



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Resolution Making Findings Under Government Code Section 66001(d) Regarding the Bass Lake Hills Specific Plan Public Facilities Finance Plan

WHEREAS, the Bass Lake Hills Specific Plan (BLHSP), originally containing 88 individual parcels and covering approximately 1,414 acres in western El Dorado County, was approved by the El Dorado County Board of Supervisors on November 7, 1995; and

WHEREAS, Section 9.4 of the BLHSP required the development of a Public Facilities Finance Plan (PFFP) to set forth a strategy to finance the backbone infrastructure and other public facilities to serve the proposed land use of the plan, which was originally prepared by Economic and Planning Systems (EPS) and adopted on June 8, 2004; and

WHEREAS, in April 2016 the Planning Commission approved Tentative Map and Planned Development revisions (Hawk View, APN: 103-060-01), (Bell Ranch, APN: 119-020-52), and (Bell Woods, APN: 108-010-07) supported by corresponding 10-year Development Agreements to replace the expired original BLHSP Development Agreement that was approved in 1996; and

WHEREAS, the approved revised Tentative Maps and Planned Developments primarily involved revisions to the conditions for the timing and phasing of the infrastructure improvements and required submittal of an updated PFFP reflecting the updated improvement requirements; and

WHEREAS, the updated 2020 BLHSP PFFP was prepared as conditioned by the approved Tentative Map and Planned Development revisions, and was adopted by the Board of Supervisors on February 23, 2021, as Resolution 218-2021; and

WHEREAS, on June 22, 2021, the Board adopted Resolution 065-2021, which included the Bass Lake Hills Public Facilities Fee Nexus Study (Nexus Study) along with an associated Capital Improvement Program to establish the BLHSP fee program in accordance with the requirements in the Mitigation Fee Act, as codified in part at California Government Section 66000 et seq, and which updated the BLHSP PFFP Fee Schedule effective sixty (60) days from adoption on August 21, 2021; and

WHEREAS, a portion of the fees collected were set aside for County staff to administer the fee program, and held separately in a designated special revenue fund for that purpose; and

WHEREAS, the County has filed a Mitigation Fee Act Annual Report for each Fiscal Year (FY) from 2020/21 through 2024/25 in compliance with California Government Code Section 66006, which have included reports for the BLHSP PFFP Fee accounts containing those collected fees; and

NOW THEREFORE BE IT RESOLVED, the Board hereby incorporates by reference Exhibit A, which contains each Annual Report from FY 2020/21 through 2024/25; and Exhibit B, a copy of the Bass Lake Hills Specific Plan Public Facilities Finance Plan adopted by the Board in 2021; and finds that the reports and documentation provided sufficient information to the Board between FY 2020/21 through 2024/25 to make the findings under Government Code section 66001(d) as of the end of FY 2024/25. Accordingly, based on that information, the Board for unexpended amounts in the BLHSP PFFP Fee Accounts as of the end of FY 2024/25 makes the following findings:

Section 66001(d)(1)(A) Identify the purpose to which the fee is to be put.

The purpose of the BLHSP PFFP Fee is to fund the cost of transportation, sewer and water public improvements required to meet the increased demand of vehicular, pedestrian and bike traffic, sewer conveyance and water transmission. In addition to the public improvements, the BLHSP PFFP Fee will fund administrative costs of fee collection, accounting, and updates.

The Board finds that there is a reasonable relationship between the incremental transportation, sewer, and public water infrastructure burden imposed upon publicly owned traffic, sewer, and water systems by the new development as contemplated by the Specific Plan and identifies the purpose of the BLHSP PFFP Fee as a mechanism to fund improvements within the Plan Area needed to accommodate travel demand generated by new land development.

Section 66001(d)(1)(B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

The BLHSP PFFP Fee will be used to fund the public improvements described in Section III of the Nexus Study, to include the transportation, sewer and water improvements required to meet the demands created by new residential development within the Plan Area. The Nexus Study recommended that the BLHSP PFFP Fee and the costs of the public improvements be adjusted annually using the ENR Construction Cost Index for San Francisco. The Board of Supervisors has reviewed the assumptions of the Nexus Study supporting the original Plan Area Fee and evaluated the amount of fees collected under the original fee. As such, a reasonable relationship exists between the use of the BLHSP PFFP Fee and residential development on which the fee will be imposed.

Section 66001(d)(1)(C) Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.

The Nexus Study identified amounts of funding anticipated to complete financing incomplete improvements identified in BLHSP PFFP Capital Improvement Program. The Annual Reports from FY 2020/21 through 2024/25, as included in Exhibit A, included detailed cash pro-formas for each account that showed all revenues by funding source and all expenditures per FY.

The Board finds that the above information sufficiently identified all sources and amounts of funding for the BLHSP PFFP Fee anticipated to complete financing of incomplete improvements.

Section 66001(d)(1)(D) Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

The County reported the annual balances, revenues, and expenditures for the BLHSP PFFP Fee accounts for each fiscal year from FY 2020/21 through FY 2024/25 (Exhibit A). The appropriation and expenditure of funds from these accounts were reflected in the Annual Reports required by Government Code Section 66006. Each project's funding is provided in the form of reimbursements to developers required to construct improvements within the Plan Area as conditions of approval, rather than as direct expenditures on County-constructed projects. Two reimbursement agreements have been executed during the period covered under this resolution: (1) Credit/Reimbursement Agreement for Bass Lake Hills Specific Plan Public Facilities Finance Plan ("PFFP") Improvements, Agmt #20-54961, between the County of El Dorado and Lennar Winncrest, LLC, executed February 23, 2021; and (2) Credit and Reimbursement Agreement for Bass Lake Hills Specific Plan Public Facilities Finance Plan ("PFFP") Improvements Agmt #22-55033, between the County of El Dorado and Toll West Coast LLC, executed May 2, 2023. The Board finds, in review of the documents in Exhibits A and B, and all other documents referenced in this Resolution, that sufficient funds were not collected as of FY 2024/25 to complete all of the improvements proposed to be funded in the Nexus Study by the BLHSP PFFP Fee and therefore that it was appropriate to not refund the amounts in the BLHSP PFFP Fee accounts as of the end of FY 2024/25; and

BE IT FURTHER RESOLVED, the Board incorporates by reference all the studies and documents referenced herein into these findings, and adopts all findings and determinations contained therein; and

BE IT FURTHER RESOLVED, the adoption of this Resolution is not a “project” for the purposes of CEQA, because the resolution relates to a financial reporting requirement connected with a government funding mechanism and does not authorize or commit the County to particular project, and is an ongoing administrative activity or within the meaning of CEQA Guidelines 15378(b)(2) & (4), and even if it were a project under CEQA it would be exempt because it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment within the meaning of CEQA Guidelines 15061(b)(3).

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chair, Board of Supervisors