



MEMORANDUM
COMMUNITY DEVELOPMENT RESOURCE AGENCY
COMMUNITY DEVELOPMENT SERVICES DIVISION
County of Placer

TO: Honorable Board of Supervisors **DATE:** December 14, 2021
FROM: Jane Christenson, Assistant County Executive Officer, Interim Agency Director
BY: Michele Kingsbury, Principal Management Analyst
SUBJECT: Confirmation of Annexation #1 of Lot 7 of the Placer Gold Industrial Park, Phase 3 & 4 (Assessor Parcel Number 017-063-068-000) into Community Facilities District 2021-1 (Sunset Area Plan Phase 1 Transit Services)

ACTION REQUESTED

1. Adopt a resolution accepting the unanimous approval of the property owner for the annexation of Lot 7 of the Placer Gold Industrial Park, Phase 3 & 4 Property (Assessor Parcel Number 017-063-068-000) into Community Facilities District No. 2021-1 (Sunset Area Plan Phase 1 Transit Services), annexing the property into CFD No. 2021-1, and ordering and directing other related matters.

BACKGROUND

On May 20, 2021, the Zoning Administrator approved a Minor Land Division to subdivide a 26.4-acre parcel (Lot 7 of the Placer Gold Industrial Park – Phase 3 & 4) into four parcels consisting of 6.2 acres (Parcel 1), 5.2 acres (Parcel 2), 13.8 acres (Parcel 3), and 1.2 acres (Parcel B). Parcel B is designated for a common stormwater drainage basin which will be owned and maintained by the property owner’s association. Condition of approval #27 for that Minor Land Division states that “Prior to Improvement Plan approval of Final Map recordation for subdivision projects, a Community Service Area (CSA) Zone of Benefit (ZOB) shall be established by the project proponent, or the project proponent shall annex into an existing CSA ZOB to fund the cost of transit services proposed by the Transit Master Plan.” This will include any related capital costs for buses, passenger amenities and facilities.

On May 25, 2021, the Board of Supervisors (Board) approved a boundary map, including territory to be annexed in the future into Community Facilities District 2021-1 (Sunset Area Plan Phase 1 Transit Services) (CFD No. 2021-1) and declared the intention to form CFD No. 2021-1 by passage of Resolution No. 2021-107. The CFD No. 2021-1 boundary map was recorded on May 26, 2021 (document number 2021-0070500-00 in Book 4, page 25). On July 6, 2021, the Board conducted a public hearing to establish CFD 2021-1 and a future annexation area and held the landowner election. The results of the election were unanimously in favor of the levy of special taxes and the establishment of the appropriations limit.

Parcels within the future annexation area as identified on the recorded CFD No. 2021-1 boundary map shall be annexed to the CFD only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings. The subject assessor parcel number is located within the future annexation area of this CFD. This action today accepts the Unanimous Approval, which is on file with the Community Development Resource Agency (CDRA), confirms the annexation and directs the recording of an amended Notice of

Honorable Board of Supervisors

December 14, 2021

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(Assessor Parcel Number 017-063-068-000) into Community Facilities District 2021-1 (Sunset
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Special Tax Lien and will satisfy Condition of Approval #27.

ENVIRONMENTAL IMPACT

On July 14, 2016, the Planning Commission adopted a Mitigated Negative Declaration (MND) for the Placer Gold Industrial Park Project (PLN14-0138). Subsequent to the initial project approval, minor modifications to the project were proposed and an Addendum to the MND was adopted by the Planning Commission for the Placer Gold Industrial Park Project on November 14, 2019. The current project consists of further division of existing development lots, but does not change the location, intensity, or type of permissible land uses. No changes have occurred to the project or to existing circumstances that would warrant additional environmental analysis for the Placer Gold Minor Land Division request. Accordingly, the project is exempt from further environmental review in accordance with California Environmental Quality Act Section 15162 and 15164 (Subsequent EIR's and Negative Declarations, and Addendum to an EIR or Negative Declaration).

FISCAL IMPACT

There is no impact to the County General Fund with this action. A Deposit and Reimbursement Agreement with the County is on file with the Community Development Resource Agency which covers the cost of the legal services, financial advisor, and special tax consultant contracts. An on-going administrative component to cover the costs of administering the CFD is included within the formula that establishes the special taxes.

ATTACHMENTS

Attachment A: Resolution

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

In the matter of:

Accepting a Unanimous Approval for the Annexation
of Property and Ordering and Directing Other Related
Matters (Community Facilities District No. 2021-1
(Sunset Area Plan Phase I Transit Services))

Resolution No. _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held on _____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, on August 10, 2021, pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Mello-Roos Act"), this Board of Supervisors adopted its Resolution No. 2021-276 entitled "Resolution of Formation of Community Facilities District (Sunset Area Plan Phase I Transit Services) and a related Future Annexation Area" (the "Resolution of Formation") which resolution (i) established the "County of Placer Community Facilities District No. 2021-1 (Sunset Area Plan Phase I Transit Services)" (the "CFD") and the "County of Placer Community Facilities District No. 2021-1 (Sunset Area Plan Phase I Transit Services) (Future Annexation

Area)" (the "Future Annexation Area"), (ii) authorized the levy of a special tax on property within the CFD to finance certain public services (the "Services") and (iii) preliminarily established an appropriations limit for the CFD;

WHEREAS, the boundaries of the CFD and the Future Annexation Area are set forth in the boundary map recorded on May 27, 2021 at 10:43 a.m., in the Office of the County Recorder in Book 4 of Maps of Assessment and Community Facilities Districts at Page 25, as Document No. 2021-0070500 (the "Original Boundary Map");

WHEREAS, in the Resolution of Formation, this Board of Supervisors resolved that parcels within the Future Annexation Area shall be annexed to the CFD only with the unanimous approval (each, a "Unanimous Approval") of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings, and that any property for which the owner or owners execute a Unanimous Approval that is accepted by the Board of Supervisors shall be added to the CFD and the Clerk of the Board shall record an amendment to the notice of special tax lien for the CFD pursuant to Section 3117.5 of the Streets & Highways Code;

WHEREAS, under the provisions of the Resolution of Formation and pursuant to Resolution No. 2021-277, entitled "Resolution Calling a Special Election for County of Placer Community Facilities District No. 2021-1 (Sunset Area Plan Phase I Transit Services)" (the "Election Resolution") heretofore adopted by this Board of Supervisors, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of CFD as required by the provisions of the Mello-Roos Act and more than two-thirds of the votes cast at the election were in favor of the propositions;

WHEREAS, Section 53329.6 of the Mello-Roos Act provides that a Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in the Unanimous Approval for purposes of the California Constitution, including, but not limited to, Articles XIII A and XIII C;

WHEREAS, Section 53340 of the Mello-Roos Act provides that (i) after a community facilities district has been created and authorized to levy specified special taxes, the legislative body may, by ordinance, levy the special taxes at the rate and apportion them in the manner specified in the resolution of formation for the community facilities district and (ii) after creation of a community facilities district that includes a future annexation area, the legislative body may, by ordinance, provide for the levy of special taxes on parcels that will be annexed to the community facilities district at the rate or rates to be approved unanimously by the owner or owners of each parcel or parcels to be annexed to the community facilities district and for apportionment and collection of the special taxes in the manner specified in the resolution of formation;

WHEREAS, in Ordinance No. 6097-B adopted by this Board of Supervisors on August 31, 2021 (the "Special Tax Ordinance"), the Board of Supervisors authorized and levied special taxes within the CFD at the rate and in accordance with the formula (the "Rate and Method") set forth in the Resolution of Formation and on any parcels in the Future Annexation Area that are annexed into CFD pursuant to the Act;

WHEREAS, this Board of Supervisors has been provided with a Unanimous Approval executed by the owner of certain property in the Future Annexation Area, namely Assessor's Parcel Number 017-063-068-000 (the "Annexation Property"), and the Unanimous Approval approves the annexation of the Annexation Property to the CFD for the purpose of financing the Services,

approves the levy of the Special Tax on the Annexation Property to finance the Services according to the Rate and Method, and approves the initial appropriations limit for the CFD;

WHEREAS, Section 53339.8 of the Mello-Roos Act provides that upon a determination by the legislative body that the area proposed to be annexed is added to the existing community facilities district, the clerk of the legislative body shall record notice of the annexation pursuant to Section 3114.5 of the Streets and Highways Code;

WHEREAS, pursuant to Streets & Highways Code Section 3113.5, this Board of Supervisors wishes to consolidate the boundaries of the CFD and all annexations into the CFD in a single map that will supersede the Original Boundary Map; and

WHEREAS, this Board of Supervisors wishes to accept the Unanimous Approval and to order and direct other related matters.

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

1. Recitals Correct. The foregoing recitals are true and correct.
2. Annexation Property. The Board of Supervisors has received and hereby accepts the Unanimous Approval approving the annexation of the Annexation Property to the CFD for the purpose of financing the Services, approving the levy of the Special Tax on the Annexation Property to finance the Services according to the Rate and Method, and approving the initial appropriations limit for the CFD.

In furtherance of the Resolution of Formation, and in conformance with the Mello-Roos Act, the Board of Supervisors hereby determines that the Annexation Property is added to and part of the CFD with full legal effect.

The Board of Supervisors hereby directs the Clerk of the Board to record notice of the annexation pursuant to Section 3117.5 of the Streets and Highways Code.

The owner of the Annexation Property has caused to be prepared a map showing the boundaries of the CFD (including the Annexation Property), and the Board of Supervisors hereby directs the Clerk of the Board to record a consolidated map of the boundaries of the CFD, which map shall supersede the Original Boundary Map.

The Clerk of the Board of Supervisors is further hereby directed to record one or more consolidated maps from time to time as he or she determines is appropriate.

3. Effective Date. This resolution shall take effect upon its adoption.

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