MEMORANDUM

DEPARTMENT OF PUBLIC WORKS

County of Placer

TO: BOARD OF SUPERVISORS DATE: October 23, 2012

FROM: KEN GREHM / PETER KRAATZ

SUBJECT: PUBLIC HEARING TO CONSIDER FORMATION OF KINGS BEACH BENEFIT ASSESSMENT DISTRICT NO. 1

ACTION REQUESTED / RECOMMENDATION

1. Conduct a public hearing and Adopt a resolution related to formation of Kings Beach Benefit Assessment District No. 1 which would include the levy of annual assessments to fund the maintenance of future streetscaping improvements within the proposed district boundaries by adopting a resolution that details the following recommended actions by your Board:
   a. Consider formation of Kings Beach Assessment District No. 1
   b. Approve the Assessment Engineer's Report
   c. Authorize issuance of ballots to district property owners
   d. Set a Public Hearing date of January 22, 2013 to tabulate ballots and possibly finalize formation of District and consider levying assessments depending on the ballot results.

   There is no net county cost.

BACKGROUND / SUMMARY

On September 11, 2012, your Board adopted a Resolution of Intent to consider formation of Kings Beach Benefit Assessment District No. 1 at its regularly scheduled October 23, 2012, Board of Supervisors meeting held at Sugar Bowl Resort. The resolution proposes to form a District pursuant to the provisions of the Benefit Assessment Act of 1982, Article XIIID of the Constitution of the State of California, and the Proposition 218 Omnibus Implementation Act (hereafter collectively referred to as the "Assessment Law"), that provides for the levy and collection of assessments by Placer County to pay for the maintenance and services of all improvements and facilities related hereto. In addition, the September 11, 2012 resolution directed staff to prepare and file the Assessment Engineer's Report with the Clerk of the Board concerning the proposed District formation prior to today's public hearing. The Engineer's Report is on file with the Clerk.

The Kings Beach Commercial Core Improvement Project (Project) is located within the County's unincorporated area of Kings Beach. The Project represents a public investment in excess of $45 million to revitalize Kings Beach through constructing storm water drainage and treatment infrastructure, reconfiguring and rebuilding State Route 28, and adding 10-foot nominal wide sidewalks, Class 2 bike lanes, and public bus shelters. The project is centered on transforming the highway from four lanes to three lanes with roundabouts and limited on-highway seasonal parking. In addition, portions of the fish and mammal named County roads that intersect the highway will also be improved with storm water infrastructure, sidewalks, formalized parking areas and traffic calming measures.

Since 2002, Public Works has been developing this project as a high priority effort in North Lake Tahoe to improve storm water runoff conditions in a densely built area, address safety and the need for enhanced multimodal mobility, and help revitalize Kings Beach.

During ten years of planning efforts, the County has completed environmental review, completed preliminary design and a phase of traffic calming construction. We are currently securing right-of-way necessary to construct the proposed improvements, including parcels for replacement parking. The construction of the project could commence as early as 2013 assuming full funding for the project is available. An important element highlighted during public outreach was how the new improvements will

be maintained into the future. In Tahoe City adjacent property owners are responsible for maintaining sidewalk areas adjacent to their property, including snow removal. An assessment district is a means for the property owners to collectively fund efforts to maintain the sidewalk areas adjacent to their properties.

The formation of the Kings Beach Benefit Assessment District No. 1 ("District") intends to provide and ensure consistent maintenance and operations of the streetscaping improvements within the sidewalk areas. These improvements are located within the road right-of-ways and dedicated public easements which are within the boundaries of the District. The maintenance of the District improvements shall include snow management (including removal, hauling, and storage), the repair/replacement of all sidewalk improvements, power-washing of the sidewalks, emptying of trash receptacles, landscape maintenance and litter pick up. Services provided include all materials, equipment, labor and administrative costs associated with the annual administration and operation of the District.

Should formation of the District eventually be approved, levying of assessments would not begin until project improvements are functional and ready for maintenance. Assessment would not be imposed until the year that funding is needed so that property owners are not paying before realizing the benefits of the improvements included in the District.

In the fall of 2011, a consultant, NBS Government Finance Group, was retained to explore the feasibility and appropriateness of an assessment district or other financing district to fund maintenance of proposed Kings Beach sidewalk improvements which are currently proposed within the State right-of-way. The State is not interested in maintaining sidewalks and has indicated that they would abandon the sidewalk areas like they did in Tahoe City. After a series of community meetings and outreach to affected property owners, NBS analyzed district formation and proposed district boundaries, how properties would be assessed based on their location and other site factors within the district, and determining an annual district budget. This information provides the basis for the attached Engineer's Report that outlines the proposed assessment district, including district boundaries, budgeted costs, analysis of special benefit, assessment methodology and proposed individual assessments.

ENVIRONMENTAL

This action is not a project, as defined by Public Resources Code Section 21065, and is therefore exempt from environmental review under CEQA. For the Kings Beach Commercial core Improvement Project, the County did prepare an Environmental Impact Report (EIR) pursuant to the requirements for CEQA and the Placer County Environmental Review Ordinance; an Environmental Impact Statement (EIS) to meet the requirements of the Tahoe Regional Planning Agency (TRPA),; and an Environmental assessment (EA) to meet the requirements of the Federal Highway Administration. The EIR was adopted by the Board of Supervisors on September 23, 2008.

FISCAL IMPACT

The effort to consider formation of the assessment district is part of the $48M Kings Beach Commercial Core Improvement Project. Ongoing services for the proposed district are disclosed in the Engineer's Report and are estimated to total approximately $166,000 per year paid for by District assessments commencing following the completion of project improvements.

Attachments:

Resolution
Location Map

A Copy of the Assessment Engineer's Report is on file with the Clerk of the Board's Office for review.

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

In the matter of: APPROVING THE FORMATION OF KINGS BEACH BENEFIT ASSESSMENT DISTRICT NO. 1, APPROVING THE ASSESSMENT ENGINEER'S REPORT, AND ORDERING THE INITIATION OF ASSESSMENT BALLOT PROCEDURES.

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

_____

_____

WHEREAS, the Board of Supervisors, of Placer County (hereafter referred to as the "Board of Supervisors"), pursuant to the Benefit Assessment Act of 1982, Article XIIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (hereafter collectively referred to as the "Assessment Law") did by previous Resolution to initiate proceedings to consider formation of a special assessment district, known and designated as Kings Beach Benefit Assessment District No. 1 (hereafter referred to as the "District") and ordered the preparation of an Assessment Engineer's Report for the levy and collection of annual assessments within said District; and,

WHEREAS, the Board of Supervisors has retained NBS for the purpose of assisting with the formation of the District and to prepare and file an Assessment Engineer's Report with the Clerk of the Board in accordance with the Assessment Law.

WHEREAS, at this time the Board of Supervisors desires to declare its intention to form the District and to provide for the levy and collection of annual assessments, beginning with the 2014/15 fiscal year, to provide for the costs and expenses necessary to pay for the maintenance and servicing of the improvements within the District, or a later fiscal year depending on when improvements are completed and in full operation. No levy and collection of assessments will occur until the year that said improvements are fully completed and operational; and,

WHEREAS, the Assessment Engineer's Report has been filed with the Clerk of the Board and submitted to this Board of Supervisors in accordance with the Assessment Law; and,

WHEREAS, the Board of Supervisors has carefully examined and reviewed the Assessment Engineer's Report as presented and is satisfied with the proposed formation, each and all of the budget items and documents as set forth therein, and is satisfied that the assessment amounts have been spread in accordance with the special benefit received from the improvements, operation, maintenance and services within the District as set forth in said Assessment Engineer's Report; and,

WHEREAS, The County wants to ensure that the estimated $48M investment in public infrastructure is adequately maintained; and

WHEREAS, The Board of Supervisors, in accordance with Proposition 218, wants the District property owners the opportunity to vote on the levying of a special assessment for the expressed purpose of maintaining the new sidewalk related infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

1. That the Assessment Engineer's Report as presented, consisting of the following: a description of the improvements and services, the estimated costs to pay for the maintenance and servicing of the improvements, a diagram of the District, and the District's assessment roll containing the proposed Fiscal Year 2014/15 assessment amount for each assessor's parcel within the District, is hereby approved and ordered to be filed in the office of the Clerk of the Board as a permanent record and to remain open for public inspection.

2. It is the intention of the Board of Supervisors to consider formation of the District and to levy and collect assessments to pay the annual costs and expenses for the maintenance and servicing of the improvements within said District. The improvements maintained by the District include the operation, maintenance, and servicing of sidewalks and appurtenant facilities that are located throughout the District. These improvements are located within the street right-of-ways and dedicated public easements which are within the boundaries of the District. The maintenance of the District improvements shall include snow management, including the removal, hauling, and storage, the upkeep, repair, removal or replacement of all or any part of any sidewalk improvement, power-washing of the sidewalks, emptying of trash receptacles, landscaping, sidewalk maintenance and repairs. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in an operational and satisfactory condition. This shall also include material, vehicle, equipment, capital improvements and administrative costs associated with the annual administration and operation of the District. No levy and collection of assessments will occur until the said improvements are fully completed and operational.

3. The District is located in the unincorporated area of Placer County designated as Kings Beach. The District is generally bounded by SR-267 on the west, on the north by a varying boundary including Rainbow Avenue, Trout Avenue, Brook Avenue, and Salmon Avenue, on the east by Chipmunk Street, and on the south-side of properties adjacent to SR-28. The District is designated as "Kings Beach Benefit Assessment District No. 1".

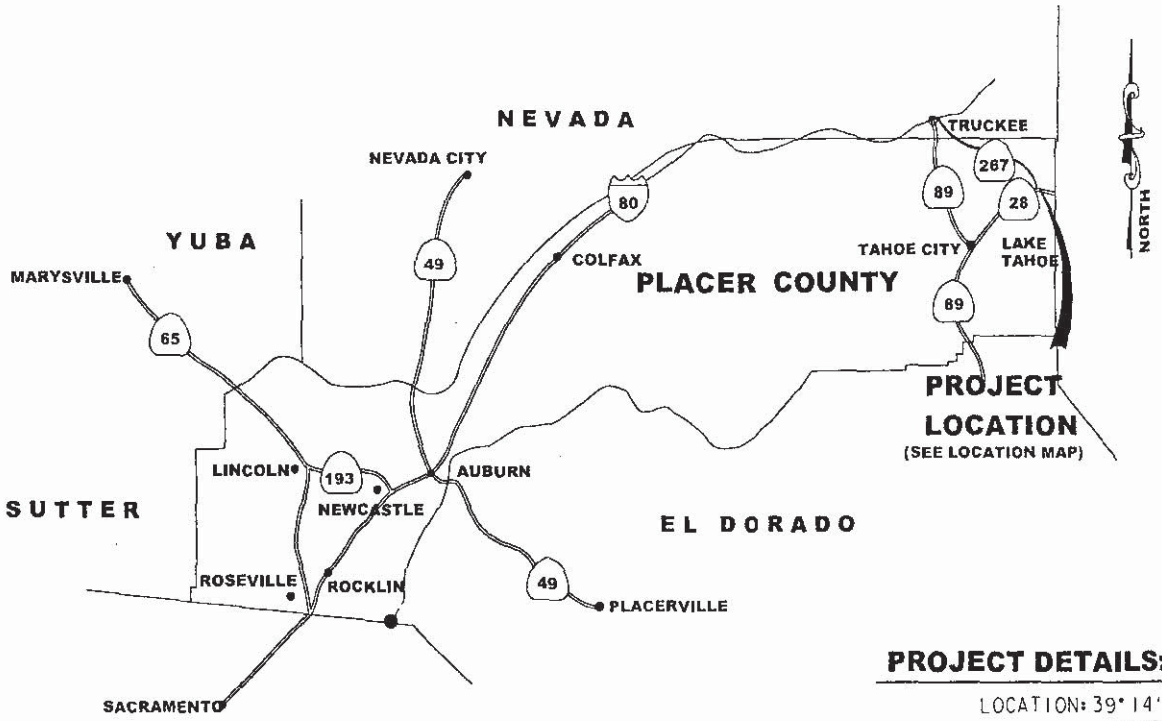
4. The Assessment Engineer's Report is on file with the Clerk of the Board and open for public inspection. Reference is made to the Assessment Engineer's Report for a full detailed description of the improvements to be maintained, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District.

5. At the previously noticed Public Hearing of October 23, 2012, all interested persons shall be afforded the opportunity to hear and be heard. The Board of Supervisors in shall consider all oral statements or written communication made or filed by any interested person in regards to considering formation of the District, approval of the Assessment Engineer's Report, and/or authorization of the issuance of ballots to district property owners.

6. Subsequent to the October 23, 2012 Public Hearing, notice is hereby given that a second Public Hearing is scheduled to be held at the County Administrative Center, 175 Fulweiler Avenue, Auburn, California on January 22, 2013. All interested persons shall be afforded the opportunity to hear and be heard. The Board of Supervisors in shall consider all oral statements or written communication made or filed by any interested person in regards to formation of the District, and to levy and collect assessments to pay the annual costs and expenses for the maintenance and servicing of the improvements within said District.

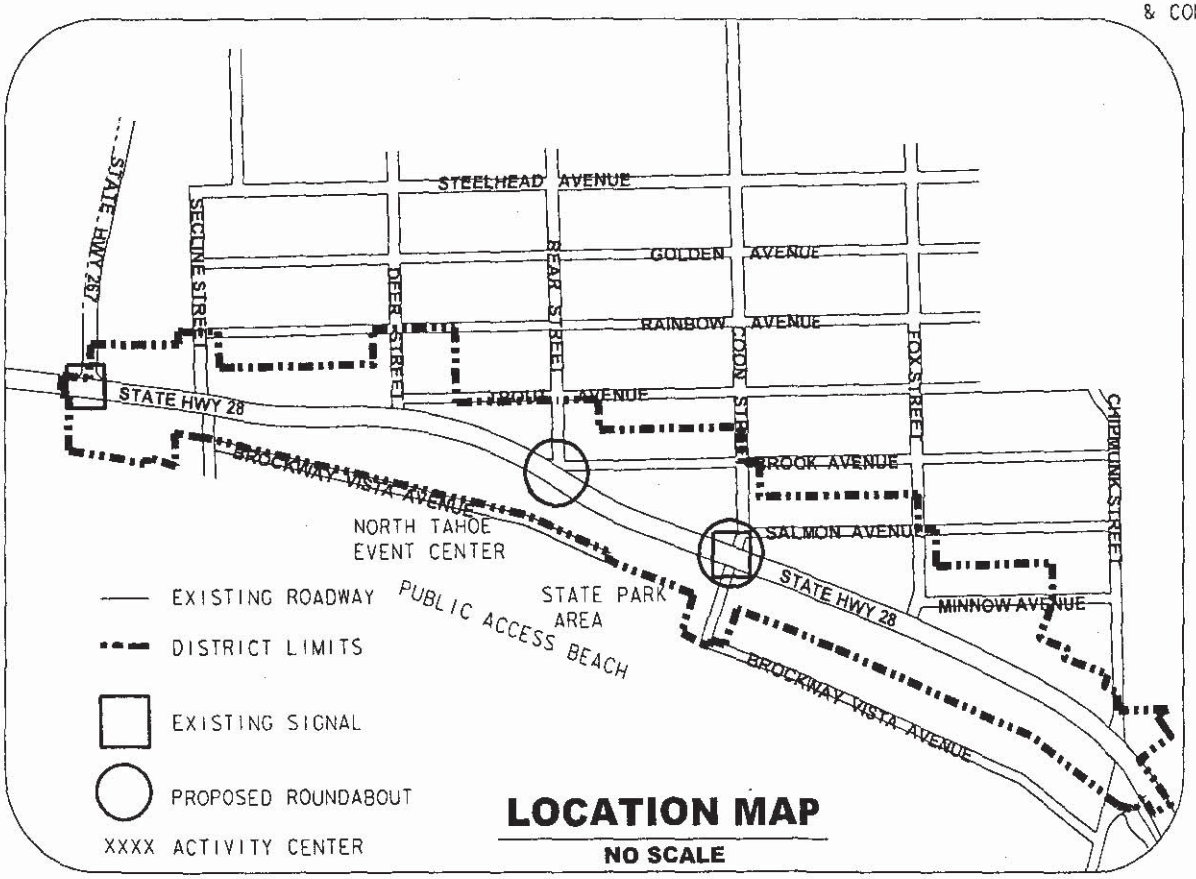
7. Pursuant to Section 4 of Article XIIID, the County is hereby directed to give notice of the Public Hearing and assessment ballot proceedings together with the assessment ballot materials, to the record owners of all real property proposed to be assessed.

ASSESSMENT DISTRICT
KINGS BEACH COMMERCIAL CORE
IMPROVEMENT PROJECT



PROJECT DETAILS:

LOCATION: 39°14'15.67"N
120°01'25.69"W
LENGTH: 1 MILE
LAND USE: RECREATIONAL, RESIDENTIAL & COMMERCIAL



LOCATION MAP

NO SCALE

NOTICE OF PUBLIC HEARING

BY WHOM: PLACER COUNTY BOARD OF SUPERVISORS

WHERE: Sugar Bowl Resort
Board of Supervisors' Chambers
629 Sugar Bowl Road
Norden, California

WHEN: October 23, 2012, at 9:30a.m., or as soon thereafter as the Board may consider this matter.

PURPOSE: NOTICE IS GIVEN that the Placer County Board of Supervisors will hold a public hearing to consider adoption of a Resolution approving the formation of the Kings Beach Assessment District 1 for property owners within proposed district boundaries to be assessed to maintain publicly funded streetscape aesthetics such as sidewalks and landscaping. For further information call Placer County Tahoe Engineering Division at (530) 581-6238 during normal business hours.

All interested persons are invited to attend the hearing or submit their written comments to the Clerk of the Board of Supervisors, 175 Fulweiler Avenue, Auburn, CA 95603 prior to the hearing date.

Ann Holman
Clerk of the Board of Supervisors

PUBLISH: Sierra Sun