

MEMORANDUM

DEPARTMENT OF PUBLIC WORKS

County of Placer

TO: BOARD OF SUPERVISORS
DATE: March 25, 2008

FROM: ^{KD}
KEN GREHM / BOB COSTA

SUBJECT: ESTABLISH ZONE OF BENEFIT NO. 208 IN COUNTY SERVICE AREA 28
(NICHOLS DRIVE INDUSTRIAL PARK) AND SET FEES FOR SERVICES

ACTION REQUESTED / RECOMMENDATION

Conduct a public hearing, consider all protests, tabulate ballots, and adopt a Resolution creating Zone of Benefit No. 208 and setting charges to provide road maintenance, and storm drain maintenance services on all parcels and subsequent parcels within the Nichols Drive Industrial Park development in the amount of \$635 per parcel.

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 particular developer's conditions of approval require the formation of a CSA Zone of Benefit to fund road rehabilitation, and storm drain maintenance. Certain roads in this development will be accepted into the County maintained mileage. The CSA charge pays for long term road rehabilitation including slurry seals, and overlays of these roadways.

Nichols Drive Industrial Park will consist of approximately 26 parcels at build out. The area is specifically described in Exhibit "A", attached hereto and made a part hereof. It is located to the north of Nichols Drive and west of Cincinnati Avenue in the Sunset Industrial Area Plan (Exhibit B).

Pursuant to Proposition 218, the property owners of record of the existing parcels of the Nichols Drive Industrial Park development have signed a ballot. The property owners approved, by way of this ballot, an annual charge of \$635 per parcel and/or dwelling unit for existing parcels and each new parcel and/or dwelling unit created as final maps are recorded. In lieu of receipt of mailed notice of this hearing, the owners of the existing parcels have 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.

ENVIRONMENTAL CLEARANCE

A Negative Declaration was prepared for Nichols Drive Industrial Park pursuant to the provisions of CEQA and was approved by the Planning Commission on September 13, 2007. 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

The \$635 charge will be levied on each existing parcel /dwelling unit and each new parcel created by each new final map. The ballot also allows for an annual cost of living increase for this CSA charge. These charges are supported by a detailed engineer's report prepared by a registered professional engineer.

Attachments: Resolution
Exhibit A – Legal Description
Exhibit B – Location map
Ballot
Waiver

Engineer's Report is on file with the
Clerk of the Board's Office.

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

In the matter of: A RESOLUTION
ESTABLISHING CSA 28 ZONE OF BENEFIT NO. 208
AND ESTABLISHING A CHARGE ON PARCELS WITHIN
SAID ZONE NICHOLS DRIVE INDUSTRIAL PARK

Resol. 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.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

WHEREAS, a condition of approval for Nichols Drive Industrial Park was the creation of a funding mechanism to provide certain services for the benefit of the properties within the subdivision; and

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

WHEREAS, the owners of record of Assessor Parcel Numbers 017-061-090 of said subdivision have consented to the imposition of fees for said subdivision to satisfy the conditions to obtain a final map for the project, and

WHEREAS, the owner of record of the properties have approved by ballot to set a charge on parcels and dwelling units within said Areas of subdivision, and

NICHOLS DRIVE INDUSTRIAL PARK - COUNTY SERVICE AREA 28 ZONE 208

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Resol No. _____

WHEREAS, the Board finds that said ballots constitute unanimous approval of the charge by the property owners within said areas of Zone of Benefit after proper notice has 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:

The Board of Supervisors does hereby create Zone of Benefit No. 208 within County Service Area No. 28 with a boundary to be coterminous with the boundaries of Nichols Drive Industrial Park Subdivision (PCPA 20070503), which zone shall provide services within said subdivision; and

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., a charge against each parcel within APN 017-061-090 that may now exist or which may be created by any final map, in an amount of \$635 per parcel and/or dwelling unit equivalent as stated in the Engineer's Report. Said charge shall commence with the 2008-2009 tax year.

The charge established hereunder 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 2009-2010 tax year, which shall not exceed 5% in any one year.

EXHIBIT "A"
208 ZONE OF BENEFIT
Road Maintenance and Storm Drainage Facilities Maintenance

ALL that real property situated in the County of Placer, State of California, described as follows:

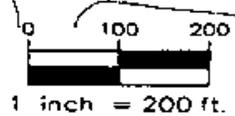
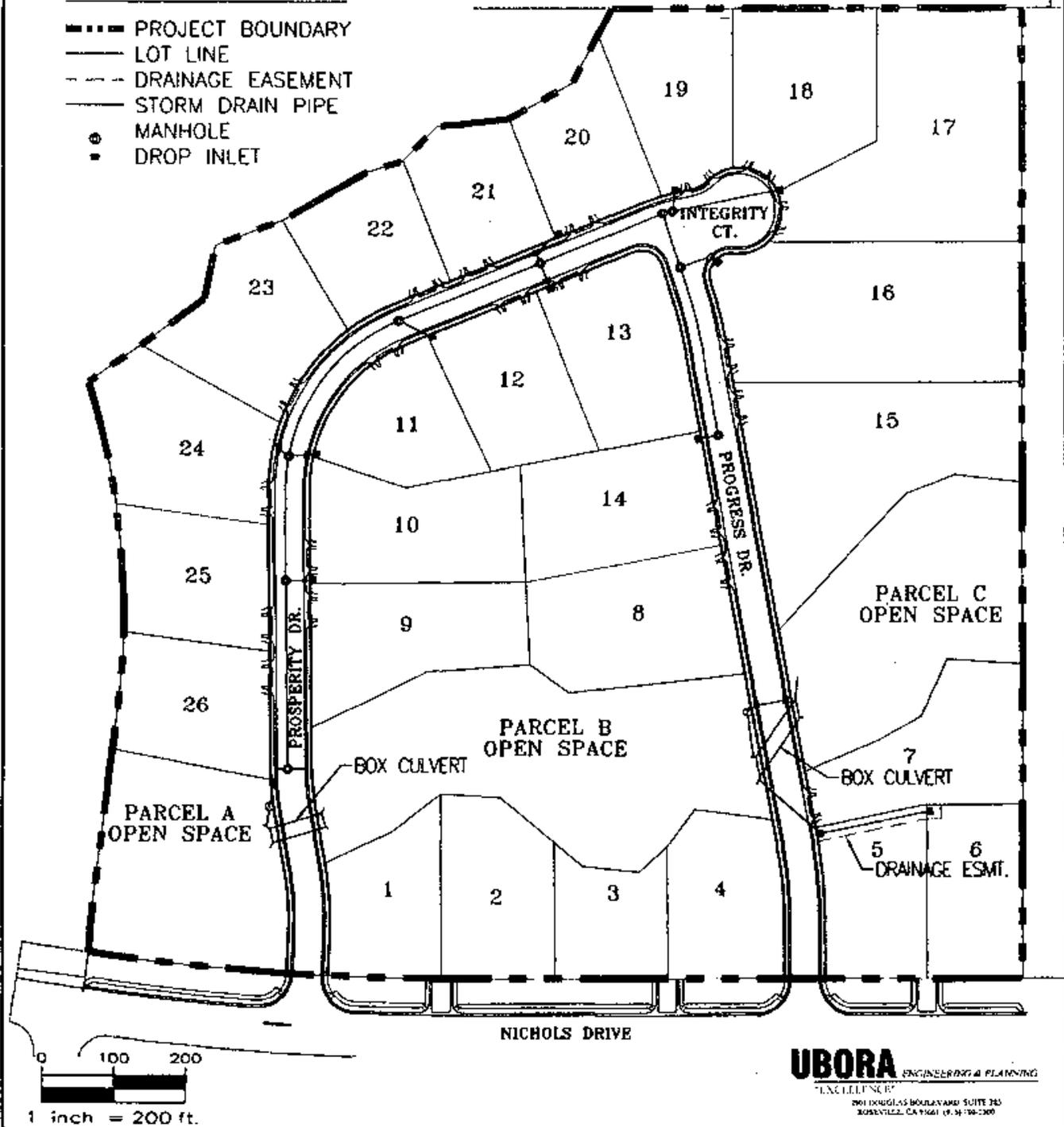
The land described in Document No. 2005-0061486 Official Records Placer County located in Section 9, Township 11 North, Range 06 East, M.D.M., Placer County, California.

End of Description

EXHIBIT "B"
NICHOLS DRIVE INDUSTRIAL PARK
ASSESSMENT DIAGRAM
ZONE OF BENEFIT

LEGEND

- PROJECT BOUNDARY
- LOT LINE
- - - DRAINAGE EASEMENT
- STORM DRAIN PIPE
- MANHOLE
- DROP INLET



UBORA ENGINEERING & PLANNING
 "EXCELLENCE"
 2601 DOUGLASS BOULEVARD SUITE 200
 ROSENBLUM, CA 95610 (916) 786-2300

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February 28, 2008

OFFICIAL ASSESSMENT BALLOT

*Nichols Industrial Park LLC, and
Peppertree Properties of Roseville, LLC
4175 Cincinnati Avenue
Rocklin, CA 95765*

**ZONE OF BENEFIT No.208
COUNTY SERVICE AREA No. 28**

Do you approve of the imposition of an assessment to provide long term road rehabilitation, and storm drainage facilities maintenance services on all parcels and subsequent parcels and/or dwelling units in the amount of \$635 per parcel and/or dwelling unit within Assessor Parcel Number 017-061-090? 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 2009-2010 tax year and shall not exceed 5% in any one year.

<u>ASSESSOR PARCEL NUMBER</u>	<u>ASSESSMENT AMOUNT</u>
APN #017-061-090	\$635

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.

*Nichols Industrial Park LLC, and
Peppertree Properties of Roseville, LLC
4175 Cincinnati Avenue
Rocklin, CA 95765*

By: _____
David Smith, Managing Director

Signature(s) must be notarized

Please return to the Department of Public Works, 3091 County Center Drive, Auburn, CA 95603 prior to March 18, 2008, or deliver to the Chambers of the Board of Supervisors, 175 Fulweiler Avenue, Auburn, CA 95603 by 9:00 a.m. on March 25, 2008

WAIVER OF NOTICE--Zone of Benefit No. 208

THIS WAIVER is executed this ____ day of _____, 2008, by **Nichols Industrial Park LLC, and Peppertree Properties of Roseville, LLC**

WHEREAS, *Nichols Industrial Park LLC, and Peppertree Properties of Roseville, LLC* 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 *September 13, 2007* the Placer County Planning Commission approved a tentative Subdivision Map (PCPA 20070503), Tract #974, for the development project commonly referred to as *Nichols Drive Industrial Park* (the "Project"), and

WHEREAS, County Service Area No. 28, Zone of Benefit No. 208 will be formed on March 25, 2008 to be coterminous with PCPA No. 20070503 to provide road maintenance, and storm drainage facilities maintenance 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 to provide 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.208 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 road maintenance and storm drainage facilities maintenance.

4. 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: _____, 2008

OWNER:

*Nichols Industrial Park LLC, and
Peppertree Properties of Roseville, LLC
4175 Cincinnati Avenue
Rocklin, CA 95765*

By: _____
David Smith, Managing Director

SIGNATURE MUST BE NOTARIZED