



## RESOLUTION NO. 171-2021

### OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**WHEREAS**, the Mitigation Fee Act, California Government Code sections 66000-66025, allows the establishment of a development impact fee as a condition of approval where the purpose and use of the fee are identified and a reasonable relationship between the fee and the type of development on which the fee is imposed is demonstrated (Gov. Code subdivision 66001(a)); and

**WHEREAS**, the County of El Dorado has adopted Ordinance No. 5057, codified in Title 13, Chapter 20 (sections 13.20.010 to 13.20.050) of the El Dorado County Code, which authorizes the Board of Supervisors to establish development impact mitigation fees for fire protection districts applicable to new development within the unincorporated area of the County in order to construct or purchase fire protection facilities and equipment necessary to mitigate the impacts of such development in a fire protection district; and

**WHEREAS**, the County of El Dorado, at the request of the Garden Valley Fire Protection District (“District”), has established such impact fees within the District’s boundaries; and

**WHEREAS**, the Mitigation Fee Act requires a local agency that has adopted impact fees in accordance with the Mitigation Fee Act to make certain findings with respect to the unexpended portion of the account or fund, whether committed or uncommitted, for the fifth fiscal year following the first deposit into the account or fund and every five years thereafter (Gov. Code subdivision 66001(d)); and

**WHEREAS**, District has prepared and provided the attached report, labeled “Exhibit A,” hereinafter referred to as “Report,” which District has determined provides the required information to support the findings required by the Mitigation Fee Act (Gov. Code subdivision 66001(d)); and

**WHEREAS**, these findings are being made in connection with the public information required by subdivision (b) of section 66006 and that public information is incorporated by reference herein; and

**WHEREAS**, the first deposit of fee revenue into the District account was made in Fiscal Year 1995-96, and these five-year findings pertain to the balance in the account at the end of Fiscal Year 2020-21 (July 1, 2020 through June 30, 2021).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors hereby accepts the Report provided by District and incorporates it by reference herein, and finds that the Report provides sufficient information with regard to the unexpended balance in the District’s Development Impact Mitigation fund or account to support the following findings as required by the Mitigation Fee Act:

- A. The adoption of this resolution is not a “project” for purposes of the California Environmental Quality Act (“CEQA”) because the resolution relates to a financial reporting requirement and does not authorize or commit the County to a particular project, thus is exempt as an ongoing administrative activity or funding activity pursuant to CEQA Guidelines subsections 15378(b)(2) and (b)(4) and is otherwise exempt under the common sense exemption in CEQA Guidelines subsection 15061(b)(3).
- B. The purpose to which the fee is to be put has been adequately identified as set forth in the Report, and is functionally equivalent to the use(s) identified at the time the fee was established;

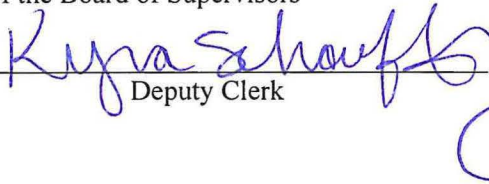
- C. As reflected in the Report, a reasonable relationship exists between the fee and the purpose for which it is charged;
- D. As of the end of FY 2020-21, the impact fee account (Fund 8555, Org 85550010) held \$18,025.81, and as reflected in the Report, all sources and amounts of funding anticipated to complete financing in incomplete improvements have been identified; and
- E. As reflected in the Report, the approximate dates on which the funding necessary to fund incomplete projects will be deposited into the appropriate account or fund have been identified.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 7th day of December, 2021, by the following vote of said Board:

Ayes: Hidahl, Parlin, Thomas, Turnboo, Novasel  
Noes: None  
Absent: None

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

By:

  
Deputy Clerk

  
Chair, Board of Supervisors  
John Hidahl



## **Garden Valley Fire Protection District**

### **Garden Valley Fire Protection District**

#### **Resolution 2021-06**

**WHEREAS;** the Board of Directors of the Garden Valley Fire Protection District recognizes that continuing development within the district places added responsibilities and cost to the fire district; and

**WHEREAS;** such new development shall enjoy the benefits of existing facilities and equipment; and

**WHEREAS;** the Garden Valley Fire Protection District Five Year Plan studying the impacts of contemplated future development on existing fire services within the boundaries of the district, along with an analysis of the need for new public facilities and equipment required as a result of the new development was conducted and said Five Year Plan set forth the relationship between development and the needed facilities and equipment.

**WHEREAS;** it is the policy of this District to maintain existing service level within the District; and

**WHEREAS;** El Dorado County Ordinance #3991 allows the District to impose development fees for fire protection services; and

**NOW, THEREFORE, BE IT RESOLVED,** that there be established herewith a development fee as condition of any building permit for the development or remodeling of any residential, commercial, institutional, or industrial use with the Garden Valley Fire Protection District. It is the Board of Directors belief, at this time, that the existing funding structure as it appeared for the Fiscal Year 21/2021; we will be able to maintain our current level of service with the Development Fee of \$.77 per square foot of any un-sprinklered structure dwelling or non-dwelling and \$.39 per square foot of any sprinklered structure dwelling or non-dwelling of 500 square feet or larger.

#### **Section 1. Definitions**

“Residential Use” means any use for residential purposes, including agricultural uses with residence, as defined in the El Dorado Zoning Code.

“Commercial Use” means any use for commercial purpose as defined in the El Dorado Zoning code.

“Industrial Use” means any use for industrial purposes as defined in the El Dorado Zoning Code.

“Institutional Use” means any use for charitable, educational, hospital, church, purposes, to the extent such use is not also considered as agricultural, commercial, residential, or industrial under the El Dorado County Zoning Code.

### **Section 2. Credit for Fees Paid**

If mitigation fees were previously paid to the District by developer or his predecessors, for the same parcel within the District, the fee described herein shall be waived only if replacement of structure is exactly the same as original with no structural or square footage changes.

### **Section 3. Purpose for the Fees**

The District hereby finds that the purpose of the fee is to pay for the additional facilities and apparatus that will be necessary to serve new development and to pay for a proportionate amount of the cost that will be necessary to replace and improve existing facilities and equipment of the District, all as are necessary to serve new development.

The fee will be used solely for the purpose identified in the Five-Year Apparatus/Facilities Improvement Plan and shall be used solely for the purpose of financing public facilities and equipment as identified in the Plan.

The amount of the development fee bears a reasonable relationship for the various types of development projects on which the fee will be imposed in that all residential, commercial, industrial and institutional uses will impact the service capability of the District and will impact the need for additional equipment and facilities of the District and the need to upgrade and obtain new equipment and facilities for the District. The Five-Year Apparatus/Facilities Improvement Plan demonstrates that the amount of fee collected is necessary to fully mitigate the impacts of the new growth on the District. Therefore, it is a reasonable relationship between the amount of the fee and the cost of the public-facility attributable to the development on which the fee is imposed.

The development of additional residential dwelling units, commercial, industrial and institutional projects increases the need for additional stations, equipment and facilities of the District in order to provide adequate service for such development. These additional facilities are necessary for the District to continue to provide its existing level of service throughout the District without an adverse impact by new development.

The funds herein shall be deposited in a separate account and used solely for the purposes established in the Annual Report on Fire District Development Improvement Fees and Annual Update of the Five-Year Apparatus/Facilities Improvement Plan pursuant to Chapter 13.20 of the County Ordinance Code.

### **Section 4. Development Expenditures Limitation**

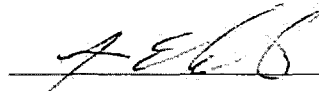
The Fee shall be solely used to pay (1) for the described public facilities to be constructed or equipment to be acquired by the District; (2) for reimbursing the District for the developments fair share of those capital improvements or equipment already constructed or acquired by the

District; or (3) to reimburse other developers who have constructed public facilities or acquired equipment described in the District Five-Year Plan, where these facilities were beyond that needed to mitigate the impacts of the other developers' project or projects. The fees herein shall be deposited into a separate account for which the funds therein shall only be expended pursuant to Chapter 13.20 of the County Ordinance Code.

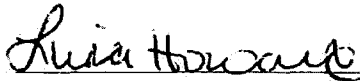
### Section 5. Fee Review

The District shall review the estimated cost of the described capital improvements, the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. The district shall report its findings to the Board of Supervisors at a noticed public hearing and recommend any adjustment to this fee or other action as may be needed on an annual basis.

PASSED, APPROVED AND ADOPTED this 26th day of October 2021.

  
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Frank Edwards, Board Chairman

ATTEST:

  
\_\_\_\_\_

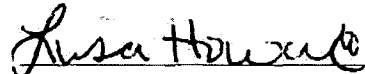
Lisa Howard, Board Clerk

I, Lisa Howard, Board Clerk of the Garden Valley Fire Protection District hereby certify that the foregoing resolution was duly passed at a regular meeting of the Board of Directors of the Garden Valley Fire Protection District held on the 26<sup>th</sup> day of October by the following vote on roll call:

Ayes: 3

Noes: 4

Absent: 2

  
\_\_\_\_\_  
Lisa Howard, Board Clerk

## Mitigation Fee Report

Purpose: Support the findings that must be made by the Board of Supervisors pursuant to California Government Code §66001(d)(1).

Date: October 5, 2021

District: Garden Valley Fire Protection District

Preparer(s): Wes Norman, Fire Chief

Current Balance in Account or Fund: \$18,025.81 as of June 30, 2021.

The Agency hereby submits the following information regarding the entire unexpended balance of fees collected pursuant to the Mitigation Fee Act as of the date set forth above:

A. The fee will be put to the following purposes:

To fund the cost of fire protection facilities, apparatus, and equipment attributable to new residential and nonresidential development in the District. The impact fees will ensure that new development will not burden existing development with the cost of facilities required to accommodate growth as it occurs within the District.

B. There is a reasonable relationship between the fee and the purpose for which it is charged, as described below:

New development projects will create additional need for the District's services and a corresponding need for expanded facilities, apparatus, and equipment. Impact fees will be used to fund these improvements and are necessary to maintain the existing level of fire protection services to new and existing development in the district.

C. All sources and amounts of funding anticipated to complete financing in incomplete improvements are identified below:

The District is planning to add to the existing fleet, by purchasing one new Type 6 fire engine for fire suppression at an estimated cost of \$225,000. The District will use \$18,025.81 in unexpected fees and \$196,602.09 from District reserves.

- D. The approximate dates on which the funding anticipated to complete financing in incomplete improvements is expected to be deposited into the appropriate account or fund are provided below:

The district does not currently have the funds to complete this project with the \$18,025.81. We anticipate having these funds by January 2023.

Agreement # n/a

Legistar # n/a

# AGREEMENT CONTRACT ROUTING SHEET

Date Prepared: 11/02/2021

Need Date: 11/15/2021

**PROCESSING DEPARTMENT:**

Department: CAO  
Dept. Contact: Jennifer Franich  
Phone: x7539  
Department Head Signature: Jennifer Franich  
Digitally signed by Jennifer Franich  
Date: 2021.11.02 14:12:24 -0700'

**CONTRACTOR:**

Name: n/a  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Org Code: 0200000  
Project # (if applicable): \_\_\_\_\_  
Funding Source: \_\_\_\_\_

**CONTRACTING DEPARTMENT:** CAO

Service Requested: Review Resolution for 5-year mitigation fee findings  
Description: Impact Fees 5-year findings  
Contract Term: n/a Contract Value: \_\_\_\_\_

**COUNTY COUNSEL:** (Must approve all contracts and MOU's)

Approved:  Disapproved:  Date: 11/04/2021 By: Breann Moebius  
Approved:  Disapproved:  Date: \_\_\_\_\_ By: \_\_\_\_\_  
Digitally signed by Breann Moebius  
Date: 2021.11.04 16:37:06 -0700'

Please see edits and comments on draft. Please supplement report under section D to indicate when the District intends to purchase the Type 6 fire engine.

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