



## Legislation Details (With Text)

**File #:** 22-1153      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 6/20/2022      **In control:** Board of Supervisors

**On agenda:** 8/16/2022      **Final action:** 8/16/2022

**Title:** Chief Administrative Office, Community Development Finance and Administration Division, requesting the Board approve and authorize the Chair to sign Resolution 119-2022 delegating authority for the annual increase of fees established in development agreements to the Agency Chief Fiscal Officer.

**FUNDING:** Development Fees.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - County Counsel Approval, 2. B - Resolution, 3. C - Saratoga DA, 4. D - Heritage DA, 5. Executed Resolution 119-2022

Date	Ver.	Action By	Action	Result
8/16/2022	1	Board of Supervisors	Approved	Pass

Chief Administrative Office, Community Development Finance and Administration Division, requesting the Board approve and authorize the Chair to sign Resolution **119-2022** delegating authority for the annual increase of fees established in development agreements to the Agency Chief Fiscal Officer.

**FUNDING:** Development Fees.

### DISCUSSION / BACKGROUND

Under California Government Code section 65864 et seq and El Dorado County Ordinance Code Chapter 130.58, the County of El Dorado (County) may enter into a development agreement with an applicant for a development project. The County may require, as a condition of a development agreement, that the applicant pay a fee in connection with approval of the development project.

The County has, in prior development agreements, included authority for the County to annually adjust a fee in a development agreement and includes the method by which the adjustment will be calculated. Traditionally, this annual calculation and increase has been managed by the Chief Administrative Office, Community Development Finance and Administration Division (CDFA). During a recent internal review of processes, it was decided to request that the Board officially delegate the authority to CDFA's Chief Fiscal Officer for approval of the annual adjustments to the fees listed above and any similar fees established in a development agreement in accordance with the terms of the development agreement.

There are currently two development agreements that include fees subject to an annual adjustment:

The Saratoga Estates Development Agreement No. DA14-0001 (Saratoga DA), approved by the Board on September 13, 2016 (Legistar 16-0533, Item 36), includes an Affordable Housing Fee, which was established at \$500 and is subject to an annual adjustment on January 1 of each year

based on the Engineering News-Record National Construction Cost Index. The fee has been adjusted through 2021 and is currently \$573.72. The increase for 2022 would be approximately 7.9%, for a new fee amount of \$619.54.

The Heritage Carson Creek Village 11 Development Agreement No. DA20-0001(Heritage DA), approved by the Board on June 10, 2021 (Legistar 21-0916, Item 3) includes a Community Benefit Fee and an Affordable Housing Fee that are subject to an annual adjustment based on the Consumer Price Index (all items) for the San Francisco-Oakland-Hayward area (CPI).

The annual increase for the 2021 CPI is 3.2%, which will result in the following changes:

	2021	2022
Community Benefit Fee	\$ 4,174.00	\$ 4,307.57
Affordable Housing Fee	\$ 500.00	\$ 516.00

The Heritage DA also includes an Intelligent Transportation System (ITS) Fee which would apply only if the County had not established an ITS development impact fee program. The Board adopted the 2022 Annual Traffic Impact Fee (TIF) Program on May 17, 2022 (Legistar 22-0276, Item 28), which included an ITS Elements line item that will allow for the collection of TIF to go toward the implementation of multiple ITS projects. Therefore, the ITS Fee identified in the Heritage DA is no longer applicable and will not be charged.

CDFA is requesting that the Board delegate the authority to CDFA's Agency Chief Fiscal Officer for approval of the annual adjustments to the fees listed above and any similar fees established in a development agreement in accordance with the terms of the development agreement.

**ALTERNATIVES**

The Board could choose to not delegate this authority. The annual fee increases would need to be brought to the Board for approval, increasing time and staff costs.

**PRIOR BOARD ACTION**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the Resolution

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

The Affordable Housing Fee is retained in the Affordable Housing Fund and is used by the County for the purpose of financing studies or the development of a program for the provision and/or for the construction of affordable housing within the County, or other contribution towards creating housing in the County affordable to moderate income earners (defined in the Housing Element of the County's General Plan as earners with annual incomes greater than 80% but no more than 120% of the County average median income).

The Community Benefit Fee is to be utilized for any purpose benefiting the community, as determined in the sole discretion of the Board of Supervisors. An account has not yet been set up to retain the

fees as collection of the fees is not expected for approximately one year.

There is no change to Net County Cost as a result of this resolution.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original of the Resolution.
- 2) The Clerk of the Board will forward one (1) signed copy of the Resolution to CDFA, attention Stephanie Lisius.

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

Becky Morton, Agency Chief Fiscal Officer  
Chief Administrative Office, Community Development Finance and Administration