





Kim Dawson < kim.dawson@edcgov.us>

## Dixon Ranch Development Agreement (DA) Feb 14, 2017 Agenda

1 message

Joe Harn <joe.harn@edcgov.us>

Mon, Feb 13, 2017 at 5:41 PM

To: Shiva Frentzen <shiva.frentzen@edcgov.us>, The BOSONE <boxone@edcgov.us>, The BOSTWO <boxone@edcgov.us>, The BOSFIVE <boxole@edcgov.us>, The BOSFOUR <boxole@edcgov.us>, The BOSTHREE <boxole@edcgov.us>, Brian Veerkamp <br/>
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| Shiva Frentzen <shiva.frentzen@edcgov.us>, The BOSFIVE <br/>
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| Shosfour@edcgov.us>, Boxone@edcgov.us>, Boxone@edcgov.us>, Boxone@edcgov.us>, Brian Veerkamp@edcgov.us>, EDC COB <br/>
| Shiva Frentzen <br/>

Dear Board Members,

I have a couple of "risk management" issues with the DA as written.

CDA has identified a number of safety improvements that are recommended on Green Valley Road in the area between Dixon Ranch and the County line. Many of these improvements are not funded in the County's TIM Fee program. This project will cause a significant increase in traffic on Green Valley Road and the approval of this project without first completing the safety improvements identified by CDA will put the County at significant legal exposure.

It is my opinion that Section 3.5 of the DA has been written in a reckless manner and may require that the County violate the Mitigation Fee Act in the future. This Section of the DA would require the County to offer the Developer a TIM Fees reduction of 38% for age restricted lots for the next 20 years whether evidence supported a fee reduction of 38% or not. On August 23, 2016, I wrote CDA and stated, "I believe that Paragraph 3.5 of the Development Agreement will put the County at great legal exposure based on my understanding of the facts. Based on the information that I have at this time, I would ask that this paragraph be either deleted or significantly amended." See attached. My position remains unchanged.

Joe Harn Auditor-Controller El Dorado County

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Joe Harn <joe.harn@edcgov.us>

## Dixon Ranch Draft (3-9-16) Development Agreement-Age Restricted TIM Fee

1 message

Joe Harn <joe.harn@edcgov.us>

Tue, Aug 23, 2016 at 11:52 AM

To: Donald Ashton <don.ashton@edcgov.us>, Steve Pedretti <steve.pedretti@edcgov.us>

Cc: David Livingston <david.livingston@edcgov.us>, Craig Schmollinger <craig.schmollinger@edcgov.us>, Laura Schwartz <laura.schwartz@edcgov.us>, Paula Frantz <paula.frantz@edcgov.us>, Roger Trout <roger.trout@edcgov.us>, The BOSFOUR <bostour@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, Michael Ciccozzi <michael.ciccozzi@edcgov.us> Bcc: Shiva Frentzen <shiva.frentzen@edcgov.us>, Michael Ranalli <michael.ranalli@edcgov.us>, Joe at Home Harn <joeharnathome@yahoo.com>

Don & Steve,

I believe that Paragraph 3.5 of the Development Agreement will put the County at great legal exposure based on my understanding of the facts. Based on the information that I have at this time, I would ask that this paragraph be either deleted or significantly amended.

"Paragraph 3.5 Age-Restricted Lots Reduced TIM Fees" requires the County to give the developer reduced TIM fees whether we have an Age Restricted TIM fee or not. This is a policy decision that the BOS cannot make without looking at the entire TIM Fee Program. Further, the paragraph sets in stone the 38% TIM fee reduction. What if we have a nexus/traffic study that indicates the reduction should be 25% for age restricted lots? Would the money come from the general fund to make the TIM fee program whole?

It is my understanding that on February 14, 2012, the BOS adopted a reduced TIM fee for Age Restricted Lots in Zone 8 (El Dorado Hills) for 1200 lots only. There was only enough money in the TIM fee program to reduce the fee for 1200 lots in El Dorado Hills. If other developers pull 1200 age restricted Tim fee building permits before this developer, there is not enough money in the program to offer the reduced fee to this project. The entire TIM fee program would have to be reviewed and updated by the BOS before we could consider this paragraph in the Development Agreement.

I will attempt to read the rest of the Development agreement as time permits.

Joe Harn Auditor-Controller El Dorado County