October 9, 2020 and October 16, 2020 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 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 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. The utilization of the inflationary index for one fiscal year (July 2018 to July 2019) 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 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.

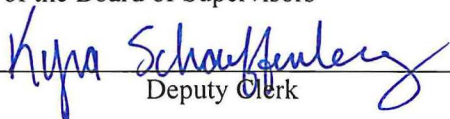
Single Family Residential	\$ 12,105
Multi-Family Residential & Affordable Housing	\$ 7,989
Age-Restricted Residential	\$ 7,074
Serrano Single Family Residential	\$ 6,472
Serrano Multi-Family Residential	\$ 4,271
Serrano Age-Restricted Residential	\$ 3,754
Mobile Home Park Homes	<i>Exempt</i>
Accessory 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.
2. 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.
3. Any judicial action or proceedings to attack, review, set aside, void, or annul the 3.3% 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 135-2018, adopted July 17, 2018, and the fees established therein shall remain in effect. Subject to this limitation, this Resolution supersedes Resolution 041-2018.
4. 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 10th day of November, 2020, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

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

By: 
Deputy Clerk


Brian K. Veerkamp
Chair, Board of Supervisors