



RESOLUTION NO. 173-2021

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 Lake 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 1985-86, 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 2020-2021, the impact fee account (Fund 8558, Org 85580010) held \$384,738.74, 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, Novasel, Turnboo, Thomas
Noes: None
Absent: None

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: Kyra Schaffty
Deputy Clerk

John Hidahl
Chair, Board of Supervisors
John Hidahl

Mitigation Fee Act 5-Year Report

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

Date: September 28, 2021

Agency: Lake Valley Fire Protection District

Preparer(s): Brad Zlendick - Fire Chief

Current Balance in Account or Fund: \$385,563.35 as of 06/30/2021 (date)

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:

The purpose of the fire impact fee is to fund the cost of fire protection and emergency response facilities, apparatus, and equipment attributable to new residential and nonresidential development in the District. The fire impact fees will be put toward the following purposes:

- Administration Offices and Mechanic Shop #7

- New fire apparatus such as a Quint, Type 1 Engine, Type 3 Engine, Fast Attack/Squad or other apparatus as needed.

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

The fee will be collected as development occurs. To maintain its existing level of fire protection and emergency response services, fee revenue will be used to expand the District's facilities, apparatus and equipment to meet the additional demand generated by new residents, employees and new structural area created by new development projects.

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

According to the Department's Master Plan and optimal Five-Year Capital Improvement Program ("CIP"), approximately \$2 million in capital projects has been identified. Assuming the same growth rate for the five-year period of the CIP, the fire impact fee will fund approximately \$620,000 of the five-year CIP. The Department will need to fund existing development share of the CIP, and any future improvements not currently identified, with other funding sources such as the general fund, property tax revenue, special assessments and ongoing development fee collection.

- 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 actual capital outlay schedule will be modified to match the actual timing of development within the District and the availability of funding for each project. The year 2026 is the approximate date in which the funding anticipated to complete financing for incomplete improvements is expected to be deposited into the appropriate account or funds are to be provided.

Agreement # n/a

Legistar # n/a

AGREEMENT CONTRACT ROUTING SHEET

Date Prepared: 10/15/2021

Need Date: 10/29/2021

PROCESSING DEPARTMENT:

Department: CAO
Dept. Contact: Jennifer Franich
Phone: x7539
Department Head Signature: Jennifer Franich
Digitally signed by Jennifer Franich
Date: 2021.10.15 14:08:23 -07'00'

CONTRACTOR:

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

CONTRACTING DEPARTMENT:

Service Requested: Review Resolution for 5-year mitigation fee findings
Description: Lake Valley Fire 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 16:46:04 -07'00'

Please incorporate edits and see comments on draft.

