



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Legislation Details (With Text)

File #: 16-0064 **Version:** 1

Type: Agenda Item **Status:** Time Allocation

File created: 1/14/2016 **In control:** Board of Supervisors

On agenda: 2/23/2016 **Final action:** 2/23/2016

Title: Community Development Agency, Administration and Finance Division recommending the Board:
1) Conduct a hearing to receive public comment of all interested parties for or against the formation of the Carson Crossing Drive Drainage Zone of Benefit 98310;
2) Make findings consistent with the County's Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area; as amended February 10, 2015; and
3) If there is no majority protest, adopt and authorize the Chair to sign Resolution 033-2016 forming the Carson Crossing Drive Drainage Zone of Benefit 98310 in County Service Area 9, noting that formation is contingent upon approval of a benefit assessment to fund zone activities. (Est. Time: 15 Min.)

FUNDING: Developer Funds.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Contract Routing Sheet 2-23-16, 2. B - Resolution 2-23-16, 3. C - Exhibit A 2-23-16, 4. D - Exhibit B 2-23-16, 5. E - Formation Petition and Application 2-23-16, 6. F - Agreement 15-54291 to Form Zone of Benefit 2-23-16, 7. G - Notice of Public Hearing 2-23-16, 8. H - Draft Published Notice w Ad Proof 2-23-16, 9. I - Revised Engineer's Report 2-23-16, 10. Executed Resolution 033-2016 2-23-16

Date	Ver.	Action By	Action	Result
2/23/2016	1	Board of Supervisors	Approved	Pass

Community Development Agency, Administration and Finance Division recommending the Board:
1) Conduct a hearing to receive public comment of all interested parties for or against the formation of the Carson Crossing Drive Drainage Zone of Benefit 98310;
2) Make findings consistent with the County's Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area; as amended February 10, 2015; and
3) If there is no majority protest, adopt and authorize the Chair to sign Resolution **033-2016** forming the Carson Crossing Drive Drainage Zone of Benefit 98310 in County Service Area 9, noting that formation is contingent upon approval of a benefit assessment to fund zone activities. (Est. Time: 15 Min.)

FUNDING: Developer Funds.

DEPARTMENT RECOMMENDATION

The Community Development Agency, Administration and Finance Division (Agency) recommends the Board conduct a public hearing to receive public comment of all interested parties for or against the formation of the Carson Crossing Drive Drainage Zone of Benefit; make findings consistent with the *County's Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area* (Guidelines); and if there is no majority protest, authorize the Chair to sign the attached Resolution forming the Carson Crossing Drive Drainage Zone of Benefit, contingent

upon approval of the benefit assessment to be considered under a subsequent action (contemplated for March 8, 2016).

DISCUSSION / BACKGROUND

Proposed Carson Crossing Drive Drainage Zone of Benefit

An application has been submitted and reviewed by staff to form the Carson Crossing Drive Drainage Zone of Benefit No. 98310. The proposed zone consists of approximately 412.53 acres located southwest of Golden Foothill Parkway in the El Dorado Hills area. The original application consisted of twelve (12) parcels owned by a single landowner, Lennar Homes of California, Inc. (Lennar), and was submitted in order to satisfy Conditions of Approval for TM 04-1391 Carson Creek 2/Carson Creek Phase 2, Unit 1, Item No. 44, as amended and approved by the Planning Director on January 31, 2014. On September 1, 2015, the Board approved final maps for Carson Creek Unit 1, Phases A and B (Legistar File 15-0990, Item 16 and 15-0991, Item 17).

Lennar and the County entered into Agreement 15-54291 (Attachment F), *Agreement for Carson Crossing Drive Drainage Zone of Benefit 98310 Formation Between County And Owner* (AGMT 15-54291) for Carson Creek Unit 1 - Phase A-D, TM 04-1391R-2 to ensure formation of the zone of benefit to provide funding for storm water drainage facility maintenance. The Agreement further provides that Lennar will not close escrow on the sale of, nor transfer title on any property located in the Subdivision prior to the time the zone is fully formed (Article 2), and that the County will not consider approval of later phases of the subdivision until the drainage zone of benefit is formed (Article 11). The Agreement became effective on September 2, 2015.

The Final Maps recorded for Carson Creek Unit 1 - Phase A and Phase B resulted in the current configuration of two hundred fourteen (214) parcels, of which two hundred thirteen (213) are owned by the original applicant; the remaining parcel is owned by El Dorado Irrigation District.

Reason for Public Hearing

As required by the Guidelines, this public hearing has been scheduled and noticed pursuant to Government Code Sections 6061 and 25217 to accept public comment regarding the formation of the zone of benefit.

The Guidelines require that the following findings be made at the hearing:

- That the drainage facility maintenance services as described in the application are types of services a zone is authorized to provide pursuant to County Service Area law; and
- That Irrevocable Offers of Dedication (IOD) have been submitted for the facilities to be served; and
- That all outstanding County costs have been paid.

The proposed purpose of the Carson Crossing Drive Drainage Zone of Benefit is to provide a proportional share of the drainage facility maintenance service and replacement costs for specific storm water drainage improvements within the zone boundaries. The facilities include three con-spans that provide crossings for Carson Crossing Drive over Carson Creek and its tributaries, and storm drainage facilities associated with the segment of Carson Crossing Drive within the zone. The proportionality of the County's and proposed zone's costs is described in the Engineer's Report submitted with the Application and Petition to Form the zone (Attachment E). Maintenance of all

other drainage facilities within the zone that are not associated with the segment of roadway and the con-spans will be the responsibility of a homeowners' association or other entity acceptable to the Board.

The zone guidelines require dedication of the drainage easements with the formation application. Approval of the final maps for Carson Creek Unit 1, Phases A and B, on September 1, 2015 included IODs for the drainage facilities and easements.

Next Steps

County Service Area law provides that formation of a zone of benefit is contingent upon approval of funding through lawful proceedings. The applicant has proposed funding through a benefit assessment which requires approval of a weighted majority of the property owners subject to the proposed assessment. A Resolution of Intent to Levy the proposed benefit assessment will be considered under a separate agenda item, tentatively scheduled for the regular March 8, 2016 Board agenda.

ALTERNATIVES

Should the Board determine a majority protest against the formation is heard and/or that formation of the Carson Crossing Drive Drainage Zone of Benefit not be completed, amendments would be required to the Carson Creek Subdivision Map conditions to eliminate the requirement to form the zone.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel approval

CAO RECOMMENDATION

CAO concurs with staff's recommendations

FINANCIAL IMPACT

The costs associated with the formation of the zone of benefit and associated assessment ballot proceeding will be paid by the applicant through funds deposited under Agreement AGMT 15-54291. Lennar provided the required \$1,000.00 deposit toward the cost of forming the zone at the time the application was submitted. AGMT 15-54291 provides additional funding in the amount of \$5,500.00 toward formation expenses and a cash security in the amount of \$29,833.16. Actual costs will be determined following the assessment ballot proceedings and deducted from the deposits.

CLERK OF THE BOARD FOLLOW UP ACTIONS

1. The Clerk of the Board will have the Resolution recorded upon signature of two (2) originals by the Chair, and
2. The Clerk of the Board will provide two (2) certified copies of the Resolution to the Agency.

STRATEGIC PLAN COMPONENT

Infrastructure, public safety, effective services, and financial stability.

CONTACT

Kate Sampson, Assistant Director
Administration and Finance Division
Community Development Agency