

**MEMORANDUM  
DEPARTMENT OF FACILITY SERVICES  
COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS**

Date: **JUNE 26, 2007**

From: *JD* **JAMES DURFEE / WILL DICKINSON** *WWD*

Subject: **BICKFORD RANCH LARGE LOT SUBDIVISION (PHASE 1) -- ESTABLISH  
ZONE OF BENEFIT NO. 183 IN COUNTY SERVICE AREA 28 FOR SEWER**

**ACTION REQUESTED / RECOMMENDATION:** Conduct a public hearing, consider all protests, tabulate ballots, adopt a Resolution creating Zone of Benefit No. 183 (Bickford Ranch Sewer), set assessment charges to provide for sewer services within the Bickford Ranch development, and authorize the Director of Facility Services to execute an assessment prepayment agreement with Suncal Bickford Ranch LLC.

**BACKGROUND:** Zones of benefit are created within County Service Area No. 28 to fill the services funding gap between general County services and special services. This project's conditions of approval require the formation of a CSA Zone of Benefit to fund sewer collection services and maintenance and operation of sewer facilities within the development. Staff is currently negotiating an agreement with the City of Lincoln for treatment of the project's wastewater. Construction of a pipeline to serve this project is currently underway and is expected to be completed during 2007.

Bickford Ranch consists of approximately 1,942 acres and at build out will consist of 1,890 dwelling units and 9.7 acres of commercial property. The area is specifically described in the Engineer's Report on file with the Clerk of the Board. The Report estimates that 1,971 equivalent dwelling units (EDUs) will be billed at project build out, of which 1,051 EDUs will originate from parcels and other non-residential property created with the large lot map, and 920 EDUs will originate from the remainder parcel.

Pursuant to Proposition 218, the property owner of record of the existing parcels of the Bickford Ranch development has signed a ballot. The property owner approved, by way of this ballot, an initial annual charge of \$90.00 per EDU for planned undeveloped small lots and \$732.00 per EDU for lots connected to the sewer system. At project buildout, assuming the full entitlement is realized, the total assessment would be \$1,442,772 at current rates.

In lieu of receipt of mailed notice of this hearing, the owner of the existing parcel has executed a waiver. Your Board is required to conduct a Public Hearing to consider all protests and tabulate the ballots. Your Board must also adopt a Resolution to impose the parcel/dwelling unit charge.

In order to fund costs associated with creation and administration of Zone of Benefit 183, Suncal Bickford Ranch LLC, a Delaware limited liability company, agrees to prepay to the County of Placer the 2007/2008 assessment in the amount of \$177,390, with \$75,000 paid prior to the recordation of the Project's large lot map and the balance paid prior to December 31, 2007. The Assessment Prepayment Agreement detailing the specific provisions is on file with the Clerk of the Board.

**ENVIRONMENTAL CLEARANCE:** This is an administrative action required pursuant to the conditions of approval for this subdivision. As such, it is not a separate project and is not subject to further environmental review.

**FISCAL IMPACT:** An initial budget has been developed utilizing the proposed 1,971 EDUs at \$90.00 per undeveloped lot, which yields \$177,390.00 annually. The financial projections for the district show substantial contributions to reserves for the first two years. These reserves will provide funding in subsequent years for maintenance and unanticipated costs. The assessment will be increased annually based on a cost of living adjustment not to exceed 5%, unless a larger increase is approved by the Placer County Board of Supervisors, as noted in the Resolution.

JD/WD:kk

cc: COUNTY EXECUTIVE OFFICE

ATTACHMENTS: RESOLUTION  
ASSESSMENT BALLOT  
WAIVER OF NOTICE

AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD'S OFFICE:  
ENGINEER'S REPORT FOR SEWER MAINTENANCE  
ASSESSMENT PREPAYMENT AGREEMENT

# Before the Board of Supervisors County of Placer, State of California

In the matter of: **A RESOLUTION ESTABLISHING  
ZONE OF BENEFIT NO. 183 WITHIN COUNTY  
SERVICE AREA NO. 28 AND ESTABLISHING AN  
ANNUAL ASSESSMENT ON PARCELS WITHIN  
SAID ZONE (BICKFORD RANCH SEWER)**

Reso. No: \_\_\_\_\_

The following RESOLUTION was duly passed by the Board of Supervisors of the  
County of Placer at a regular meeting held \_\_\_\_\_ by the following vote  
on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

**WHEREAS**, a condition of approval for the Bickford Ranch large lot subdivision was the creation of a Zone of Benefit under County Service Area No. 28 to support the cost of extended sanitary sewer services for the benefit of the properties within the boundaries of the subdivision; and

**WHEREAS**, the owners of record of said subdivision desire the creation of a Zone of Benefit for said subdivision to satisfy the conditions to obtain a final map; and

**WHEREAS**, an Engineer's Report has been prepared which calculates the special benefit to be received by each parcel within the new zone of benefit and the owners of record of Assessor Parcel Numbers 031-101-022-000, 031-101-025-000, 031-101-030-000, 031-101-036-000, 031-101-037-000, 031-180-020-000, 031-180-021-000, 031-180-022-000, 031-180-023-000, 031-190-005-000, 031-190-010-000, 031-190-011-000, 031-200-001-000, 031-200-008-000, 032-010-012-000, 032-020-019-000, 032-020-023-000, 032-020-028-000, 032-020-035-000, 032-041-005-000, 032-041-072-000, 032-041-073-000, 032-041-074-000, of said subdivision have consented to the imposition of assessments to satisfy the conditions to obtain a large lot final map for the subdivision, and

**WHEREAS**, the owners of record of the properties have approved ballots to set an assessment on parcels and dwelling unit equivalents within said subdivision, and

**WHEREAS**, the Board finds that said ballots constitute unanimous approval by the property owners within said Zone of Benefit of assessments after proper notice had been given of the right to protest,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Placer, State of California, as follows:

- (1) The Board of Supervisors does hereby create Zone of Benefit No. 183 within County Service Area No. 28 with a boundary to be coterminous with the boundaries of the Bickford Ranch large lot final map, a copy of which is attached as Exhibit B and incorporated herein by reference, which zone shall be for the purposes of providing extended sanitary sewer services to properties within said subdivision.
- (2) The Board of Supervisors does hereby establish with the consent of the property owners and in conformance with Section 4 of the Article XIID of the California Constitution and pursuant to Government Code Section 25210 et seq., assessments for the purposes of supporting extended sanitary sewer services against each parcel or remainder parcel of the Bickford Ranch large lot final map and each parcel subsequently created there from. The assessments shall be established in the annual amount not to exceed \$90.00 per equivalent dwelling unit for "pre-development" services as shown in the attached Exhibit D, incorporated herein by reference, based upon the number of equivalent development units per large lot parcel as shown therein, and in the annual amount not to exceed \$732.00 per equivalent dwelling unit for "post-development" services as shown in the attached Exhibit D, based upon the anticipated number of equivalent development units as shown therein. For the purposes of establishing the total amount of the assessment, equivalent dwelling units have been assigned to each large lot parcel or remainder parcel. The "assessed EDUs" referenced in Exhibit D for "post-development" assessments refers either to the estimated number of individual residential parcels anticipated to be created upon further subdivision of each large lot or remainder parcel or the total number of equivalent dwelling units anticipated to be assessed for commercial parcels. Each such parcel created by further subdivision of each large lot or remainder will be subject to an annual assessment, upon issuance of a sewer permit, not to exceed \$732.00 per equivalent dwelling unit in accordance with Exhibit D.
- (3) The assessments shall commence with the 2008-2009 tax year. The total assessment for 2007-2008 shall be paid pursuant to the terms of the Assessment Prepayment Agreement between the developer and the County.
- (4) The maximum assessment amounts established hereunder shall be subject to modification through adoption of a sewer service charge ordinance by the Board of Supervisors and may be thereafter be adjusted in accordance with the requirements of Proposition 218 and applicable law.

June 13, 2007

## **NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEEDING**

**TO: SUNCAL BICKFORD RANCH LLC, a Delaware limited liability company.**

Please take notice that on June 26, 2007, at 8:30 a.m. (or as soon thereafter as time allows) the Board of Supervisors will hold a hearing in the Chambers of the Board of Supervisors, 175 Fulweiler Avenue, Auburn, CA 95603 to approve the imposition of a fee for the Bickford Ranch Large Lot Final Map within Zone of Benefit 183 (Bickford Ranch Sewer) for sewer treatment and collection services and maintenance of sewer facilities.

Bickford Ranch Large Lot Parcel Numbers:

031-101-022-000, 031-101-025-000, 031-101-030-000, 031-101-036-000, 031-101-037-000, 031-180-020-000, 031-180-021-000, 031-180-022-000, 031-180-023-000, 031-190-005-000, 031-190-010-000, 031-190-011-000, 031-200-001-000, 031-200-008-000, 032-010-012-000, 032-020-019-000, 032-020-023-000, 032-020-028-000, 032-020-035-000, 032-041-005-000, 032-041-072-000, 032-041-073-000, 032-041-074-000

The purpose of the assessment is to provide sewer treatment and collection services and maintenance of sewer facilities for Zone 183 (Bickford Ranch Sewer).

An engineer's report has been prepared in accordance with Section 4(b) of Article XIID of the California Constitution and is on file with the Director of Facility Services, 11476 C Avenue, Auburn, CA 95603, which you may review upon request.

Please be advised that it is proposed that the amount to be charged for the 1,971 equivalent dwelling units (EDU) is \$90.00 per planned undeveloped small lot and \$732.00 per connected small lot beginning in the 2007/2008 Tax Year. It is further proposed that each such charge may be modified annually by a proportionate amount not to exceed the change in The State of California San Francisco/Oakland/San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, and shall not exceed 5% in any one year, unless approved by the Placer County Board of Supervisors.

If approved, this assessment will be imposed annually on all EDUs for each developed and undeveloped small lot, which now exist or may be created, until further action is taken by the Board of Supervisors to eliminate or reduce the assessment. Neither the annual assessment of the foregoing specific amounts, nor any cost-of-living modification in the manner described, shall be considered an imposition of a new or increased assessment.

At the public hearing, the Board will tabulate assessment ballots and consider all protests against the proposed assessment. The assessment shall not be imposed if there is a majority protest. A majority protest exists if, upon conclusion of the hearing, assessment ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the assessment ballots, the ballots shall be weighed according to the proportional financial obligation of the affected properties.

To be considered, your assessment ballot must be received by the Department of Facility Services, 11476 C Avenue, Auburn, CA 95603 one week prior to the above Board date, or delivered to the Board of Supervisors at the hearing.

If you have any questions, please contact:  
Will Dickinson, Deputy Director (530) 886-4980  
Placer County Facility Services  
11476 C Avenue, Auburn, CA 95603

June 13, 2007

**OFFICIAL ASSESSMENT BALLOT**

SUNCAL BICKFORD RANCH LLC,  
a Delaware limited liability company

**ZONE OF BENEFIT No. 183 (Bickford Ranch Sewer)  
COUNTY SERVICE AREA No. 28**

The Board of Supervisors has been requested to establish with the consent of the property owners and in conformance with Section 4 of the Article XIID of the California Constitution and pursuant to Government Code Section 25210 et seq., assessments for the purposes of supporting extended sanitary sewer services against each parcel or remainder parcel of the Bickford Ranch large lot final map and each parcel subsequently created therefrom. If approved, the assessments shall be established in the annual amount not to exceed \$90.00 per equivalent dwelling unit for "pre-development" services as shown in the attached Exhibit D, incorporated herein by reference, based upon the number of equivalent development units per large lot parcel as shown therein, and in the annual amount not to exceed \$732.00 per equivalent dwelling unit for "post-development" services as shown in the attached Exhibit D, based upon the anticipated number of equivalent development units as shown therein. For the purposes of establishing the total amount of the assessment, equivalent dwelling units have been assigned to each large lot parcel or remainder parcel. The "assessed EDUs" referenced in Exhibit D for "post-development" assessments refers either to the estimated number of individual residential parcels anticipated to be created upon further subdivision of each large lot or remainder parcel or the total number of equivalent dwelling units anticipated to be assessed for commercial parcels. Each such parcel created by further subdivision of each large lot or remainder will be subject to an annual assessment, upon issuance of a sewer permit, not to exceed \$732.00 per equivalent dwelling unit in accordance with Exhibit D.

Do you approve of the imposition of an assessment to provide sewer treatment and collection services and maintenance of sewer facilities on the proposed 1,971 equivalent dwelling units (EDU) generated by the following parcels and subsequent parcels and/or dwelling units in the annual amount of \$90.00 per EDU for undeveloped lots and \$732.00 per EDU for lots connected to the sewer system? Said fee shall be subject to modification each year in an amount not to exceed the change in the State of California San Francisco/Oakland/San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, commencing with the 2007-2008 tax year, and shall not exceed 5% in any one year, unless approved by the Board of Supervisors.

**ASSESSOR PARCEL NUMBERS**

031-101-022-000, 031-101-025-000, 031-101-030-000, 031-101-036-000, 031-101-037-000, 031-180-020-000, 031-180-021-000, 031-180-022-000, 031-180-023-000, 031-190-005-000, 031-190-010-000, 031-190-011-000, 031-200-001-000, 031-200-008-000, 032-010-012-000, 032-020-019-000, 032-020-023-000, 032-020-028-000, 032-020-035-000, 032-041-005-000, 032-041-072-000, 032-041-073-000, 032-041-074-000

280

ANNUAL ASSESSMENT AMOUNT

\$90.00 per EDU for planned undeveloped small lots as delineated in Exhibit D of the Engineer's Report

\$732.00 per EDU for lots issued a sewer permit

YES                       NO

\_\_\_\_\_ We declare that we are the owners of record of the above-described Parcels.

\_\_\_\_\_ We declare that we are the representatives of the owner of record of the above-described Parcels and that we are lawfully authorized to execute this ballot on behalf of said owner of record.

SUNCAL BICKFORD RANCH LLC,  
a Delaware limited liability company

By: \_\_\_\_\_  
Print: Bill Myers  
Title: Authorized Signatory

**Signature(s) must be notarized**

**ASSESSMENT PREPAYMENT AGREEMENT**  
**Bickford Ranch Sewer**  
**County Service Area No. 28/Zone of Benefit No. 183**

This ASSESSMENT PREPAYMENT AGREEMENT ("Agreement") is made this \_\_\_ day of \_\_\_\_\_, 2007 by and between the County of Placer, a political subdivision of the State of California ("County") and Suncal Bickford Ranch LLC, a Delaware limited liability company ("Suncal").

**RECITALS**

WHEREAS, Suncal is the current holder of certain County-issued land use entitlements for the development project known as Bickford Ranch (the "Project").

WHEREAS, a condition of approval for the Project is the creation of a Zone of Benefit ("ZOB") under County Service Area No. 28 to support the cost of extended sanitary sewer services for the benefit of the properties within the Project.

WHEREAS, Suncal, as the current owner of all real property comprising the Project, desires the creation of the ZOB for the Project to satisfy the conditions to obtain a final subdivision map.

WHEREAS, an Engineer's Report dated June 14, 2007, a copy of which is attached for reference purposes as Exhibit A, has been prepared which calculates the special benefit to be received by each parcel within the new ZOB and the owner(s) of record of all affected properties have consented to the imposition of assessments to satisfy the conditions to obtain a large lot final subdivision map for the Project.

WHEREAS, as further described in the Engineer's Report, Suncal has agreed to pay a pre-development assessment of One Hundred Seventy Seven Thousand Three Hundred and Ninety Dollars and No/100s (\$177,390.00, calculated as Ninety Dollars [\$90.00] per Equivalent Dwelling Unit times one thousand nine hundred and seventy one [1,971] EDUs) (the "Prepayment Amount").

WHEREAS, the County and Suncal agree that the Prepayment Amount will be made in lieu of sewer-related ZOB assessments for the 2007/2008 tax year.

WHEREAS, the parties desire that the Prepayment Amount be paid in two installments, with the first installment of Seventy Five Thousand Dollars and No/100s (\$75,000.00, the "First Installment") due prior to the recordation of the first large lot final map for the Project and the remaining balance of One Hundred and Two Thousand Three Hundred and Ninety Dollars and No/100s (\$102,390.00, the "Second Installment") due no later than December 31, 2007.

WHEREAS, the County anticipates using the Prepayment Amount for budgeting, administration, treatment agreement negotiations, training, maintenance and other purposes as shown in an attachment to the Engineer's Report.

WHEREAS, the County and Suncal wish to bill subsequent sewer-related assessments made pursuant to the ZOB on the real property tax rolls, starting in FY 2008/09, in accordance with the Engineer's Report and established County practices.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1.1 Assessment Prepayment. Suncal agrees to pay to the County the First Installment within three (3) business days of the Placer County Board of Supervisors' approval of the first large lot final map for the Project. Suncal agrees to pay to the County the Second Installment prior to December 31, 2007. Provided that the First Installment and the Second Installment are timely paid, the County agrees not to place any sewer-related assessment amounts for the above-reference ZOB on the 2007/2008 real property tax roll. Suncal consents to the placement of such amounts on the 2008/2009 and subsequent tax rolls, as provided for in the Engineers Report. Suncal further waives any claims based on the timing, amount and/or methodology relating to the Prepayment Amount.

1.2 Binding on Successors; Entire Agreement. This Agreement shall be binding on the successors, heirs and assigns of each party. Suncal shall remain jointly and severally liable for all amounts owing under this Agreement until and unless the county consents in writing to the assignment of Suncal's obligations to a successor. This Agreement represents the entire agreement of the parties relating to the subjects covered by this Agreement. No oral or written statement, representation, or agreement not included within this Agreement shall be of any force or effect whatsoever, and shall be deemed to have been superseded by the terms hereof.

1.3 Notices. Notices shall be sent to the addresses set forth below.

If to County: County Executive Office  
175 Fulweiler Ave.  
Auburn, CA 95603

If to Suncal: Suncal Companies  
1430 Blue Oak Boulevard, #200  
Roseville, CA 95747

1.4 Jurisdiction and Venue. This Agreement shall be governed by the laws of the State of

California. Initial venue for any action shall be Placer County, California. Each party waives and federal court removal and/or original jurisdiction rights it may have.

COUNTY:  
**COUNTY OF PLACER,**  
a political subdivision of  
the State of California

**SUNCAL BICKFORD RANCH LLC,**  
a Delaware limited liability company

By:

By:

\_\_\_\_\_  
James Durfee,  
Director of Facility Services

\_\_\_\_\_  
Print: Bill Myers  
Title: Authorized Signatory

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

County Counsel

WAIVER OF NOTICE--Zone of Benefit No. 183

THIS WAIVER is executed this \_\_\_\_ day of June, 2007, by Suncal Bickford Ranch, LLC, a Delaware limited liability company, ("OWNER").

WHEREAS, Owner is the owner of record in fee of the real property described on Exhibit A, attached hereto and incorporated herein by reference (the "Property"), and

WHEREAS, on July 9, 2003, the Placer County Planning Commission approved tentative Subdivision Map (SUB) No. 411A for the development project commonly referred to as Bickford Ranch (the "Project"), and

WHEREAS, a condition of approval for the Bickford Ranch large lot subdivision was the creation of a Zone of Benefit under County Service Area No. 28 to support the cost of extended sanitary sewer services for the benefit of the properties within the boundaries of the subdivision; and

WHEREAS, County Service Area No. 28, Zone of Benefit No. 183 will be formed on June 26, 2007, at 8:30 a.m. (or as soon thereafter as time allows) by the Board of Supervisors in the Chambers of the Board of Supervisors, 175 Fulweiler Avenue, Auburn, CA 95603, to be coterminous with SUB No. 411A to provide collection services and maintenance of sewer facilities to said Project for the benefit of the Project, and

WHEREAS, the Owner desires acceptance of public improvements for the Project by the County, and in order to facilitate said process consents to the imposition of assessments and/or fees as may be required which would provide funding for the services described, and the Owner desires to waive the specific requirements under Proposition 218 for notice of the protest hearing to facilitate recording of said final map,

NOW, THEREFORE:

1. The Owner hereby waives any and all requirements of subsection (c) of Section 4 or subsection (a)(1) of Section 6 of Article XIID of the California Constitution requiring the preparation and mailing of individualized notice for the Property owned by Owner, or for any parcel as may be created upon recordation of the final map for the Project from the Property, for the imposition of a special assessment, and waives receipt of the same.
2. The Owner hereby waives any and all requirements of subsection (e) of Section 4 or subsection (a)(2) of Section 6 of Article XIID of the California Constitution requiring the sending or receipt of notice of the holding of a public hearing for the imposition of a special assessment upon the Property owned by Owner or for any parcel as may be created upon recordation of the final map for the Project.

3. The Owner hereby agrees and acknowledges that the assessments and/or fees imposed by the County under Zone of Benefit No. 183 or any successor thereto are being lawfully imposed in accordance with the County Service Area Law (Government Code section 25210 et seq.) and Proposition 218 and all other applicable law to provide collection services and maintenance of sewer facilities.

4. The Owner hereby agrees and acknowledges that upon establishment by the County of Zone of Benefit No. 183, assessments shall be imposed for the purposes of supporting extended sanitary sewer services against each parcel or remainder parcel of the Bickford Ranch large lot final map and each parcel subsequently created therefrom. The assessments shall be established in the annual amount not to exceed \$90.00 per equivalent dwelling unit for "pre-development" services as shown in the attached Exhibit D, incorporated herein by reference, based upon the number of equivalent development units per large lot parcel as shown therein, and in the annual amount not to exceed \$732.00 per equivalent dwelling unit for "post-development" services as shown in the attached Exhibit D, based upon the anticipated number of equivalent development units as shown therein. For the purposes of establishing the total amount of the assessment, equivalent dwelling units have been assigned to each large lot parcel or remainder parcel. The "assessed EDUs" referenced in Exhibit D for "post-development" assessments refers either to the estimated number of individual residential parcels anticipated to be created upon further subdivision of each large lot or remainder parcel or the total number of equivalent dwelling units anticipated to be assessed for commercial parcels. Each such parcel created by further subdivision of each large lot or remainder will be subject to an annual assessment, upon issuance of a sewer permit, not to exceed \$732.00 per equivalent dwelling unit in accordance with Exhibit D.

5. The Owner warrants and represents that he is the owner of record of the Property, and has full authority to execute this Waiver. This Waiver shall be binding upon Owner and Owner's successors-in-interest, heirs, and assigns, and shall run with the Property and all separate legal parcels therefrom as may be created upon recordation of the final map for the Project.

Dated: June \_\_\_\_\_, 2007

OWNER:

SUNCAL BICKFORD RANCH LLC,  
a Delaware limited liability company,

By: \_\_\_\_\_

Print: Bill Myers

Title: Authorized Signatory

**SIGNATURE MUST BE NOTARIZED**