



## Legislation Details (With Text)

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**Title:** HEARING - The Board is asked to consider a request from the El Dorado County Fire Protection District ("District") to adopt and authorize the Chair to sign Resolution 062-2021 revising fire development impact mitigation fees for the District.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - County Fire Fee Resolution, 2. B - Counsel Approval, 3. C - El Dorado County FPD Request and Report, 4. Executed Resolution 062-2021

Date	Ver.	Action By	Action	Result
6/29/2021	1	Board of Supervisors	Approved	Pass

HEARING - The Board is asked to consider a request from the El Dorado County Fire Protection District ("District") to adopt and authorize the Chair to sign Resolution **062-2021** revising fire development impact mitigation fees for the District.

### DISCUSSION / BACKGROUND

The California Mitigation Fee Act (Cal. Gov. Code §§ 66000-66025) provides for the establishment of fees on new development for the purpose of mitigating the effects of development on existing public facilities. Special districts do not have statutory authority to impose these fees. As a result, the Board of Supervisors has passed an ordinance providing for the establishment of such fees, by the Board of Supervisors, at the request of and on behalf of special districts. The ordinance was codified as Chapter 13.20. Development impact mitigation fees were first collected on the District's behalf in 1985. The District's fee was last updated in 2016.

The District contracted with DTA to provide a Fire Development Impact Fee Justification Study ("Report") using the "Standards-Based Fee Methodology." With this method the standard is determined based on the existing persons served within the district and the replacement value for the District's existing fire facilities. The calculation is based on the demand for fire facilities, using "equivalent dwelling unit" generated by each land class, which reflects the number of residents or employees served. This approach establishes a generic unit cost for capacity, which is then applied to each land use type per unit of demand.

To arrive at the fee, the existing fire facilities standard is calculated based on the replacement values of the District's existing fire facilities, including buildings such as fire stations, various types of vehicles and fire engines, apparatus, and equipment. The replacement value is then divided by the total number of equivalent dwelling units, and this factor is applied to each land use, allowing for future costs to be apportioned fairly among future residential and non-residential land uses.

The nexus study has been reviewed by County staff and appears to meet all the requirements of the

California Mitigation Fee Act.

The current fees were established by Resolution #212-2016 approved on December 13, 2016. The current and proposed fees are as follows:

**Residential Development (per Living Area Square Foot)**

	<b>Existing Fee</b>	<b>New Fee</b>
Residential Single Family	\$0.71	\$1.03
Residential Multifamily	\$1.30	\$1.49
Residential Mobile Home	\$0.88	\$1.08

**Nonresidential Development (Per Building Square Foot)**

	<b>Existing Fee</b>	<b>New Fee</b>
Retail/Commercial	\$0.99	\$0.87
Office	\$1.21	\$1.19
Industrial	\$0.92	\$0.83
Agriculture	\$0.43	\$0.53
Warehouse/Distribution	\$0.66	\$0.69

Restrictions on fees for Accessory Dwelling units (ADUs) are included in the fee resolution pursuant to Government Code Section 65852.2(f)(3)(A). An ADU is a residential dwelling unit that provides complete independent living facilities and is located on a residential lot with a primary residence and includes permanent provisions for living, sleeping, eating, cooking, and sanitation. Impact fees shall not be imposed upon the development of an ADUs less than 750 square feet, and 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. The report does not contemplate this government code provision, but the fee resolution incorporates the restrictions.

Notice of today's public hearing was published in the Mountain Democrat on June 18, 2021 and June 25, 2021. The nexus study and staff report were made available for public review on June 18, 2021.

If approved by the Board, the proposed fees will become effective 60 days following the Board's adoption of the resolution. The County Building and Planning Department currently calculates and collects the fee, and will continue to do so as provided in the collection and indemnity agreement approved by the Board of Supervisors on December 19, 2017 (Legistar File 17-1355). That agreement provides for the County to retain up to 1% of fee revenue to offset the actual and necessary costs of administering the fee program.

**ALTERNATIVES**

The Board could choose to not adopt this resolution, and the existing fees would continue in effect.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

El Dorado County Fire Protection District; County Counsel

**FINANCIAL IMPACT**

There is no direct fiscal impact to the County related to adoption of the fee other than the cost to publish the notice of the required public hearing. The calculation, collection, and disbursement of fee revenue requires some County staff time, the cost of which may be recovered through an administrative fee.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

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