



RESOLUTION NO. 198 - 2023

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**Resolution Making Findings Under Government Code Section 66001(d) Regarding the
County of El Dorado Traffic Impact Mitigation Fee and Traffic Impact Fee Programs as of end of Fiscal
Year 2020/21**

WHEREAS, the County of El Dorado (County) has adopted and updated the County's Traffic Impact Mitigation (TIM) Fee and Traffic Impact Fee (TIF) Programs (collectively referred to as the "Fee Program") to implement various policies in the El Dorado County General Plan that collectively require Developer paid impact fees, combined with other available funds, to fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development upon any highways, arterial roads and their intersections during weekday, peak-hour periods in the unincorporated areas of the western slope of El Dorado County (West Slope); and

WHEREAS, General Plan policy TC-Xb requires the County to, at least every five years, prepare an update to the Fee Program, known as the Major Update, that specifies roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in the General Plan; and

WHEREAS, in 2019 the Board began an accelerated Major Update cycle for the Fee Program required by the General Plan and that included numerous Board hearings and public outreach on May 14, 2019; August 6, 2019; August 13, 2019; September 17, 2019; October 8, 2019; October 22, 2019; November 19, 2019; December 17, 2019; February 11, 2020; March 17, 2020; April 21, 2020; August 25, 2020; and December 8, 2020; and

WHEREAS, on December 8, 2020, the Board adopted Resolution No. 196-2020 and completed the Major Update cycle for the Fee Program that adopted the El Dorado County Traffic Impact Fee Program Update Nexus & Funding Model (2020 Nexus Study) and renamed the TIM Program to the TIF Program; and

WHEREAS, the County has filed a Mitigation Fee Act Annual Report for each Fiscal Year (FY) from 2016/17 through 2020/21 in compliance with California Government Code Section 66006, which have included reports for each TIM Fee/TIF account containing those impact fees; and

WHEREAS, the County has updated its Capital Improvement Program (CIP) via the adoption of CIP Books in 2016, 2017, 2018, 2019, 2020, and 2021, that included detailed reports for each TIM Fee/TIF account containing those impact fees and that identified all sources and amounts of funding anticipated to complete financing in incomplete improvements and the approximate date that funding was expected and when projects were expected to be completed; and

NOW THEREFORE BE IT RESOLVED, the Board hereby incorporates by reference Exhibit A, which contains each Annual Report from FY 2016/17 through 2020/21, Exhibit B, the 2020 Nexus Study, and Exhibit C, a copy of the 2021 Capital Improvement Program adopted by the Board in 2021, and finds that the reports and documentation provided sufficient information to the Board between FY 2016/17 through 2020/21 to make the findings under Government Code section 66001(d) as of the end of FY 2020/21. Accordingly, based on that information, the Board for unexpended amounts in the TIF/TIM Fee Accounts as of the end of FY 2020/21 makes the following findings:

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

The 2020 Nexus Study and Resolution No. 196-2020 included a detailed summary of the purpose of the Fee Program, and this was later updated in 2021 through Resolution No. 079-2021. The Board finds that those resolutions provide adequate information for the Board to identify the purpose of the Fee Program, which is to provide a funding source from new development for capital transportation or circulation improvements that are related directly to the incremental traffic or vehicle burden imposed upon the County's transportation or circulation system by the new development as contemplated by the General Plan. The Fee Program finances future projects as well as projects that were already constructed by Developers and were to be reimbursed through reimbursement agreements.

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

The reasonable relationship between the fee and the purpose of the Fee Program is set forth in:

- Major Updates to the TIM Fee/TIF Program, as adopted in Resolutions No. 266-2006 (Legistar Item 06-0139), No. 021-2012 (Legistar Item 08-1466), No. 191-2016 (Legistar Item 14-0245 v22), and No. 196-2020 (Legistar Item 20-1585), including the 2020 Nexus Study.
- Annual updates to the TIM Fee/TIF Program, including Resolutions Nos. 172-2017 (Legistar Item 17-1284), 077-2018 (Legistar Item 17-07333 v2), 072-2019 (Legistar Item 19-0665), 095-2020 (Legistar Item 20-0723), and 079-2021 (Legistar Item 21-0775).
- The 2004 General Plan Environmental Impact Report and associated analysis, including the traffic analysis prepared by Fehr & Peers and land use growth forecasts developed by Economic and Planning Systems (EPS) (referenced in Legistar Item 06-0139, on file with the Department of Transportation).
- The Traffic Impact Mitigation Fee Program Final Supplement to the El Dorado County General Plan Environmental Impact Report, dated August 2006, as adopted by Resolution No. 265-2006 Certifying the Traffic Impact Mitigation Fee Program Final Supplement to the El Dorado County General Plan Environmental Impact Report; Issuing a Supplemental Statement of Overriding Considerations; and Making Supplemental Findings of Fact (Legistar Item 06-0139).
- Resolution No. 189-2016 Certifying the Environmental Impact Report (SCH 2016022018) for the proposed Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County, subject to the California Environmental Quality Act Findings, and Statement of Overriding Considerations (Legistar Item 14-0245 v22).
- Resolution No. 076-2018 certifying the Addendum to the Final Environmental Impact Report (SCH 2016022018) for the Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County (Legistar Item 18-0733 v2).
- Technical Memoranda prepared by DKS & Associates as part of the Traffic Impact Fee Program 2020 Major Update, including "Technical Memorandum 1A: VMT [Vehicle Miles Traveled]-Based EDU [Equivalent Dwelling Unit] Rates", "Technical Memorandum 1B: Fee Rates by Size of Single-Family Unit", "Technical Memorandum 1C: Age-Restricted Fee Category", "Technical Memorandum 2: Daily EDU Rates", "Technical Memorandum 3A: Cannabis Production Trip Rates", and "Technical Memorandum 3B: Winery Trip Rates". (Legistar Items 19-1453, 20-1062, and 20-0519).

The Board hereby incorporates all the information above by reference, and finds that those documents are sufficient to demonstrate that there is a reasonable relationship between the Fee Program's purpose and the development projects on which the fee is imposed because the transportation or circulation projected funded by the Fee Program are needed to accommodate the incremental new traffic or vehicle burdens generated by the development of new commercial, industrial, and residential uses upon which the Fee is imposed. In particular, the Board as part of the 2020 Major Update adopted Resolution No. 20-1585, which adopted the 2020 Nexus Study, and as part of that resolution adopted a finding that a reasonable relationship exists between the Fees paid as part of the Fee Program and the purpose for which it is charged. The Board made a similar finding during the 2021 annual update to the Fee Program with the adoption of Resolution No. 079-2021.

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

The County's 2021 CIP Book identified as of FY 2020/21 all sources and amounts of funding anticipated to complete financing incomplete improvements identified in Government Code Section 66001(a)(2). The 2021 CIP Book included detailed cash pro-formas for every project that showed the following: all revenues by funding source and all expenditures per FY; project summary pipelines showing development phases broken down into five year, ten year and twenty year timeframes; and additional details for each capital project, including location maps, project description, a financing plan and tentative schedule. The 2021 CIP Book also identified all additional sources of funding for CIP projects, including local funding sources (e.g. TIM Fees/TIF, Tribe funds, and Missouri Flat Area Master Circulation and Funding Plan funds), state funding sources (e.g. Regional Surface Transportation Program), and federal funding sources (e.g. Highway Bridge Program, Highway Safety Improvement Program, and Congestion Mitigation Air Quality funds). In addition, the 2020 Nexus Study along with the 2020 TIF Program Update Supporting Documents included detailed documentation regarding the estimated costs of those projects broken apart by each Zone and the various sources of funding used for projects financed by the Fee Program.

All fees that were collected from applicants of building permits under the Fee Program were deposited into special revenue accounts. These funds were collected throughout each year as building permits were issued, deposited at a minimum of weekly, and distributed periodically to reimburse for eligible project costs. Detailed information for each special revenue account is found in the Annual Reports attached as Exhibit A.

The Board finds that the above information sufficiently identified all sources and amounts of funding for the Fee Program 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's 2021 CIP Book (Exhibit D) identified the approximate dates for the deposit of all funds, including proceeds generated from the Fee Program and all other sources of funding, for each project financed by the Fee Program, including amounts anticipated over five-year, ten-year, and 20-year timeframes. In addition, the 2020 Nexus Study along with the 2020 TIF Program Update Supporting Documents included detailed documentation regarding the anticipated approximated dates for when funding was expected to be deposited to fund Projects financed by the Fee Program, including annual estimates and a 20-year projection. The Board finds that the above information was adequate to designate dates on which the funding necessary to fund incomplete projects were to be deposited in the appropriate TIM/TIF accounts.

In addition, the County reported the annual balances for the various TIM/TIF accounts for each FY from FY 2016/17 through FY 2020/21 (Exhibit A). The appropriation and expenditure of funds from the TIM/TIF accounts were reflected in the CIPs as well as the Annual Reports required by Government Code Section 66006. The Board finds, in review of the documents in Exhibits A, B, C, and D, and all other documents referenced in this Resolution, that the County has on an ongoing basis identified approximate dates to commence construction as sufficient funds were collected to complete financing of public improvement within the timeframes specified by Government Code Section 66006. The Board further finds that sufficient funds were not collected as of FY 2020/21 to complete all of the improvements proposed to be funded in the 2021 CIP by the TIM Fee/TIF Program and therefore that it was appropriate to not refund the amounts in the TIF/TIM Accounts as of the end of FY 2020/21.

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

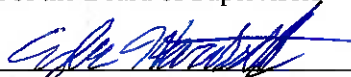
BE IT FURTHER RESOLVED, the adoption of this Resolution is not a “project” for the purposes of CEQA, because the resolution relates to a financial reporting requirement, does not authorize or commit the County to particular project, and is exempt as an ongoing administrative activity or funding activity (Guidelines 15378(b)(2) and (b)(4) or is otherwise exempt under the common sense exemption in CEQA Guidelines subsection 15061(b)(3);

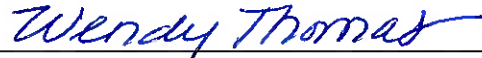
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 12th day of December, 2023, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

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

By: _____


Deputy Clerk


Wendy Thomas
Chair, Board of Supervisors