



## 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.

**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

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

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).

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**

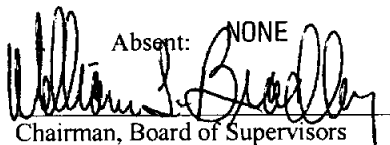
**DIXIE L. FOOTE**  
Clerk of the Board of Supervisors

Noes: NONE

Absent: NONE

By

  
Deputy Clerk

  
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