

# **Bond Case Briefs**

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## **DEVELOPMENT FEES - CALIFORNIA**

### **Summerhill Winchester LLC v. Campbell Union School District**

**Court of Appeal, Sixth District, California - December 4, 2018 - Cal.Rptr.3d - 2018 WL 6695971 - 18 Cal. Daily Op. Serv. 12, 039**

Developer filed petition for writ of mandate and complaint for declaratory relief, seeking refund of development fees it paid to school district.

The Superior Court entered judgment in favor of developer. School district and school board appealed.

The Court of Appeal held that:

- District's fee study did not contain the data required to properly calculate a development fee, and
- Study's use of hypothetical new schools that school district was not going to build, as financial premise for calculating fee to be imposed on developers for new residential developments, which noted that every single additional student generated by development would result in "a financial impact" on district, was not a reasonable methodology that could legally support the fee imposed by school board.

School district's fee study did not contain the data required to properly calculate a development fee, as would be required to support development fee imposed on new residential development, where study did not identify what new facilities would be necessary for the new students generated by new residential development, study failed to quantify the expected amount of new development or number of new students it would generate, study did not identify type of facilities that would be necessary to accommodate those new students, and study failed to assess costs associated with new facilities.