



Legislation Details (With Text)

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On agenda: 2/27/2024 **Final action:** 2/27/2024

Title: HEARING - Department of Transportation recommending the Board:
1) Conduct a Public Hearing consistent with Mitigation Fee Act requirement to consider the annual adjustment to the Bass Lake Hills Specific Plan Public Financing Plan Fee Schedule;
2) Find that the 2024 Bass Lake Hills Specific Plan Public Financing Plan Fee Schedule is consistent with the Mitigation Fee Act Government Code Sections 660001(a)(1)-(4) and 66001(b); and
3) Adopt and authorize the Chair to sign Resolution 026-2024 027-2024 for the 2024 Bass Lake Hills Specific Plan Public Financing Plan Fee Schedule.

FUNDING: Bass Lake Hills Specific Plan Public Facilities Finance Plan Fee Program.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - Resolution, 3. C - BLHSP PFFP 2023-2024 Comparison, 4. D - Proof of Publication, 5. Executed Resolution 027-2024

Date	Ver.	Action By	Action	Result
2/27/2024	1	Board of Supervisors	Approved	Pass

HEARING - Department of Transportation recommending the Board:

1) Conduct a Public Hearing consistent with Mitigation Fee Act requirement to consider the annual adjustment to the Bass Lake Hills Specific Plan Public Financing Plan Fee Schedule;
2) Find that the 2024 Bass Lake Hills Specific Plan Public Financing Plan Fee Schedule is consistent with the Mitigation Fee Act Government Code Sections 660001(a)(1)-(4) and 66001(b); and
3) Adopt and authorize the Chair to sign Resolution **026-2024 027-2024** for the 2024 Bass Lake Hills Specific Plan Public Financing Plan Fee Schedule.

FUNDING: Bass Lake Hills Specific Plan Public Facilities Finance Plan Fee Program.

DISCUSSION / BACKGROUND

On June 22, 2021 (Legistar 21-0574, Item 36), the Board adopted Resolution 065-2021 (Resolution) adopting the Bass Lake Hills Specific Plan Public Facilities Financing Plan (026 PFFP) Nexus Study and establishing the Bass Lake Hills Specific Plan Public Facilities Finance Plan Fee Program. The Resolution states that, "The County will review the fee program and establish an updated fee annually either based on actual cost changes or by indexing them by the use of a construction cost index. If indexing is used, the County will adjust the Plan Area Fee by the annual change in the ENR Construction Cost Index for San Francisco on March 1st of each calendar year as reported in the ENR for the 12-month period ending December 31."

The purpose of today's hearing is to adopt the 2024 Annual Update to the BLHSP PFFP, which adjusts project costs and fees. The comparison of the current 2023 BLHSP PFFP fee program and the proposed 2024 BLHSP PFFP fee program rates and costs (2024 Fees) are shown in Attachment C. The fees have increased by 3.6%.

The proposed Resolution for the 2024 Fees includes the following findings:

1) Government Code Section 66001(a)(1): Identify the purpose of the fee.

Findings for Government Code Section 66001(a)(1): The purpose of the Plan Area Fee is to fund transportation, sewer and water improvements to meet the needs of new residential development within the Specific Plan.

2) Government Code Section 66001(a)(2): Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirement, or may be made in other public documents that identify the public facilities for which the fee is charged.

Findings for Government Code Section 66001(a)(2): A Plan Area Fee will be used 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 Plan Area Fee will fund administrative costs of fee collection, accounting, and updates.

3) Government Code Section 66001(a)(3): Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

Findings for Government Code Section 66001(a)(3): A Plan Area Fee will be used to fund the public improvements described in Section III of the Nexus Study. The Plan Area Fee will be used to expand the transportation, sewer and water improvements required to meet the demands created by new residential development. The Nexus Study recommended that the Plan Area Fee and the costs of the public improvements be adjusted annually using the ENR Construction Cost Index. 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 Plan Area Fee and residential development on which the fee will be imposed.

4) Government Code Section 66001(a)(4): Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed:

Findings for Government Code Section 66001(a)(4): The residents of the new residential development in the Specific Plan will generate additional trips, increase sewer discharge, and consume more water. The transportation, sewer and water demands were based on engineering studies developed to meet the required buildout of the Specific Plan. Since the public improvements are required to service buildout of the Specific Plan, a reasonable relationship exists between the need for the Plan Area Fee and the new residential development.

5) Government Code Section 66001(b): Determine how there is a reasonable relationship between the Amount of the Fee and the Cost of the Public Facility or Portion of the public Facility Attributed to the Development on which the Fee is imposed (Proportionality).

Findings for Government Code Section 66001(b): The cost of the transportation, sewer and water public improvements are allocated to the residential land uses according to the proportional impact or demand generated from each residential land use. The demand for the transportation, sewer and water public improvements are measured by factors representing the impact created by the residential land use relative to a single family detached unit or dwelling unit equivalent. A reasonable

relationship exists between the amount of the Plan Area Fee and the cost of the transportation, sewer and water public improvements associated with the residential land uses within the Specific Plan since the costs are allocated based on the demand created by new trips, sewer discharge and water consumption associated by the residential land uses. In addition, adjusting the fee, as well as the costs of the public improvements, annually based on the ENR Construction Cost Index for San Francisco supports this reasonable relationship by ensuring that the amount of the fee collected is sufficient to finance the public improvements.

If adopted, the annual update to the BLHSP PFFP fee program will go into effect 60 days after adoption of the resolution.

ALTERNATIVES

The Board could choose not to adjust the 2024 Bass Lake Hills Specific Plan Public Financing Plan Fees. Collection of fees at the current adopted amounts may lead to insufficient fund balances to construct improvements or reimburse developers for improvements made under the PFFP.

PRIOR BOARD ACTION

On June 22, 2021 (Legistar 21-0574, Item 36), the Board adopted Resolution 065-2021 (Resolution) adopting the Bass Lake Hills Specific Plan Public Facilities Financing Plan (BLHSP PFFP) Nexus Study and fee program.

On August 16, 2022 (Item 42, Legistar 22-1119), the Board adopted Resolution 118-2022 updating the BLHSP PFFP Fee Schedule.

On April 4, 2023 (Item 37, Legistar 23-0301) via Resolution 053-2023, most recent update of the BLHSP PFFP Fee Schedule was adopted and went into effect on June 3, 2023.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

CAO, Community Development Finance & Administration Division; County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

The BLHSP PFFP Plan Fees are developer funds which the County administers. Four percent (4%) of the fees collected are designated to the County for these administration services. There is no net cost to the County.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on the Resolution.
- 2) The Clerk of the Board will return one (1) copy of the fully executed Resolution to Transportation, attn: Lindsay Tallman.

STRATEGIC PLAN COMPONENT

Infrastructure/Economic Development/Public Safety - Infrastructure improvements are a vital component in the County's ability to stimulate economic growth and provide safe roads for the residents of El Dorado County and the traveling public.

CONTACT

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Department of Transportation