

ATTACHMENT 4



CEQA FINDINGS OF FACT

and

**STATEMENT OF OVERRIDING
CONSIDERATIONS**

**OF THE BOARD OF SUPERVISORS
OF EL DORADO COUNTY**

for the

**MISSOURI FLAT AREA MASTER
CIRCULATION AND FUNDING PLAN**

December 15, 1998

I.
INTRODUCTION

The Final Environmental Impact Report ("Final EIR") prepared for the Missouri Flat Area Master Circulation and Funding Plan ("MC&FP" or "Project") addresses the potential environmental effects associated with providing a mechanism for funding and constructing public facility and infrastructure improvements in the general area surrounding the existing Missouri Flat interchange west of Placerville. This same EIR also included analysis of the physical effects of two additional projects: Sundance Plaza and El Dorado Villages Shopping Center, which are the subject of separate findings and approvals. These projects would be located within the geographic boundaries of the MC&FP, and would be retail developments that generate revenues to be applied to roadway improvements identified in the MC&FP. These findings will address only the MC&FP portion of the EIR. They have been prepared to comply with requirements of the California Environmental Quality Act ("CEQA") (Pub. Resources Code, Section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

II.
DEFINITIONS

"AB" means Assembly Bill.

"ADWF" means Average Daily Wet Flow.

"afa" means acre-feet annually.

"APCD" means Air Pollution Control District.

"APN" means assessor's parcel number

"ASTM" means American Society of Testing and Materials

"BMPs" means best management practices.

"Board of Supervisors" or "Board" refers to the El Dorado County Board of Supervisors.

"Caltrans" means California Department of Transportation.

"CARB" means California Air Resources Board.

"CDFG" means the California Department of Fish & Game.

"CEQA" means California Environmental Quality Act.

"CNEL" means community noise level equivalent.

"CNPS" means California Native Plant Society.

"CO" means carbon monoxide.

"CVP" means Central Valley Project.

"dBA" means A-weighted decibels.

"DC" means Design Control.

"DCWWTP" means Deer Creek Wastewater Treatment Plant.

"DOT" means Department of Transportation.

"Draft EIR" means the Draft Environmental Impact Report for Missouri Flat Area MC&FP and Sundance Plaza and El Dorado Villages Shopping Center Projects, dated April 1998.

"DRE" means Department of Real Estate.

"EDCTA" means El Dorado County Transportation Authority.

"EDCWA" means El Dorado County Water Agency.

"EDU" means equivalent dwelling unit.

"EID" means El Dorado Irrigation District.

"EIR" means environmental impact report.

"EIS" means environmental impact statement.

"EPA" means U.S. Environmental Protection Agency.

"FCC" means Facility Capital Charges.

"FEMA" means Federal Emergency Management Agency.

"FIL" means Facility Improvement Letter.

Final EIR" means the Final Environmental Impact Report for the Missouri Flat Area MC&FP and Sundance Plaza and El Dorado Villages Shopping Center Projects, dated August 1998.

"FIRM" means Flood Insurance Rate Map.

"FPR" means Final Plan Report.

"GPEIR" means General Plan Environmental Impact Report.

"gpd" gallons per day.

"gpm" means gallons per minute.

"HDR" means High Density Residential.

"k VA" means kilovolt amperes.

"lbs/day" means pounds per day.

"Ldn" means day-night average noise level.

"LOS" means level of service.

"LUSTs" means leaking underground storage tanks.

"MC&FP" means Master Circulation and Funding Plan.

"Measure Y" means the "Control Traffic Congestion" Initiative passed by the voters of El Dorado County in the election held on November 3, 1998.

"mgd" means million gallons per day.

"MRF" means Materials Recovery Facility.

"NO" means nitrogen oxide.

"NOx" means nitrogen oxide.

"NOP" means Notice of Preparation.

"NPDES" means National Pollutant Discharge Elimination System.

"NSR" means New Source Review.

"PCB" means polychlorinated biphenyls.

"PD" means Planned Development.

"PF" means Public Facilities.

"PG&E" means Pacific Gas & Electric.

"PM10" means particulate matter with a diameter of 10 microns or less.

"psi" pounds per square inch.

"ROG" means Reactive Organic Gases.

"RWQCB" means Regional Water Quality Control Board.

"s.f." means square feet.

"SO_x" means sulfur dioxide.

"SPRR" means Southern Pacific Railroad.

"SPTC" means Sacramento- Placerville Transportation Corridor.

"SPUI" means Single Point Urban Interchange.

"SR" 49 means State Route 49.

"TAC" means Technical Advisory Committee.

"TIM Fees" refer to traffic impact fees assessed and collected pursuant to the County's West Slope Area of Benefit Traffic Impact Mitigation Fees, as updated by Board of Supervisors Resolution No. 202-96 (August 20, 1996);

"TSS" means total suspended solids.

"UBC" means the Uniform Building Code.

"UFC" means Uniform Fire Code.

"USACE" means United States Army Corps of Engineers.

"USBR" means United States Bureau of Reclamation.

"USFWS" means the U.S. Fish and Wildlife Service.

"USTs" means underground storage tanks.

"VA" means volt-ampere.

III. PROJECT DESCRIPTION

The MC&FP includes a comprehensive circulation plan relating to significant roadway improvements in the Missouri Flat Area, one of the most congested areas in El Dorado County, and defines the financing mechanisms for the circulation plan, including, but not limited to, use of a community facilities district, road fees, and the generation of tax revenues. The MC&FP does not alter any of the planned land uses established on the El Dorado County General Plan land use map. (DEIR, p. 3-2.)

The MC&FP presumes and depends upon completion of planned development in the Missouri Flat Area that is located on certain properties designated "Commercial" on El Dorado County's General Plan land use map. The MC&FP must be in place, however, prior to the approval of any such development, including Sundance Plaza, the El Dorado Villages Shopping Center, and Wal-Mart. The road fees and tax revenues from these three projects are included within the MC&FP as funding sources for roadway improvements. (DEIR, p. 3-1.)

The fees and anticipated tax revenues from the Sundance Plaza, El Dorado Villages, and Wal-Mart projects, the market demand for which *already exists*, would be sufficient to provide most of the funding for the roughly \$30,000,000 of roadway improvements contemplated for Phase I of the MC&FP. (Public Review Draft Report, Missouri Flat Master Circulation and Funding Plan, pp. 9 (Table 1: \$30 million is based on subtracting from Phase I total line items for the Headington Road Extension and the El Dorado Interchange), 11, 15, 23; Memorandum from County Counsel Louis B. Green to Board of Supervisors, November 23, 1998; DEIR, pp. 6-15, 6-16 (Table 6-5); testimony of Walter Kieser, Transcript of Board of Supervisors meeting of November 24, 1998.) If these projects do not go forward, however, other projects of comparable scale and similar uses could suffice. The roadway improvements would not be possible without the financing made available through the planned Commercial development. Conditions of approval for the individual retail projects, along with Development Agreements and proposed land-secured financing (e.g., a Mello Roos Community Facilities District), will provide commitments between the project sponsors of individual commercial/retail projects and El Dorado County to assure that the roadway improvements included in the MC&FP are funded and constructed in a timely manner. (DEIR, p. 3-1.)

Because implementation of the MC&FP is dependent on projects such as Sundance Plaza and El Dorado Villages Shopping Center, as well as other known retail projects (e.g., Wal-Mart), the County determined that it would process applications for retail/commercial development projects in the Missouri Flat Area but would withhold consideration of final approval of those projects until

after considering whether to adopt, and possibly adopting, the MC&FP. In addition, the County determined that, since Sundance Plaza and El Dorado Villages Shopping Center have site-specific design proposals and the MC&FP is dependent on the revenues from projects such as these (and other) retail/commercial projects, it would be prudent to evaluate the project-specific environmental effects of the two shopping center projects at the same time that the impacts of the MC&FP itself were also being evaluated. The environmental effects of the Wal-Mart store were evaluated in a separate EIR that was initiated prior to commencement of this Project's EIR. (DEIR, p. 3-1.)

As originally proposed, the MC&FP consisted of two phases: Phase I, which would fund and construct improvements needed to remedy existing level of service deficiencies by the year 2005, with major funding, in the form of TIM fees and future sales and property tax revenues, contributed by pending proposed retail projects, including Sundance Plaza, El Dorado Villages, Wal-Mart, Raley's, and other near-term retail development proposals; and Phase II, which, with additional revenue from these commercial projects and others, would generate additional roadway capacity to ensure adequate levels of service for future development contemplated under the County's General Plan. (See Public Review Draft Report, Missouri Flat Master Circulation and Funding Plan, pp. 9 (Table 1), 11, 13 (Table 3); Memorandum from County Counsel Louis B. Green to Board of Supervisors, November 23, 1998, pp. 2, 10; DEIR, pp. 3-10, 3-25 - 3-26.)

As approved, however, the MC&FP includes *only Phase I*. The Board of Supervisors chose not to approve Phase II because the November 1998 passage of Measure Y, which modified prior General Plan traffic level of service policies, created uncertainties regarding the pace and level of development foreseeable after the year 2005. Thus, the Board was no longer sure that all of the improvements originally contemplated for Phase II would actually be needed within the originally anticipated time frame (2005 through 2015). The Board certified the Final EIR only for purposes of approving Phase I, and acknowledges that additional environmental review would be required before Phase II could be revived. (Minutes and Transcripts of Board of Supervisors meeting of December 15, 1998.)

The roadway improvements identified in Phase I generally include a widening of Missouri Flat Road from two to four lanes from Prospectors Plaza Drive to the Pleasant Valley Connector; an improvement of the Missouri Flat Road/Highway 50 Interchange, including widening of Weber Creek bridge; and the construction of a new connector road (Interconnector) between Missouri Flat Road and Pleasant Valley Road. (DEIR, pp. 3-5, 3-25.)

As approved, then, the MC&FP deals exclusively with remedying existing level of service deficiencies, and thus is consistent with Measure Y, although the improvements will *incidentally* create more capacity than is minimally required to eliminate level of service F on affected roadways. (Memorandum from County Counsel Louis B. Green to Board of Supervisors, November 23, 1998, pp. 2 ("the major improvements, such as the Highway 50 interchange, could not be scaled back in any significant way to address existing deficiencies without also providing future capacity"), 3-4 ("[t]he County cannot cure the existing deficiencies without also providing additional capacity"); El Dorado County General Plan, vol. I, 3.5.1.1 (sets LOS E as the generally acceptable LOS throughout

County).) If their projects are approved, the proponents of the Sundance Plaza, El Dorado Villages, and Wal-Mart projects will be required to mitigate the impacts caused by their projects, either through the construction of necessary improvements or the payment of "fair share" fees. (See DEIR, pp. 4.4-47 - 4.4-49; see also Memorandum from County Counsel Louis B. Green to Board of Supervisors, November 23, 1998, p. 7; Memorandum from County Counsel Louis B. Green to Board of Supervisors, December 4, 1998, pp. 3-4.)

Although the MC&FP, as originally proposed, would have included the use of tax-increment funding to pay for improvements to Headington Road and the El Dorado Interchange, the Board deleted these projects from the MC&FP based on analysis from County Counsel concluding that the use of such money for Headington Road, and possibly the El Dorado Interchange, could violate Measure Y. (*Id.*, pp. 3-4, 8-9.) Notably, however, the MC&FP itself includes the statement that "[t]he El Dorado Interchange may be added to the TIM Fee Program at a later date." (Public Review Draft Report, Missouri Flat Master Circulation and Funding Plan, p. 16.)

In taking final action on approval of (Phase I of) the MC&FP, the Board also had to grapple with certain other issues created by Measure Y. As originally conceived, and as finally approved, the MC&FP will involve bond sales for the funding of infrastructure, with payments to investors coming from future sales and property tax revenues backed up by the private property on which Sundance Plaza, El Dorado Villages, and Wal-Mart will be developed. The proponents of these projects will protect the County against the risk of not having adequate revenues by subjecting their properties to special taxes through the creation of a "Mello-Roos" Community Facilities District. (Public Review Draft Report, Missouri Flat Master Circulation and Funding Plan, pp. 2, 3, 16-23; testimony of Walter Kieser to Board of Supervisors, November 24, 1998; Memorandum from County Counsel Louis B. Green to Board of Supervisors, November 23, 1998, p. 3.) When the Board concluded that Measure Y probably disallowed the funding of Headington Road and the El Dorado Interchange through the MC&FP, the Board faced the question of how to ensure that these key improvements will be funded before MC&FP implementation begins in earnest. A related concern was the fact that the proponents of Sundance Plaza had previously indicated a difficulty in obtaining private funding for Headington Road while still having a viable commercial project. (Minutes and Transcripts of Board of Supervisors meetings of November 24, 1998, testimony of Louis B. Green and David Thuleen.)

To address these challenges, the Board modified the MC&FP to require that a certain level of proposed development, sufficient to generate tax increment to fund the required improvements, be pending before building permits are issued for any of the retail development projects. In other words, there would need to be a "critical mass" of development ready to go before anyone could obtain building permits, in order to provide a higher level of assurance that the MC&FP improvements, which are mitigation for various development projects, will occur within a reasonably anticipated time frame. The threshold level of development, or "critical mass," would be that amount of retail development necessary to generate sufficient projected tax increment revenues to finance the MC&FP improvements needed to mitigate the impacts of the development proposing to obtain building permits and move forward. This would not be defined as an absolute number of

square feet of commercial development, but a cash flow target. Thus, it would take into account the square footage of a project, the proposed use, the tax generation projections for a particular use, and the cost of the needed MC&FP improvements, including financing costs. To be considered "pending" to count toward this critical mass that would allow the issuance of building permits, a project would have to meet several criteria. A general statement of the criteria is that: (1) the project must have obtained all discretionary approvals required from the County, but need not have obtained all ministerial approvals such as building permits; (2) the project must have obtained, or provided reasonable evidence that it can obtain, all required discretionary approvals from other governmental agencies, and can satisfy the requirements of those agencies such as the Army Corps of Engineers with respect to wetlands, and utility providers with respect to the availability of adequate utility infrastructure in the area; (3) reasonable assurance of the availability of financing for the project; (4) with respect to shopping centers or other non-owner occupied projects, reasonable assurance of the availability of key tenants; (5) an agreement to submit a building permit application within a specified period of time after the "critical mass" is reached; and (6) the property shall have been included in the Mello-Roos district. (Memorandum from County Counsel Louis B. Green to Board of Supervisors, December 4, 1998, pp. 3-4; see also Statements of County Counsel Louis B. Green, Transcript of Board of Supervisors meeting of December 8, 1998.)

Related to this modification of the MC&FP is a condition of approval on the Sundance Plaza project, which will provide that the project could not be constructed until funding for Headington Road improvements and any project-related aspects of the El Dorado Road interchange has been identified, unless the Sundance Plaza project is redesigned to eliminate the need for those improvements. (Memorandum from County Counsel Louis B. Green to Board of Supervisors, December 4, 1998, p. 2.) Taken together with the MC&FP modification, this condition ensures that, if Sundance Plaza proves to be infeasible, El Dorado Villages and Wal-Mart will be unable to proceed until there is some other property or project ready to generate the tax dollars and fees needed to fund Phase I MC&FP improvements. (See Minutes and Transcripts of Board of Supervisors meetings of December 8, 1998 and December 15, 1998.)

Project Location

The MC&FP Project area is located in the vicinity of Missouri Flat Road in unincorporated western El Dorado County, approximately 1.5 miles southwest of the City of Placerville and approximately 40 miles east of the City of Sacramento. Regional access to the MC&FP Project Area is provided from the east and west by Highway 50 and from the north and south by State Route 49 (SR 49), both of which traverse the Project area. (DEIR, p. 3-2.)

The MC&FP Project Area includes El Dorado County General Plan properties designated "Commercial" in the Missouri Flat Area, and MC&FP-identified roadway and interchange improvements. Phase I of the MC&FP assumes the development of known retail projects. (DEIR, p. 3-5.) Taken together, these proposals will generate a total of approximately 733,000 square feet of retail development. (Public Review Draft Report, Missouri Flat Master Circulation and Funding Plan, p. 13; DEIR, pp. 3-11, 3-12, 6-2, 6-22.) Approval of Phase I of the MC&FP is not intended

to cap commercial development in the Project area to 733,000. In the absence of Phase II improvements, however, it is not clear at present how much additional square footage could be built without creating more traffic than could be borne by the affected roadways consistent with General Plan LOS policies.

IV. BACKGROUND

Project History

In 1983, the Board of Supervisors proposed the formation of a Missouri Flat-Diamond Springs Redevelopment Project, for which an EIR was prepared. The EIR analyzed the environmental impacts associated with the establishment of a new redevelopment Project area on approximately 1,000 acres in the vicinity of Missouri Flat Road and the adjacent unincorporated community of Diamond Springs. The County never proceeded with the project and the EIR was not certified. (DEIR, p. 3-6.)

In June 1988, the Board directed that a Specific Plan be prepared for the "Missouri Flat Plan Area," an approximately 477-acre area that is predominantly included within the currently MC&FP Area. The purpose of the Specific Plan would have been "to provide direction to land owners for the development of properties, to prescribe roadway and other public improvements to support [Redevelopment] Plan Area development, to schedule the phasing of improvements and to establish a financing program for implementation of the Specific Plan." The Missouri Flat Specific Plan and Draft EIR were prepared in February 1990. The Board never certified the EIR or approved the Specific Plan, however. (DEIR, p. 3-6.)

In 1989, the County began the process of updating the El Dorado County General Plan, which had not been comprehensively updated since its August 1969 adoption. The El Dorado County General Plan Update was conducted to reflect the urbanizing nature of the western slope of the County, to clearly establish land use and development policies reflecting goals and objectives of County residents, to minimize the need for General Plan amendments, and to ensure internal consistency between the General Plan elements. (DEIR, p. 3-6.)

On August 8, 1995, the Board approved (through Resolution No. CRA5-95) the designation of a Redevelopment Survey Area in the Missouri Flat Road Area in accordance with Health and Safety Code § 33310, the California Community Redevelopment Law. By designating the Survey Area, the Board of Supervisors authorized the Redevelopment Agency to determine whether or not establishing a redevelopment Project area in this location would be feasible. (DEIR, p. 3-6.)

On January 23, 1996, El Dorado County Board of Supervisors approved the current El Dorado County General Plan (General Plan). The new General Plan established Policy 2.1.4.8, which is the basis for development of the MC&FP. (DEIR, p. 3-6.) That policy reads as follows:

The County, except where the proponent of a particular project has already received one or more discretionary approvals (other than approval of this General Plan) and has committed to fully participate in any funding mechanism to fund infrastructure within the Missouri Flat Area Planned Community, shall not approve any discretionary land use applications within the Missouri Flat Area Planned Community until September 1996 or such time as a specific plan, redevelopment plan, or a master circulation and funding plan is adopted by the County. The underlying land use designation shall be as specified on the General Plan land use map. The Board of Supervisors in September 1996 may elect to continue this policy or modify it through a General Plan amendment.

In addition, a related policy, 10.2.7.3 from the Economic Development Element, reads as follows:

Missouri Flat Road Corridor Area: The County shall commit to the comprehensive development of the needed road circulation plan for this area immediately following adoption of the General Plan. This plan shall include the identification and development of a specific funding mechanism that overcomes existing deficiencies and accommodates future traffic demands to the year 2015.

On April 16, 1996, El Dorado County approved Ordinance No. 4417, Interim Urgency Ordinance Establishing the Missouri Flat Road Study Zone. The Ordinance established the following: (a) the County would not issue any ministerial permits (with some exemptions) or approve any discretionary development applications within the Study Zone for 45 days; (b) County staff from the Redevelopment Agency, Planning Department, and County Department of Transportation would continue evaluating and reporting on appropriate criteria for evaluating discretionary and non-discretionary permit applications for exemption from Ordinance 4417 in the event that the Ordinance was extended; (c) the Ordinance was necessary to protect public safety, health, and welfare by not approving further development (with some exemptions) in advance of the adoption of plans and implementation measures to ensure timely installation of necessary traffic safety and circulation measures, the absence of which would threaten public safety and be inconsistent with the County General Plan. The Ordinance was set to expire on May 31, 1996. (DEIR, p. 3-7.)

On May 28, 1996, the County approved Ordinance No. 4420, which extended and amended Ordinance No. 4417. This new ordinance exempted development and construction projects that met certain criteria from the requirements of Ordinance No. 4417, and set the expiration of that ordinance to April 15, 1997. (DEIR, p. 3-7.)

In September 1996, the Board elected to continue General Plan Policy 2.1.4.8, as allowed in the Policy, in order to provide the Redevelopment Agency additional time to determine whether or not establishing a redevelopment Project area would be feasible for the Missouri Flat Area. In late 1996, the Redevelopment Agency determined that establishing a redevelopment Project area would not be feasible for the Missouri Flat Area, given potential difficulties in meeting minimum urbanized land percentages required under the California Community Redevelopment Law (Health & Saf. Code,

§ 33000 et seq.). At that time, the County decided to prepare a Master Circulation and Funding Plan for the Missouri Flat Area (i.e., the MC&FP) to develop a means for financing roadway improvements to resolve existing and identified future deficiencies in the circulation system in the area. Two development applications, Sundance Plaza and El Dorado Villages Shopping Center, were filed during commencement of the MC&FP project. The County decided to include analyses of their impacts within the EIR being prepared for the MC&FP. (DEIR, p. 3-7.)

On April 15, 1997, El Dorado County approved Ordinance No. 4446, again extending Ordinance No. 4417, as amended by Ordinance No. 4420. Ordinance No. 4446 allowed for preliminary processing of proposed development projects in the study area, since sufficient work had been accomplished with respect to the planning of proposed improvements and financing. Ordinance No. 4446 allowed the County to process, consider, and act upon applications for discretionary development approvals (e.g., zone changes, subdivision maps, use permit applications, and planned development approvals), provided "that any approval issued shall not be final and shall not authorize any actual development or issuance of building permits or similar entitlements until expiration or termination of Ordinance No. 4417. Prior to becoming final, any such approval, upon notice and hearing in the same manner upon initial approval, may be reconsidered or modified if determined to be in conflict with the circulation plan or other implementing documents." (DEIR, p. 3-7.)

On October 29, 1998, after completing a public hearing that commenced on October 8, 1998, the El Dorado County Planning Commission recommended approval of the MC&FP and Sundance Plaza, and took steps to approve all aspects of the El Dorado Villages project except for the Development Agreement, which, as a legislative action, required Board of Supervisors approval. (Minutes and Transcripts of Planning Commission meetings of October 8, 1998, and October 29, 1998.)

On November 3, 1998, the voters of El Dorado County approved Measure Y, thereby amending the existing General Plan by inserting new policies governing traffic level of service. On November 23, 1998, County Counsel Louis B. Green issued a detailed memorandum assessing how Measure Y could affect the pending MC&FP proposal. Although he acknowledged that Measure Y contained some ambiguities, he recommended a conservative course of action that (i) assumed that tax increment money could not be used to fund Headington Road or the El Dorado Interchange, and (ii) recommended that the Board approve only Phase I of the MC&FP, as Measure Y had created uncertainties regarding the pace and extent of development after the year 2005. (Memorandum from County Counsel Louis B. Green to Board of Supervisors, November 23, 1998.)

On November 24, 1998, the Board held a public hearing on the MC&FP, at which it heard extensive testimony. Economic consultant Walter Kieser emphasized that the three pending commercial projects – Sundance Plaza, El Dorado Villages, and Wal-Mart – were economically viable based on *current* market demand, and thus in no way depended on future residential or other development. He also described how the MC&FP, as put together by himself and County Staff, was very conservative in that it protected the County against the risk of inadequate tax revenues from commercial development. If such revenues fell short, the private property owners, who would be

subject to a Mello Roos Community Facilities District, would make up the shortfall through special taxes.

Mr. Kieser also explained the important fiscal benefits that the MC&FP would make possible by rendering viable commercial development in the Missouri Flat area. Currently, because the County lacks large discount retailers, County residents travel outside the County to purchase items such as those typically found at stores such as Target, Wal-Mart, and J.C. Penney. As a result, large amounts of potential sales tax from El Dorado County residents flows into the general funds of other jurisdictions, especially Sacramento County. The MC&FP and the shopping center projects will substantially stem this "leakage." (Testimony of Walter Kieser to Board of Supervisors, November 24, 1998; see also Public Review Draft Report, Missouri Flat Master Circulation and Funding Plan, pp. 15 ("[a]t the present time an estimated \$250 million of retail sales are 'leaking' out of the County, generally occurring to the west in Sacramento County"), 24-27; DEIR, pp. 6-14 - 6-26.)

At its November 24, 1998, hearing, the Board also heard testimony from some of the proponents of Measure Y, and heard in more detail the views of County Counsel on the subject. At the end of the session, the Board continued the public hearing until December 8, 1998, and voted to approve Phase I of the MC&FP "in concept" (i.e., in a nonbinding fashion), subject to further information from County Staff regarding how to condition the projects so that the private financing of Headington Road and the El Dorado interchange was assured. The Board also directed County staff to review recent correspondence and testimony raising issues under CEQA.

At its hearing on December 8, 1998, County Staff returned to the Board with a conceptual solution to the challenge posed by the need to find private financing for the two improvements that previously would have been funded through future tax increments. (Memorandum from Louis B. Green to Board of Supervisors, December 4, 1998.) This solution (described earlier), combined with key provisions of development agreements with the shopping center proponents, also disposed of claims made in testimony by attorney J. William Yeates, on behalf of Measure Y proponents, that the passage of Measure Y might create grounds for recirculating the EIR. By ensuring that the issuance of bonds for MC&FP improvements could not occur unless and until it was certain that a critical mass of commercial development would generate the tax revenues necessary for repayment of the bonds, the County eliminated the possibility that commercial development, with traffic impacts, might proceed in the absence of sufficient funds to ensure the improvements needed to mitigate those impacts. (*Id.*, p. 3; see also Statements of Louis B. Green, Transcript of Board of Supervisors Meeting, December 8, 1998; CEQA Guidelines, § 15088.5, subd. (a).) These mitigation measures also eliminated the theoretical prospect that the entire MC&FP might be rendered unviable by the prospect that the Corps of Engineers might deny the Sundance proponents permission to fill wetlands on their property. If such denial occurred, the creation of the necessary "critical mass" of commercial development justifying bond issuance might not materialize, or might have to come from a different project or a modified Sundance project. (Memorandum from Louis B. Green to Board of Supervisors, December 4, 1998, p. 3 (retail project will not be "pending" unless the project "can satisfy the requirements of those agencies such as the Army Corps of Engineers with respect to wetlands").)

At the end of the December 8, 1998, hearing, the Board closed the public hearing, endorsed the recommendations of Staff, and reiterated its desire to approve the MC&FP and related projects, subject to detailed findings that would be completed by the next Board meeting. Staff was instructed to craft specific language to modify the MC&FP in the manner described in County Counsel's memorandum of December 4, 1998. (Transcript of Board of Supervisors meeting of December 8, 1998 (motion of Supervisor Nielsen).)

At its meeting of December 15, 1998, the Board certified the Final EIR, and took the actions necessary to approve the MC&FP, including the adoption of these Findings, the accompanying mitigation monitoring program, and the Statement of Overriding Considerations found in Section XI herein.

Objectives of the Project

In approving Phase I of the originally-proposed MC&FP, the Board of Supervisors acted upon the following goals and objectives:

1. To alleviate existing traffic congestion: The Missouri Flat Area suffers from traffic congestion associated with past growth and development in the County, coupled with inadequate road improvements. The MC&FP improvements are intended to relieve current levels of traffic congestion in the area. It is the objective of the MC&FP Funding Program to provide the mechanisms and agreements needed to pay for the MC&FP roadway improvements.
2. To establish a vital commercial center in El Dorado County. The County General Plan envisioned the Missouri Flat Area as one of the major commercial centers in El Dorado County. It is an objective of the MC&FP, by relieving existing traffic congestion while allowing the approval of the Sundance Plaza, El Dorado Villages, and Wal-Mart projects, to help to ensure that a substantial amount of commercial development will occur.
3. To improve the County's fiscal well-being. The General Plan was designed to promote a balanced community that produces an adequate fiscal base for the County and other public agencies in the County. Recapturing sales that are currently "leaking" out of the County by providing infrastructure improvements to support retail sales is critical to achieving this broad objective.
4. To establish the framework for revenues collection that will fund specific improvements identified in the Missouri Flat Area. The MC&FP sets the framework to collect revenue, through the mandatory or voluntary participation in the MC&FP by property owners of land designated Commercial on the El Dorado County General Plan, to generate revenue to fund infrastructure improvements necessary to address existing level of service deficiencies.

5. To implement Policy 2.1.4.8. To allow El Dorado County to implement General Plan Policy 2.1.4.8 by adopting a Master Circulation and Funding Plan (the timeline of which was extended through Ordinance No.4417).

6. To allow for discretionary approvals in the Missouri Flat Area Planned Community. An objective of the MC&FP is to allow El Dorado County to satisfy the requirements of Ordinance No. 4417, Interim Urgency Ordinance Establishing the Missouri Flat Road Study Zone the County, and allow it to expire (or be lifted) such that the approval of discretionary land use applications within the Missouri Flat Area Planned Community can proceed.

(DEIR, pp. 3-8 - 3-9.)

V. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by the County in conjunction with the Project;
- The Draft and Final EIR for the Missouri Flat Area MC&FP and Sundance Plaza and El Dorado Villages Shopping Center Projects (including all appendices);
- All comments submitted by agencies or members of the public during the 45-day public comment periods on the Draft EIR;
- All comments and correspondence submitted to the County with respect to the Project, in addition to timely comments on the Draft EIR;
- The mitigation monitoring and reporting program for the Project;
- All findings and resolutions adopted by County decisionmakers in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's actions on the Project;