



Legislation Text

File #: 19-0328, **Version:** 1

HEARING - Department of Transportation recommending the Board:

- 1) Conduct a public hearing to receive public comment of all interested parties for or against the dissolution of the Hawk View Zone of Benefit 98613;
- 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 **039-2019** dissolving the Hawk View Zone of Benefit 98613 within County Service Area 9. (Est. Time: 5 Min.)

FUNDING: N/A

DISCUSSION / BACKGROUND

The Board formed the Hawk View Zone of Benefit No. 98613 on October 2, 2005 by Resolution 313-2006, in response to a petition to form the zone submitted by the property owners/developers, Western Pacific Housing, Inc., in order to satisfy conditions of approval for the Hawk View Tentative Map 00-1371 requiring formation of a maintenance entity for road and drainage facility improvements.

On November 3, 2006, a special mailed ballot election was conducted for approval of funding for the services.

On November 14, 2006, the election result was ratified by Resolution 362-2006. Funding for the services was approved as an annual special tax of \$381 for each parcel in the proposed zone.

Due to the economic downturn, the improvements for the Hawk View subdivision were not constructed. The Hawk View project and property, Assessor Number (AN) 115-040-016-000 is currently owned by Lennar Homes of California, Inc. (Lennar).

On February 26, 2019, the Board adopted Resolution 019-2019 related to formation of El Dorado Community Facilities District No. 2019-1 (Bass Lake Hills Services), and set a public hearing for April 2, 2019 at 10:00 AM. AN 115-040-016-000 is included in the Community Facilities District No. 2019-1 (CFO 2019-1), which will provide road and drainage facility maintenance within the Hawk View project (Legistar File 19-0238, Item 6).

In anticipation of forming CFO 2019-1, Lennar submitted a petition to dissolve the Hawk View Zone of Benefit No. 98613, as the services and funding will be provided through the CFO. The CFO will continue to satisfy the original conditions of approval for TM 00-1371, therefore, the zone of benefit is no longer necessary.

The Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit Within a County Service Area, as amended February 10, 2015 (Guidelines), allow the Board to initiate proceedings when such action is in the best interest of the public.

Section 25217.2 of Government Code provides that the Board may dissolve a zone, following procedures in sections 25217 and 25217.1, as appropriate.

At the request of Lennar, the Board scheduled a public hearing for April 2, 2019 at 10:00 AM, to consider public comment against the dissolution of the Hawk View Zone of Benefit. Notice of the hearing was provided in accordance with provisions of Sections 6061 and 25217 of the Government Code, as follows:

Notice of the hearing was mailed to each property owner in the zone, and to each district that contains or whose sphere of influence contains the zone on March 13, 2019.

Notice was scheduled for publication in the Mountain Democrat on March 18, 2019.

Notice was posted in three locations at the Hawk View project site on March 13, 2019.

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

The public interest and necessity no longer require the Hawk View Zone of Benefit 98613 to fund road and drainage facility maintenance and improvement services; and
that all outstanding County costs have been paid.

ALTERNATIVES

Should the Board determine a majority protest against the dissolution is heard; the zone will not be dissolved. The Department of Transportation will seek direction from County Counsel regarding alternatives.

PRIOR BOARD ACTION

Please see Discussion/Background.

OTHER DEPARTMENT/ AGENCY INVOLVEMENT

County Counsel

Auditor-Controller

CAO RECOMMENDATION/ COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The costs associated with dissolving the zone are paid by the applicant through funds deposited under an Agreement for Payment of Processing Fees (FRP). Lennar provided the required \$1,000 deposit toward the cost of the dissolution proceedings. Under the FRP, Lennar is required to pay any outstanding costs prior to the recording of the dissolution with the State Board of Equalization. Actual costs will be determined following the close of the hearing. There is no impact to the General Fund or to the Road Fund.

CLERK OF THE BOARD FOLLOW UP ACTIONS

1. The Clerk of the Board will have the Resolution recorded upon signature by the Chair; and
2. The Clerk of the Board will provide two (2) certified copies of the Resolution to the Department of Transportation, attention Elizabeth Zangari for further processing.

STRATEGIC PLAN COMPONENT

Good Governance and Infrastructure.

CONTACT

Rafael Martinez, Director Community Development Services Department of Transportation