

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

To: **BOARD OF SUPERVISORS**

Date: **SEPTEMBER 10, 2013**

From: *MD* **MARY DIETRICH / BILL ZIMMERMAN** *BZ*

Subject: **RESOLUTION OF INTENTION TO HOLD A PUBLIC HEARING: EXCLUSION OF BOUGHTON PROPERTY FROM SEWER MAINTENANCE DISTRICT 1**

**ACTION REQUESTED/RECOMMENDATION:**

1. Adopt a Resolution of Intention setting the time and date to hold a Public Hearing to consider the exclusion of property owned by Timothy and Rhonda Boughton, APN 051-100-046, located on Kemper Road in Auburn from the boundaries of Placer County Sewer Maintenance District 1 (SMD 1) at no net County cost.

**BACKGROUND:** Timothy and Rhonda Boughton are requesting that the above referenced parcel, consisting of 5.1 acres located on Kemper Road (with access via Atwood Road) in Auburn, be excluded from SMD 1 as it will not benefit by remaining in the District.

On February 28, 2007, the Boughtons' requested to annex the Kemper Road parcel into SMD 1 in order to connect to the public sewer as a requirement for subdividing the parcel. On March 12, 2007, the Boughtons' paid the annexation processing fee of \$500, which covers the County Surveyor's review and approval of the metes and bounds, and the cost of the required public hearing. On August 28, 2007, the Board held a public hearing and approved the Boughtons' request for annexation into SMD 1 by Resolution 2007-288 conditioned upon payment of the \$28,050 annexation fee. On October 11, 2007, the Boughtons' paid the annexation fee and the Resolution was subsequently recorded (Attachment A). In anticipation of constructing public sewer, on October 1, 2012, the Boughtons' purchased sewer permit 14889 in the amount of \$7,994.

On January 30, 2013, a letter was received from the Boughtons' stating they had abandoned their plans to subdivide the property and no longer wished to connect to public sewer (Attachment B). The Boughtons' are requesting to be excluded from SMD 1 and have their annexation fee and sewer permit fees totaling \$36,044 returned. The annexation processing fee is not included in the refund as the annexation was processed to completion.

A Public Hearing is required in order to exclude the property from the Sewer District. In accordance with Section 4906.1 of the Health and Safety Code, your Board must adopt a Resolution of Intention establishing a time and date for a Public Hearing not less than 15 or more than 30 days from the passage of the resolution. The attached Resolution satisfies that requirement and includes a legal description and plot map.

**ENVIRONMENTAL CLEARANCE:** Approval of the recommended action is not a Project as defined in the California Environmental Quality Act.

**FISCAL IMPACT:** Upon the Board's action to exclude the property from SMD 1, the annexation fee and sewer permit fees in the total amount of \$36,044 will be refunded to the Boughtons. SMD 1 has sufficient funding to allow payment of the refund. Returning these funds will have no impact on the County General Fund.

MD/BZ/KK:LM

ATTACHMENT A - RESOLUTION 2007-288

ATTACHMENT B - LETTER FROM THE BOUGHTONS

RESOLUTION

CC: COUNTY EXECUTIVE OFFICE  
COMMUNITY DEVELOPMENT RESOURCE AGENCY

T:\FAC\BSMEMO2013\EE\ROI UNANNEX BOUGHTON.COM



ATTACHMENT A

Recording Requested by

*Timothy Boughton*

When Recorded Mail to:  
County Facility Services  
11476 C Ave  
Auburn, CA 95603

PLACER County Recorder

JIM MCCAULEY

DOC- 2007-0098785-00

Monday, OCT 15, 2007 14:54:45

NOC \$0.0011

Ttl Pd \$0.00

Nbr-0001713836

ST2/ST/1-4

Title: A Resolution Annexing the property of Timothy and Rhonda Boughton into Placer County Sewer Maintenance District No. 1.

*ZOO*  
*OK*

# Before The Board of Supervisors County of Placer, State Of California

In the matter of: A RESOLUTION ANNEXING THE  
PROPERTY OF TIMOTHY AND RHONDA BOUGHTON  
APN: 051-100-046, INTO SEWER MAINTENANCE  
DISTRICT NO. 1

Resolution No. 2007-288  
Ordinance No. \_\_\_\_\_  
First Reading \_\_\_\_\_

The following RESOLUTION was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held August 28, 2007, by the following  
vote on roll call:

Ayes: ROCKHOLM, WEYGANDT, HOLMES, UHLER, KRANZ  
Noes: NONE  
Absent: NONE

THE FOREGOING INSTRUMENT IS A CORRECT  
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE  
ATTEST

ANN HOLMAN  
Clerk of the Board of Supervisors, County  
of Placer, State of California  
*Ann Holman*  
Deputy Clerk

Signed and approved by me after its passage.

*Bruce Krause*

Chairman, Board of Supervisors

Attest:  
Clerk of said Board

*Ann Holman*

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

1. The Board of Supervisors hereby determines that the property shown on Exhibit "A", and on the map entitled Exhibit "B", attached hereto and incorporated herein, will be benefited by annexation to Sewer Maintenance District No. 1. Such land contains approximately 5.1 acres.
2. The boundaries of Sewer Maintenance District No. 1 shall be altered to include such territory upon payment of the annexation fee in effect at the time the applicant chooses to make payment, based on rates contained in Section 13.12.350 of the County Code. The annexation fee that applies to the subject property as of the date of this Resolution is \$28,050 (\$5,500 per acre times 5.1 acres), which shall be deposited in the County Treasury to the credit of the Sewer District.
3. This determination is only valid for one year. Should the applicant fail to pay the required annexation fee within one year, applicant must reapply for annexation.

ATTACHMENTS: EXHIBIT A  
EXHIBIT B

T:\FAC\Bsmemo2007\AnnexBoughton.doc

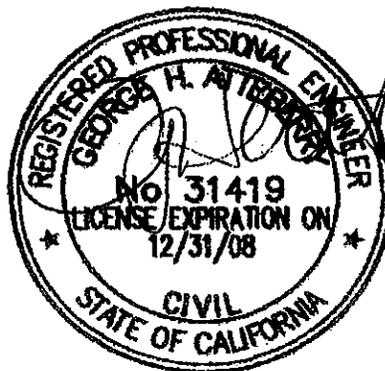
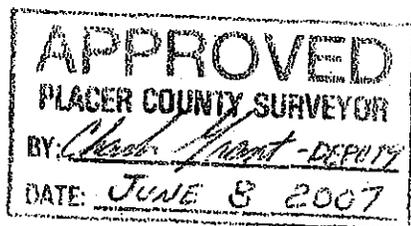
EXHIBIT 'A'

ANNEXATION TO  
SEWER MAINTENANCE DISTRICT #1  
ANNEXATION # 130

A PORTION OF SECTION 32, T. 13N., R. 8 E., M.D.M., ALSO BEING A  
PORTION OF PARCEL MAP P-73195, FILED IN BOOK 16, PARCEL MAPS,  
PAGE 70, DESCRIBED AS FOLLOWS;

Parcel B, of Parcel Map P-73195 filed April 16, 1980 in Book 16 of Parcel Maps,  
page 70, Official Records Placer County.

Containing 5.10 acres.



S89°19'42"W  
273.88'

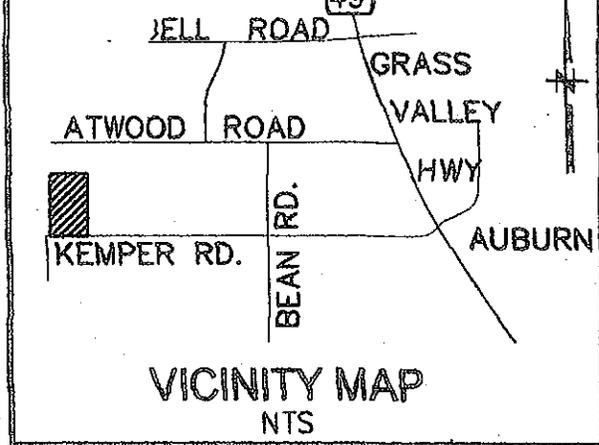


N00°15'00"E  
814.96'

N00°24'44"E  
815.00'

PARCEL "B"  
16 PM 70

N89°19'42"E  
271.57'



**APPROVED**  
PLACER COUNTY SURVEYOR  
BY: *Chuck Scott-DeVry*  
DATE: *JUNE 8 2007*

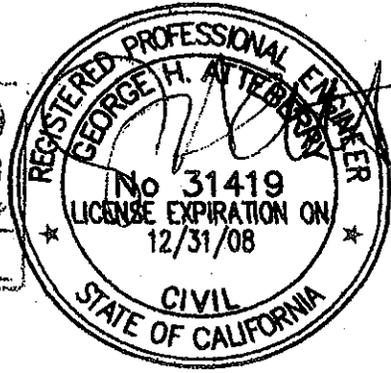


EXHIBIT "B"  
PARCEL MAP NO. 73195  
PARCEL B, BOOK 16, PARCEL MAPS, PAGE 70  
**ANNEXATION TO SMD #1  
ANNEXATION NO. 130**

A PORTION OF SECTION 32, T. 13 N., R. 8 E., M.D.M.  
PLACER COUNTY, CALIFORNIA  
SCALE 1"=100'  
APRIL 2007

**A.R. ASSOCIATES**  
275 NEVADA STREET AUBURN, CA 95603  
ph: (530) 888-1288

To the Department of Facility Services  
Kathy Kane  
11476 C Avenue  
Auburn, CA 95603

1/30/2013

My name is Timothy Boughton. My wife Rhonda and I were born and raised in Auburn and we plan to stay in Auburn for the rest of our lives.

Over our lifetime, Rhonda and I have supported the community in many ways and we have always dreamed of building our own home in Auburn.

We also farm for a living. We have tried to plan for our retirement here and to have enough money to survive our old age.

We wanted to split the land we own at 10880 Atwood road, so we could have money for retirement.

We were told we had to hook up to the county sewer to split the property. We paid the fees to annex the property and to hook up to the sewer line.

We had to abandon the land split because of costs that developed from the Atwood Three development next door, so we then focused on building our future home.

We are asking Placer County to refund the fees we paid in the amount of \$28,050.00 to annex and \$7,994.00 to hook up to the sewer.

We will never be using the county sewer because we have built an Advantex septic system, which has been in service since last month, for our barn and future home.

We realize the county needs funds. Instead of a straight refund, we would like to compromise with the county to put this refund as a credit towards the building permit for our future home on this property. Thank you for considering our request.

Sincerely,



Timothy and Rhonda Boughton  
Amber Oaks Raspberries  
2770 Shanley Rd.  
Auburn, CA 95603  
530-885-3420

2013 JAN 31 PM 12:20

10/1/13

Z04

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

In the matter of: A RESOLUTION OF INTENTION  
TO SET A TIME AND DATE FOR A PUBLIC HEARING  
TO CONSIDER THE EXCLUSION OF PROPERTY  
OWNED BY TIMOTHY AND RHONDA BOUGHTON,  
APN 051-100-046 FROM THE BOUNDARIES OF  
PLACER COUNTY SEWER MAINTENANCE DISTRICT 1

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.

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:  
Clerk of said Board

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

1. The Board of Supervisors intends to exclude a certain parcel of land from County Sewer Maintenance District 1 (SMD 1). Such land consists of the property belonging to Timothy and Rhonda Boughton, and is generally located on Kemper Road (with access via Atwood Road) in Auburn, as specifically described in Exhibit "A" attached hereto and incorporated herein, and as shown and depicted in Exhibit "B" attached hereto and incorporated herein. Such lands contain approximately 5.1 acres.
2. The Board of Supervisors shall hold a hearing at least 15 and not more than 30 days after the date of adoption of this Resolution, at the hour of \_\_\_\_\_, on Tuesday, \_\_\_\_\_ in the Board of Supervisors Chambers, County Administrative Center, 175 Fulweiler Avenue, Auburn, California to hear any objections there may be to such exclusion.

3. Upon conclusion of such hearing, the Board of Supervisors may determine that such territory will not be benefited by remaining in SMD 1 and may order the boundaries of SMD 1 altered to exclude such territory. The applicant will be refunded the annexation fee in the amount of \$28,050 and the connection fee in the amount of \$7,994 and the Auditor-Controller shall be directed to pay the total amount of \$36,044 to Timothy and Rhonda Boughton.
4. The Clerk of the Board of Supervisors shall cause notice of the time, place and purpose of the hearing to be given by:
  - a. Posting notices, in three conspicuous places within the territory proposed to be excluded and three conspicuous places within SMD 1, headed "Notice of Public Hearing" in letters not less than one inch in height and including a diagram of the territory proposed to be excluded from SMD 1.
  - b. Publishing once in the Auburn Journal, the newspaper of general circulation that the Board deems most likely to give notice to hearing to the inhabitants, a notice showing the boundaries of the territory proposed to be excluded by means of a diagram.

ATTACHMENTS: EXHIBIT A  
EXHIBIT B

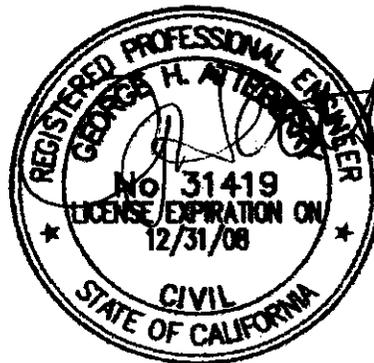
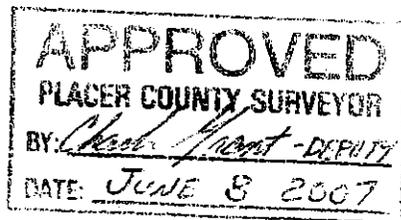
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page 70, Official Records Placer County.

Containing 5.10 acres.



JELL ROAD

(49)

ATWOOD ROAD

GRASS VALLEY

HWY

KEMPER RD.

BEAN RD.

AUBURN

VICINITY MAP  
NTS

S89°19'42"W  
273.88'



N00°15'00"E  
814.96'

N00°24'44"E  
815.00'

PARCEL "B"  
16 PM 70

N89°19'42"E  
271.57'

APPROVED  
PLACER COUNTY SURVEYOR  
BY: *Charles Hart-Dewey*  
DATE: *JUNE 8 2007*



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PARCEL B, BOOK 16, PARCEL MAPS, PAGE 70  
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