

Mountain Democrat

PROOF OF PUBLICATION
(2015.5 C.C.P.)

Proof of Publication of ORDINANCE

STATE OF CALIFORNIA
County of El Dorado

I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the Mountain Democrat, 2889 Ray Lawyer Drive, a newspaper of general circulation, printed and published Monday, Wednesday, and Friday, in the City of Placerville, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

6/14

All in the year 2021

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, this 14th day of JUNE, 2021

Allison Ravis

Signature

ORDINANCE NO. 5142

AN ORDINANCE AMENDING
THE EL DORADO COUNTY
ORDINANCE CODE
TITLE 12 - STREETS, SIDEWALKS
AND PUBLIC PLACES;
CHAPTER 12.28 - TRAFFIC
IMPACT MITIGATION (TIM) FEE;
SECTION 12.28.070 -
REDUCTIONS AND APPEALS
THE BOARD OF SUPERVISORS
OF THE COUNTY OF EL DORADO
DOES ORDAIN AS FOLLOWS:

Section 1. Title 12 - Streets,
Sidewalks and Public Places,
Chapter 12.28 - Traffic Impact
Mitigation (TIM) Fee, Chapter
12.28.070 - Reductions and appeals
of the El Dorado County Ordinance
Code is hereby amended as follows:
Sec. 12.28.070: - Reductions and
appeals.

A. Reduction and/or appeals of the
TIM fees may be granted by the
Director to a development project
under any one of the following
scenarios:

1. The requirements of this
chapter have been incorrectly
applied to a development project;
and/or
2. That application of the
requirements of this chapter to a
development project is unlawful
under and/or conflicts with
federal, State, or local law and/or
regulation including constituting
an unlawful taking of property
without just compensation.

B. Applications for reductions
and/or appeals. Application for
reduction and/or appeals of the
TIM fee must be made no later
than the date of application for the
building permit for the development
project on a form provided by the
County. The applicant shall include
in that application payment in full of
fees as established in the TIM Fee
Program Schedule. The applicant
may request to establish an
alternative arrangement to pay the
fees due by providing the Director
a bond, letter of credit, or other
security that demonstrates the
applicant will pay the full amount
when due. The applicant shall also
provide documentation as to why it
would be a financial hardship to pay
that amount during the pendency
of the appeal. The Director may,
in their sole discretion, determine
that it would be a financial hardship
for the applicant to pay the fees in
full and that the proposed bond,
letter of credit, or other security is
sufficient. Additional guidance on
financial hardship thresholds and
documentation are found in the TIM
Fee Administrative Manual.

The burden of establishing by
satisfactory factual proof the
applicability and elements of this
section shall be on the applicant.
The applicant must submit full
information in support of their
submittal for both the fee appeal
and alternative fee payment
arrangement as requested by
the Director. Failure to raise
each and every issue related to
the fee appeal that is contested
in the application and provide
appropriate support evidence will
be grounds to deny the application
and will also preclude the applicant
from raising such issues in court.
Failure to timely submit such an
application shall constitute a failure
to exhaust administrative remedies
that shall preclude such person
from challenging the TIM fees in
court. The Director may require
at the expense of the applicant,
review of the submitted materials
by a third party.

C. The County shall mail
the applicant a final, written
determination on the application
for a reduction and/or appeal. If
the applicant had established an
alternative arrangement to
pay the fees in full as described
above, and the Director denied
the application in whole or in part,
the applicant shall, within seven
days of the date of the final written
determination, submit payment in
full to the County. The applicant
may appeal the Director's decision
to the Hearing Officer. The Hearing
Officer's decision is final and not
administratively appealable.

Section 2. This ordinance shall
become effective thirty (30) days
following adoption hereof.

PASSED AND ADOPTED by the
Board of Supervisors of the County
of El Dorado at a regular meeting of
said Board, held on the 8th day of
June, 2021, by the following vote of
said Board:

Ayes: Hidahl, Turnbo, Thomas,
Parlin, Novasel
Noes: None
Absent: None

ATTEST

Kim Dawson,
Clerk of the Board of Supervisors
By */s/ Kyra Schraftenberg*
Deputy Clerk
/s/ John Hidahl
Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON
COUNTY COUNSEL

By: */s/ Daniel Vandekoolwyk*
Daniel Vandekoolwyk
Deputy County Counsel

6/14

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