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8/19/92

RESOLUTION No. 275-92

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION AMENDING RESOLUTION NO. 245-89 FOR THE
ADMINISTRATIVE PROCEDURES, INTERPRETATION AND POLICY
DIRECTION REGARDING LAND DEDICATION OR IN-LIEU FEES FOR PARKS

WHEREAS, on July 25, 1989, the Board of Supervisors adopted Resolution No. 245-89 establishing the administrative procedures, interpretations and policy directions as to the collection and determination of parkland dedication or payment of in-lieu fees for purposes of parks and recreational facilities required in Section 16.12.090 and 16.12.110 of the Subdivision Ordinance, including the time of collection of in-lieu fees and the cost of the appraisal to determine the fair market value; and

WHEREAS, it has been determined that costs for the appraisal services to establish the fair market value is the responsibility of the developer; and

WHEREAS, it has been determined that the appraisal to establish the fair market value and payment for the cost of the appraisal services would be more appropriate at the time of filing the final map or parcel map;

NOW, THEREFORE, the Board does hereby resolve that Resolution No. 245-89 be amended as follows:

Section 2. Administrative Process:

(c) Upon the determination that an application to subdivide lands is complete, Community Development staff shall review the application and determine whether or not payment of in-lieu fees or parkland dedication is applicable.

(d) If department staff determines that only dedication of land is required, the calculated parkland area requirement shall be determined by Community Development staff and included as a condition of approval for any tentative subdivision or parcel map.

(e) If departmental staff determines that parkland dedication in-lieu fees are required, the parkland in-lieu fee shall be determined by the Community Development staff calculated on the amount of parkland area required for the tentative map. The fee amount is to be based on the fair market value of the required parkland area as determined by the County Assessor's Office at the

time a final map or parcel map is filed, except where the parkland area required is .03 acres or less. In the case where the parkland dedication requirement is .03 acres or less, a minimum fee of One Hundred Fifty Dollars (\$150) shall be required, and the County Assessor shall not be required to establish a fair market value.

(f) The County Assessor, upon written request by the Planning Department, shall provide an appraisal establishing the fair market value. In determining the fair market value, the unit of comparison shall be determined by the County Assessor based on similar land sales in the general vicinity. The unit to be appraised will be the unit or parcel resulting from the subdivision.

(g) The Assessor in providing for the fair market value appraisal will charge the subdivider for the costs necessary to conduct the appraisal services. The fee for the Assessor's appraisal will not be contingent upon value appraised or desired, but will be based on the scope of appraisal services.

(h) The time guideline for report and appraisal by the Assessor will be thirty (30) days following submission of the request for appraisal by the subdivider. The request for appraisal shall include a description of the Assessor's Parcel Number of the subject property to be subdivided, the calculated "A" value described in Section 16.12.090 (B) (3), the subdivision lot size information as to the lots or parcels proposed and other information as may be necessary for the Assessor to determine the subject appraisal.

(i) A copy of the report and appraisal will be provided to the subdivider, local public recreation provider, and the County Surveyor's Office upon completion of the appraisal.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 15th day of September, 1992, by the following vote of said Board:

Ayes: Supervisor Vernon F. Bermea,
James P. Sweeney, William N. Center,
John E. Upton

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors
By Margaret E. Moody
Deputy Clerk

Noes: none
Absent: Supervisor Robert E. Dore
Vernon F. Bermea
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DATE _____
ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.
By _____
Deputy Clerk

DEW:db
parkfees.res
8/3/89

Amended by
R-275-92
9-15-92



RESOLUTION No. 245-89

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES, INTERPRETATIONS AND POLICY DIRECTIONS REGARDING LAND DEDICATION OR IN LIEU FEES FOR PARKS

WHEREAS, on January 31, 1989, the Board of Supervisors adopted an ordinance requiring the dedication of land, or the payment of fees in lieu thereof, for parks and recreational facilities pursuant to Government Code Section 66477, commonly known as the Quimby Act, and further provided in El Dorado County Ordinance Code in Section 16.12.110 that the administrative procedures, interpretations and policy directions by the Board of Supervisors as to the collection and determination of such fees would be specified by resolution;

NOW, THEREFORE, the Board does hereby adopt the below described administrative procedures, interpretations and policy directions as follows:

1. POLICIES:

(a) El Dorado County Ordinance Sections 16.12.090 through 16.52.125 shall apply to all lands within the unincorporated areas of the County and the below designated zoning classifications:

Agricultural Districts - (A)
Estate Residential Five Acre - (RE-5)
Unclassified - (U)
One Family Residential - (R-1)
Limited Multiple Family Residential (R-2)
Multiple Family Residential; (R-M)
Tourist Residential District (RT)
Planned Commercial District (CP)
Commercial District (C)
Professional Office Commercial District (CPO)

One Acre Residential District (R-1A)
Single Family Two Acre Residential District (R-2A)
One-half Acre Residential District (R-20,000)
Mobile Home Park District (M-P)
Single Family Three Acre Residential District (R-3A)
Estate Residential Ten Acre District (RE-10)
Planned Development District (PD)
Mineral Resource District (MR)
Select Agriculture District (SA-10)
Open Space District (O-S)
Conservation Zoning District (C-N)

TAHOE DISTRICTS

TU
TR-1A
TR-1
TR-2
TR-M
TR-E
TR-T
TR2A
TR3A
TC
TCP
TA
TMP

(b) For subdivisions containing 50 parcels or less: Only the payment of fees shall be required.

(c) For multi-family residential subdivisions: For purposes of determining the number of dwelling units necessary to determine the amount of acreage or in lieu of acreage fees for park or recreational purposes, the maximum allowable density per applicable zoning shall be used to calculate the number of dwelling units not to exceed twelve (12) dwelling units per acre unless more than twelve (12) dwelling units per acre are in fact authorized. In the event a particular subdivision is planned for development of a

density less than the maximum allowable density per zoning, the applicant shall notify in writing the Planning Director of the difference in planned development density and, upon the Planning Director's approval, the lesser density shall be used to calculate the number of maximum dwelling units and residential population therefor. In lieu fees shall be calculated at the time of the tentative map approval or extensions therefore as provided for in the ordinance based upon such dwelling units and residential population and paid by the developer prior to approval of final map.

2. ADMINISTRATIVE PROCESS:

(a) Upon receipt of an application to the Community Development Department for (1) a parcel map which would result in a parcel less than 20 acres in area or (2) a subdivision of land within the above designated zoning classifications, Community Development Department staff shall require as part of the application such information as is necessary to determine the amount of land, or fees in lieu thereof, as required by County Ordinance Code Sections 16.12.010 et seq.;

(b) Upon submission of an application as described above, a person seeking to subdivide property subject to these policies and regulations shall identify to the County any other public agency, other than the County or County agency, which provides recreational services or facilities within the area where the subject property

is located. The applicant shall also notify such other public agency in writing of the proposed application for subdivision of land submitted to the County. The County shall notify such other public agency of the proposed application for subdivision of land in writing. An application shall not be deemed complete until these notification requirements are satisfied.

(c) Upon the determination that an application to subdivide lands is complete, Community Development Department staff shall review the application and determine whether or not payment of in lieu fees is applicable. If applicable, staff shall cause a Request for Appraisal for Calculation of In Lieu Park Dedication Fees to be submitted to the Office of the County Assessor describing the APN of the subject property to be subdivided, the calculated "A" value described in Section 16.12.090 B (3), the subdivision lot size information as to the parcels proposed, and any other information as may be necessary for the Assessor to determine the subject appraisal to be created by said subdivision. Such request shall be submitted on the form set forth in Exhibit 1 attached hereto.

(d) If departmental staff determines that only a dedication of land is required, then no fair market valuation (FMV) is necessary and the calculated land dedication requirement shall be determined by Community Development staff and included as a condition of any map approval for such subdivision except that if

park and recreation services and facilities are provided by a public agency other than the County, the amount and location of land to be dedicated shall be jointly determined by the County and such public agency.

(e) If determination of fair market value is determined to be required by Community Development Department staff, the unit of comparison shall be determined by the County Assessor as to what constitutes a typical subdivision of land within the proposed application. In calculating the FMV, the unit to be appraised will be the unit or parcel resulting from the subdivision.

(f) The Assessor in providing the FMV appraisal hereunder will cost apply the appraised charges to the Community Development Department. The fees for the Assessor's appraisal will not be contingent upon value appraised or desired but will be based on scope of appraisal services. The fees for Assessor services cost applied to Community Development Department will be charged as a condition of map approval to the subdivider. Where a public agency other than the County or County agency provides recreation service or facilities, then a copy of the Assessor's appraisal will be furnished to such agency provided the applicant has executed the appropriate Release Form.

(g) The time guideline for report and appraisal by the Assessor will be thirty (30) days following submission of the Request for Appraisal described in paragraph 2(c) above by the

Community Development Department.

(h) A copy of the report and appraisal will be provided to the applicant together with the staff report to the Planning Commission.

(i) If a public agency other than the County or County agency provides recreational services or facilities within the area of property being subdivided, then any in-lieu fees required to be paid shall be paid directly to such agency and proof of such payment shall be provided to the County by such agency prior to the approval of the final map.

(j) The staff of the Planning Division shall develop and maintain a fee tracking system so that fees for divisions of parcels resulting from precedent division of land will be credited with the amount of in-lieu fees already paid.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 25th day of July, 1989, by the following vote of said Board:

Supervisors Robert E. Dorr,
Patricia R. Lowe, Eugene A. Chappie

Ayes:

Supervisor James R. Sweeney
Supervisor John N. Cerafu

Noes:

None

Absent:

Robert E. Dorr
Chairman, Board of Supervisors

ATTEST

BILLIE MITCHELL, County Clerk and ex-officio
Clerk of the Board of Supervisors

By

Margaret E. Moody
Deputy Clerk

DATE	COPIES SENT TO
7/25/89	Planning Commission Assessor Community Dev. Dept.

Formula "Cheat sheet" for Parcel Maps:

Number of Lots:	County 2.8 population 3 acres per 1000	Cameron Park 3.0 population 5 acres per 1000	El Dorado Hills 3.3 population 5 acres per 1000
2 lot	0.0168	0.03	0.033
3 lot	0.0252	0.045	0.0495
4 lot	0.0336	0.06	0.0165

The flat \$150 fee only applies in those cases where the park land dedication requirement is 0.03 or less (shaded above)

Form for getting Park fee appraisal:

Located in your templates. Look for a template labeled: "Request for Appraisal..." The Planner completes the form and takes the form and applicant's \$150 check to Assessor's Office.

Tips, tricks, and other fun facts.

1. Subdivisions in Specific Plans have normally addressed park land dedication in another manner. Review the Specific Plan policies, conditions, or mitigation measures for park land dedication.
2. The Subdivision Map Act (SMA) section is 66477.2.
3. Resolutions 245-89 and 275-92 identify administrative procedures regarding park land dedication.
4. Developers, CSDs, members of the public, etc. often confuse the Park land dedication requirements of the SMA and Title 16 with the CSD's capitol improvement park fee collected at time of building permit. Be aware of the difference. (From Building web page):

DEVELOPMENT IMPACT SPECIAL DISTRICT FEES

The Cameron Park and El Dorado Hills Community Services Districts have fees for the development of parks and recreation areas in their communities. The fee is for each dwelling unit within a larger or multiple dwelling building.

Fee per unit in	Single Family	Duplex	Multi-Family	Mobile Home	Effective Date
<u>Cameron Park</u>	\$8,021.00	\$5,938.00	\$6,141.00	3,970.00	9/9/2007

Fee per unit in	Single Family	Single Family Serrano	Age Restricted	Multi-Family	Multi-Family Serrano	Mobile Home	Effective Date
<u>El Dorado Hills</u>	\$9,806.00	\$2,452.00	\$5,736.00	\$8,103.00	\$2,025.00	\$7,184.00	9/9/2007

Answers: 1: c; 2: d but condo conversions do; 3: c; 4: d; 5: b and d; 6: d; 7: c.

Summary of DSD Process for requiring park land or fees:

Subdivision and Parcel Map applications should be routed to Recreation Districts. The Recreation Commission acts as the County agency when land dedication is an option.

This summary will primarily focus on the topic of when park fees are required. There are two common versions.

1. The first is the requirement for a flat fee of \$150 payable to the park district.
2. The second is the requirement to submit a \$150 check to Planning, made out to the Assessor; Planning requests an appraisal from Assessor; Assessor estimates land value; and applicant pays the park fee based on the land value and formula in the code to the park district.

The formula is:
$$\frac{D \times P \times CR}{1000} = A \qquad A \times V = \text{park fee}$$

“D” D is the number of dwelling units (residential lots) in the subdivision. This is easy. Just count up the lots in your project. Not open-space lots, miscellaneous lots or remainders. There is no “credit” for the original lot or any lots that have existing residences.

“P” P is the average population density. This is easy because the code tells us what to use. In EDH use 3.3. In Cameron Park use 3.0. Use the old Area Plan boundaries. Anywhere else, use 2.8. If you have a multifamily unit use 2.1.

“CR” CR is the acres of parkland per 1000 persons to be dedicated. This is also easy because, again, the code tells us: In EDH or Cameron Park, use “5 acres per 1000 persons.” Everywhere else, use “3 acres per 1000 persons.”

“A” A is the number you get after you multiply the factors above. You can use a calculator.

“V” V is the number the Assessor gives us. It is usually a number like “\$50,000 per acre.”

Example: A 20 lot subdivision in Cameron Park:

$$\frac{(20 \text{ dwelling}) (3.0 \text{ persons})}{\text{dwelling}} \frac{(5 \text{ acres of parkland})}{1000 \text{ persons}} = 0.3 \text{ acres of parkland}$$

Assume the Assessor values the land at \$100,000 per acre, then:

$$(0.3 \text{ acres of park land}) (\$100,000 \text{ per acre}) = \$30,000.$$

Note: Do not “round off” these numbers.

