

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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March 6, 2009

Blair Aas
SCI Consulting Group
4745 Mangels Blvd.
Fairfield, CA 94534

RE: GOV09-0002/Georgetown Divide Recreation District

Dear Mr. Aas:

On February 26, 2009, the Planning Commission considered a request for a finding of consistency for the proposed impact fee program approved by the Georgetown Divide Recreation District's Board of Directors on November 20, 2008. By a 4-0 vote, the Commission found the proposed park impact fee nexus study to develop future park amenities with the district are consistent with applicable policies of the adopted 2004 El Dorado County General Plan, per Government Code Section 65401. A copy of the minutes is enclosed for your information. If you have any questions, please contact Planning Services at (530) 621-5355. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Char Tim".

Char Tim
Clerk to the Planning Commission

Enclosure

cc: Laura Schwartz, CAO's office (with Staff Report)

EL DORADO COUNTY
C.A.O.
2009 MAR 10 PM 1:02

FROM THE PLANNING COMMISSION MINUTES OF FEBRUARY 26, 2009

4. **CONSENT CALENDAR** (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

b. **GOV09-0002** submitted by GEORGETOWN DIVIDE RECREATION DISTRICT (Agent: Blair Aas, SCI Consulting Group) for Finding of General Plan Consistency per Government Code Section 65401 for proposed impact fee program approved by the District's Board of Directors on November 20, 2008. The program identifies all proposed recreational development and the nexus study to fund such development.

Commissioner Mathews pulled this item from the Consent Calendar.

Thomas Lloyd presented this item to the Commission with a recommendation to find the request consistent with the General Plan.

Chair Mathews inquired how the proposed park impact fees were in comparison with other districts. He was concerned that the district was in a "catch-up" mode because the mobile home fee, which is very similar to the fee for a single-family home, is normally considered affordable housing. He would like to see the Nexus Study.

Larry Appel, Deputy Director-Planning, informed the Commission that the County needs to respond within 40 days of receipt of the request as there is an unwritten rule that if the requesting agency is opposed to a continuance that is outside of the 40 days, then it has the same affect as finding that their request is consistent with the General Plan.

County Counsel Paula Frantz indicated that State law would not allow "catch-up" and the fee needs to be based on the impact of each new house. She also stated that the Recreation District does not have independent authority to pass fees and would require the Planning Commission's recommendation as the County adopts the ordinance for fees. If the Planning Commission requests more time for this item, then it would be appropriate for a continuance.

In response to Commissioner Heflin's request to see other district's fees, Ms. Frantz stated that it was not relevant to this item, but that staff could possibly provide that type of information to him for his review. She stated that the Nexus Study is very specific to an area and may not show other districts.

Chair Mathews stated that he did not want to continue the item, but was interested in pointing out the issue that high fees will impact development.

Art Marinaccio stated that if the Commission is unsure of the development of the area and wants to see the Nexus Study, then the item should be continued.

Blair Aas, applicant's agent, and Carl Clark, applicant, responded to the various inquires, as summarized: (1) Fees are allocated on household sizes, using the 2000 census, for the land use

designations; (2) El Dorado Hills and Cameron Park are two times higher than the proposed Georgetown fees that are in the range of \$4,000; (3) District Board understands that this is unfortunate timing due to economy, but this is for future planning; (4) Outreach meetings have been conducted with local builders; and (5) Discussions with County to phase in the increase of fees.

Commissioner Tolhurst identified a discrepancy in wording regarding funding between the Resolution and the Staff Report.

Mr. Aas agreed that the language may need to be re-worded.

Mr. Clark stated that this is a small district and they are trying to provide a firm foundation by setting a 20 year Master Plan and would like the Commission to review the Nexus Study. He also stated that there have been over 50 planning meetings in the last three years on this and are still continuing to have discussions with the local builders. It is important to continue the long-term planning so that it is in place when the economy upturns.

Steve Carlson is concerned that they are taking an affordable area and now making it unaffordable.

Chair Mathews indicated that he was satisfied with the responses from the applicant and applicant's agent.

No further discussion was presented.

[Clerk's Note: Mr. MacCready arrived at 8:40am to take his seat on the Commission. Mr. Tolhurst arrived at 8:47am to take his seat on the Commission.]

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to find the proposed park impact fee nexus study to develop future park amenities with the district are consistent with applicable policies of the adopted 2004 El Dorado County General Plan, per Government Code Section 65401.

AYES: MacCready, Heflin, Rain, Mathews
NOES: None
ABSTAIN: Tolhurst

Analysis of General Plan Consistency:

SCI Consulting Group has prepared a report that analyzes the recreational needs of the residents within the Georgetown Divide Recreational District, an area encompassing over 412 square miles. The nexus study utilized a per capita standard-based methodology to determine the District's park impact fees. Proposed improvements include a regional recreation center and an aquatics facility.

Policy 9.1.1.7 states, *“Encourage and support efforts of independent recreation districts to provide parks and recreation facilities. The joint efforts of Community Services Districts, independent recreation districts, school districts, cities, and the County to provide parks and recreation facilities shall also be encouraged.”*

Policy 9.1.2.3 states, *“The county will assume the responsibility, where possible, of acquiring and developing regional trails outside the boundaries of the cities... and park and recreation districts having park and recreation taxing authority and will assist areas such as the Georgetown Divide Recreation District with exceptionally large geographic areas with acquisition and development of trails.”*

The impact fee program proposed within the nexus study is consistent with General Plan Policies 9.1.1.7 and 9.1.2.3 encourages districts to plan for and provide parks and recreational facilities for its residents. In conclusion, the proposed park impact nexus study is consistent with the applicable policies of the 2004 General Plan.

ATTACHMENT A: Resolution 08.11.1 (Park Fee Nexus Study)

**RESOLUTION 08.11.1
OF THE BOARD OF DIRECTORS
OF THE GEORGETOWN DIVIDE RECREATION DISTRICT
November 20, 2008**

**RESOLUTION APPROVING THE PARK IMPACT FEE NEXUS STUDY AND
REQUESTING THE EL DORADO COUNTY BOARD OF SUPERVISORS ADOPT AND
IMPLEMENT THE PROPOSED PARK IMPACT FEE PROGRAM ON BEHALF OF
THE GEORGETOWN DIVIDE RECREATION DISTRICT**

WHEREAS, Board of Directors (“the Board”) of the Georgetown Divide Recreation District (“District”) have determined that there is a current and future need for new facilities necessary for the District to provide park and recreation facilities and services to new development in compliance with Policy 10.2.1.4 of the El Dorado County General Plan; and

WHEREAS, AB 1600 was adopted and codified in California Government Code Section 66000 allowing the establishing, increasing or imposing of a development fee as a condition of approval where the purpose and use of the fee were identified and reasonable relationship to the development project was demonstrated; and

WHEREAS, the Board of Directors has received and considered the Park Impact Fee Nexus Study prepared by SCI Consulting Group dated October 2008 (“Nexus Study”) that provides all information necessary to met the requirements of California Government Code Section 66000 et. al. and El Dorado County (“County”) Ordinance 13.30.30(a).

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors (“the Board”) of the Georgetown Divide Recreation District (“District”) that:

- 1) The Board hereby receives and approves the Park Impact Fee Nexus Study (“Nexus Study”) dated October 2008 by SCI Consulting Group.
- 2) Prior to the adoption of this Resolution, the Board conducted a public hearing at which oral and written presentations were made, as part of the Board's regularly scheduled November 20, 2008 meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code sections 66004, 66018, and 6062, subdivision (a). Additionally at least 10 days prior to the meeting the District made available to the public, data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to the Resolution by way of such public meeting, the Board received the Nexus Study attached as Exhibit A, which formed the basis for the action taken pursuant to this Resolution.

- 3) After considering the Nexus Study, this Resolution, and after considering the testimony received at this public hearing, the Board, hereby makes the following findings;
 - a) The park impact fees proposed in the Nexus Study and approved pursuant to this Resolution are for the purposes of funding the cost of park and trail development and the construction of community use and aquatic facilities attributable to new residential development in the District; and
 - b) The park impact fees proposed in the Nexus Study and approved pursuant to this Resolution will be used to fund the cost of park and trail development; construction of community use and aquatic facilities; and the cost associated with administration of the park impact fee program; and
 - c) The uses of the park impact fees proposed in the Nexus Study and approved pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed in that new residential development in the District will generate additional need for new parks and recreational services and the corresponding need for park and recreational facilities. The fees will be used to develop and/or expand the District's parks, trails, community use facilities and aquatic facilities required to serve new development; and
 - d) The park impact fees proposed in the Nexus Study and approved pursuant to this Resolution bear a reasonable relationship to the need for park and recreational facilities in that each new residential development project will generate additional need for park and recreational services and the associated need for developed parks, trails, community use and aquatic facilities. The need is defined by the District's level of service standards for such facilities; and
 - e) The Nexus Study demonstrates that there is a reasonable relationship between the amount of the park impact fee and the cost of the park facilities attributable to the development on which the fee is imposed. Since the need for park and recreational services is inherently population-driven, the associated park facility costs are defined on a per capita basis and applied to three residential land uses according to their respective average household size.
- 4) New development shall mean residential dwelling unit(s), or lots(s) capable of supporting one or more residential dwelling units which shall be assessed at the full per unit fee rate.
- 5) Exempt development shall include all the types of development specified in El Dorado County Code § 13.30.050.

- 6) The Board finds pursuant to the California Environmental Quality Act ("CEQA"), this action is not a "project" because the Resolution provides a mechanism for funding the acquisition and development of parks and construction of community use facilities but does not involve a commitment to any specific project for such purposes that may result in a potentially significant impact on the environment. (CEQA Guidelines § 15378.)
- 7) The Board does hereby approve the following park impact fees on new development which shall be charged upon issuance of a building permit:

Single-Family Residential	\$4,245 per unit
Multi-Family Residence	\$3,508 per unit
Mobile Homes	\$4,170 per unit

- 8) The park impact fees shall be authorized to include an annual inflationary adjustment by an amount equal to the annual change in the Engineering News Record Construction Cost Index.
- 9) If any portion of this Resolution is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution.

BE IT FURTHER RESOLVED that by the Board of Directors of the Georgetown Divide Recreation District formerly requests the El Dórado County Board of Supervisors adopt and implement the proposed park impact fees program on behalf of the District.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Recreation District, at a regularly scheduled meeting held on the 20th of November, Two-thousand and Eight, by the following vote of said Board:

November 20, 2008

AYES:	Adams, Crane, Habig, Ryland, Sartori
NOES:	none
ABSTAIN:	none
ABSENT:	none

ATTEST:


President, Board of Directors


Secretary to the Board