

22-1074 SHEETZ V. COUNTY OF EL DORADO, CA

DECISION BELOW: 300 Cal.Rptr. 3d 308

LOWER COURT CASE NUMBER: C093682

QUESTION PRESENTED:

George Sheetz applied, to the County of El Dorado, California, for a permit to build a modest manufactured house on his property. Pursuant to legislation enacted by the County, and as the condition of obtaining the permit, Mr. Sheetz was required to pay a monetary exaction of \$23,420 to help finance unrelated road improvements. The County demanded payment in spite of the fact that it made no individualized determination that the exaction-a substantial sum for Mr. Sheetz-bore an "essential nexus" and "rough proportionality" to the purported impacts associated with his modest project as required in *Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825, 837 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994).

Mr. Sheetz challenged the exaction as an unconstitutional condition under *Nollan* and *Dolan*. A California trial court upheld the exaction, holding that, because it was authorized by legislation, the exaction was immune from *Nollan/Dolan* review. In a published decision, the California Court of Appeal affirmed, and the California Supreme Court denied review. California's judicially-created exemption from *Nollan/Dolan* scrutiny for legislative exactions conflicts with the decisions of other federal and state courts across the country, and is in strong tension with this Court's more recent precedents.

The question presented is whether a permit exaction is exempt from the unconstitutional-conditions doctrine as applied in *Nollan* and *Dolan* simply because it is authorized by legislation.

CERT. GRANTED 9/29/2023