



# PLANNING AND BUILDING DEPARTMENT

## LONG RANGE PLANNING DIVISION

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**TO:** Planning Commission

**Agenda of:** March 12, 2026

**FROM:** Krystina Rahbari, Assistant Planner

**DATE:** February 3, 2026

**SUBJECT:** Proposed Amendment to Repeal Chapter 130.72 Missouri Flat Planning Cost Reimbursement Fee from the Zoning Ordinance, Title 130

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### **Introduction:**

On December 9, 2025, the Board of Supervisors (Board) approved and authorized the Chair to sign Resolution of Intention (ROI) 187-2025 directing the Planning and Building Department and Department of Transportation (DOT) to initiate the process of repealing Chapter 130.72 (Missouri Flat Planning Cost Reimbursement Fee) and to temporarily stop the collection of the Missouri Flat Planning Cost Reimbursement Fee effective on the date of the ROI until the Ordinance amendments are brought back for hearing (Attachment B, Exhibit A). Following adoption of the ROI, staff prepared the proposed amendments (Attachment B, Exhibit B), which displays Chapter 130.72 in strikethrough format to indicate its proposed removal.

This memo provides a summary of the background information and explains why collection of the fee is no longer necessary, thereby supporting the repeal of this chapter from the Zoning Ordinance.

### **Staff Recommendations:**

Staff recommends the Planning Commission forward a recommendation to the Board to take the following actions:

- 1) Approve the amendment to repeal Chapter 130.72 Missouri Flat Planning Cost Reimbursement Fee from the Zoning Ordinance, Title 130; and
- 2) Find that the adoption of this amendment is not a Project for purposes of the California Environmental Quality Act (CEQA) because it is a government funding mechanism or other government funding activity within the meaning of CEQA Guidelines Section 15378(b)(4).

**Background Information:**

In the late 1990's, the County was processing applications for new retail development in the Missouri Flat Project Area, which included Wal-Mart, El Dorado Village, and Sundance Plaza (now Crossings). Because of the existing traffic congestion, road capacity was insufficient to meet Level of Service (LOS) standards for the development project. Reviewing development impact on a project-by-project basis was found to be uneconomic and potentially infeasible. As a result, the County sought out a comprehensive and coordinated approach to address both existing traffic congestion in the Missouri Flat Area (Area) and the issue of providing capacity for future development in the Area.

On April 15, 1997, the County entered into the Missouri Flat Road Circulation Plan Cooperative Funding Agreement with Wal-Mart Stores, Inc (Wal-Mart), Village/El Dorado Partners, L.P. (Village), and Sundance Plaza Associates, Ltd. (Sundance Plaza) (Initial Participating Developers) in which all agreed to contribute money to prepare a Programmatic Environmental Impact Report and related planning documents for the Missouri Flat Master Circulation and Funding Plan (MC&FP). In exchange, the County agreed to develop a fee program to reimburse the Initial Participating Developers.

On December 15, 1998, the Board adopted the MC&FP and entered into development agreements with the Initial Participating Developers. All of the development agreements with the Initial Participating Developer's expired on December 15, 2018. The reimbursement obligation was not listed as surviving the expiration of the development agreements. The development agreements memorialized the reimbursement obligation in the Cooperative Funding Agreement by requiring the County to develop and impose a permit processing fee on non-residential development in the Missouri Flat Area (Attachment B, Exhibit C) The proceeds of that fee would be used to reimburse the County, and the Initial Participating Developers for the costs incurred in developing the MC&FP.

On October 24, 2000, the Board adopted a Missouri Flat Master Circulation and Funding Plan Reimbursement Fee (Zoning Ordinance, Title 130 Chapter 130.72 (previously located under Chapter 17.19 of Title 19; Ordinance No. 4565 and Resolution No. 295-2000, refer to Attachment B, Exhibits D-E). An initial fee of 43 cents (\$0.43) per square foot was set by the County and annually adjusted for inflation, the current fee is eighty-one point two nine cents (\$0.8129) per square foot. This fee is collected by the Planning and Building Department when a non-residential building permit is obtained within the Area. The Initial Participating Developers received fee credits against the reimbursement fee when they were ready to obtain building permits.

**Discussion:**

The County has collected sufficient fees under the program to reimburse the County and the remaining Initial Participating developer, Wal-Mart Stores Inc. The Planning and Building Department and DOT find that there is no need to continue collection of this fee because the remaining parties of the agreement would be made complete with the current balance of the special revenue fund. Both Sundance Plaza and Village no longer exist, and County staff was

unable to find records of any successor. The remaining balance of the special revenue fund is sufficient to reimburse the two other remaining parties, Wal-Mart and the County. Money reimbursed to the County would go into the General Fund.

Chapter 130.72 Missouri Flat Planning Cost Reimbursement Fee was codified into the County Zoning Ordinance for implementation of the fee collection to retrieve the cost spent on creating the MC&FP documents. As explained above, there is no longer a need to collect additional fees and, therefore, Chapter 130.72 is no longer needed. The Planning and Building Department and DOT recommend the Planning Commission forward a recommendation to the Board to take the following actions; approve the amendment to repeal Chapter 130.72 Missouri Flat Planning Cost Reimbursement Fee from the Zoning Ordinance and find that the adoption of this amendment is not a Project for purposes of the California Environmental Quality Act (CEQA) because it is a government funding mechanism or other government funding activity within the meaning of CEQA Guidelines Section 15378(b)(4).

**California Environmental Quality Act (CEQA):**

The removal of Chapter 130.72 from the Zoning Ordinance is not a “Project” for purposes of CEQA because it does not have potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and it is a government funding mechanism or other government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment within the meaning of CEQA Guidelines Section 15378(b)(4). The MC&FP documents were created and adopted in 1998 and have been relied on for review of development within the Area. The fee was set up solely to recuperate the costs spent on creating the documents and implementation of the MC&FP is not reliant on this fee.

**Exhibits (Attachment B):**

- A. Board ROI No. 187-2025 (Legistar No. 25-1961)
- B. Proposed Amendment
- C. Missouri Flat Area Map
- D. Ordinance 4565, Adopted October 24, 2000
- E. Resolution 295-2000, Adopted October 24, 2000