



RESOLUTION NO. 187-2025

RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO TO REPEAL CHAPTER 130.72 MISSOURI FLAT PLANNING COST REIMBURSEMENT FEE OF THE ZONING ORDINANCE

WHEREAS, in the late 1990's, El Dorado County (County) was processing applications for new retail in the Missouri Flat Area (Area) and the existing traffic congestion, road capacity was insufficient to meet Level of Service standards; and

WHEREAS, reviewing development impact on a project-by-project basis was found to be uneconomic and potentially infeasible; and

WHEREAS, the County sought out a comprehensive and coordinated approach to address both existing traffic congestion in the Area and the issue of providing capacity for future development in the Area; and

WHEREAS, on April 15, 1997, the County Board of Supervisors (Board) entered into the Missouri Flat Road Circulation Plan Cooperative Funding Agreement with Wal-Mart, El Dorado Village, and Sundance Plaza (Initial Participating Developers) in which all agreed to contribute a specified amount towards the development of a program Environmental Impact Report and related planning documents for the Missouri Flat Master Circulation and Funding Plan (MC&FP); and

WHEREAS, in exchange of the Cooperative Funding Agreement, the County agreed to develop a fee program to reimburse the Initial Participating Developers; and

WHEREAS, on December 15, 1998, the Board adopted the MC&FP and entered into a development agreement with the Initial Participating Developers; and

WHEREAS, on October 24, 2000, the Board adopted the Missouri Flat Master Circulation and Funding Plan Reimbursement Fee (County Ordinance Code Chapter 130.72; Ordinance No. 4565 and Resolution No. 295-2000); and

WHEREAS, the intent behind Chapter 130.72 was to establish equity among future developers who derive benefit from the MC&FP and its supporting documents by reimbursing the County for the costs incurred in the preparation and adoption of the MC&FP and related activities; and

WHEREAS, sufficient fees have been collected into the special revenue fund to reimburse the remaining parties; and

WHEREAS, County staff finds that there is no longer a need to continue collecting the fee; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the Planning and Building Department and Department of Transportation to proceed with the preparation of all necessary documentation for the proposed amendments of the Zoning Ordinance, which will include the repeal of Chapter 130.72, and corresponding environmental review requirements pursuant to California Environmental Quality Act; and

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BE IT FURTHER RESOLVED that the Board hereby authorizes the Planning and Building Department to temporarily stop collecting the fee until the Ordinance amendment is prepared and brought back for hearing; and

BE IT FURTHER RESOLVED that the Planning Commission (Commission) and the Board will hold public hearings to consider the proposed amendments to the Zoning Ordinance.

PASSED AND ADOPTED by the Board of the County at a regular meeting of said Board, held the 9th day of December, 2025, by the following vote of said Board:

Ayes: Turnboo, Laine, Parlin, Ferrero, Veerkamp

Noes: None

Absent: None

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: Kyza Schaufele
Deputy Clerk

George Turnboo
Chair, Board of Supervisors
George Turnboo

Attachment B, Exhibit B
Proposed Amendment

Title 130 - ZONING

ARTICLE 7. - FEES

CHAPTER 130.72. MISSOURI FLAT PLANNING COST REIMBURSEMENT FEE

~~CHAPTER 130.72. MISSOURI FLAT PLANNING COST REIMBURSEMENT FEE~~

~~Sec. 130.72.010 Title, Purpose, and Intent.~~

~~This Chapter shall be known as the Missouri Flat Planning Cost Reimbursement Fee ordinance. It authorizes a Missouri Flat Master Circulation and Funding Plan Reimbursement Fee, as described in the Missouri Flat Master Circulation and Funding Plan (MC&FP). It is the intent of this Chapter to establish equity among future developers who derive benefit from the MC&FP and its supporting documents (including California Environmental Quality Act compliance), by reimbursing the County for the costs incurred in the preparation and adoption of the MC&FP and related activities. The County, in turn, may use fees collected in compliance with this Chapter to reimburse initial participating developers for their financial contributions toward adoption of the MC&FP. Any such reimbursement commitments shall be documented in written agreements between the County and the specific developers.~~

~~Sec. 130.72.020 Definitions.~~

- ~~A. "Initial Participating Developers" shall mean those persons or entities who participated in funding the development and preparation of the MC&FP in compliance with the Cooperative Funding Agreement.~~
- ~~B. "Cooperative Funding Agreement" shall mean that certain Missouri Flat Road Circulation Plan Funding Agreement dated April 15, 1997, by and between the County of El Dorado, Sundance Plaza Associates, Ltd., Wal-Mart Stores, Inc., and Village/El Dorado Partners, L.P., as amended.~~
- ~~C. "Eligible Costs" shall mean all costs incurred by the County in the preparation of the MC&FP including, but not limited to, costs for environmental, engineering, traffic engineering, financial, economic, drafting and legal consulting services. Eligible costs shall include, but are not limited to, those costs for which funding was provided under the Cooperative Funding Agreement. Eligible costs may also include legal costs incurred in any action in which the validity of the MC&FP is challenged.~~
- ~~D. "Missouri Flat Area" shall mean that area identified as the Missouri Flat Road Project Area in Exhibit "A" to Ordinance No. 4565.~~
- ~~E. "Missouri Flat Master Circulation and Funding Plan" or "MC&FP" shall mean the Missouri Flat Master Circulation and Funding Plan adopted by the Board on December 15, 1998, as amended.~~

~~Sec. 130.72.030 Findings of the Board.~~

~~In establishing the MC&FP Reimbursement Fee, the Board finds as follows:~~

- ~~A. The MC&FP was prepared and adopted by the County in order to provide a comprehensive and coordinated approach to address both existing traffic congestion in the Missouri Flat Area and the issue of providing capacity for future development in the Missouri Flat Area. Attempting to address these issues on a project by project basis as development occurs would be uneconomic and may be infeasible.~~
- ~~B. Substantial costs were incurred by the County in preparing the MC&FP and supporting documents including, but not limited to, a Program Environmental Impact Report. Certain private entities bore a portion of the costs incurred by the County in compliance with the terms of the Cooperative Funding Agreement.~~
- ~~C. Persons or entities seeking to develop non-residential projects in the Missouri Flat Area will derive substantial benefits from the preparation and adoption of the MC&FP in that:~~

1. Environmental documents prepared in connection with the MC&FP, including the Program EIR, substantially reduce the scope and cost of environmental review otherwise required in connection with subsequent development projects;
 2. Preparation of the MC&FP substantially reduces the scope and cost of planning review otherwise required in connection with subsequent development projects;
 3. The MC&FP provides a mechanism for addressing both existing traffic congestion and future capacity needs in a comprehensive manner not feasible in the context of individual project review;
 4. The MC&FP provides a mechanism to mitigate certain traffic impacts of future non-residential development in a manner not feasible in the context of individual project review;
 5. The MC&FP may reduce or eliminate the need to consider implementation of discretionary review procedures for development to ensure that potential traffic impacts of development otherwise requiring only ministerial approvals are addressed; and
 6. The MC&FP will enable necessary road improvements and thereby will facilitate future economic development in the County and the Missouri Flat Area.
- D. The establishment of the fee provided in this Chapter is based upon the lawful exercise of the County's police power and is consistent with all applicable state laws.

~~Sec. 130.72.040 Fee Requirement.~~

~~A Missouri Flat Planning Cost Reimbursement Fee is established to reimburse the County and/or private parties for expenses associated with preparing and adopting the MC&FP. The Reimbursement Fee shall be applicable to all non-residential development requiring a building permit within the Missouri Flat Area, except as otherwise provided in this Chapter.~~

~~Sec. 130.72.050 Amount of Fee.~~

~~The Reimbursement Fee will be established by a Resolution adopted by the Board in compliance with this Chapter. The Resolution shall describe and document the costs to be reimbursed, the allocation of the costs, and the resulting amount of the Fee. The fee amount included in the Resolution shall be supported by a report, which fully documents costs included and the allocation method used.~~

~~Sec. 130.72.060 Time of Payment; Refunds.~~

~~The Reimbursement Fee shall be payable as a condition of any development approved or allowed and is payable prior to the issuance of a building permit. The Reimbursement Fee is a permit processing fee to reimburse the County for costs incurred, and is not a monetary exaction for the purposes of defraying the cost of public facilities. No applicant shall be entitled to a refund of the Reimbursement Fees collected if, for any reason, development subject to the Reimbursement Fee does not proceed.~~

~~Sec. 130.72.070 Uses of Fee Revenue.~~

~~Revenue generated from the Reimbursement Fee shall be used only to reimburse the County and Initial Participating Developers for Eligible Costs incurred in the preparation and adoption of the MC&FP and its supporting documents, and in related activities.~~

~~Sec. 130.72.080 Creation of Fee Account.~~

~~Reimbursement Fees shall be deposited in a restricted account maintained by the County. Revenue within this account, and any interest accrued thereon, shall be used solely for the purpose set forth in Section 130.72.010 (Title, Purpose, and Intent) above in this Chapter. Once monies in the account are disbursed to reimburse the County for its costs incurred, those monies shall be unrestricted revenue of the County.~~

~~Sec. 130.72.090 Fee Credits.~~

~~The following credits shall be available:~~

- ~~A. — The Initial Participating Developers or their assignees, if they are applicants for building permits, shall be granted a credit against the Reimbursement Fee in an amount up to the amount contributed by the applicant under the Cooperative Funding Agreement, less any reimbursements previously received. Such credits received shall be deemed reimbursement for purposes of calculating future credits and reimbursements. The Fee Credit shall not exceed the Reimbursement Fees levied by Resolution in compliance with this Chapter at the time the Fee Credit is applied for.~~
- ~~B. — Any applicant shall receive a credit against the Reimbursement Fee in an amount equal to Reimbursement Fees previously paid for development approvals or permits on the same property if the development for which the prior Reimbursement Fees were paid did not occur and all permits and entitlements for such development have expired or are relinquished.~~

~~Sec. 130.72.100 Fee Exemptions.~~

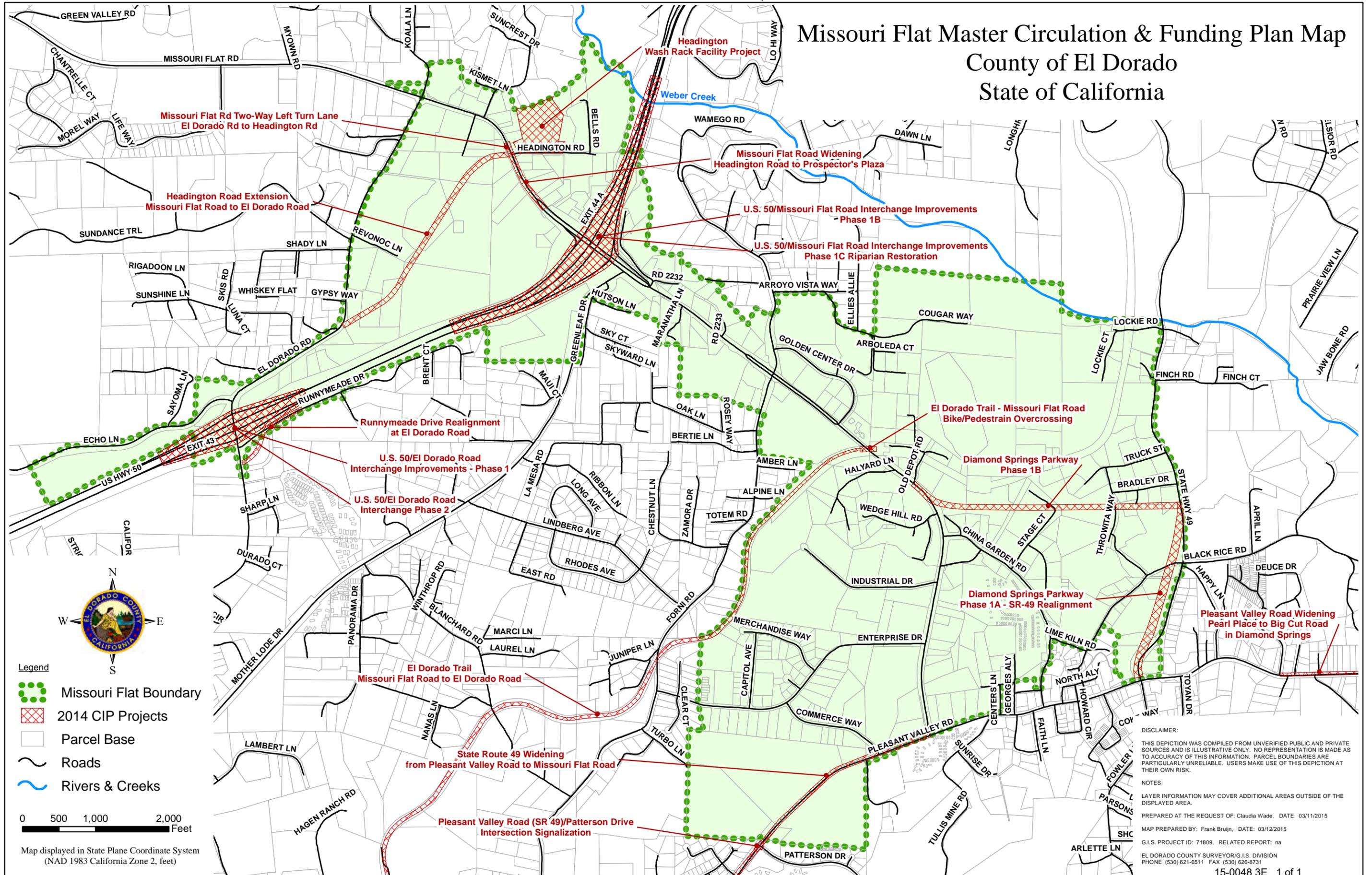
~~Public park sites and public buildings and structures, including libraries, schools, fire stations, and public utility structures, are exempt from the Reimbursement Fee.~~

~~Sec. 130.72.110 Separability.~~

~~The provisions of this Chapter are separable, and the invalidity of any phrase, clause, or part shall not affect the validity of the remainder.~~

Missouri Flat Master Circulation & Funding Plan Map

County of El Dorado State of California



Legend

- ⋯ Missouri Flat Boundary
- ▨ 2014 CIP Projects
- Parcel Base
- Roads
- ~ Rivers & Creeks

0 500 1,000 2,000 Feet

DISCLAIMER:
THIS DEPICTION WAS COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO ACCURACY OF THIS INFORMATION. PARCEL BOUNDARIES ARE PARTICULARLY UNRELIABLE. USERS MAKE USE OF THIS DEPICTION AT THEIR OWN RISK.

NOTES:
LAYER INFORMATION MAY COVER ADDITIONAL AREAS OUTSIDE OF THE DISPLAYED AREA.

PREPARED AT THE REQUEST OF: Claudia Wade, DATE: 03/11/2015
MAP PREPARED BY: Frank Bruijn, DATE: 03/12/2015
G.I.S. PROJECT ID: 71809, RELATED REPORT: na
EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (530) 621-6511 FAX (530) 626-8731

LGB/dp/km
17-19-ord
10-19-00



ORDINANCE No. 4565

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1: Chapter 17.19 of Title 19 of the El Dorado County Ordinance Code is hereby added to read as follows:

CHAPTER 17.19

MISSOURI FLAT PLANNING COST REIMBURSEMENT FEE

17.19.010 Title, Purpose and Intent. This chapter shall be known as the Missouri Flat Planning Cost Reimbursement Fee ordinance. It authorizes a Missouri Flat Master Circulation and Funding Plan Reimbursement Fee, as described in the Missouri Flat Master Circulation and Funding Plan. It is the intent of this chapter to establish equity among future developers who derive benefit from the Master Circulation and Funding Plan, and its supporting documents (including California Environmental Quality Act compliance), by reimbursing El Dorado County for the costs incurred in the preparation and adoption of the Missouri Flat Master Circulation and Funding Plan and related activities. El Dorado County, in turn, may use fees collected pursuant to this chapter to reimburse initial participating developers for their financial contributions toward adoption of the Missouri Flat Master Circulation and Funding Plan. Any such reimbursement commitments shall be documented in written agreements between the County of El Dorado and the specific developers.

17.19.020 Definitions.

A. "Initial Participating Developers" shall mean those persons or entities who participated in funding the development and preparation of the Missouri Flat Master Circulation and Funding Plan pursuant to the Cooperative Funding Agreement.

B. "Cooperative Funding Agreement" shall mean that certain Missouri Flat Road Circulation Plan Funding Agreement dated April 15, 1997, by and between the County of El Dorado, Sundance Plaza Associates, Ltd., Wal-Mart Stores, Inc., and Village/El Dorado Partners, L.P., as amended.

C. "Eligible Costs" shall mean all costs incurred by the County in the preparation of the MC&FP including, but not limited to, costs for environmental, engineering, traffic engineering, financial, economic, drafting and legal consulting services. Eligible costs shall include, but are not limited to, those costs for which funding was provided under the Cooperative Funding Agreement. Eligible costs may also include legal costs incurred in any action in which the validity of the MC&FP is challenged.

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D. "Missouri Flat Area" shall mean that area identified as the Missouri Flat Road Project Area in Exhibit "A" to Ordinance No. 4556.

E. "Missouri Flat Master Circulation and Funding Plan" or "MC&FP" shall mean the Missouri Flat Master Circulation and Funding Plan adopted by the Board of Supervisors on December 15, 1998, as amended.

17.19.030 Findings of Board of Supervisors. In establishing the MC&FP Reimbursement Fee, the Board of Supervisors finds as follows:

A. The Missouri Flat Master Circulation and Funding Plan was prepared and adopted by the County in order to provide a comprehensive and coordinated approach to address both existing traffic congestion in the Missouri Flat Area and the issue of providing capacity for future development in the Missouri Flat Area. Attempting to address these issues on a project-by-project basis as development occurs would be uneconomic and may be infeasible.

B. Substantial costs were incurred by the County in preparing the MC&FP and supporting documents including, but not limited to, a Program Environmental Impact Report. Certain private entities bore a portion of the costs incurred by the County pursuant to the terms of the Cooperative Funding Agreement.

C. Persons or entities seeking to develop non-residential projects in the Missouri Flat Area will derive substantial benefits from the preparation and adoption of the MC&FP in that: (1) environmental documents prepared in connection with the MC&FP, including the Program EIR, substantially reduce the scope and cost of environmental review otherwise required in connection with subsequent development projects; (2) preparation of the MC&FP substantially reduces the scope and cost of planning review otherwise required in connection with subsequent development projects; (3) the MC&FP provides a mechanism for addressing both existing traffic congestion and future capacity needs in a comprehensive manner not feasible in the context of individual project review; (4) the MC&FP provides a mechanism to mitigate certain traffic impacts of future non-residential development in a manner not feasible in the context of individual project review; (5) the MC&FP may reduce or eliminate the need to consider implementation of discretionary review procedures for development to ensure that potential traffic impacts of development otherwise requiring only ministerial approvals are addressed; and, (6) the MC&FP will enable necessary road improvements and thereby will facilitate future economic development in El Dorado County and the Missouri Flat Area.

D. The establishment of the fee provided in this chapter is based upon the lawful exercise of the County's police power and is consistent with all applicable state laws.

17.19.040 Fee Requirement. A Missouri Flat Planning Cost Reimbursement Fee is established to reimburse the County and/or private parties for expenses associated with preparing

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and adopting the Missouri Flat Master Circulation and Funding Plan. The Reimbursement Fee shall be applicable to all non-residential development requiring a building permit within the Missouri Flat Area, except as otherwise provided in this chapter.

17.19.050 Amount of Fee. The Reimbursement Fee will be established by a Resolution adopted by the Board of Supervisors pursuant to this chapter. The Resolution shall describe and document the costs to be reimbursed, the allocation of the costs, and the resulting amount of the Fee. The fee amount included in the Resolution shall be supported by a report, which fully documents costs included and the allocation method used.

17.19.060 Time of Payment; Refunds. The Reimbursement Fee shall be payable as a condition of any development approved or permit and is payable prior to the issuance of a building permit. The Reimbursement Fee is a permit processing fee to reimburse the County for costs incurred, and is not a monetary exaction for the purposes of defraying the cost of public facilities. No applicant shall be entitled to a refund of the Reimbursement Fees collected, if, for any reason development subject to the Reimbursement Fee does not proceed.

17.19.070 Uses of Fee Revenue. Revenue generated from the Reimbursement Fee shall be used only to reimburse the County and Initial Participating Developers for Eligible Costs incurred in the preparation and adoption of the Missouri Flat Master Circulation and Funding Plan and the supporting documents and in related activities.

17.19.080 Creation of Fee Account. Reimbursement Fee proceeds shall be deposited in a restricted account maintained by El Dorado County. Revenue within this account, and any interest accrued thereon, shall be used solely for the purpose set forth in section 17.19.010. Once moneys in the account are disbursed from the account to reimburse County for its costs incurred, those moneys shall be unrestricted revenue of the County.

17.19.090 Fee Credits. The following credits shall be available:

A. The Initial Participating Developers, or their assignees, if they are applicants for building permits, shall be granted a credit against the Reimbursement Fee in an amount up to the amount contributed by the applicant under the Cooperative Funding Agreement, less any reimbursements previously received. Such credits received shall be deemed reimbursement for purposes of calculating future credits and reimbursements. The Fee Credit shall not exceed the Reimbursement Fees levied by Resolution pursuant to this chapter at the time the Fee Credit is applied for.

B. Any applicant shall receive a credit against the Reimbursement Fee in an amount equal to Reimbursement Fees previously paid for development approvals or permits on the same property if the development for which the prior Reimbursement Fees were paid did not occur and all permits and entitlements for such development have expired or are relinquished.

Attachment B, Exhibit D
Ordinance 4565, Adopted Octer 24, 2000

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17.19.100 Fee Exemptions. Public park sites and public buildings and structures including libraries, schools, fire stations, and public utility structures are exempt from the Reimbursement Fee

17.19.110 Separability. The provisions of this chapter are separable, and the invalidity of any phrase, clause, or part shall not affect the validity of the remainder.

Section 2. This Ordinance shall take effect and become effective thirty (30) days after its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published one time in the Mountain Democrat, a newspaper of general circulation published in the County of El Dorado, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 24TH day of OCTOBER, 2000, by the following vote of said Board:

Ayes: SUPERVISORS: WILLIAM S. BRADLEY,
RAYMOND J. NUTTING, J. MARK NIELSEN,
PENNY HUMPHREYS, DAVID A. SOLARO

ATTEST

DIXIE L. FOOTE

Clerk of the Board of Supervisors

By Margaret E. Moody
Deputy Clerk

NONE
NONE
William S. Bradley
Chairman, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk

LBG:km
mfcfr.res
10/13/00



RESOLUTION No. 295-2000

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

SETTING A MISSOURI FLAT PLANNING COST REIMBURSEMENT FEE

WHEREAS, on December 15, 1998, the Board of Supervisors of the County of El Dorado adopted the Missouri Flat Master Circulation and Funding Plan ("MC&FP"); and,

WHEREAS, the MC&FP benefits all properties within the Missouri Flat Area which are proposed for development in that, among other things, preparation of the MC&FP involved substantial planning and environmental review which otherwise would be required in connection with individual projects, and adoption of the MC&FP provided a mechanism for addressing traffic impacts of development in the area which otherwise would have to be addressed in connection with individual projects; and,

WHEREAS, the County incurred substantial costs in the preparation and adoption of the MC&FP; and,

WHEREAS, Chapter 17.19 of the El Dorado County Ordinance Code adopts a permit processing fee applicable to non-residential development in the Missouri Flat Area for the purpose of reimbursing the costs incurred in the preparation and adoption of the MC&FP. Section 17.19.050 of that Chapter provides that the amount of the fee shall be set by resolution of the Board of Supervisors. It is the intent of this Resolution to set the amount of the Missouri Flat Planning Reimbursement Fee pursuant to section 17.19.050.

NOW, THEREFORE, the Board of Supervisors does RESOLVE as follows:

Section 1. Amount of Fee. The amount of the Missouri Flat Planning Reimbursement Fee imposed by Section 17.19.040 of the El Dorado County Ordinance Code is hereby set at Forty Three Cents (\$0.43) per square foot of gross floor area of all new, non-residential construction. Remodeling and replacement of existing structures shall not be subject to the fee, except to the extent the construction results in an increase in gross floor area. The fee due shall be payable prior to issuance of a building permit. The fee established in this section shall be adjusted automatically, without further action of the Board of Supervisors, on February 1, 2002, and each February 1, thereafter, to reflect any change in the Consumer Price Index (all items) for the San Francisco-Oakland-San Jose area since the adoption or most recent adjustment of this fee.

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Section 2. Costs to be Borne by Fee. The County incurred substantial costs in the preparation and adoption of the MC&FP. These included costs for consultants for planning, environmental, administrative, economic, financial, traffic engineering and legal work, as well as other out-of-pocket expenses. The total costs incurred are Six Hundred Fifty Thousand Five Hundred Fifty Three Dollars and Eighty Four Cents (\$642,519.84). A breakdown of the costs is as follows:

Consultant Costs:

Environmental/traffic analysis	\$233,913.02
Economic analysis	143,060.00
Legal (bond financing, environmental, redevelopment)	104,625.29
Economic/redevelopment feasibility analysis	63,080.61
Administrative/project management services	91,624.08
Financial analysis	<u>4,526.00</u>
Subtotal:	\$640,829.00

Out-of-Pocket Costs:

Communications	\$585.82
Publications	560.83
Duplicating	520.68
Postage	<u>23.51</u>
Subtotal:	<u>\$1,690.84</u>
Total:	\$642,519.84

Section 3. Methodology. The Missouri Flat Planning Reimbursement Fee is a permit processing fee intended to recover the costs of preparing and adopting the MC&FP. The work performed is for the analysis of traffic impacts and potential mitigation measures related to development in the Missouri Flat Area. The fee is not intended as an impact fee to mitigate the impacts of any specific project. Therefore the fee is based on the relative size of the project, not on its projected impacts.

The MC&FP and its related environmental documents analyzed the impacts of and potential mitigation for development projected to occur through approximately the year 2015. Approximately 1,500,000 square feet of non-residential development was projected to occur in that time frame. The MC&FP was developed to accommodate this development in two phases, the first, approximately 750,000 square feet of development, to occur in the relatively short term in Phase I, and the balance to occur by 2015 in Phase II. Development of the MC&FP included environmental, economic and

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engineering analysis for both phases. As adopted, however, the MC&FP included only Phase I. Nevertheless, the costs incurred reflect work done to analyze both Phase I and Phase II. Therefore, in determining the fee to be charged, total costs are spread over the full 1,500,000 square feet of development originally analyzed in the MC&FP, although Phase II was not ultimately approved.

The Missouri Flat Planning Reimbursement Fee is calculated by dividing the total costs incurred in developing and adopting the MC&FP (currently \$642,519.84) by 1,500,00 square feet of originally anticipated development. The resultant fee is Forty Three Cents (\$0.43) per square foot of gross floor area. The total fee for any development project shall be determined by multiplying the fee of \$0.43 per square foot by the gross floor area of the project, in square feet.

Section 4. Prior Approvals. Prior to adoption of this Resolution, and pursuant to interim regulations then in effect, certain development projects within the Missouri Flat Area received approvals which were conditioned upon the payment of the development's fair share of the costs of the development of the MC&FP, when determined. Other projects received permits subject to agreements specifying the same. Nothing in this Resolution, or in Chapter 17.19 of the El Dorado County Ordinance Code, including the effective and operative dates of each, shall be deemed to repeal, waive or modify any such condition or agreement. The fee established hereby shall represent the fair share of such costs required to be paid under any such condition or agreement. With respect to any such projects which have not yet received building permits, payment shall be deemed due prior to issuance of a building permit, unless a different time is specified by the condition or agreement. With respect to such projects which already have received their building permits, payment shall be deemed due upon the operative date of this Resolution, as set forth in Section 6, unless a different time is specified by the condition or agreement.

Section 5. Findings. The Board of Supervisors makes the following findings:

A. The Missouri Flat Master Circulation and Funding Plan was prepared and adopted by the County in order to provide a comprehensive and coordinated approach to address both existing traffic congestion in the Missouri Flat Area and the issue of providing capacity for future development in the Missouri Flat Area. Attempting to address these issues on a project-by-project basis as development occurs would be uneconomic and may be infeasible.

B. Substantial costs were incurred by the County in preparing and adopting the MC&FP and supporting documents including, but not limited to, a Program Environmental Impact Report. Costs incurred for the preparation and adoption of the MC&FP were in the amount of \$642,519.84.

C. Persons or entities seeking to develop non-residential projects in the Missouri Flat Area will derive substantial benefits from the preparation and adoption of the MC&FP in that: (1) environmental documents prepared in connection with the MC&FP, including the Program EIR, substantially reduce the scope and cost of environmental review otherwise required in connection with subsequent development projects; (2) preparation of the MC&FP substantially reduces the scope and cost of planning review otherwise required in connection with subsequent development projects; (3) the MC&FP provides a mechanism for addressing both existing traffic congestion and

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future capacity needs in a comprehensive manner not feasible in the context of individual project review; (4) the MC&FP provides a mechanism to mitigate certain traffic impacts of future non-residential development in a manner not feasible in the context of individual project review; (5) the MC&FP may reduce or eliminate the need to consider implementation of discretionary review procedures for development to ensure that potential traffic impacts of development otherwise requiring only ministerial approvals are addressed; and, (6) the MC&FP will enable necessary road improvements and thereby will facilitate future economic development in El Dorado County and the Missouri Flat Area.

D. Imposition of the Missouri Flat Planning Reimbursement Fee on non-residential development projects in connection with issuance of building permits, whether or not discretionary review is otherwise required, is appropriate in that the MC&FP analyzes and provides mitigation for all such development regardless of the availability of discretionary review. In the absence of an adopted plan to mitigate the traffic impacts of new development, existing traffic conditions and anticipated traffic impacts are such that they would have warranted consideration of permanent regulations requiring discretionary review of all development in the Missouri Flat Area in order to allow assessment and mitigation of traffic impacts. On March 17, 1998, the Board of Supervisors adopted Ordinance No. 4485 which established interim regulations requiring discretionary review for all such development. The Board has allowed those regulations to expire without further extension or their replacement with permanent regulations in light of the adoption of the MC&FP and this Resolution.

E. The fees established by this Resolution do not exceed the estimated reasonable cost of providing the service for which the fee is charged; namely, the cost of preparation, adoption and administration of the MC&FP. The Board further finds that the methodology used to establish the fees and spread the cost among affected properties is reasonable and prorated in accordance with the applicant's relative benefit derived from the MC&FP.

Section 6. Effective Date. This Resolution shall become effective upon adoption, but the fees set herein shall become operative sixty (60) days following the date of adoption of this Resolution in accordance with Government Code Section 66017(a).

Attachment B, Exhibit E
Resolution 295-2000, Adopted Octer 24 ,2000

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PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board,
held on the 24TH day of OCTOBER, 2000, by the following vote of said Board:

Ayes: SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND J. NUTTING, J. MARK NIELSEN, PENNY HUMPHREYS, DAVID A. SOLARO

ATTEST

DIXIE L. FOOTE
Clerk of the Board of Supervisors

Noes: NONE

Absent: NONE

By Margaret E. Moady
Deputy Clerk

William S. Bradley
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk