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**School Facilities  
Needs Analysis  
*for*  
El Dorado Union High  
School District**

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## **Chapter 1: Executive Summary**

The El Dorado Union High School District serves several communities in El Dorado County, including Placerville, El Dorado, Cameron Park, Shingle Springs, Diamond Springs, El Dorado Hills and Pollock Pines. The District serves students in grades nine through twelve.

Enrollment in grades 9-12 for the current school year (2010-11) was 6,907 students at the time of the official enrollment census taken in the fall. Most schools are operating close to their permanent capacity, and some schools are over capacity and rely on portables to temporarily accommodate students. Projects have been proposed to provide additional permanent space.

Residential development is projected to add 1,146 homes in the next five years. This assumes the developments that have filed tract maps in the county continue to build out.

Applying the methodology prescribed by State law for Level 2 fees (see next section for a more detailed discussion), this School Facilities Needs Analysis finds the El Dorado Union High School District justified in levying a fee of **\$1.12 per square foot** on residential development subject to the fee. Since the 39 percent high school share of the \$3.20 Level 1 fee is now \$1.25 there is no net justification for Level 2 fees.

Level 3 fees, which apply when the State is no longer funding new construction projects, are determined to be justified in the amount of \$2.24 per square foot.

## **Chapter 2: Context and Legal Requirements**

This document, the El Dorado Union High School District's School Facilities Needs Analysis, exists to fulfill a statutory requirement established by the California Government Code. A school district must prepare or have prepared a School Facilities Needs Analysis (SFNA) as a prerequisite to imposing "Alternate" fees on new housing to provide funding for additional school facilities needed to accommodate students anticipated from those new homes.

The SFNA is not used to justify other forms of fees or mitigation agreements, and is not a facilities plan or financing study for the school district. Its purpose is narrowly defined and this document should be used only to fulfill statutory requirements for the stated fees.

### **A. History and Context of SB 50 School Facility Fees**

Senate Bill 50 (SB 50)<sup>1</sup> was passed during the 1998 session of the California Legislature as a comprehensive restructuring of the state's school facility construction and funding process. Parts of the legislation became effective when the state's voters approved Proposition 1-A, a \$9.2 billion school and university construction/modernization bond<sup>2</sup>.

SB 50 also changed the legal process whereby builders of new homes could be required to pay for new or expanded schools to serve the new homes. A spectrum of local ordinances, policies, and requirements were largely replaced with a statewide, three-tier system. In this new system, tiers or levels are:

Level 1: similar to 1986 fee structure, now \$3.20 per sq. foot<sup>3</sup>

Level 2: up to 50% of the State allowed cost for construction and sites, if the school district meets specified eligibility tests<sup>4</sup> (assumes State pays other 50% of cost.)

Level 3: same as Level 2, but includes State's 50% share only when the State declares it is out of funds for new construction<sup>5</sup>

Level 2 and 3 fees are new grants of authority to school districts, but are counterbalanced by a firm prohibition on other local fees and other requirements on housing developments. Level 2 and 3 fees are referred to by the Legislation as "Alternate" fees.

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<sup>1</sup> Chapter 407, Statutes of 1998

<sup>2</sup> Statewide Proposition 1-A, November 3, 1998

<sup>3</sup> Rate effective January 25, 2012

<sup>4</sup> See Calif. Government Code Section 65995.5

<sup>5</sup> See Calif. Government Code Section 65995.7

A significant change with the current fee program is the local school district's ability, if it meets the eligibility tests, to impose a Level 2 without involving the city or county having control of land use approvals within the school district.

Many other changes to the school building process occurred with passage of SB 50 and Proposition 1-A. This report focuses only on fees, but these changes should be viewed in the context of the amended system.

**B. Legal Requirements to Impose Alternate Fees**

For a school district to impose Level 2 or 3 fees, it must meet a number of eligibility tests specified in SB 50. The El Dorado Union High School District has satisfied these requirements, including 3b (successful Bond drive), 3c (over 15% debt) and 3d (number of portable classrooms was 98 of 310 classrooms, or 31.6%).

**1. Apply for New Construction funding to establish a baseline capacity**

*The El Dorado Union High School District has submitted its documents to OPSC for new construction and has had its eligibility baseline established. The District will apply for new construction funding as projects arise.*

**2. Be eligible for New Construction funding**

*The El Dorado Union High School District has been determined by the Office of Public School Construction and the State Allocation Board to be eligible for new construction funding.*

**3. Satisfy two of the four following tests:**

- a. Have substantial enrollment<sup>6</sup> on Multi-Track calendar,
- b. General Obligation bond in past four years with at least 50% yes vote,
- c. Have issued debt or incurred obligations used for capital outlay equal to 15% of district's bonding capacity<sup>7</sup>,
- d. Use relocatable (portable) classrooms for at least 20% of the district's total classrooms.

<sup>6</sup> Generally defined as 30% of the District's K-6 enrollment; special rules for 9-12 districts.

<sup>7</sup> If the debt includes landowner-voted Mello Roos debt approved after 11/4/98, then the threshold level is 30% rather than 15%.

# ***School Facilities Needs Analysis 2012***

## **El Dorado Union High School District**



The El Dorado Union High School District satisfies at least two of the four tests:

- b. The district passed a \$66.3 million Bond in June 2008.*
- c. The existing capital facility debt is over 15% of the bonding capacity.*
- d. More than 20% of the District's total classrooms have been determined to be "portable" classrooms.*

### **El Dorado Union High School District Current Classroom Inventory**

<u>School</u>	<u>Permanent</u>	<u>Portable</u>	<u>Total</u>	<u>Percentage Portables</u>
Oak Ridge High	65	21	86	24.4%
Ponderosa High	52	31	83	37.3%
Union Mine High	37	18	55	32.7%
El Dorado High	54	3	57	5.3%
El Dorado East	0	5	5	100.0%
Independence High	1	6	7	85.7%
Shenandoah/ROP	3	10	13	76.9%
ILC	0	3	3	100.0%
Community Day School	0	1	1	100.0%
<b>Totals</b>	<b>212</b>	<b>98</b>	<b>310</b>	<b>31.6%</b>

#### **4. Prepare a School Facilities Needs Analysis**

*The El Dorado Union High School District caused this School Facilities Needs Analysis to be prepared for review and adoption by the Board of Trustees.*

#### **5. Follow the procedures and process identified in State law**

*The El Dorado Union High School District will follow the adoption process and procedures as specified in State law.*

## **Chapter 3: Data Used in Analysis**

This Chapter presents the data used to calculate the fee. Chapter 4 contains the actual calculation. Many of these data elements are prescribed in state law and are presented as required.

Data elements to be reviewed include:

- A. Historic pupil-per-home yield rates.**
- B. Housing projection for the next five years.**
- C. Enrollment from new homes built in the next five years.**
- D. Available capacity in existing schools.**
- E. Grant amount per pupil.**
- F. Site Acquisition and Site Development allowances.**

### **A. Pupil-per-Home Yield Rates**

SB 50 prescribed how pupil-per-home yield rates are to be calculated for a SFNA. The method is to identify homes built in the past five years that are similar to homes expected to be built in the projection period (the next five years).

Yield rates are to be calculated separately for elementary, middle and high school students. Yield rates are calculated for each of the three identified housing types (single family detached, single family attached, multi-family/apartment) or as a combined rate depending on the data available from the permits.

The homes built in the District during the past five years were matched with the data base of students enrolled to determine these yield factors. The addresses for the housing units were compared to the student data for 2011/12. The method was to identify as many new homes built within the five year window that could be mapped in the GIS program. The permits were pulled at least 6 months prior to the date of the student data collection (October 2011) to ensure they could be occupied.

Data is presented as required by grade level group. All housing types have been combined since only one fee may be assessed for all residential development types and the type of housing unit was not tracked on the permit.

Pupil-per-home yield results:

	<b>9-12</b>
All Types	0.161

**B. Housing Projection for Next Five Years**

As required by SB 50, new housing units have been projected for the next five years. Data from city and county planners have been used to make the projection shown below along with a review of the historic construction rates.

**New Residential Units in the Next Five Years  
(2010-11 through 2015-16)**

<b>Dwelling Type</b>	<b><u>5 Year Total</u></b>
Single Family	1,126
Multi-Family	20

These projections are estimates and precise numbers in a given year may vary from the table, however the total for the five year period reflects plans approved and in process. Analysis of the permits paid over the past five years indicate the average size single family home is 2,448 square feet and the average multi-family unit is 972 square feet.

**C. Enrollment from New Housing in Five Years**

Multiplying the number of new homes by the pupil-per-home yield rate gives the expected number of pupils from the new homes to be built in the next five years. This approach, which is prescribed in State law, has certain limitations: first, the yield rate is likely to be lower as new homes typically have fewer students soon after construction than will be seen after the neighborhood is established; and second, the five year window minimizes the need for intermediate and high school facilities which often need more than five years of enrollment growth to require a full size facility. As a result, the formula under SB 50 generally understates a school district's long term need.

SB 50 allows a five year projection to be utilized to determine the number of projected students from new residential development. Using this methodology, the District has projected the number of new housing units for the next five years and multiplied by the yield factors to determine an estimate of students to be projected from new housing.



**School Facilities Needs Analysis 2012**  
**El Dorado Union High School District**



**El Dorado Union High School District**  
**New Students Projected by Grade Level**  
**For Development Through 2017**

Grade Level	Student Yields for New Residential Dev.	Enrollment Projections
<b>Single Family</b>		<b>1126 Units</b>
9-12	0.161	181
<b>Total</b>		<b>181</b>
<b>Multi Family</b>		<b>20 Units</b>
9-12	0.161	3
<b>Subtotal</b>		<b>3</b>
<b>All Development</b>		<b>1146 Units</b>
9-12		184
<b>Totals</b>		<b>184</b>

**D. State Capacity and Space Available for Students from New Residential Units**

As calculated by the State's prescribed methodology on form SAB 50-02 and then adjusting for the projects constructed since the baseline was established, a total of 7,054 spaces exist in the District's schools including both permanent and temporary buildings.

<b>EL DORADO UNION HIGH SCHOOL DISTRICT</b>						
<b>State Capacity of Existing Facilities</b>						
		<u>K-6</u>	<u>7-8</u>	<u>9-12</u>	<u>SDC</u>	<u>TOTAL</u>
<b>SB50 Baseline:</b>		0	0	5,859	74	5,933
<b>Completed Projects</b>	<b>Project #</b>	<b>Capacity Added/Grants Funded</b>				
Ponderosa	01-001	0	0	273	0	273
Oak Ridge	01-002	0	0	173	0	173
Oak Ridge	01-003	0	0	351	0	351
Union Mine	02-001	0	0	162	0	162
Union Mine	02-002	0	0	162	0	162
<b>Totals for Completed Projects</b>		<b>0</b>	<b>0</b>	<b>1,121</b>	<b>0</b>	<b>1,121</b>
<b>Grand Totals</b>		<b>0</b>	<b>0</b>	<b>6,980</b>	<b>74</b>	<b>7,054</b>

# ***School Facilities Needs Analysis 2012***

## **El Dorado Union High School District**



After determining the enrollment, the number of students must be compared to the District's existing State capacity based on the "baseline" capacity total used when applying for State new construction funds. The difference between the students and existing capacity is the "space available". The "unhoused students" generated from the new housing developments are those that remain after accounting for any space available and used to calculate the allowable Level 2 and Level 3 Fees.

### **El Dorado Union High School District Unhoused Students from Development Through 2017**

Grade Level	Students From New Housing	Total Enrollment through 2017	Space Needed	Capacity per SB 50	Space Available	Net Unhoused Students
	[1]	[2]	[3]	[4]	[5]	[6]
9-12	181	6,214	7,156	6,980	0	181
SDC	3	92	106	74	0	3
<b>Total</b>	<b>184</b>	<b>6,306</b>	<b>7,262</b>	<b>7,054</b>	<b>0</b>	<b>184</b>

[1] Projected added enrollment through 2017 based on planned residential development.

[2] Based on SAB 50-01 methodology with 1146 housing units.

[3] Space needed within existing facilities to house students living in existing housing units.

[4] Based on SB 50 methodology of capacity calculation.

[5] Space available for students from new developments

[6] Net unhoused students in 2017 due to new housing developments.

The "Total Enrollment through 2017" shown in this table is for information purposes only. It shows the projected enrollment in five years based on the cohort survival methodology and adjusts for the projected impact of the new housing developments. It is not a demographics based analysis.

The "Space Needed" is determined based on a more complex analysis of the District's current, past and projected enrollments independent of any new housing units. For each grade grouping, the maximum enrollment is shown during the past four years and the next five years. The result is the number of seats that need to be reserved for students from the existing housing units in the District. This insures adequate seats will be available for the housing units that are already existing within the District. The current and past enrollments are shown on the SAB 50-01 which is included in the appendix.

The "Capacity per SB 50" summarized in this table is from the calculations done on the previous page and is based on State loading standards.

The "Space Available" is determined by comparing the "Seats Needed" to the "Capacity per SB 50". If the District has excess capacity, then those seats will be used to reduce the number of unhoused students projected from new developments. The Total Space Available is assumed to be zero since the total district capacity is less than the total space needed.

# School Facilities Needs Analysis 2012

## El Dorado Union High School District



The result of this table is the "Net Unhoused Students" which will be used to determine the costs of the facility needs. Therefore, of the 184 new students projected from new developments, there are 184 (100.0%) that will need to be housed in new facilities.

### E. State Construction Grant Amount for Unhoused Pupils from New Housing

When calculating the Level 2 and Level 3 Fees, the number of projected unhoused students is multiplied by the State's new construction grant amount. Those amounts which are shown below are updated annually by the State Allocation Board each January.

The following chart assumes that 1.46% of the new student population generated from new housing units will consist of special education students. This is equal to the current ratio of students who are enrolled in special education classes.

#### Grant Amounts Projected for Unhoused Students

<u>Grade Level</u>	<u>Students</u>	<u>Allowance</u>	<u>Grant</u>
9-12	181	\$12,942	\$2,342,502
SDC	3	\$18,134	\$54,402
<b>TOTALS</b>	<b>184</b>		<b>\$2,396,904</b>

The cost per student amounts include State funded allowances for required fire alarm and sprinkler requirements for new school projects as of January 2012.

### F. Site Acquisition and Site Development Grant Allowance

#### 1. Eligible Site Acquisition Costs

When calculating the Level 2 and Level 3 fees, the grant totals listed above are added to half the estimated site acquisition costs that are projected for the next five years, and eligible site development costs. The following table shows the total acres needed based on the CDE (California Department of Education) standards for site sizes.

#### Site Needs

##### Average Size Schools

	<u>Acres</u>	<u>Students</u>	<u>Projected Unhoused Students</u>	<u>Equivalent Sites Needed</u>	<u>Site Acres Needed</u>
High	40	1500	181	0.12	4.83
			<b>TOTAL</b>		<b>4.83</b>

For purposes of calculating the Level 2 fee, the District will need 4.83 acres of land to be developed. No site acquisition costs are shown since the District will use land it has already acquired.

**2. Eligible Site Development Costs**

SB 50 allows the inclusion of site development costs in the fee calculation. These costs are limited to one half of the actual or estimated service site improvements, off site improvements and utility costs which would be allowed by the State Allocation Board. These improvements can include applicable drainage, utility and road improvements. In addition, the SAB now has a grant that provides for general site development costs which is based on a per acre value in addition to a percentage of the projects pupil grant allowance.

The total on-site, service site and off-site costs for a new high school are projected to be \$223,226 per acre. The recent changes that allow for general site development costs amount to \$162,057 for the 4.83 acres that need to be developed. This results in a net site development need of \$701,148.

The following figure summarizes the site acquisition and development costs.

**COST OF SITE DEVELOPMENT**

	<u>Acres</u>	<u>Development Cost/Acre</u>	<u>Dev. Cost</u>	<u>TOTAL SITE NEEDS</u>
High School	4.83	\$223,226	\$1,078,182	\$1,078,182
<b>Totals</b>	<b>4.83</b>		<b>\$1,078,182</b>	<b>\$1,078,182</b>
		<b>50%</b>	<b>\$539,091</b>	<b>\$539,091</b>

**General Site Development**

	<u>Acres</u>	<u>Allowance/ Acre</u>	<u>Base Cost</u>	<u>% Allowance</u>	<u>Added Cost</u>	<u>Total Cost</u>
High	4.83	\$15,365	\$74,213	3.75%	\$87,844	\$162,057
<b>Totals</b>	<b>4.83</b>					<b>\$162,057</b>

The "Added Cost" was determined by multiplying the percentage allowance by the base pupil grant funding allowance.

**G. Projects to be Financed with Level 2 and/or Level 3 Fees**

Fees collected in the next five years will be spent on known and future school construction projects. Projects may include but are not limited to the following:

- 1. Future high school**
- 2. New classrooms at existing schools**
- 3. Additional support facilities at existing campuses to accommodate increased enrollments**
- 4. Portables used for interim housing needs**

As provided by State law, fees may be used for the reasonable administrative costs of collecting the fees, and for legal and other costs of justifying and imposing the fees.

## Chapter 4: Calculation of Level 2 Fee

This Chapter applies the data identified above and calculates the fee justified. The process follows requirements of SB 50 as enacted in the Government Code and Education Code.

After figuring the aggregate projected costs, the total was divided by the number of projected residential units to derive the per unit cost. After dividing the per unit cost by the average square footage for the average residential unit, the per square foot assessment amount was established. Based on these calculations, the Level 2 fee within the El Dorado Union High School District for the next 12 months is calculated to be \$1.54 per square foot, for residential units.

### El Dorado Union High School District SB 50 Fee Determination

Grade Level	Base Need			Land Acquisition & Site Development			Total Need
	Unhoused Students	Cost per Student	Total Cost	Land Acquisition	Site Development	Total Land & Site Dev.	
		[1]		[2]	[3]	[4]	
9-12	181	\$12,942	\$2,342,502	\$0	\$701,148	\$701,148	\$3,043,650
SDC	3	\$18,134	\$54,402	\$0	\$0	\$0	\$54,402
<b>Totals</b>	184		\$2,396,904	\$0	\$701,148	\$701,148	<b>\$3,098,052</b>

### New Housing Unit Area

Unit Type	Number of Units	Area per Unit	Total Area
Single Family	1,126	2,448	2,756,448
Multi Family	20	972	19,440
<b>Totals</b>	1,146	2,422	<b>2,775,888</b>

Level 2 Fee \$ /Sq. Ft.
<b>\$1.12</b>

[1] Cost per student per SB 50 allowance for new construction projects.

[2] Equals one half of the estimated land acquisition costs.

[3] Equals one half of the estimated site development costs including general site development costs.

[4] Total cost assumes 4.83 acres to be developed.

Average Site Costs: \$223,226 per acre for development

The grant amounts shown include the amounts allowed by OPSC for fire alarms and sprinklers as of 1/25/2012.

**A. Reduce Cost by Other Available Funds, Including Owned Sites**

SB 50 requires that the cost of serving students from new housing be reduced by other available local funds. The El Dorado Union High School District potentially has several such sources of funds.

**1. Fees on Senior Housing, Residential Additions, and Commercial/ Industrial Projects**

Fees collected on senior housing, residential additions, and commercial or industrial development projects must be used to reduce the Level 2 fee amount, unless the fees are committed to other projects.

The District has applied these revenues to pay the lease cost of portable classrooms that provide space for students from existing housing that accommodates workers in the senior housing projects, residential additions, or commercial/ industrial projects. By entering into such lease agreements, the Governing Board has not dedicated these funds to facilities necessitated by new residential construction subject to Alternate fees<sup>8</sup>.

**2. Redevelopment Pass-Thru and Other Agreements**

As with the preceding paragraph, the limited funds received from Redevelopment and similar agreements are used to provide capacity for enrollment growth from existing homes plus improvements to schools not related to new housing development. These funds are not available to reduce the cost of providing facilities for students from new residential projects.

**3. Voter Approved Bond Measure**

District voters approved a 1997 bond measure in the amount of \$17.18 million to build Union Mine High School. These funds have been spent and are not available to offset costs identified in this report for students projected from future new housing.

District voters approved a 2008 bond measure in the amount of \$66.3 million for repairs and updates. None of these funds are designated for new classrooms, which would provide housing for students from new developments.

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<sup>8</sup> See Government Code Section 65995.5 (c)(2) and 65995.5 (f).

**4. Surplus Property**

The District does not have any surplus property which can be used to reduce the costs of facility needs identified in this report. The Bass Lake site is needed to provide space for the currently unhoused students or current overcrowding. The Latrobe site was acquired using a COP and it will be paid for over time with future development fees.

Based on the preceding four paragraphs, there are no local funds available to reduce costs to accommodate students from future new residential development.

**B. Collection of Level 3 Fees if State Funds for the New Construction Program Are Not Available.**

The El Dorado Union High School District has the option of levying a fee approximately two times<sup>9</sup> that shown above in the event state funds for new construction are not available, as provided by Government Code Section 65995.7. The mechanism for this change is contained in the District's Resolution approving adoption of Level 2 and Level 3 fees. The Level 3 fee is calculated by the preceding methodology to be:

Level 3 Fee per Square Foot:	\$2.24
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Level 3 fees greater than the Level 2 amount may be reimbursed if an agreement is established and State funds subsequently become available.

In certain cases, builders and buyers of qualifying affordable housing, may be eligible for State reimbursement of the difference between Level 2 and Level 3 fees.

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<sup>9</sup> This amount is approximate due to the formula imposed by statute.





## **Chapter 5: Nexus Between Fees and Projects Subject to Fees**

California law allows school districts that have demonstrated a need for new or expanded school facilities to assess a fee on each building permit issued within its territory<sup>10</sup>. The fee only may be used to offset the capital cost needed to serve students from projects subject to the fee. (A small amount may be used for administering the fee program.) Other means of funding school building projects are available, and many residential developments provide funding for new or expanded schools by arrangements not based on this statutory authority.

### **A. Procedural Requirements for School Facility Fees**

Before levying any fee, a school district or other public agency must show a connection between the fee and the project or activity that must pay the fee, and further must show that the fees will be used to alleviate a cost or burden caused by that development activity. Statutory and case law is clear that fees may not be used to address general or unrelated needs of the public agency. These justification requirements are sometimes known as the "Nexus tests" or "AB 1600" criteria. A nexus test demonstrates the linkage or closeness of the fee and its use to the activity causing the need. AB 1600 is shorthand for the procedural requirements found in the Government Code to levy any fee on a development project in California.<sup>11</sup>

Later sections of this chapter will address each of the statutory tests and evaluate whether School Facility Fees at the adjusted rate meet the necessary legal requirements. The facts and analyses in this document are presented for use by the governing board of this school district when making the findings needed to adopt a resolution levying a fee.

### **B. Background and Current Conditions in the District**

The El Dorado Union High School District has experienced a slow decline in enrollment over the past few years. The future enrollment is expected to have various ups and downs but overall remain relatively unchanged. Although there are declines resulting from some of the demographic factors, the District anticipates growth will result from continuing development of new homes, as discussed earlier in this report. Earlier sections have discussed school expansion and construction projects to accommodate students from the new homes.

Combining the preceding factors has established a cost to accommodate new students from residential developments of \$2.24 per square foot, the local one-half share of which is **\$1.12** per square foot. Fees under other statutes apply to commercial and senior housing projects.

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<sup>10</sup> See Calif. Education Code Section 17620 *et. seq.* and Government Code Section 65995, *et seq.*

<sup>11</sup> See Govt. Code Section 66000, *et. seq.*, also known as the Mitigation Fee Act. (Assembly Bill 1600 was the law that codified and reorganized these requirements.)

**C. Specific Criteria for Levy of School Facility Fees**

Various specific criteria must be satisfied to impose Level 2 and Level 3 School Facility Fees. The following discussion will show that the proposed Alternate fees meet these criteria.

**1. Purpose of the Fee: Government Code Section 66001(a)(1)**

School Facility Fees may be levied "for the purpose of funding the construction or reconstruction of school facilities"<sup>12</sup>. Fees may not be used for regular maintenance, routine repair, inspection or removal of asbestos containing materials, or purposes of deferred maintenance, as defined<sup>13</sup>.

Level 2 and Level 3 School Facility Fees shall be used by this school district for the construction of school facilities at existing and future campuses. Specific uses were listed in Chapter 3.

**2. Uses to Which the Fee will be Put: Section 66001(a)(2)**

Specific uses may include but are not limited to: the design of new construction projects, acquisition of land, construction of new permanent buildings, placement of modular classrooms on a short term or long term basis, modernization and/or reconstruction projects, necessary permit and plan checking fees, testing and inspection costs, necessary furnishing and equipment, and related costs of construction projects. In addition, fees will be used for the lease of interim school facilities pending availability of newly constructed, modernized or reconstructed facilities. Fees may be used for the legal and administrative costs of establishing and administering the fee program and for planning needed new schools to serve growth areas.

Facilities that may be affected include those projects listed in Chapter 3 and all existing properties owned by the District and future sites to be acquired for school purposes.

In addition, Government Code Section 65995.5 (f) requires that "A fee, charge, dedication, or other requirement . . . shall be expended solely on the school facilities identified in the needs analysis as being attributable to projected enrollment growth from the construction of new residential units." This requirement is met by tracking the use of the fees in a specific accounting fund and is made public through an annual report to the school board that documents the use of such fees.

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<sup>12</sup> Educ. Code 17620(a)(1)

<sup>13</sup> Educ. Code 17620(a)(3)



3. **Reasonable Relationship Between Use of Fee and Type of Project on Which Fee is Levied: Section 66001(a)(3)**

For residential projects, the relationship of new homes to public school enrollment is demonstrated by the students living in the new homes. Yield data from recently built housing in the District confirms this relationship. Housing projects that prohibit occupancy by school age children typically are exempt from Level 2 or Level 3 fees<sup>14</sup>.

4. **Reasonable Relationship Between the Need for the Public Facility and Type of Project: Section 66001(a)(4)**

This section will show: (1) that additional school facilities are needed to accommodate students from projects subject to the fee, (2) the school facility construction/reconstruction projects identified are reasonable given the need created by the projects subject to the fee, and (3) that no other funding source is available or expected which will preclude the need for fees on new development projects.

a. **Need for additional school facilities**

Enrollment projections show that all existing facilities will continue to be needed to serve existing students and enrollment other than from new development. There is insufficient space available for students from residential development without planning, designing, and constructing additional school facilities.

b. **Reasonableness of the Identified Projects**

The number of students expected clearly indicates the need for new school facilities. The District has considered and rejected temporary measures such as long-term use of temporary classrooms at existing schools, converting schools to a Multi-Track calendar, and other means of avoiding construction that will adversely affect the existing students and the community.

c. **Alternative Funding for the Identified Projects**

Other funding sources are not available or reasonably expected for the projects needed to accommodate students from new housing. Current balances in the fee fund are pledged to current projects or paying off earlier expansion, modernization, improvement, or other projects. Voter-approved bond funds are committed to other projects, including the non-

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<sup>14</sup> Generally, this requires a specific deed restriction.



growth portion of projects listed such as replacement of existing school spaces. Other funding sources are required to meet existing non-development related facility needs, including modernization/renovation of existing schools, replacement of existing temporary classrooms, or other needs of the school district.

**5. Reasonable Relationship Between Amount of Fee and Cost of Facility Attributable to Development Paying Fee: Section 66001(b)**

This test requires that the public agency show two relationships: (1) that the amount of the fee is properly based on the portion of the needed facility that is attributable to new development, and (2) that the amount of the expected fees from new development be feasible to have the needed project financed and built.

**a. Amount attributable to residential development**

Preceding discussion has shown that new school facilities are needed to serve students expected from future new homes. The financial analysis is based on costs per pupil so that total costs may be prorated or allocated between new development and any other causes.

**b. Feasibility of funding project**

The cost of needed new facilities to serve students is greater than may be funded by fees alone. The school district will seek additional funding or reductions in cost from all sources. It is anticipated that bond funds, state funds, existing agreements with builders, other local funds, and future state reimbursement will provide sufficient funding to build the needed school projects. Funding, including borrowing based on fees expected more than five years in the future, may be used to allow projects to begin construction to better meet public needs.

**6. Fees collected for projects more than five years in future: Section 66001(d)**

It is not expected that any fees will remain unspent and held for projects more than five years after collection. School district staff will monitor requirements of this section through their annual reports on fees collected and spent.



**7. Fees that are conditions of approval: Section 66005(a)**

This section requires that fees imposed as a condition of approval of a development or a development project not exceed the "estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed". Fees levied for school facility purposes by this school district are based on the actual cost of needed facilities and will not exceed the estimated reasonable cost of the facilities for which they are imposed.

**8. Time of payment of School Facility Fees: Section 66007**

School Facility Fees for this school district will be collected, absent other arrangements, prior to issuance of a building permit. An account has been established, ongoing appropriations have been made of funds for planning, design, or construction of needed facilities, and a proposed construction schedule or plan has been adopted. Except as modified by other documentation of the school district, the construction schedule for the needed school facilities identified in this plan will be within the next five years.

**9. Exemption for project to replace damaged buildings due to a Natural Disaster: Govt. Section 66011 and Education Code Section 17626**

This school district will not levy fees on projects statutorily exempt as replacements for structures damaged or destroyed by a natural disaster as determined by the Governor.

**10. Fees on Commercial, Industrial, and Agricultural Projects: Education Code Sections 17621, 17622**

This section does not apply as Level 2 or Level 3 fees are not imposed on commercial, industrial, or agricultural construction projects.

**D. Notice of Change and Time of Implementation**

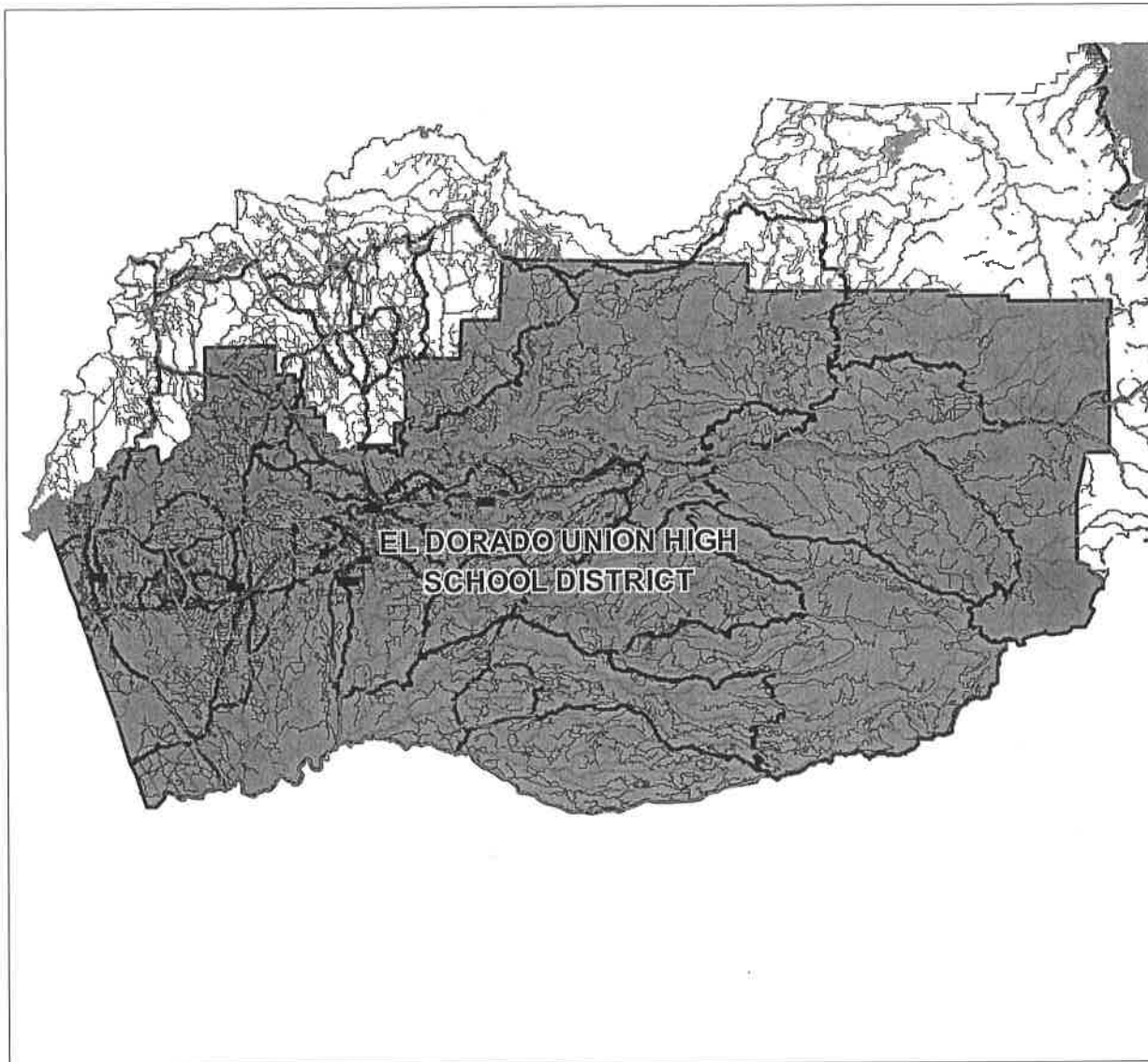
Following action of the governing board to adopt a resolution establishing rates for Level 2 and Level 3 fees, staff will transmit a copy of the resolution and a map of the District's boundaries to the planning/building departments of the county and all cities which are served by the District informing those agencies of the revised amounts and the effective date of the new fees. The effective date of the fees shall be immediately upon action of the Governing Board<sup>15</sup>.

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<sup>15</sup> See Government Code Section 65995.6(f).

**E. Conclusion**

Compliance with the preceding nexus requirements establishes that the El Dorado Union High School District is eligible to impose these fees authorized by State law. The following map shows the geographic area for which the District is authorized to collect these fees.



## **Chapter 6: Findings and Conclusions**

Based on the preceding analysis, the following Conclusions are submitted for the Board's review and consideration.

- A. The El Dorado Union High School District has applied for and been found to be eligible for New Construction funding from the State School Facilities Program.**
- B. The El Dorado Union High School District has completed a School Facilities Needs Analysis, and properly adopted that Analysis after providing public notice, responding to comments, and taking action as prescribed by law.**
- C. The El Dorado Union High School District meets at least two of the four tests required by Government Code Section 65995.5 (b)(3):**
  - a. The District has passed a bond in the last four years.
  - b. The District has capital facility debt in an amount that exceeds 15% of the District's bonding capacity.
  - c. The District has more than 20% of the teaching stations in the District that are relocatable classrooms.
- D. Fees collected under authority of Section 65995.5 or Section 65995.7 shall be expended as required by statute.**
- E. The District has met necessary nexus and notice requirements.**
- F. A Level 2 "Alternate" fee is justified in the amount of \$1.12 per square foot of residential development.**

Respectfully Submitted,



Ken Reynolds  
SchoolWorks, Inc.