

Supersedes 335-2006
Amends Ord 3991
Sec 285-2006



RESOLUTION NO. 138-2017

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION ESTABLISHING DEVELOPMENT IMPACT FEES

ON BEHALF OF

GEORGETOWN FIRE PROTECTION 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. 3991, codified in Chapter 13, Section 20 of the El Dorado County Code authorizing the imposition of fire district improvement 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 Board of Supervisors has previously established fees within the boundaries of the Georgetown Fire Protection District (“District”), which is comprised of the unincorporated communities of Georgetown, Greenwood, Quintette, and Volcanoville, and the previously established fees are documented by Resolution 335-2006 adopted October 17, 2006, and Resolution 285-2006 adopted September 12, 2006; and

WHEREAS, the District has caused to be prepared a Fee Nexus Study and Report (“Report”) for the purpose of establishing the legal and policy basis for increasing the development impact mitigation fee within the District and the County has reviewed the Report; and

WHEREAS, the Report was made available for public review 10 days prior to this public hearing. Notice was placed in the Mountain Democrat on August 18, 2007 and August 25, 2017, in accordance with Section 66016 of the Mitigation Fee Act; and

WHEREAS, the County and District are currently negotiating a memorandum of understanding addressing the District’s defense and indemnity of the County for the County’s voluntary creation, establishment, modification, collection, and disbursement of development impact fees on behalf of the District; and

WHEREAS, Chapter 13.20.020 requires the resolution adopting fees to list the specific public improvements or equipment to be financed and the estimated costs of these facilities, and the District has identified these specific public improvements and estimated costs in the diagrams attached in Exhibit A to this Resolution and incorporated herein; and

WHEREAS, Chapter 13.20.020 requires the resolution adopting the fees to set forth the time for payment and, as demonstrated in Exhibit A, payment will occur when sufficient funds are collected, which depends on future development and other funding sources; 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. The fees collected pursuant to this Resolution shall be used to finance the facilities and equipment as described and identified in Exhibit A to this Resolution and the Report.
- C. Upon consideration of the Report and testimony received at this hearing, the Board approves 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. There is 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.
- E. 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.
- F. The cost estimates set forth in Exhibit A and 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.

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. A fee 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. The fee shall be charged upon issuance of a building permit as follows:

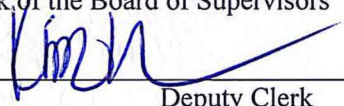
Residential Development	Per Living Area Sq. Ft.
Single Family Housing	\$1.11
Multi Family Housing	\$1.75
Mobile Home	\$1.51
Nonresidential Development	Per Building Sq. Ft.
Retail/Commercial	\$1.44
Office	\$1.75
Industrial	\$1.34
Agriculture	\$0.67
Warehouse/Distribution	\$0.98

- 3. The fee established by the Resolution shall be collected and expended in compliance with El Dorado County Ordinance No. 3991 as hereafter amended.
- 4. Any judicial action or proceedings to attack, review, set aside, void, or annul this Resolution shall be brought forward within 120 days.

5. This Resolution supersedes Resolution 335-2006 approved on October 17, 2006.
6. The Board's adoption of this Resolution is conditioned on the execution of an indemnity agreement between the County and District that provides for the District to indemnify the County for the creation, establishment, modification, collection, and disbursement of this fee. No increased fee under this Resolution will be imposed or collected unless and until such indemnity agreement is executed.
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.

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 29th day of August, 2017, by the following vote of said Board:

Attest:
James S. Mitrising
Clerk of the Board of Supervisors

By:  _____
Deputy Clerk

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

 _____
Chair, Board of Supervisors
Shiva Frentzen

EXHIBIT A

Figure 1 – Fire Mitigation Fee Breakdown

Fire Mitigation Fee (Fund 657-300)	
Fiscal Year 2014-15 Ending Fund Balance	\$ 40,630.48
Fees Collected	\$ 6,145.40
Interest Earned	\$ 180.92
Expenditures	\$ -
Fiscal Year 2015-16 Ending Fund Balance	\$ 46,956.80
Funds Accumulated in the Last 5 Years	\$ 24,116.04
Funds Held Longer than 5 Years	\$ 22,840.76
Projects Programmed for Impact Fees	\$ 567,000.00

Figure 2 – Improvements to be Funded with Unexpended Reportable Fees

Project Description	Total Project Appropriation - All Sources	Fire Mitigation Fee				FY2016 Impact Fee Expenditures
		% Impact Fee funded	Total Impact Fee Appropriation	Total Impact Fee Expenditures	Impact Fee Appropriation Remaining	
New Type 1 Fire Engine	\$ 400,000	5%	\$ 20,000	\$ -	\$ 20,000	\$ -
New Type 3 Fire Engine	\$ 350,000	5%	\$ 17,500	\$ -	\$ 17,500	\$ -
New Fire Station 61 Headquarters	\$ 5,500,000	5%	\$ 275,000	\$ -	\$ 275,000	\$ -
Training Center Classrooms	\$ 90,000	5%	\$ 4,500	\$ -	\$ 4,500	\$ -
New Fire Station in Bottle Hill	\$ 5,000,000	5%	\$ 250,000	\$ -	\$ 250,000	\$ -
TOTALS:	\$ 11,340,000	25%	\$ 567,000	\$ -	\$ 567,000	\$ -