

Letter of Protest

Date _____

To: Erik Bonniksen, Superintendent
3060 Snows Road
Camino, CA 95709

Re: Camino Union School District

This letter is to protest mitigation fees in order to meet the requirements of Government Code 66020¹, which requires fees to be paid and a letter of protest provided. This letter states the reason for the protest.

Our review of historical attendance and capacity records indicates that space is available in the classrooms. Mitigation fees are based on mitigating impacts from new development. The CBEDS for the district indicate a 10 year declining student populations excepting in the last few years. However, the impacts (increased student population) have been generated from existing homes and commercial properties, so the fee is unjustified. Upon examination of building permit records we find declining permit numbers for the past 8 years. IN 2001, the student population of Camino was 592. CBEDS indicate 2014/2014 is 544 students.

From 2009/2010 school year to 2013/14 Camino gained 126 students but according to EDC permit records, only 9 new homes were built in this same time.

The justification report is critically flawed for the following reasons.

1) EDC Building Department records show nine new single-family residential units have been built in the Camino School District since 2009. However, Camino has grown by almost 126 students since then. According to Exhibit A (taken from Camino's Justification Study completed in 2013), single-family residential units yield .5 students per house. Therefore, since 9 new residential units have been built, the student yield from these residential units is 4.5 students. This means that around 115 new students came from existing residential units.

According to Government Code 66001(g), new development shall not pay for existing deficiencies². Therefore, the "new" students that came in to Camino School District are not caused from new development. NO impact fee is justified for 4.5 students when the district housed 592 students in 2001 and is now 48 students below 2001 levels.

¹66020(a) Any party may protest the imposition of any fees, dedications, reservations, or other exactions imposed on a development project, as defined in Section 66000, by a local agency by meeting both of the following requirements:

(1) Tendering any required payment in full or providing satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.

(2) Serving written notice on the governing body of the entity, which notice shall contain all of the following information:

(A) A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest.

(B) A statement informing the governing body of the factual elements of the dispute and the legal theory forming the basis for the protest.

²66001(g) A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the cost attributable to the increased demand for public facilities reasonably related to the development project in order to

(1) refurbish existing facilities to maintain the existing level of service or

(2) achieve an adopted level of service that is consistent with the general plan.

It should be noted that in most EDC districts a negative student yield rate is apparent. For example, the Buckeye District demonstrated 744 permits but lost 15 students in that same period. Camino's student yield rate from 2007 to current is minus .11 (Since 2007, Camino lost 2 students, divided by 18 homes equals a student yield of -.11 yield/home).

2) Justification study forecasts (see Exhibit A) do not take into account the decline in student populations since 2001 (see Exhibit B), the facility capacity that housed almost 592 students from that time (nexus and capacity inventory reports), or the actual student yields per new home. There is no mention in the justification report of nine homes being built in the previous 5 years or local demographic information.

3) School districts in the county have lost students over the past 14 years (see Exhibit B). Almost all school districts in the county are experiencing decreasing student enrollments, many of which are at around 2003 levels.

4) Classroom space is available for new students.

Please be advised that payment is made for the fee in the amount of _____ and the mitigation fee is paid under protest. All information contained here is true and to the best know of my knowledge accurate and correct. This document is signed under penalty of perjury.

Signed _____

Date _____

Address of project _____

APN _____

Check Number _____

Exhibit A

Table 1:
Student Generation Factors

Single-Family Residential Units	
<u>Grade Level</u>	<u>Yield</u>
K-6	0.4
7-8	<u>0.1</u>
Total	0.5

Source: Office of Public School Construction.

Exhibit B

El Dorado County Public School Enrollment Retrospect														
District	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Black Oak Mine Unified	2,002	2,012	2,022	2,016	1,943	1,979	1,922	1,847	1,745	1,644	1,636	1,569	1,422	1,362
Buckeye Union Elementary	3,967	4,100	4,213	4,279	4,527	4,623	5,053	5,101	5,100	5,075	5,073	4,997	5,099	5,085
Camino Union Elementary	575	592	555	521	507	492	446	450	438	426	449	473	513	544
El Dorado County Office Of Edu	717	773	753	708	899	927	1,039	1,059	1,036	1,054	1,089	1,052	980	962
El Dorado Union High	6,427	6,612	6,858	6,981	7,248	7,411	7,344	7,280	7,262	7,061	6,966	6,908	6,873	6,847
Gold Oak Union Elementary	759	756	756	727	747	716	695	692	633	589	550	493	445	464
Gold Trail Union Elementary	660	645	645	610	553	539	549	552	552	542	541	543	568	601
Indian Diggings Elementary	36	38	36	40	40	39	34	31	26	23	18	22	18	18
Lake Tahoe Unified	5,712	5,489	5,238	5,083	4,771	4,520	4,291	4,182	4,076	3,965	3,878	3,858	3,793	3,855
Latrobe	175	192	203	196	215	210	202	197	181	178	171	170	150	130
Mother Lode Union Elementary	1,638	1,663	1,611	1,629	1,574	1,550	1,477	1,450	1,386	1,343	1,225	1,196	1,142	1,105
Pioneer Union Elementary	591	589	556	554	539	492	450	440	428	403	397	342	312	330
Placerville Union Elementary	1,307	1,345	1,304	1,290	1,294	1,210	1,181	1,140	1,166	1,211	1,258	1,278	1,268	1,259
Pollock Pines Elementary	1,001	935	851	804	799	797	780	769	745	721	699	704	694	712
Rescue Union Elementary	3,218	3,346	3,529	3,624	3,695	3,811	3,936	4,089	4,108	4,116	4,065	3,993	3,899	3,773
Sbc - Aspire Public Schools								364	436	1,104	1,696	1,871	1,972	
Sbc - Pacific Technology										130	249	297	283	176
Silver Fork Elementary	10	17	17	10	17	16	18	19	18	16	12	14	10	14
Total	28,795	29,104	29,147	29,072	29,368	29,332	29,417	29,662	29,336	29,601	29,972	29,780	29,441	27,237

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SCHOOL_DISTRICT	SFR_2007	SFR_2008	SFR_2009	SFR_2010	SFR_2011	SFR_2012	SFR_2013	MFR_2007	MFR_2008	MFR_2012	TOTALS	UNIMPROVED
BLACK OAK MINE UNIFIED	51	22	7	2	3	5	6	0	0	0	96	2054
BUCKEYE UNION	145	126	61	35	58	104	201	12	1	1	744	788
CAMINO UNION	7	2	3	1	2	1	2	0	0	0	18	268

BUILDING PERMITS BY SCHOOL DISTRICT (SOURCE - EDC - COMMUNITY DEVELOPMENT)