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School Mitigation Fees May Validly be Imposed on Adult-Only Seasonal Farmworker Housing

When imposing a school impact fee on residential development, a district need not separately analyze particular subtypes of projects; the authorizing statutes simply require a reasonable relationship between the need for the school facilities and the type of development project -- in this case, residential. *Tanimura & Antle Fresh Foods v. Salinas Union High School Dist.*, 34 Cal. App. 5th 775 (2019).



Agricultural employer Tanimura & Antle Fresh Foods, Inc. ("T&A") developed a 100-unit employee housing complex designed to accommodate between 200 and 800 of the company's seasonal and migrant farmworker employees in two-bedroom, dormitory-like apartment units during the approximately seven-month growing season. The County's permit conditions described the development to be for "agricultural employees only without dependents." The school district determined the project was subject to a Level 2 school impact fee. T&A paid the fees under protest and filed suit, arguing that because the project was designed and approved solely for adult employees, it did not burden schools, and to impose a fee on such a project was contrary to the Mitigation Fee Act's "reasonable relationship" requirement. The Mitigation Fee Act requires a reasonable relationship between the "type" of development and the fee's use and need for the facility. In the context of school impact fees, the court found that the School Facilities Act (Gov't Code §§ 65995 *et seq.*) differentiates between residential, commercial and industrial development and establishes different fee rates based on those classifications. Beyond that, however, the court concluded that nothing in the statutory scheme requires districts to review individual projects or "to anticipate and analyze unique subtypes of residential development" such as that proposed by T&A. To construe the designation of agricultural employee-only housing as a distinct "type," the court said, would contravene the Legislature's intent "to include virtually all construction except that [expressly] exempted" under the School Facilities Act. The court also found that an "adult-only restriction on the employee housing complex does not alter or expand the range of housing defined as 'residential'" under the School Facilities Act. The district properly determined a reasonable relationship between the fee imposed and

"new residential construction" as the type of development covered by the fee, and no further inquiry was required.

Authors