

Chapter 17.21

BASS LAKE HILLS SPECIFIC PLAN SUPPLEMENTAL TENTATIVE MAP SUBMITTAL (BLHSP STMS) FEE

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17.21.010 Title, Purpose, and Intent. This chapter shall be known as the Bass Lake Hills Specific Plan Supplemental Tentative Map Submittal (BLHSP STMS) Fee Ordinance. It authorizes a Bass Lake Hills Specific Plan Reimbursement Fee, as described in the Bass Lake Hills Specific Plan. It is the intent of this chapter to establish a method to reimburse the Bass Lake Hills Specific Plan Initial Participation Developer (AKA the Bass Lake Hills Specific Plan Trust) and the County of El Dorado for costs incurred in the preparation and adoption of the Bass Lake Hills Specific Plan and the environmental documents. BLHSP STMS Fees shall be paid to El Dorado County by developers who derive benefit from the Specific Plan. El Dorado County, in turn, may use fees collected pursuant to this chapter to reimburse the Bass Lakes Specific Plan Initial Participation Developer (AKA the Bass Lake Hills Specific Plan Trust) and El Dorado County for financial contributions toward the preparation and adoption of the Bass Lake Hills Specific Plan and environmental documents.

17.21.020 Definitions.

- A. "Initial Participation Developer" is the Bass Lake Hills Specific Plan Trust, or its successors in interest, who participated in funding the development and preparation of the Bass Lake Hills Specific Plan pursuant to the Reimbursement Agreement.
- B. "Reimbursement Agreement" shall mean that certain agreement dated April 25, 1995, and Amendment I dated January 27, 1998 by and between the County of El Dorado and the Bass Lake Hills Specific Plan Trust.
- C. "Eligible Costs" shall mean all costs incurred by the County in the preparation of the Bass Lake Hills Specific Plan including, but not limited to, costs for environmental, engineering, traffic engineering, financial, drafting, and legal services. Eligible costs shall also include, but are not limited to, those costs for which funding was provided under the Reimbursement Agreement.
- D. The "Bass Lake Hills Specific Plan Area" shall mean that area shown on Exhibit A to this Ordinance which is subject to the provisions of the Bass Lake Hills Specific Plan.

- E. The “Bass Lake Hills Specific Plan” or “BLHSP” shall mean the Bass Lake Hills Specific Plan adopted by the Board of Supervisors on November 7, 1995, Resolution No. 288-95, as amended.

17.21.030 Findings of the Board of Supervisors. In establishing the BLHSP STMS Fee, the Board of Supervisors finds as follows:

- A. The Bass Lake Hills Specific Plan was prepared and adopted by the County to facilitate the orderly and systematic development of the BLHSP Area through the establishment of a comprehensive planning program consistent with the El Dorado County General Plan.
- B. Costs were incurred by the County in preparing the BLHSP and its supporting documents. Initial Participation Developer bore a portion of the costs incurred by the County pursuant to the terms of the Reimbursement Agreement.
- C. Persons or entities seeking to develop projects in the BLHSP Area derive substantial benefits from the preparation and adoption of the BLHSP in that: (1) environmental documents prepared in connection with the BLHSP, including the Program EIR and Program EIR Addendum, reduce the scope and cost of subsequent environmental review that otherwise is required in connection with BLHSP Area development projects; (2) preparation of the BLHSP substantially reduces the scope and cost of planning review otherwise required in connection with BLHSP Area developments projects; and (3) the BLHSP provides a mechanism for addressing public facilities and services necessary to support allowed development and describes the funding mechanisms necessary for implementation in a comprehensive manner not feasible in the context of individual project review.
- 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 law. Section 65456(a) through (d) of the Government Code allows the imposition of a specific plan fee upon persons seeking government approvals which are required to be consistent with the specific plan.

17.21.040 Fee Requirement. A BLHSP STMS Fee is established to reimburse the County and/or Initial Participation Developers for expenses associated with preparing and adopting the Bass Lake Hills Specific Plan. The BLHSP STMS Fee shall be applicable to all new residential subdivision projects, to existing vacant residential parcels the development of which requires a building permit , and to all non-residential development which results in conversion of planned residential development to commercial land use within the Bass Lake Hills Specific Plan.

17.21.050 Amount of Fee. The BLHSP STMS 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 the costs included and the allocation method used.

17.21.060 Time of Payment and Refunds. The BLHSP STMS Fee shall be payable as a condition of any residential subdivision development approval, or permit necessary to develop existing vacant residential parcels, and is payable prior to the recordation of a final map or the issuance of a building permit. The BLHSP STMS Fee shall be payable for any non-residential development as a condition of project approval or the issuance of a building permit. The BLHSP STMS Fee is a permit processing fee to reimburse the County for costs incurred in the adoption of the BLHSP. It is not a monetary exaction for the purposes of defraying the costs of public facilities. Payment of the BLHSP

STMS Fee is in addition to any applicable fee's which may be imposed to offset impacts to public facilities. No applicant shall be entitled to a refund of the BLHSP STMS Fee collected, if, for any reason development subject to the BLHSP STMS Fee does not proceed.

17.21.070 Uses of Fee Revenue. Revenue generated from the BLHSP STMS Fee shall be used only to reimburse the County and/or Initial Participating Developer for Eligible Costs incurred in the preparation and adoption of the Bass Lake Hills Specific Plan.

17.21.080 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 17.21.010.

17.21.090 Fee Exemptions. Public park sites and public buildings and structures including libraries, schools, fire stations, and public utility structures and facilities are exempt from payment of the BLHSP STMS Fee.

17.21.100 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.

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