

H. Batsel #30 BOS 11/15/16

Nov. 15, 2016

Dear Chairman Mikulaco,

Re; 16-0959 Resolution 11-15-16

Friends of El Dorado County has participated in reviewing the impact fee program for many years. We are saddened that the county has taken so long to update the fee program. The update was required by August 2012 and it is still not completed. We have made numerous comments both to the board and to staff starting in 2012 regarding the 5 year update being delinquent. To date, no final nexus study has advanced to the board.

However, the resolution before the board includes references to Gov. Code 66001 making findings regarding the justification of fees for past fee extractions. This is fraud.

Since the 5 year update has not been completed there is a chance that all fees collected since August 2012 will be returned. This is a separate issue from the return of cash in the fee accounts per the code. Fees must be justified with the completion of a 5 year update and thus the fees have been collected illegally and fraudulently – for 6 years.

The board purposes to make retro-active findings precluding public comment. Can we now challenge the fees from those prior years you now attempt to make justification findings for? Can we make retro-active public comments in an attempt to challenge the retro-active resolution?

Upon review of the number of permits pulled in each traffic zone there is little justification to collect the fees excepting zone 8. The combination of zones 2 and 3 (Placerville to El Dorado Hills) total 76 residential permits from 2011 thru 2015 – barely half of Lake Tahoe permits for the same period.

We assert the county is attempting to justify impact fees with arbitrary and un-founded findings in this resolution. Our attorney relates passing the resolution is a fraud.

Again the 5 year justification of impact fees has not been completed and we will challenge the nexus report of 9/16 based on charging fees for existing deficiencies un-related to capacity and LOS computations which include the funding of external trips from the fee accounts.

Respectfully,



Henry Batsel

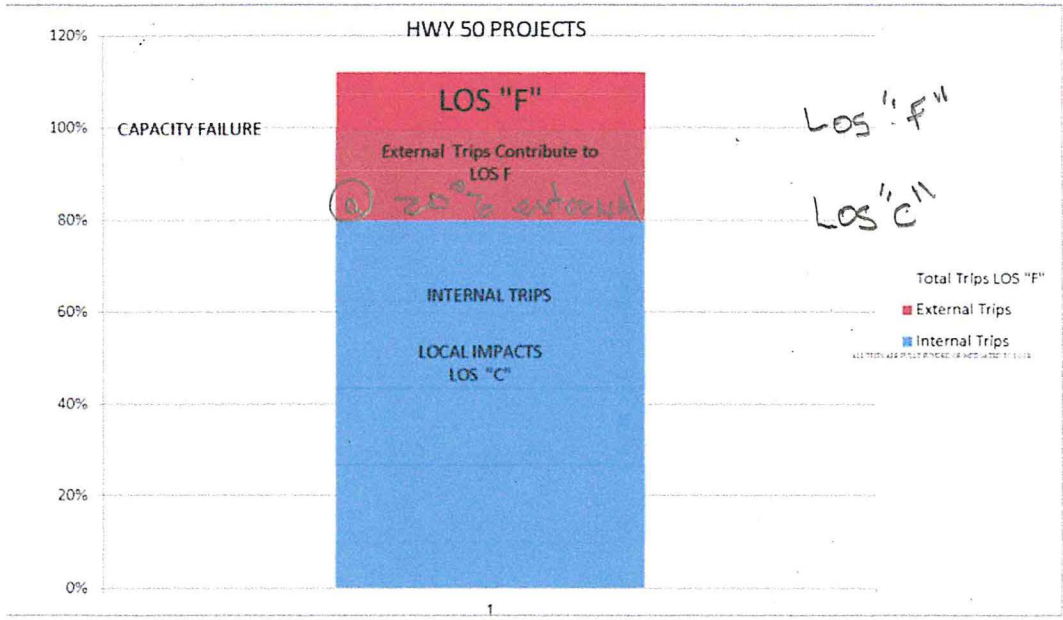
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1 of 2

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AT ANY TIME LOS "F" IS TRIPPED EXTERNAL TRIPS ARE SIGNIFICANTLY CONTRIBUTORY TO A MEASURE "Y" VIOLATION
 EXTERNAL TRIPS IMPACT THE LOS OF OUR ROADS. WITHOUT EXTERNAL TRIPS THE LOS WOULD BE AT LOS "C"
 EVEN IF BOTH INTERNAL AND EXTERNAL ARE FULLY FUNDED
 EXTERNAL TRIPS ARE INCREASING OVER TIME AND ARE BECOMING A BIGGER PERCENTAGE OF TOTAL TRIPS.
 EXTERNALS CONTRIBUTE TO LOS "F"
 MEASURE "Y" CONSTRAINS INTERNAL TRIPS - NOT EXTERNALS.

2 of 2