



RESOLUTION NO. 174-2020

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION INCREASING DEVELOPMENT IMPACT FEES

ON BEHALF OF

EL DORADO HILLS COUNTY WATER DISTRICT

FOR THE EL DORADO HILLS FIRE DEPARTMENT

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 County Water District (“District”), for the purpose of funding the construction or purchase of fire protection facilities and equipment necessary to mitigate the impacts of new development on the ability of the El Dorado Hills Fire Department’s ability to provide fire protection and emergency response services within the District, and the established fees are documented by Resolution 041-2018 adopted March 20, 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, the Report includes a recommendation for an annual inflationary adjustment based on the percentage change in the appropriate engineering cost index as published by the Engineering News-Record for the preceding twelve months; and

WHEREAS, on December 19, 2019, the District adopted Resolution No. 2019-17, adopting an increase to the fees of 2.518%, based on the change in the Construction Cost Index for San Francisco from July 2018 through June 2019, as published in the Engineering News-Record, and requesting the Board of Supervisors adopt the 2.518% increase to the established impact fees as proposed therein; and

WHEREAS, on June 9, 2020, the Board of Supervisors adopted the requested increase by Resolution 093-2020; and

WHEREAS, the District adopted Resolution No. 2020-13, adopting an increase to the fees of 2.518%, based on the change in the Construction Cost Index for San Francisco from July 2019 through June 2020, as published in the Engineering News-Record, and requesting the Board of Supervisors adopt the 5.409% increase to the established impact fees as proposed therein; and

WHEREAS, notice of this hearing was published in the *Mountain Democrat* on November 6, 2020 and November 13, 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 fire protection and emergency response services within the District.
- B. As found in Resolution No. 041-2018, 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 March 20, 2018 hearing, the Board approved the Report in Resolution No. 041-2018, incorporating such therein by reference, and further found 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. As found in Resolution No. 041-2018, the facts and evidence presented in the study established 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. There continues to be a current and future need for new facilities and equipment necessary for the District to provide fire protection services to new development in compliance with fire safety policies and the County's General Plan, as found in Resolution No. 041-2018, and the cost to fulfill that need increases with increased costs of construction and equipment due to inflation.
- F. As found in Resolution No. 041-2018, 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.
- G. As stated in the Report, the fee should be adjusted annually by the percentage change in an appropriate cost index, and the Board finds that the Construction Cost Index for San Francisco as published in the Engineering News-Record is the most appropriate index available. The Board further finds that utilization of the inflationary index for one fiscal year (July 2019 to July 2020) 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. *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 fees established in Resolution 093-2020 shall be increased by 5.409% and the fees shall be charged upon issuance of any building permit

and shall be paid prior to the issuance of the building permit by all new development within the District. With the 5.409% increase provided for herein to account for inflation, the fees to be charged will be:

Residential Development	Per Living Area Sq. Ft.
Single Family Housing	\$0.99
Multi Family Housing	\$1.62
Mobile Home	\$1.16
Assisted Living Facility	\$1.63

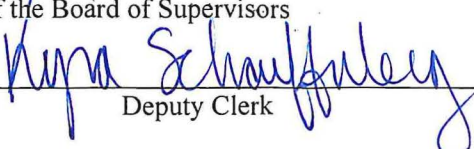
Nonresidential Development	Per Building Sq. Ft.
Retail/Commercial	\$1.68
Office	\$2.10
Industrial	\$1.54
Agriculture	\$0.65
Warehouse/Distribution	\$1.04


3. 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.
4. Any judicial action or proceedings to attack, review, set aside, void, or annul the 5.409% 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 093-2020, adopted June 9, 2020, and the fees established therein shall remain in effect. Subject to this limitation, this Resolution supersedes Resolution 093-2020.
5. 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 17th 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