

School District May Assess Fees Based on General Type of Development and Need Not Consider Subtypes



[AMCAL Chico,](#)

AMCAL

constructed a private dormitory complex intended to house unmarried college students. The 173-unit project, which was unaffiliated with the nearby state university, contained over 600 beds. AMCAL planned to lease by the bed with the requirement that all renters be at least 18 years old and enrolled in a degree program. The project was zoned as "medium high density residential" and located within the Chico Unified School District. The District assessed school impact fees pursuant to Education Code section 17620, which allows public school districts to levy a fee against new residential developments to accommodate a likely increase in students from the development. AMCAL paid the fee under protest and filed suit claiming that its project was "a separate class of residential development" that would not generate District students. The court rejected AMCAL's claim that a school district must make an individualized determination of the impact of each particular project. The court held that, under the Mitigation Fee Act, the District only needed to consider the general type of development—such as residential construction—not the intended purpose or use of the development, when assessing school impact fees. In this case, the school impact fee determined by the District's fee study was reasonably related to the impacts of new residential construction on the school district's school facilities and therefore met the requirements of the Mitigation Fee Act.

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