

Public Comment #34
BOS Recd. 12-2-24

From: Mary Glas <megglas@yahoo.com>
Sent: Wednesday, November 27, 2024 9:14 PM
To: BOS-Clerk of the Board
Subject: Major Update of the Traffic Impact Fee (TIF) Program and Capital Improvement Program (CIP).

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This Major Update should be continued.

The continuance of this item should definitely occur due to the unexpected passing of Supervisor John Hidahl.

Thank you,
Mary Glas
megglas@yahoo.com
El Dorado County Resident

From: doughus61@gmail.com
Sent: Thursday, November 28, 2024 7:26 AM
To: BOS-Clerk of the Board
Subject: TIF & CIP Updates

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Board of Supervisors:

Please delay the adoption of these updates so that citizens within the district that is mostly impacted can evaluate the repercussions of such changes. This is unfair to so many people and the impact of losing our Supervisor Hidahl should be enough to warrant such a postponement.

Thanks. Doug Hus

Doug Hus
Broker CalBRE#01262840
Capital Valley Realty Group, Inc.
3941 Park Dr., Ste. 20-127
El Dorado Hills, CA 95762
DougHus61@gmail.com
Cell: 916-719-0543

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From: Gordon Helm <grhelm@grhelm.com>
Sent: Friday, November 29, 2024 7:51 AM
To: BOS-Clerk of the Board
Cc: Gordon Helm
Subject: TIM Fee Update

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Dear Board of Supervisors,

Please continue the meeting to review and decide the DOT recommendation to make changes to the TIM fee program to some future date in 2025.

With the unfortunate passing of District 1 County Supervisor John Hidahl, District 1 would be without representation, which is simply not fair to that district and the country as a whole.

Moreover, I also agree the additional reasons mentioned in the email below.

Thanks,
Gordon Helm
Placerville, CA

Sent from my Galaxy

----- Original message -----

From: El Dorado County Chamber of Commerce <members@eldoradocountychamberofcommerce.ccsend.com>
Date: 11/27/24 2:18 PM (GMT-05:00)
To: Gordon Helm <grhelm@grhelm.com>
Subject: Call to Action

CALL TO ACTION

On October 22, 2024, Department of Transportation recommended the Board consider a Major Update of the Traffic Impact Fee (TIF) Program and Capital Improvement Program (CIP). The Board voted, 4-1, including but not limited to: Direct Staff to return on December 3, 2024, with the appropriate resolution for the adoption of the Major Update to the Traffic Impact Fee Program, and to incorporate the changes to the Capital Improvement Program with the 2025 Annual Update.

We have signed on to a letter that was sent to the Board of Supervisors last Friday, along with many of our neighboring organizations asking for a continuance of this item for several reasons, one of the most significant, with the unfortunate passing of District 1 County

Supervisor John Hidahl, District 1 is currently without representation. Also, Zone C (District 1) bears most of the highest increases.

If you agree that this Major Update should be continued,
please email the Clerk of the Board your concern by
EOB, Monday, December 2.
Edc.cob@edcgov.us

November 22, 2024

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Dear Chair Thomas and Members of the El Dorado County Board of Supervisors,

On behalf of the seven organizations signed on to this letter, we respectfully request that the hearing date for the 2024 Major TIF Update be postponed until after the new board members have taken office. We appreciate the significant amount of work that has gone into developing the update and the concerns staff have raised regarding the future of funding availability for transportation infrastructure. However, we are concerned not only about the significant fee increases and the lack of transparency but also about the issue of equal representation.

The Board of Supervisors and staff have already heard from some of our organizations regarding our issues with the update. First, residential and non-residential projects face fee increases of such magnitude that they are likely to halt future development. Charging fees so large that they make opening a new business or providing homes for middle- and low-income families infeasible would have a lasting negative economic impact on the county. Second, the process by which this update has been handled has severely lacked transparency for those who will ultimately be charged the fee. Making the nexus study on major updates available only two weeks before the board hearing—during a period that includes a major holiday—creates an environment where stakeholders feel blindsided and deliberately excluded.

Finally, we wish to express our concerns in the most respectful manner possible about the lack of representation if this update is adopted on December 3rd. Zone C within the TIF program, covering the area of El Dorado Hills, will be most heavily impacted by this fee update. Residential development will see fee increases of 80%, while non-residential fees will increase by anywhere from 58% to 146%. Following the sudden passing of Supervisor Hidahl, El

Dorado Hills is without elected representation. This is especially concerning at a time when these massive fee increases jeopardize the economic vitality of the community.

For these reasons, we, the undersigned, are calling on the Board of Supervisors to grant stakeholders more time to analyze the 2024 Major TIF Update and postpone the hearing until after the new Supervisors take office. Doing so will provide a fair and reasonable opportunity for El Dorado Hills to be properly represented when the county's economic future is determined.

We thank you for your consideration of this request and look forward to working with you and your staff on this and all other matters that make doing business in El Dorado County possible.

Sincerely,

Timothy Murphy,
President & CEO, North State Building Industry Association

Laurel Brent-Bumb,
Chief Executive Officer, El Dorado County Chamber of Commerce

Debbie Manning,
President & CEO, El Dorado Hills Chamber of Commerce

Kimberly Beal,
Government Affairs Director, El Dorado County Association of Realtors

Cristi Creegan,
CEO, Tahoe Chamber of Commerce

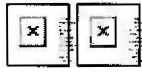
Duane Wallace,
CEO & ACE, South Tahoe Chamber of Commerce

Dylan Hastings, 2024-2025 President
South Tahoe Association of REALTORS®





542 Main Street, Placerville



El Dorado County Chamber of Commerce | 542 Main Street | Placerville, CA 95667
US

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From: El Dorado Hills Area Planning Advisory Committee <info@edhapac.org>
Sent: Sunday, December 1, 2024 5:40 PM
To: BOS-Clerk of the Board
Cc: BOS-District I; BOS-District II; BOS-District III; BOS-District IV; BOS-District V
Subject: BOS December 3, 2024 Agenda Item #34 Legistar File 24-1686 2024 Major TIF Update Resolution 213-2024
Attachments: 2024 Major TIF Update EDH APAC Comments Dec 1 2024.pdf

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The El Dorado Hills Area Planning Advisory Committee would like to submit the attached comments on the Board of Supervisors December 3, 2024 Agenda Item #34 Legistar File 24-1686 2024 Major TIF Update Resolution 213-2024

Respectfully,

John Davey

El Dorado Hills Area Planning Advisory Committee

1021 Harvard Way
El Dorado Hills CA 95762

<https://edhapac.org>

info@edhapac.org

916 936-3824

El Dorado Hills Area Planning Advisory Committee



APAC 2024 Officers

John Davey, Chair jdavey@daveygroup.net
John Raslear, Vice Chair jjrazzpub@sbcglobal.net
Timothy White, Vice Chair tjwhitejd@gmail.com
Brooke Washburn, Vice Chair washburn_bew@yahoo.com

1021 Harvard Way, El Dorado Hills, CA 95762
<https://edhapac.org>

El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, CA 95667

RE: BOS December 3, 2024 Agenda Item #34
Legistar File 24-1686 2024 Major TIF Update Resolution 213-2024

Supervisors,

The El Dorado Hills Area Planning Advisory Committee (EDH APAC) would like to submit the following comments on Agenda Item #34, Legistar File 24-1686 2024 Major TIF Update Resolution 213-2024 on your December 3 2024 Meeting Agenda.

EDH APAC feels that it is imperative that this matter be continued until the new District 1 Supervisor has been seated for the 2025 term. District 1 in El Dorado Hills is still deeply impacted by the sudden and tragic passing of District 1 Supervisor John Hidahl, and we believe it is appropriate to continue this matter until 2025 when all supervisorial districts have full representation. TIF funding has significant impacts on our county, and on El Dorado Hills specifically.

We request that the matter be continued until both new District 1 and District 3 Supervisors are seated for 2025.

Respectfully,

John Davey
Chair
EDH APAC.

El Dorado Hills Area Planning Advisory Committee
"Non-Partisan Volunteers Planning Our Future Since 1981"

From: Linae Wright <linaew03@gmail.com>
Sent: Monday, December 2, 2024 10:09 AM
To: BOS-Clerk of the Board
Subject: Call to Action

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With the unfortunate passing of District 1, I agree and wish for a continuance until the new supervisor is able to represent District 1.

--

- Linae

From: Teresa Ward <tward181@gmail.com>
Sent: Monday, December 2, 2024 10:36 AM
To: BOS-Clerk of the Board
Subject: Major update

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Should be postponed until next year

Teresa Ward

916-712-1958

Broker/Associate

RE/MAX Gold

#00324289

Sent from my iPhone

Excellent Service with a Personal Touch

From: Don Carter <don@donecarter.com>
Sent: Monday, December 2, 2024 11:39 AM
To: BOS-Clerk of the Board
Subject: Traffic Impact Fee Update

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I agree the Major Update should be continued due to the death of Mr. Hidahl.

*Don Carter
4763 Mt. Aukum Rd.
Placerville*

From: Tim Halverson <timh@empirehomeloans.com>
Sent: Monday, December 2, 2024 12:08 PM
To: BOS-Clerk of the Board
Subject: Please Continue the Major Update to Traffic Impact Fees

Importance: High

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Below is a letter that was sent to the board of Supervisors. We respectfully request that the EDC Board of Supervisors continue this matter until 2025, when the District 1 seat will be filled by the new elected representative, and he has ample time to review, and our stakeholders have time to review and provide proper feedback. Please do not try to vote on this issue prior to this all happening. It appears that District 1 is bearing a major portion of the increases, and we must have a board member representative in place to be able to fairly review and make informed decisions on our behalf. Thank you.

Tim Halverson
EDCAR Board Member
EDCAR Government Affairs Committee member.

November 22, 2024

El Dorado County Board of Supervisors

330 Fair Lane

Placerville, CA 95667

Dear Chair Thomas and Members of the El Dorado County Board of Supervisors,

On behalf of the seven organizations signed on to this letter, we respectfully request that the hearing date for the 2024 Major TIF Update be postponed until after the new board members have taken office. We appreciate the significant amount of work that has gone into developing the update and the concerns staff have raised regarding the future of funding availability for transportation infrastructure. However, we are concerned not only about the significant fee increases and the lack of transparency but also about the issue of equal representation.

The Board of Supervisors and staff have already heard from some of our organizations regarding our issues with the update. First, residential and non-residential projects face fee increases of such magnitude that they are likely to halt future development. Charging fees so large that they make opening a new business or providing homes for middle- and low-income families infeasible would have a lasting negative economic impact on the county. Second, the process by which this update has been handled has severely lacked transparency for those who will ultimately be charged the fee. Making the nexus study on major updates available only two weeks before the board hearing—during a period that includes a major holiday—creates an environment where stakeholders feel blindsided and deliberately excluded.

Finally, we wish to express our concerns in the most respectful manner possible about the lack of representation if this update is adopted on December 3rd. Zone C within the TIF program, covering the area of El Dorado Hills, will be most heavily impacted by this fee update. Residential development will see fee increases of 80%, while non-residential fees will increase by anywhere from 58% to 146%. Following the sudden passing of Supervisor Hidahl, El Dorado Hills is without elected representation. This is especially concerning at a time when these massive fee increases jeopardize the economic vitality of the community.

For these reasons, we, the undersigned, are calling on the Board of Supervisors to grant stakeholders more time to analyze the 2024 Major TIF Update and postpone the hearing until after the new Supervisors take office. Doing so will provide a fair and reasonable opportunity for El Dorado Hills to be properly represented when the county's economic future is determined.

We thank you for your consideration of this request and look forward to working with you and your staff on this and all other matters that make doing business in El Dorado County possible.

Sincerely,

Timothy Murphy,

President & CEO, North State Building Industry Association

Laurel Brent-Bumb,

Chief Executive Officer, El Dorado County Chamber of Commerce

Debbie Manning,

President & CEO, El Dorado Hills Chamber of Commerce

Kimberly Beal,

Government Affairs Director, El Dorado County Association of Realtors®

Cristi Creegan,

CEO, Tahoe Chamber of Commerce

Duane Wallace,

CEO & ACE, South Tahoe Chamber of Commerce

Dylan Hastings, 2024-2025 President

South Tahoe Association of REALTORS®



Tim Halverson

Loan Officer

NMLS# 240583

Cell: 916-812-1500

Office: 916-804-4768

Email: tjh@empirehomeloans.com

Web: www.empirehomeloans.com/TimHalverson

4401 Hazel Ave. Ste 135 | Fair Oaks | CA | 95628

Empire Home Loans: NMLS ID: 1839243

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From: maury premier-propertygroup.com <maury@premier-propertygroup.com>
Sent: Monday, December 2, 2024 12:14 PM
To: BOS-Clerk of the Board
Subject: Traffic impact fees Postponement!

Importance: High

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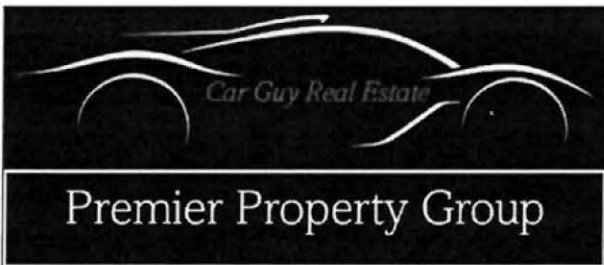
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Dear Board of Supervisors, I respectfully request that you postpone the hearing on the Major TIF update in order to grant stakeholders & the general public more time to analyze the 2024 Major TIF Update and postpone the hearing until after the new Supervisors take office.

Doing so will provide a fair and reasonable opportunity for El Dorado Hills and other parts of the county to be properly represented when the county's economic future is determined.

Respectfully,

Maury O'Hearn
Broker / Director
Premier Property Group / Car Guy Real Estate
530-409-1647
www.Premier-PropertyGroup.com
Dre#01428438



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From: Bud Zeller <zteam4u@gmail.com>
Sent: Monday, December 2, 2024 12:14 PM
To: BOS-Clerk of the Board
Subject: Traffic Impact Fee (TIF) Program and Capital Improvement Program (CIP). BOS Agenda.

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I respectfully request that the hearing date for the 12/3/2024 Major TIF Update be postponed until after the new board members have taken office in 2025. I appreciate the significant amount of work that has gone into developing the update and the concerns staff have raised regarding the future of funding availability for transportation infrastructure. However, I am concerned not only about the significant fee increases and the lack of transparency plus, this additionally prohibits "Affordable Housing."

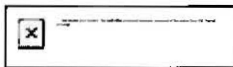
Thank You, Bud Zeller. County resident since 1964, real estate professor. general engineering and general building licenses.

From: DocuSign NA3 System <dse_NA3@docusign.net> on behalf of Lee Tannenbaum via Docusign <dse_NA3@docusign.net>
Sent: Monday, December 2, 2024 3:52 PM
To: BOS-Clerk of the Board
Subject: Completed: Complete with Docusign: TPAEDC - Position Letter - 2024 TIF Nexus Study and Major Update - 12.0...
Attachments: TPAEDC - Position Letter - 2024 TIF Nexus Study and Major Update - 12.02.2024.pdf

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Lee Tannenbaum
lee.s.tannenbaum@gmail.com

All parties have completed Complete with Docusign: TPAEDC - Position Letter - 2024 TIF Nexus Study and Major Update - 12.0....

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
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December 2, 2024

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Subject: Public Comment on Agenda Item #34 – File #24-1686: Updated Traffic Impact Fee (TIF) Nexus Study and 2024 Major Update to the TIF Program

Dear Chair Thomas and Members of the Board of Supervisors,

On behalf of the Taxpayers Association of El Dorado County, we submit this letter regarding the 2024 Major Update to the Traffic Impact Fee (TIF) Program and the accompanying Nexus Study, scheduled for hearing on December 3, 2024. We recognize the considerable effort dedicated to addressing transportation funding needs, as reflected in the \$387 million in proposed capital improvements under this update. However, we respectfully urge the Board to defer the hearing and decision on this critical item until after the newly elected Supervisors assume office in January 2025.

The importance of this update to the future of our county's transportation infrastructure cannot be overstated. Of the \$387 million in proposed improvements, over half—\$198 million—are allocated to Zone C, encompassing El Dorado Hills. This area, slated to bear the brunt of the update's financial impacts, is currently without direct representation on the Board due to the untimely passing of Supervisor Hidahl. Moving forward with such sweeping changes without ensuring equitable representation for this community is both imprudent and unfair.

In addition to our concern about representation, we wish to highlight two other key issues:

1. **Impact of Proposed Fee Increases:** The update proposes substantial fee increases, with residential development facing hikes of up to 80% and non-residential fees increasing by as much as 146%. These figures are not merely numbers—they represent real barriers to economic growth and development in our county. Excessive fees risk stalling new construction projects, dissuading businesses from setting up operations, and pushing homeownership further out of reach for many families. The long-term economic consequences for El Dorado County could be severe.
2. **Insufficient Transparency and Stakeholder Engagement:** Releasing the Nexus Study and other key materials only two weeks prior to the hearing, during a period that included a major holiday, left little time for meaningful analysis and feedback from affected stakeholders. For a program with such wide-reaching implications, this limited timeline undermines the public's ability to participate fully in the decision-making process.

To address these issues, we strongly recommend postponing the hearing on the 2024 Major TIF Update. A delay will provide the time necessary for stakeholders to evaluate the proposed changes more thoroughly and allow the newly seated Supervisors to represent their constituents in these deliberations, particularly the residents and businesses of El Dorado Hills, who will be most impacted by these updates.

We believe that a decision of this magnitude deserves a process that is transparent, inclusive, and fair to all affected communities. The Taxpayers Association of El Dorado County stands ready to work with the Board and County staff to find balanced solutions that support infrastructure funding needs without compromising the county's economic health or principles of equitable governance.

Thank you for your attention to this important matter.

Sincerely,

Lee Tannenbaum

Lee Tannenbaum, Vice President
Taxpayers Association of El Dorado County

From: Chad E. Roberts <croberts@hsmlaw.com>
Sent: Monday, December 2, 2024 4:00 PM
To: BOS-Clerk of the Board; BOS-District I; BOS-District II; BOS-District III; BOS-District IV; Brooke Laine
Cc: AD-EDCCAO; Rafael Martinez; Adam J. Bane; David A Livingston; Larry Gualco - Vice President - Lennar (larry.gualco@lennar.com); Sean MacDiarmid
Subject: Objections to Traffic Impact Fee Nexus Study – December 3, 2024 Meeting – Agenda Item No. 34
Attachments: Letter re Objections to Traffic Impact Fee Nexus Study (12.2.24).pdf

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Dear Chair Thomas and Members of the Board of Supervisors:

On behalf of Lennar Homes of California, LLC, this letter objects to the methodology, unsupported assumptions, inadequate analysis, and rushed timing of the proposed Traffic Impact Fee Nexus Study prepared for the El Dorado County 2024 Major TIF Update.

Thank you,

Chad E. Roberts
2150 River Plaza Drive, Suite 450
Sacramento, CA 95833
T 916.925.6620 C 916.943.5989
hefner-law.com



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hefner-law.com

Chad E. Roberts
916.567.7312
croberts@hsmllaw.com

December 2, 2024

Board of Supervisors
El Dorado County
330 Fair Lane, Building A
Placerville, California

VIA EMAIL ONLY

**RE: Objections to Traffic Impact Fee Nexus Study
December 3, 2024 Meeting – Agenda Item No. 34**

Dear Chair Thomas and Members of the Board of Supervisors:

On behalf of Lennar Homes of California, LLC (“Lennar”), this letter objects to the methodology, unsupported assumptions, inadequate analysis, and rushed timing of the proposed Traffic Impact Fee Nexus Study (“TIF Nexus Study”) prepared for the El Dorado County (“County”) 2024 Major TIF Update. As detailed herein, not only does the draft TIF Nexus Study fail to comply with the Mitigation Fee Act, but the artificially inflated fees will also undermine the development of attainable and affordable housing. Lennar therefore urges your Board to continue the item off calendar until an adequate nexus study is prepared and a full Board with representation for District 1 and the community stakeholders have a meaningful opportunity to evaluate the analysis.

- 1. The calculation of proposed new fees before completion of the TIF Nexus Study was procedurally flawed and prevents your Board from fulfilling its mandatory duty to consider all comments on the TIF Nexus Study.**

Before addressing the substantive gaps in the TIF Nexus Study, this letter first focuses on the procedural flaws resulting from the rushed processing by the Department of Transportation (“DOT”) before the analysis was complete. Without any communications with the development community, DOT revealed its proposed TIF increases, including 80% increases in Zone C, to your Board on October 22, 2024. While the tables of the newly proposed fees were published, none of the supporting analysis was complete or available for public review. Given that the TIF Nexus Study was supposed to calculate and justify the proposed fee increases, it strains logic that such drastically increased fees were calculated *before* the TIF Nexus Study was complete. The TIF Nexus Study was immediately requested after the October 22, 2024 Board meeting, but it was not completed or made available until almost one month later on November 21, 2024. This timing over a major holiday provided only six business days for review of the TIF Nexus Study by the select few that requested it in advance of the agenda posting.

This rushed process also deprives your Board of the time necessary to consider the TIF Nexus Study and fulfill your legal obligation under the Mitigation Fee Act to consider all public comments related to the proposed fees. Specifically, Government Code section 66019 provides that “[a]ny member of the public, including an applicant for a development project, may submit evidence that the . . . local agency’s determinations and findings required pursuant to subdivision (a) of Section 66001 are insufficient or that the local agency otherwise failed to comply with this chapter,” including “information regarding the proposed fee calculation, assumptions, or methodology or the calculation, assumptions, or methodology for an existing fee upon which the proposed fee or fee increase is based.” (Gov. Code, § 66019, subd. (d)(1).) The Mitigation Fee Act then provides that your Board “shall consider any evidence submitted” prior to adoption of the proposed fee or fee increase. (Gov. Code, § 66019, subd. (d)(2).) **Your Board therefore cannot legally adopt the proposed fees unless your Board has resolved each of the flaws raised herein and the numerous other comments received.** The inadequate time your Board has to fulfill this mandatory task is a result of the County’s untimely completion and production of the TIF Nexus Study.

Moreover, the multiple Board agenda items over the past year culminating in the proposed TIF increases should not be used to deflect from the procedural flaws of the rushed schedule for the final decision. While DOT selectively presented components of the TIF Major Update over the past year, the piecemealed series of meetings seeking Board direction on discrete issues without providing your Board or the public a full understanding of the context and implications of those decisions did not allow your Board to provide informed policy direction. The Mitigation Fee Act requires holistic consideration of all assumptions and analysis and the incomplete and artificially narrowed discussions at prior meetings cannot fulfill the complete analysis mandated in a nexus study. Nor is participation in these piecemealed discussions a reason for this Board to feel compelled to rush a decision after inadequate review before the vacant seat for District 1 is filled. To the contrary, with a decision that will have profound impacts on the ability for any new housing to be developed, the vacancy on your Board alone warrants consideration of the item when the District most severely impacted has representation.

2. The TIF Nexus Study is substantively flawed and adoption of the proposed fee increases will violate the Mitigation Fee Act and Takings Clause of the Fifth Amendment.

The Legislature enacted the Mitigation Fee Act “in response to concerns among developers that local agencies were imposing development fees for purposes unrelated to development projects.” (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 864.) To ensure fees charged are appropriate and fair, “Government Code section 66001 requires the local agency to determine ‘how there is a reasonable relationship’ between the proposed use of a given exaction and both ‘the type of development project’ and ‘the need for the public facility and the type of development project on which the fee is imposed.’” (*Id.* at p. 865 [quoting Gov. Code, § 66001].) The United States Supreme Court also recently affirmed that the County’s traffic impact fees are also subject to the Takings

Clause of the Fifth Amendment, and a fee that requires payment of “more than is necessary to mitigate harms resulting from new development” violates the “rough proportionality” limits in the Constitution. (*Sheetz v. County of El Dorado* (2024) 601 U.S. 267, 275.)

As detailed in the attached memorandum from Development and Financial Advisory (“DFA”), DFA has identified numerous preliminary concerns related to “questionable unit counts, unsubstantiated allocation of funds, and unidentified and deferral of capital improvements.” Each of these concerns must be resolved before such drastic increases can be adopted consistent with the Mitigation Fee Act. In addition to the flaws DFA identified, numerous additional assumptions in the TIF Nexus Study lack adequate justification and appear to artificially inflate the proposed fee increases beyond the statutory and constitutional limitations, including but not limited to:

- The assumed growth to calculate demand is greater than the denominator used to distribute the cost of the improvements. These assumptions must be consistent and supported.
- The TIF is allegedly adopted to comply with the County’s General Plan level of service (“LOS”) standards, but page 6 of the TIF Nexus Study uses vehicle miles traveled (“VMT”) to get an allegedly more “appropriate measure of the demand placed on the County’s roadway system.” The TIF Nexus Study does not, however, explain how traffic improvements to maintain LOS standards calculated based only on peak hour trips should or can also consider VMT of those trips. LOS and VMT are distinct concepts and the use of VMT appears to artificially inflate demand.
- Without justification, Table 7 of TIF Nexus Study identifies approximately \$17 million in Bridge Replacement Projects and Table 8 allocates 70.13% of responsibility to Zone C even though most of the bridge replacement projects identified in Table 5 of the Nexus and Funding Model are not in Zone C. While 70.13% of responsibility for Bridge Replacement Projects is allocated to Zone C, almost all of the offsets for state and federal funding for those projects are allocated in Table 10 to Zone A.
- Without justification, Table 8 allocates 70.13% of the approximately \$53 million in “Intersection Improvements” from Table 7 to Zone C. While approximately \$27 million of these improvements are not yet identified, Table 6 of the Nexus and Funding Model confirms that the most expensive improvement (Forni Road at Pleasant Valley Road) is not even in Zone C.
- Without justification, Table 6 in the Nexus and Funding Model identifies 100% new development share for ten intersection improvements that are “To Be Determined” at a cost of approximately \$27 million. As detailed in the DFA memorandum, the TIF Nexus Study fails to identify the location or need for these intersection improvements, which alone is inadequate to comply with the Mitigation Fee Act. The arbitrary allocation of most of the unidentified costs to Zone C is also flawed, especially given the number of identified improvement projects in Zone C.

- Without justification, the Fee Program Administration is allocated at 70.13% to Zone C even though Zone B has the most projected growth.
- The \$20 million offset in Table 18 “to fund TIF obligations for affordable housing projects” lacks any supporting analysis to demonstrate the necessary reasonable relationship and rough proportionality requiring new development to subsidize affordable housing.
- The TIF Nexus Study does not account for exactions already imposed on approved projects and how the increased fees lack a reasonable relationship to the impacts of those previously approved and conditioned projects.
- Table 6 of the Nexus and Funding Model allocates 11.42% to new development for safety improvements to be determined but does not explain why new development should share in the funding of these existing deficiencies.
- Table 6 in the Nexus and Funding Model identifies \$10 million in “ITS Elements” that are “To Be Determined.” Again, this cost and allocation to new development lacks any justification or information about the anticipated improvements and why 100% of cost is allocated to new development.

As explained above, the Mitigation Fee Act requires your Board to consider and resolve each of these deficiencies prior to adoption of the TIF Nexus Study. Especially given the recent adverse court decisions related to the County’s impact fees, your Board should carefully consider each component of the TIF to ensure that defensible fees are adopted and public funds are not unnecessarily wasted to defend future legal challenges.

3. The proposed fee increases will preclude the development of affordable housing.

The 80% increase in TIF for new development is so excessive that new home production will likely be economically infeasible or prices for new homes will no longer be attainable or affordable. Your Board has repeatedly recognized the severe shortage of affordable and “missing middle” homes in the County and even recently created an Affordable Housing Task Force and sought volunteer representatives of the development community, including a representative from Lennar, to serve on this Task Force. At a minimum, the Affordable Housing Task Force should have reviewed the proposed fee increases and provided input on the direct impact it will have on affordable housing.

Even with subsidies for affordable housing, an excessive TIF fee will decrease the availability of new market rate housing, which directly impacts the costs of housing. The Legislature has determined that “new market-rate housing improves overall housing affordability at the statewide, regional, local, and neighborhood levels” and that “building new market-rate housing has a positive impact on increasing more housing opportunities for lower income households.” (Assem. Bill No. 1893 (2023-2024 Reg. Sess.) § 1, subd. (j).) The County’s lack of affordable housing therefore cannot be addressed in a vacuum by focusing only on subsidized affordable projects and must also ensure adequate production of market rate housing to meet needs.

In closing, adoption of the proposed TIF Nexus Study and inflated fees therein would violate the Mitigation Fee Act and Takings Clause and the item should be continued off calendar with direction to DOT to address each of the identified shortcomings and provide an adequate revised nexus study with sufficient time for meaningful review by the full Board and stakeholders.

Very truly yours,

HEFNER, STARK & MAROIS, LLP

By



Chad E. Roberts

cc: Tiffany Schmid, Chief Administrative Officer
Rafael Martinez, Director, Department of Transportation
Adam Bane, Supervising Civil Engineer, Department of Transportation
Dave Livingston, County Counsel



Memorandum (Draft)

To: Vance Jarrard, North State BIA
From: Development & Financial Advisory (DFA)
CC:
Date: 11/27/2024
Re: Review of the El Dorado County Traffic Impact Fee Update dated 11/18/2024

DFA was retained by The North State Building Industry Association (“BIA”) to prepare an evaluation of El Dorado County’s (“County”) Traffic Impact Fee Update (“Study”) dated November 18, 2024. The Study used a six-step approach to calculate traffic impact fees by: 1) updating existing development and forecasting future growth, 2) identifying facility standards and deficiencies per County policies, 3) identifying improvements needed to provide for vehicular trips generated by new development per County policies, 4) determining the cost of improvements required to serve new development, 5) identifying alternative funding requirements or cost offsets and, 6) calculating the fee schedule.

The County is proposing to increase the fee basis based on equivalent dwelling units (EDUs). The proposed fees reflect the funding to provide the proper level of service within the unincorporated West Slope of El Dorado County. The proposed fees generally are significant increases from the current fees. Note that 1 EDU is equivalent to a single-family residential unit that is between 2,000 and 2,999 square feet in size.

Table 1. Proposed Fee per Land Use Category (Hwy 50 & Local Roads)

EDU Factor	Fee Basis	Zone A	Zone B	Zone C
Residential				
	Cost per EDU >>	\$ 16,740	\$ 31,745	\$ 66,216
0.82	Dwelling Unit	\$ 13,726	\$ 26,031	\$ 54,297
0.89	Dwelling Unit	\$ 14,899	\$ 28,253	\$ 58,933
0.95	Dwelling Unit	\$ 15,902	\$ 30,158	\$ 62,906
1.00	Dwelling Unit	\$ 16,740	\$ 31,745	\$ 66,216
1.06	Dwelling Unit	\$ 17,744	\$ 33,649	\$ 70,190
1.10	Dwelling Unit	\$ 18,414	\$ 34,919	\$ 72,838
0.54	Dwelling Unit	\$ 9,040	\$ 17,142	\$ 35,757
0.32	Dwelling Unit	N/A	\$ 10,159	\$ 21,190
0.27	Dwelling Unit	N/A	\$ 8,571	\$ 17,878
Nonresidential				
	Cost per EDU >>	\$ 5,032	\$ 7,540	\$ 12,828
1.72	Bldg Sq Ft	\$ 8.65	\$ 12.96	\$ 22.07
0.28	Room	\$ 1,409	\$ 2,111	\$ 3,592
0.26	Bldg Sq Ft	\$ 1.31	\$ 1.96	\$ 3.34
1.99	Bldg Sq Ft	\$ 10.00	\$ 14.99	\$ 25.51
0.56	Bldg Sq Ft	\$ 2.82	\$ 4.22	\$ 7.19

Table 2. Cost per EDU: Current vs. Proposed 2024

Residential: 2,000 to 2,999 SF = 1 EDU			
	Zone A	Zone B	Zone C
Original Zones:	1, 4, 5, 6, 7	2, 3	8
Current Cost per EDU	\$ 12,331	\$ 31,297	\$ 36,781
2024 Cost per EDU	\$ 16,740	\$ 31,745	\$ 66,216
Change in \$	\$ 4,409	\$ 448	\$ 29,435
Change in %	36%	1%	80%
Non-Residential			
	Zone A	Zone B	Zone C
Original Zones:	1, 4, 5, 6, 7	2, 3	8
Current Cost per EDU	\$ 1,459	\$ 6,116	\$ 8,083
2024 Cost per EDU	\$ 5,032	\$ 7,540	\$ 12,828
Change in \$	\$ 3,573	\$ 1,424	\$ 4,745
Change in %	245%	23%	59%

OVERVIEW OF FEE CALCULATIONS

The 2024 Study projects an overall 14% decrease in total dwelling units. Zone C is projected to experience a 65% reduction in single-family residential (SFR) units and a 32% reduction in multifamily residential (MFR) units. These dwelling unit projections are utilized to calculate the number of Equivalent Dwelling Units (EDUs), which are derived using EDU factors from trip rates established by the Institute of Transportation Engineers (ITE).

Table 3. Dwelling Unit Projections & EDU Factors

	2020 EDU Factor	2020 Study: 2018-2040				2024 EDU Factor	2024 Study: 2023-2045			
		Zone A 1, 4, 5, 6, 7	Zone B 2, 3	Zone C 8	Total		Zone A	Zone B	Zone C	Total
Residential										
Single Family										
Not Restricted	1.00	551	2,244	4,911	7,706	1.00	520	3,129	1,526	5,175
Age Restricted	0.30	-	100	580	680	0.32	-	100	409	509
Subtotal		551	2,344	5,491	8,386		520	3,229	1,935	5,684
Multi-family										
Not Restricted	0.57	2	819	1	822	0.54	-	2,216	212	2,428
Age Restricted	0.26	-	300	312	612	0.27	-	300	-	300
Subtotal		2	1,119	313	1,434		-	2,516	212	2,728
Total		553	3,463	5,804	9,820		520	5,745	2,147	8,412
Nonresidential										
Commercial	1.55	101	448	195	744	1.72	36	751	537	1,324
Office	0.91	54	107	544	705	1.20	2	83	155	240
Medical	2.14	26	205	70	301	2.56	9	293	28	330
Industrial / Other	0.51	170	194	416	780	0.56	56	550	264	870
Total		351	954	1,225	2,530		103	1,677	984	2,764

The EDU factors shown in the table above are then used to calculate EDUs for each type of dwelling unit. The table below shows the results of these calculations. Impact fees shown in Table 1 were calculated using EDU factors and the cost per EDU.

Table 4. Calculation of EDUs by Type of Dwelling

Original Zones:	2020 Study: 2018-2040				2024 Study: 2023-2045			
	Zone A 1, 4, 5, 6, 7	Zone B 2, 3	Zone C 8	Total	Zone A	Zone B	Zone C	Total
Residential								
Single Family								
Not Restricted	551	2,244	4,911	7,706	520	3,129	1,526	5,175
Age Restricted	-	30	174	204	-	32	131	163
Multi-family								
Not Restricted	1	467	1	469	-	1,197	114	1,311
Age Restricted	-	78	81	159	-	81	-	81
Subtotal	552	2,819	5,167	8,538	520	4,439	1,771	6,730
Nonresidential								
Commercial	157	694	302	1,153	62	1,292	924	2,277
Office	49	97	495	642	2	100	186	288
Medical	56	439	150	644	23	750	72	845
Industrial / Other	87	99	212	398	31	308	148	487
Subtotal	348	1,329	1,159	2,837	119	2,449	1,329	3,897
Total EDU, 2015-2035	900	4,148	6,326	11,374	639	6,888	3,101	10,627

Table 5. Calculation of the Cost per EDU

Roadway Improvement	Zone A	Zone B	Zone C
Total	\$ 19,028,225	\$ 164,134,323	\$ 198,218,701
Cost Allocation by Zone Adjusted for Fund Balances			
Fund Balances (6/30/2024)	\$ (2,597,765)	\$ (24,002,313)	\$ (28,301,922)
Costs Net of Fund Balances	\$ 16,430,460	\$ 140,132,010	\$ 169,916,779
Cost Allocation by Land Use Adjusted for Local-Serving Nonresidential			
Residential:			
Initial	\$ 13,406,251	\$ 90,315,284	\$ 97,068,789
Local-Serving Nonresidential	\$ 5,919,749	\$ 50,570,085	\$ 20,175,601
Final (before offset)	\$ 19,326,000	\$ 140,885,369	\$ 117,244,390
Nonresidential:			
Initial	\$ 3,021,615	\$ 49,814,262	\$ 72,845,164
Local-Serving Nonresidential	\$ (1,843,185)	\$ (30,386,700)	\$ (44,435,550)
Final (before offset)	\$ 1,178,430	\$ 19,427,562	\$ 28,409,614
Equivalent Dwelling Units			
Residential	520	4,438	1,771
Nonresidential	117	2,448	1,329
	637	6,886	3,100
Cost per EDU Adjusted for Offsets			
Residential:			
Initial	\$ 37,165	\$ 31,745	\$ 66,202
Offset	55%	0%	0%
Final Cost per EDU	\$ 16,724	\$ 31,745	\$ 66,202
Nonresidential:			
Initial	\$ 10,072	\$ 7,936	\$ 21,377
Offset	50%	5%	40%
Final Cost per EDU	\$ 5,036	\$ 7,539	\$ 12,826

PRELIMINARY CONCERNS

Preliminary concerns are primarily from questionable unit counts, unsubstantiated reallocation of funds, and unidentified and deferral of capital improvements.

A. Questionable Unit Count of Dwelling Types

- 1. Reallocation of projected units from SFR to MFRs and from Zone C to Zone B.** Table 3 above indicates not only a reduction in the total unit count but also a reallocation of units from single-family residential (SFR) to multifamily residential (MFR) and a shift of units from Zone C to Zone B. Essentially, the County projects that Zone B will see more residential development than Zone C over the next 22 years. Notably, according to the Study, overall SFR unit production is expected to decline by 32%, while MFR unit production is projected to increase by 90%. However, the anticipated growth in multifamily units seems unlikely, as housing unit counts recorded by the California Department of Finance (DOF) show that single-family residential development in the County has historically and significantly exceeded multifamily residential development. These dwelling unit reallocations impact

the calculation of EDU, leading to a substantial reduction in EDUs for Zone C, resulting in higher traffic impact fees for Zone C.

**Table 6. Percent Change in Dwelling Unit Count
(2020 vs. 2020)**

	% Change			Total
	Zone A	Zone B	Zone C	
Residential (dwelling units)				
Single Family				
Not Restricted				
Age Restricted				
Subtotal	-6%	38%	-65%	-32%
Multi-family				
Not Restricted				
Age Restricted				
Subtotal	-100%	125%	-32%	90%
Total	-6%	66%	-63%	-14%
Nonresidential (1,000 sq ft)				
Commercial	-64%	68%	175%	78%
Office	-96%	-22%	-72%	-66%
Medical	-65%	43%	-60%	10%
Industrial / Other	-67%	184%	-37%	12%
Total	-71%	76%	-20%	9%

- 2. Failure to account for General Plan buildout capacity.** The 2020 Study reported 54,739 single-family residential (SFR) units and 6,666 multifamily residential (MFR) units, for a total of 61,405 residential units. In comparison, the 2024 Study shows 59,498 SFR units and 7,017 MFR units, resulting in a total of 66,515 residential units. This reflects an overall average annual growth rate of about 1.66% in housing units, which is a significant drop compared to the proposed 0.62% average annual growth rate. Although it is acknowledged that housing units and population fluctuate due to various factors, the County may be overlooking full buildout capacity within the existing General Plan from flawed density or floor area ratio assumptions. It should be noted, the Study fails to provide sufficient information to determine the accuracy of the development projections. It is recommended that the County show the basis of its housing projections by dwelling unit type.

B. Unsubstantiated Reallocation of Funds

- 1. Reallocation of costs from nonresidential to residential land uses.** According to the fee calculation Step 3 in the Study, costs were adjusted by “re-allocating costs associated with travel demand from local serving non-residential growth, such as convenience stores and other local serving retail uses, estimated at 61-percent of total nonresidential growth (based on an analysis of existing employment, summarized in a memorandum provided as Appendix C), from nonresidential to residential land uses based on residential growth by zone as a share of total residential growth.” This reallocation of costs is illustrated in Table 10 of the Study, where \$76,665,435 in local-serving nonresidential costs were shifted away from the nonresidential category to the residential category. In addition, a review of the source document (Appendix C) prepared by EPS stated that the “County should contemplate whether to retain its current methodology of shifting all nonresidential EDUs to residential uses or

apply the percentage shift attributable to local-serving jobs to only those land uses housing local-serving jobs (retail commercial and office uses).”

****Discovery Items - Loans and Interfund Transfers.** It is important to note that our review requires examination of related documents and discovery, whether material or immaterial, may occur. Although not a part of this review and amounts are immaterial, loans and/or interfund transfers have been discovered in our examination of AB 1600 Annual Reports. These loans/interfund transfers are summarized below. Note Zone 8 is Zone C.

- The FY 2022-23 Annual AB 1600 Report shows a total of \$27,790 in loans/interfund transfers (deposit/transfer in: Zone C: \$18,256; TIF (Silva Valley Interchange): \$8,114; TIF Hwy 50: \$1,420).
- The FY 2010-11 Annual AB 1600 Report shows a total of \$1,405,601 in loans/interfund transfers (withdrawal/transfer out from Zone 8 (2004 GP EDH TIM) to Silva Valley Interchange Road Impact Fee).
- The FY 2008-09 Annual AB 1600 Report shows a total of \$750,000 in loans/interfund transfers (withdrawal/transfer out: Zone 8 (2004 GP EDH TIM Fee)).

Although the amounts discovered above are immaterial relative to the funds available for capital improvements, impact fees are collected exclusively to fund the specific capital improvement for which they are intended, with the payor's informed understanding of their purpose. There may be various reasons for these interfund transfers, such as deposit or accounting errors, but the exact purpose of these interfund transfers is unclear.

C. Unidentified and Deferred Construction of Capital Improvements

1. **Unidentified capital improvements.** Both the 2020 and 2024 TIF updates lack sufficient detail to provide assurance against potential duplication of capital improvement costs. Descriptions are vague, and some physical locations are unspecified, casting doubt on their accuracy, validity, and compliance with AB 1600 nexus requirements. For instance, the locations of \$12,979,000 allocated for intersection and safety improvements remain unidentified but is embedded in the TIF (Table 6, Section 2 of the attachment to the 2024 Study). The 2020 Study also demonstrated lack of clarity, failing to specify the locations of intersection capital improvements totaling an even greater amount at \$37,480,000 (Table 7, Section 2 of the attachment to the 2020 Study), which represents 12% of the total capital improvements costs (total CIP net costs estimated in 2020: \$387,130,004). These unclarified locations are labeled as “To Be Determined” in both the 2020 and 2024 Studies.
2. **Deferred construction contributing to higher costs.** As reported in the County’s AB 1600 Annual Reports, the TIF program has collected \$35,081,087 in traffic impact fees prior to adjustments and \$27,744,338 after adjustments. These adjustments include accounting treatments, such as the reversal of accruals, refunds, interest earned, cash adjustments, and any loans or interfund transfers. Of the \$27,744,338 in net TIF collections between 2020 and 2024, only \$7,207,543 has been spent on capital improvements.

Table 7. Total TIF Collections and Expenditures, Fiscal Years 2020 – 2024

FY 2020-24 Total	Zone A	Zone B	Zone C	TIF (TIM) Silva Valley Interchange	TIM - Zones 1-7 prior to 2/8/21)	TIF (TIM) Hwy 50	Total
Fees Collected	\$ 1,291,086	\$ 3,694,275	\$ 12,802,317	\$ 9,182,553	\$ 364,962	\$ 7,745,894	\$ 35,081,087
Net Revenue	\$ 1,336,582	\$ 2,913,524	\$ 9,543,321	\$ 3,969,032	\$ 620,122	\$ 9,361,757	\$ 27,744,338
Expenditures	\$ -	\$ -	\$ 1,235,266	\$ 229,888	\$ 3,889,291	\$ 1,853,098	\$ 7,207,543

The 2024 Study indicates that TIF program costs were determined using a combination of recent bids for infrastructure projects and the Caltrans Construction Cost Index (CCCI). While the CCCI was utilized to update costs from the 2020 TIF Program Major Update, preference was given to bid data specific to El Dorado County. For items without corresponding bid data, a CCCI escalation rate of 38% was applied. Project delays may have increased project costs due to the need to keep pace with inflationary adjustments. While it is understood that construction delays can occur for various reasons, low expenditures compared to TIF collections highlight how delays contribute to costs that remain unspent for their intended purpose but require cost escalations to complete. A more detailed examination of capital improvement expenditures is necessary to identify deferred projects requiring inflationary adjustments.

DFA is available to discuss our concerns in greater detail.

From: Chad E. Roberts <croberts@hsmlaw.com>
Sent: Monday, December 2, 2024 4:17 PM
To: BOS-Clerk of the Board; BOS-District I; BOS-District II; BOS-District III; BOS-District IV; Brooke Laine
Cc: AD-EDCCAO; Rafael Martinez; Adam J. Bane; David A Livingston; Ryan Claycomb
Subject: The Promontory Specific Plan Objections to Traffic Impact Fee Nexus Study – December 3, 2024 Meeting – Agenda Item No. 34
Attachments: The Promontory Specific Plan Objections to Traffic Impact Fee Nexus Study (12.2.24).pdf

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Dear Chair Thomas and Members of the Board of Supervisors:

Please see the attached letter from Promontory Construction Company, LLC regarding Agenda Item No. 34.

Thank you,

Chad E. Roberts
2150 River Plaza Drive, Suite 450
Sacramento, CA 95833
T 916.925.6620 C 916.943.5989
hefner-law.com



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(916) 383-2500 FAX (916) 383-0552

December 2, 2024

Board of Supervisors
El Dorado County
330 Fair Lane, Building A
Placerville, California

**RE: The Promontory Specific Plan Objections to Traffic Impact Fee Nexus Study
December 3, 2024 Meeting – Agenda Item No. 34**

Dear Chair Thomas and Members of the Board of Supervisors:

We understand your Board has received numerous concerns regarding the methodology and assumptions underlying the proposed drastic increases to the El Dorado County (“County”) Traffic Impact Fee (“TIF”) and agree the item must be continued for the reasons stated in those comment letters. In addition to the need to revise the nexus study to correct the flaws identified in those comments, this letter requests your Board direct Department of Transportation (“DOT”) staff to return with a proposed nexus study that includes a reasonable TIF for the Promontory Specific Plan consistent with the substantial infrastructure already required and funded as part of the Specific Plan and the implementing tentative and final maps. Absent adjustments to reflect the exactions already imposed, the proposed TIF will exceed the limits of the Mitigation Fee Act and Fifth Amendment as applied to the approved and almost entirely developed Promontory Specific Plan.

The Promontory Specific Plan was approved for 1,100 dwelling units in 1999 and nearly 90% of the approved units have been constructed. Prior to adopting the Specific Plan, the County analyzed and mitigated traffic impacts from development of the Specific Plan and approvals were conditioned on the funding and construction of substantial off-site infrastructure improvements to serve the Specific Plan and surrounding community. As proposed, the draft TIF Nexus Study ignores these prior exactions and would extract an additional approximately \$4.6 million in TIF for the remaining 10% of the Promontory Specific Plan without any justification or offset for or recognition of the exactions already imposed.

In *Sheetz v. County of El Dorado* (2024) 601 U.S. 267, the United States Supreme Court recognized that a TIF demanding payment of “more than is necessary to mitigate harms resulting from new development” violates the “rough proportionality” limits in the Constitution. With the Promontory Specific Plan, the “harms” or traffic impacts from the development of the Specific Plan were analyzed at approval of the Specific Plan and again at the tentative map for each subsequent phase. With buildout almost complete, the remaining phases are limited to a small commercial component, Phase 3 of Village 6 with 35 custom lots and an approved final map, and Village 7 with tentative maps for 131 lots and final maps recorded for 40 lots (Phases 1 and 5) and a final map for 39 lots (Phase 3) scheduled to be heard December 10, 2024. All of these remaining

residential tentative maps were approved without conditions requiring offsite roadway improvements because the necessary improvements in excess of \$10 million had already been completed or funded as a condition of and in reliance on the approvals of the prior Specific Plan and tentative maps.

The necessity to consider exactions already obtained from an approved development when enacting prospective mitigation fees should not be surprising. In 2019, the County did exactly that when it adopted reduced park impact fees for Serrano (El Dorado Hills Specific Plan) to reflect the neighborhood and village parks that were constructed as part of Serrano. The independent analysis the County obtained concluded that there was no reasonable relationship between the adopted park impact fee and the impacts of the Serrano development to justify payment of the fee for neighborhood and village parks because, “[b]y providing these parks and also being required to pay 100 percent of the current park impact fee, new development in Serrano is effectively being charged twice—once by providing parks and open space and a second time by having to pay the park and open space fee component.” (El Dorado County Resolution 116-2019, Attachment A, Finding 4.) Similarly, by neglecting to consider traffic infrastructure already funded and constructed as part of the Promontory Specific Plan, the proposed TIF treating the remaining phases in the Promontory Specific Plan the same as newly proposed development lacks the necessary reasonable relationship and rough proportionality.

To be clear, we are not suggesting that the precise amount of the TIF for an approved Specific Plan or approved tentative map is frozen at the date of approval of the Specific Plan or tentative map because adjustments are often appropriate to reflect inflation and minor changes in scope of work. However, the drastic proposed increases in the TIF far exceed any such reasonable adjustments to reflect inflation and minor adjustments. The approximately \$4.6 million proposed increase for the remaining lots and small commercial parcel in the Promontory Specific Plan illustrates the unreasonableness and unfairness of the proposed increases. With no articulable or quantifiable difference in impacts from these remaining lots, the additional \$4.6 million with no identified new or different impact is demonstrably excessive.

We therefore again request that your Board direct DOT staff to either exclude the Promontory Specific Plan from the proposed TIF increases or return with a reasoned calculation of a TIF for the Promontory Specific Plan that, after reflecting the offsite infrastructure already funded and approved, articulates the reasonable relationship and rough proportionality for the impacts from the remaining 10% of the Specific Plan.

Promontory Construction Company, LLC
By: AKT Investments, Inc.
Its: Manager


Chris Donnelly, CFO

From: Rob Aragon <raragon@westlandcp.com>
Sent: Monday, December 2, 2024 4:23 PM
To: BOS-Clerk of the Board
Subject: El Dorado County Board of Supervisors Agenda - Comment letter re: Item 34. 24-1686
Attachments: SWestland_C24120216230.pdf

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Good evening, regarding the Board of Supervisors meeting scheduled for December 3, 2024, 9am, please see comment letter regarding Agenda Item 34. 24-1686 - Traffic Impact Fee Nexus Study.

Please confirm receipt.

Best,

Rob Aragon
Westland Capital Partners
916-671-4441 cel

WestLand Capital Partners, L.P.

December 2, 2024

Board of Supervisors
El Dorado County
330 Fair Lane, Building A
Placerville, California

RE: Traffic Impact Fee

Dear Chair Thomas and Members of the Board of Supervisors:

We have recently become aware of the proposed Traffic Impact Fee Nexus Study and understand that the Board will be considering this during its meeting tomorrow. We respectfully request that the Board continue the matter and afford more time for affected parties in the County, of which we are one, to review the study.

Sincerely,



William B. Bunce, President

WestLand Capital Partners, L.P.