

Transportation Impact Fees Protest Letter

Date _____

Sheri Woodford
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El Dorado County Department of Transportation
2850 Fairlane Court ☒
Placerville, CA 95667

Dear Mrs. Woodford,

The County DOT staff was contacted regarding how to submit impact fee protest letters and claims. You were given as the contact person. I also inquired about a form to submit with the letter and was informed there are no forms to submit. Attached is a generic government claim form used for making claims in California.

I am protesting the transportation impact fees for local and state highways for the following reasons:

- 1) The county has not completed the 5-year update required by mitigation law government code 66001 (see Walker v City of San Clemente).
- 2) The county charges impact fees for existing deficiencies such as parallel capacity, bike lanes, auxiliary lanes, and replacing a 46 year old freeway interchange (functionally obsolete and structurally deficient in 2012- CalTrans) at the entire expense of new development. The county wishes new residents to fully fund deficiencies created by depreciation or regulatory changes such as fixing underpass clearance hazards. I believe this is a violation of the Mitigation Fee Act.
- 3) The Level of Service (LOS) on our roads determines transportation impact fees at 2035. The total of existing residents trips, external trips, and new development’s trips triggers fees based on capacity thresholds - LOS. External trips should be removed from calculating LOS for impact fee purposes. (External trips are removed from LOS calculations in Rancho Cordova’s nexus study). External trips consume excessive capacity (over 50% near Placerville) of the available total capacity. If the county mitigated external trips to LOS “A”, then space would be available for new development on the highways. The county mitigates external trips only to LOS “E”, which if using a LOS criteria to trigger fees, burdens new residents with the LOS “E” hurdle predominately created by external impacts.- the external impacts if removed from LOS computations would allow for additional capacity reducing fees. I believe this is a regulatory takings and a violation of the Mitigation Fee Act.

This letter contains the reason for the protest and the legal theories associated with it. The amount of \$_____ was tendered for the impact fees for state and local roads and is submitted with this protest letter.

Address of this property is _____.

APN for this property is _____.

This document is signed under penalty of perjury and the information within is true and correct to the best of my knowledge.

Signed _____

Date _____