

**PLACER COUNTY
OFFICE OF EMERGENCY SERVICES**

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: David Boesch, County Executive Officer
by John McEldowney, Program Manager, Office of Emergency Services

DATE: September 9, 2014

SUBJECT: Public hearing and Resolution to include Morgan Ranch subdivision in County Service Area 28, Zone of Benefit 165 and establishing a charge for fire protection services and emergency medical services on each parcel within the said zone.

ACTION REQUESTED:

1. Conduct a public hearing, consider all protests, and tabulate ballots to include Morgan Ranch subdivision in County Service Area 28, Zone of Benefit 165.
2. Adopt a Resolution establishing a charge to fund fire protection and emergency medical services for all parcels that are, or will be, a part of the Morgan Ranch subdivision.

BACKGROUND:

The State of California County Service Area (CSA) Law [Government Code §25210.1 *et seq*] creates a means of providing expanded service levels in areas where residents are willing to pay for the extra service. Zones of Benefit (ZoB) are created within a CSA (unincorporated Placer County is designated "CSA 28") to fill the services funding gap between general county services and special services. ZoB 165, Dry Creek Fire, covers 19,800 acres in the southwest corner of the county and was established in September, 2001 when its residents voted to dissolve Dry Creek Fire. Placer County subsequently assumed responsibility for providing fire protection and emergency medical services within ZoB 165, and it is within that ZoB that the Morgan Ranch Project is located.

The Morgan Ranch subdivision (APNs 023-260-002, 023-260-007, 023-260-017, and 023-260-037) is located south of PFE Road and west of Cook Riolo Road and is tentatively approved for 103 residential units on 60.6 acres.

Pursuant to Proposition 218, the owner of record of the existing properties of the Morgan Ranch subdivision (HBT of Morgan Ranch LLC) has approved by way of this ballot an annual charge of \$194.16 per parcel and/or dwelling unit beginning in the 2014/15 fiscal year, subject to an annual cost of living adjustment, for existing parcels and each new parcel and/or dwelling unit created in these areas as final maps are recorded. In lieu of mailed notice of this hearing, HBT of Morgan Ranch has executed a waiver of notice. Your Board is required to conduct a Public Hearing to consider all protests and tabulate the ballots, and must also adopt a Resolution to impose the parcel/dwelling unit charge.

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

The charge will be levied on each existing parcel/dwelling unit and each new parcel created by each new final map commencing in the 2014/15 fiscal year. The ballot executed by the property owner provides for an annual cost of living increase for the CSA charge based on the percent change in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose metropolitan area, which shall not exceed 5% in any one year. These charges are supported by an engineer's report prepared by a registered professional engineer.

Attachment

Resolution

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

IN THE MATTER OF A RESOLUTION CONFIRMING
INCLUSION OF THE MORGAN RANCH SUBDIVISION
INTO CSA 28 ZONE OF BENEFIT 165 AND ESTABLISHING
A CHARGE FOR FIRE PROTECTION SERVICES AND
EMERGENCY MEDICAL SERVICES ON EACH PARCEL WITHIN SAID ZONE.

Resolution No: _____

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held, September 9, 2014 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

WHEREAS, a condition of approval of the Morgan Ranch subdivision was its annexation into existing County Service Area 28, Zone of Benefit 165, Dry Creek Fire, to provide fire protection services and emergency medical services for the benefit of properties within the subdivision; and

WHEREAS, the property comprising the Morgan Ranch subdivision (APNs 023-260-002, 023-260-007, 023-260-017, and 023-260-037) was at the time of the project's approval, and remains, located within the boundaries of County Service Area 28, Zone of Benefit 165, Dry Creek Fire; and

WHEREAS, the owners of record 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 owners of record of the properties have approved ballot(s) to set a charge on parcels and dwelling units within said areas of the subdivision; and

WHEREAS, said ballot(s) constitute unanimous approval of the charge by the property owners within said area of the 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 confirm the inclusion into Zone of Benefit 165, Dry Creek Fire, within County Service Area 28 the property comprising the Morgan Ranch subdivision (APNs 023-260-002, 023-260-007, 023-260-017, and 023-260-037), which Zone shall provide fire protection and emergency medical services for the benefit of properties within the subdivision; and

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Resolution No. _____

The Board of Supervisors does hereby establish with the consent of the property owner(s) 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 APNs 023-260-002, 023-260-007, 023-260-017, and 023-260-037 and against each parcel within Zone of Benefit No. 165 that may now exist or which may be created by any final map of the Morgan Ranch subdivision, in the amount no greater than \$194.16 per parcel/dwelling unit for fiscal year 2014/15, subject to annual cost of living adjustments as provided for herein. Said charge shall commence with the 2014-2015 fiscal year.

BE IT FURTHER RESOLVED THAT, The charge established hereunder shall be subject to modification each year in an amount not to exceed the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco/Oakland/San Jose Metropolitan Area, commencing with the 2014-2015 tax year, which shall not exceed 5% in any one year.

Attachments:

Exhibit A – Official Notarized Ballot – Morgan Ranch

Exhibit B – Notarized Waiver of Notice – Morgan Ranch



County of Placer
Office of Emergency Services

August 28, 2014

OFFICIAL ASSESSMENT BALLOT

HBT of Morgan Ranch LLC
11060 White Rock Road, Suite 150
Rancho Cordova, CA 95670

ZONE OF BENEFIT No. 165 (Dry Creek Fire)
COUNTY SERVICE AREA No. 28

Do you approve of the imposition of an assessment to provide fire and emergency medical services on all parcels and subsequent parcels and/or dwelling units and/or assessment units in the amount of \$194.16 per parcel and/or dwelling unit and/or assessment unit within Assessor Parcel Numbers 023-260-002, 023-260-007, 023-260-017, and 023-260-037? 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 2014-2015 tax year.

<u>ASSESSOR PARCEL NUMBER</u>	<u>ANNUAL ASSESSMENT AMOUNT PER PARCEL</u>
023-260-002, 023-260-007, 023-260-017, and 023-260-037	\$194.16

YES

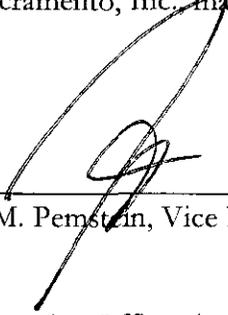
NO

 X 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.

OFFICIAL ASSESSMENT BALLOT
CSA 28, Zone of Benefit 165 (Dry Creek Fire)
August 28, 2014
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HBT of Morgan Ranch LLC, a California Limited Liability Company
By: Towne Development of Sacramento, Inc. manager

By: 

Jeffrey M. Pemstein, Vice President

Please return to the County Executive Office, Attention Dorothy Walsh or John McEldowney, 2968 Richardson Dr., Auburn CA 95603 by August 29, 2014.

(Signature(s) must be notarized)

ACKNOWLEDGMENT

State of California
County of Sacramento

On August 29, 2014 before me, Tracy Ferris, Notary Public
(insert name and title of the officer)

personally appeared Jeffrey M. Pemstein
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in
his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Tracy Ferris (Seal)



August 25, 2014

NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEEDING

TO: HBT or Morgan Ranch LLC

Please take notice that on September 09, 2014 the Board of Supervisors will hold a hearing in the Chambers of the Board of Supervisors, 175 Fulweiler Avenue, Auburn, CA 95603, at 9:00 AM, to consider, as part of Zone of Benefit 165, Dry Creek Fire, the imposition of an assessment on the following Parcel:

Morgan Ranch Subdivision, Parcel Numbers:
023-260-002, 023-260-007, 023-260-017, and 023-260-037

The purpose of the assessment is to provide fire and emergency medical services.

An engineers report has been prepared in accordance with Section 4(b) of Article XIIIID of the California Constitution and is on file with the Office of Emergency Services, 2968 Richardson Dr., Auburn, CA 95603, which you may review upon request.

Please be advised that it be proposed that the amount to be charged to parcels is \$194.16 per parcel, beginning with the 2014/2015 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 San Francisco/Oakland/San Jose Metropolitan Area Consumer Price Index for All Urban Consumers.

If approved, this assessment will be imposed annually 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 County Executive Office, Attention Dorothy Walsh or John McEldowney, 2968 Richardson Dr., Auburn CA 95603 by August 25, 2014.

If you have any questions, please contact:
Placer County Office of Emergency Services
John McEldowney, Program Manager, Office of Emergency Services
(530) 886-5300
2968 Richardson Dr.
Auburn, CA 95603

WAIVER OF NOTICE—
Zone of Benefit No. 165
Morgan Ranch Subdivision (project)

THIS WAIVER is executed this __28th__ day of ___August__ 2014, by HBT of Morgan Ranch LLC, a California Limited Liability Company ("OWNER").

WHEREAS, OWNER is the owner of record in fee of the real property identified as Morgan Ranch Subdivision (PSUB – 20070118), Assessor Parcel Numbers 023-260-002, 023-260-007, 023-260-017, and 023-260-037 (property), described in document No. 2014-0027950, Official Records of Placer County, and

WHEREAS, County Service Area No. 28, Zone of Benefit No. 165 was formed to provide fire and emergency medical services for the benefit of the project, and

WHEREAS, the OWNER desires to record a final map for the project, 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 maps,

NOW, THEREFORE:

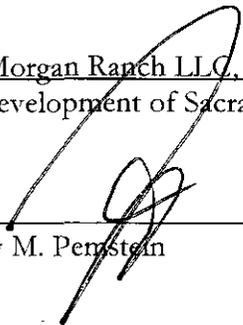
1. The OWNER hereby waives any and all requirements of subsection (c) of Section 4 or subsection (a)(1) of Section 6 of Article XIID of the California Constitution requiring the preparation and mailing of individualized notice for the property owned by OWNER, or for any parcel and/or dwelling unit and/or assessment unit as may be created upon recordation of the final map(s) of 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/dwelling/assessment unit as may be created upon recordation of the final map(s) of the project.
3. The OWNER hereby agrees and acknowledges that the assessments and/or fees imposed by the County under Zone of Benefit No. 165 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 fire and emergency medical services.
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/assessment units therefrom as may be created upon recordation of the final map for the project.

Dated: 8/29, 2014:

OWNER:

HBT of Morgan Ranch LLC, a California Limited Liability Company
11060 White Rock Road, Suite 150
Rancho Cordova, CA 95670

By: HBT of Morgan Ranch LLC, a California Limited Liability Company
Towne Development of Sacramento, Inc., manager

By: 

Jeffrey M. Penstein

Its: Vice President
Corporate Title

**Please return to the County Executive Office, Attention Dorothy Walsh or John McEldowney,
2968 Richardson Dr., Auburn CA 95603 by August 29, 2014**

(Signature(s) must be notarized)

ACKNOWLEDGMENT

State of California
County of Sacramento)

On August 29, 2014 before me, Tracy Ferris, Notary Public
(insert name and title of the officer)

personally appeared Jeffrey M. Pemstein,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Tracy Ferris (Seal)

