



Legislation Details (With Text)

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Title: HEARING - Department of Transportation recommending the Board authorize the Chair to:
 1) Conduct a Public Hearing consistent with Mitigation Fee Act requirements to consider the Bass Lake Hills Plan Area Fee Program Nexus Study (Nexus Study) and Bass Lake Hills Specific Plan (BLHSP) Public Facilities Financing Plan (PFFP) Fee Program;
 2) Find that the Nexus Study and BLHSP PFFP Fee Program are consistent with requirements of the Mitigation Fee Act Government Code Sections 66001(a)(1)-(4) and 66001(b); and
 3) Adopt and authorize the Chair to sign Resolution 065-2021 adopting the Nexus Study and the BLHSP PFFP Fee Program.

FUNDING: Developer Funded.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - Resolution, 3. C - BLHSP PFFP, 4. D - BLHSP Nexus Study, 5. E - BLHSP Improvement Exhibit, 6. F - BLHSP Project List, 7. G - Presentation, 8. Auditor-Controller Support Letter BOS Rcvd 6-22-2021, 9. Executed Resolution 065-2021

Date	Ver.	Action By	Action	Result
6/22/2021	1	Board of Supervisors	Approved	Pass

HEARING - Department of Transportation recommending the Board authorize the Chair to:
 1) Conduct a Public Hearing consistent with Mitigation Fee Act requirements to consider the Bass Lake Hills Plan Area Fee Program Nexus Study (Nexus Study) and Bass Lake Hills Specific Plan (BLHSP) Public Facilities Financing Plan (PFFP) Fee Program;
 2) Find that the Nexus Study and BLHSP PFFP Fee Program are consistent with requirements of the Mitigation Fee Act Government Code Sections 66001(a)(1)-(4) and 66001(b); and
 3) Adopt and authorize the Chair to sign Resolution **065-2021** adopting the Nexus Study and the BLHSP PFFP Fee Program.

FUNDING: Developer Funded.

DISCUSSION / BACKGROUND

The Bass Lake Hills Specific Plan (BLHSP) was approved in 1996 to facilitate the orderly and systematic development of the Plan Area through the establishment of a comprehensive and coordinated planning program. An integral element of the BLHSP is a Public Facilities Financing Plan (PFFP), which was approved in 2004. The PFFP identifies funding mechanisms to pay for a specific list of large backbone infrastructure and other public facilities required to serve the proposed land uses.

The PFFP includes all necessary backbone infrastructure needs (Roads, Water, Sewer, School, Fire, etc.) and all funding sources (Developer funds, Community Facilities District bond funds, Traffic, School and Fire impact fees, Water and Sewer demand fees and others). Within this matrix of

funding sources, the PFFP included a Plan Area Fee that addresses the otherwise-unfunded infrastructure requirements. In order to implement a Plan Area Fee, a Nexus Study must be performed to identify the costs, purpose, use, development type and public facility needs, and then establish that a reasonable relationship exists to the Plan Area Fee imposed. An instrument to collect, administer and distribute the Plan Area Fee is also required.

As development has occurred since the implementation of the BLHSP PFFP, three projects (Hawk View, Bell Woods and Bell Ranch) were conditioned to update the PFFP upon their approvals by the Planning Commission in 2016. The update re-evaluated the necessary infrastructure, costs, funding sources and number of development parcels. The update also broke the plan area into Western and Eastern sewer sheds, which drain toward El Dorado Hills and Cameron Park respectively. This change was made due to the two regions having different infrastructure needs and costs, and the update establishes separate Plan Area Fees for each region. The updated BLHSP PFFP was presented to the Board and approved on February 23, 2021 (Item 20, Legistar 21-0024).

The proposed Resolution adopts the PFFP's recommended fees, revising the Plan Area Fee from \$11,846 per parcel for the entire Plan Area to \$16,415 per parcel for the Western sewer shed and \$13,497 per parcel for the Eastern sewer shed.

The BLHSP PFFP update also included proposed revisions to the Nexus Study, mirroring the changes made to the PFFP as described above (see Attachment D).

As the Nexus Study and BLHSP PFFP Fee Program are subject to Mitigation Fee Act requirements, a Public Hearing is required in order to adopt the Nexus Study and BLHSP PFFP Fee Program. This Public Hearing has been duly noticed and staff's presentation, along with facts and evidence presented, will provide the information necessary for the Board to determine if the applicable findings of the Mitigation Fee Act have been met.

The proposed Resolution includes the following findings:

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

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.

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 (see Attachment C). 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.

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. 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 they type of development project on which the fee is imposed:

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).

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.

Staff has reviewed the Nexus Study and recommends the above findings are appropriate.

The proposed Resolution will act as the required mechanism to implement and administer the BLHSP PFFP Fee Program. This Program identifies the Plan Area Fee, the requirements to collect and administer and Plan Area Fee funds, the amount of fees to be collected, and authorizes Credit and Reimbursement Agreements under the Program.

ALTERNATIVES

The Bass Lake Hills Plan Area Fee Program Nexus Study and BLHSP PFFP Fee Program are requirements of the BLHSP PFFP update previously approved by the Board. Should the Board require additional information to make the requisite findings, it could direct staff to collect additional information and return back to the Board.

PRIOR BOARD ACTION

As outlined in the Discussion/Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel / Planning

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 two (2) originals of the Resolution.
- 2) The Clerk of the Board will return one (1) fully executed original Resolution to Transportation, attention Julie Millard.

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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