

Public Comment
#35

Applicants' Response to May 11, 2023 and the June 5, 2023 Letter to the El Dorado County Planning Department

Kaitlyn E. Conover <kconover@rmmenvirolaw.com>

Thu 7/20/2023 9:21 AM

To: BOS-Clerk of the Board <edc.cob@edcgov.us>; BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>

Cc: Sabrina Teller <STeller@rmmenvirolaw.com>; jkernen@edhcsd.org <jkernen@edhcsd.org>; Chrishana Fields <cfields@edhfire.com>; mike@mjmpropertiesllc.com <mike@mjmpropertiesllc.com>

📎 1 attachments (542 KB)

Westland Response to Fire CSD for East Ridge Village DA 7.20.23 (00676402xB0A85).pdf;

Good Morning,

On behalf of the owners of the East Ridge Village development please find the attach letter responding to the May 11, 2023, letter from the El Dorado Hills Fire Department and the June 5, 2023, letter from the El Dorado Hills Community Services District.

Best regards,

Kaitlyn E. Conover

Paralegal/Legal Assistant to

James G. Moose, Sabrina Teller,

Elizabeth Pollock and Casey Shorrock

RMM

REMY | MOOSE | MANLEY LLP

555 Capitol Mall, Suite 800 | Sacramento, CA 95814

P (916) 443-2745 x 209 | F (916) 443-9017

kconover@rmmenvirolaw.com | www.rmmenvirolaw.com

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REMY | MOOSE | MANLEY
LLP

Sabrina V. Teller
steller@rmmenvirolaw.com

July 20, 2023

El Dorado County Board of Supervisors
2850 Fair Lane
Placerville, CA 95667

Re: Ordinance Approving Community Benefit and Development Agreement DA22-0001 Between the County of El Dorado and East Ridge Holdings, LLC, El Dorado Land Ventures, LLC, and Valley View Realty Investments, LLC, for the Development Known as East Ridge Village – *Applicants' Response to May 11, 2023 Letter to El Dorado County Planning Department from El Dorado Hills Fire Department and the June 5, 2023 Letter to the El Dorado County Planning Department from El Dorado Hills Community Services District*

Dear Chairperson Thomas and Honorable Supervisors:

On behalf of the owners of the East Ridge Village development, we are responding to the May 11, 2023 letter from the El Dorado Hills Fire Department and the June 5, 2023 letter from the El Dorado Hills Community Services District (CSD) to inform the Board of the owners' (collectively, "Westland's") communications and meetings with the Fire Department and the CSD on the issues identified in the Department's and District's letters and the results of those discussions.

Over one year ago, Westland and County staff discussed a proposal of extending the approved East Ridge Tentative Subdivision Map in exchange for paying a \$500 per unit Community Benefit Fee and revising the existing Community Facilities District for East Ridge to provide all of the PAYGo to the County. The concept was brought to the Board of Supervisors on February 14, 2023, for an initial response, which was unanimously supported. Due to the extension nature of the proposal, a development agreement is required, which by law, requires Planning Commission review prior to the Board's final action. No changes to the tentative map, unit count, previous entitlements, or conditions of approval are sought with this extension.

Notwithstanding the non-conditional nature of the extension, pursuant to the recommendations made by the Planning Commission in its May 6th meeting on the community benefit and development agreement, Joe Harn and staff arranged a call on May 18th with Fire and the CSD, wherein the owners' representatives informed them

that the owners are not in agreement with the positions stated to date by those agencies. Fire Department staff suggested a meeting in person, which was held on July 5th.

Based on the Fire Department's May 11th letter and the May 18th call, Westland understands the Department's concerns to center on (1) the compliance of the adopted fire safe plan for East Ridge Village with current Fire Code standards, which, as you know, have been updated very recently, and (2) capital funding for Fire Department operations and equipment, beyond the property tax and fire impact fees, to be funded with a new Community Facilities District (Fire CFD).

Westland will provide exhibits to supplement the approved Fire Safe Plan that reflect current rules and regulations and has every intention of complying with State law. The exhibits will reflect the application of current Title 14 standards to all lots needing a 30-foot setback and the ability to have access roadway/driveway within 150 feet of all portions of the exterior wall of the first story of any proposed building or to achieve the "same practical effect" (as that term is used in Title 14, namely, sprinklers, emergency access for wildland fire equipment, safe civilian evacuation, signage, available water, fuel modification, and other protective measures, as applicable). Westland sees the value in working with the Fire Department in establishing the project-wide standards so that the future homebuilders understand what is required of them as they pull building permits.

The Fire Department's request for the creation of a new Fire CFD, however, Westland cannot agree to.

On June 6th, the Board of Supervisors approved the ROI for the 2023-1 CFD. The CSD submitted a letter requesting that a condition requiring the joining of their CFD be placed on the DA. The ROI item was a consent calendar item, and the item was not pulled; thus, there was no discussion on CSD's letter.

Nevertheless, Westland's representatives reached out for a call that was held on June 19th wherein Westland explained their concerns with a CSD CFD. They explained that they could not agree to the CFD without further information, such as current tax liens, future tax liens, max tax lien based on their master plan, unit quantity prices, etc.

On June 23rd, Jeff Kernen of CSD addressed two of six questions asked and said he did not know the other answers. Westland has concerns with adding a condition that requires participation in a CSD CFD, as the total cost of the tax is unknown and any tax from agency CFDs consume bonding capacity in a County CFD, which in turn reduces the

amount of PAYGo available to the County for road maintenance in the proposed CFD. Because of the unknown costs of the CSD's CFD, Westland is unwilling to agree to the CSD's proposed condition.

Given the fact that the development agreement is basically just an extension of the status quo, Westland's position continues to be that any service CFD will consume too much of the bonding capacity for the development, especially when the agencies cannot put a cap on their assessments. We respectfully request that you decline to impose any condition requiring a CFD in light of these factors.

Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sabrina Teller".

Sabrina V. Teller

cc: Mike McDougall
El Dorado Hills Community Services District
El Dorado Hills Fire Department