

DEPARTMENT: Public Works

By: Michael Edwards

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes No)

PUBLIC HEARING: F/Y 97/98 STANDBY AND ZONES OF BENEFIT FEES

Conduct a public hearing and adopt a resolution to fix fees charged in county service area (CSA) special districts including standby charges for sewer for Don Pedro Sewer Zone No. 1 and Mariposa Pines Sewer Zone and zone of benefit fees for Midpines Fire Equipment and County road maintenance zones at the same rates as in fiscal year 1996/97.

Public Works recommends that the Board fix the annual standby charges for sewer and/or water in county service areas at the maximum allowable per Government Code Section 25210.77b, not to exceed \$30 per acre or \$30 per parcel less than one acre. This is an annual fee. No change is proposed. The Code requires the Board of Supervisors to fix the standby charges on or before the first day of July in each year. Currently, all standby charges are set at \$30 annually and billed accordingly. Refer to Attachment #2.

Public Works also recommends affirming zone of benefit fees for Midpines Fire Equipment and the Mariposa County road maintenance zones. The fees in the zones have not been increased recently and no changes are proposed. In some cases, the fees have been decreased in the recent past. Within the Midpines Fire Equipment Zone, the status of some parcels have changed; however, no change in the original fee rate structure is proposed. Attachment #4 summarizes these fees. All of these fees are collected as a separate charge on the county property tax roll.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Annually, the Board holds public hearings to set fees with proper notice to the public. These hearings are normally set as part of the budget process and have been as late as September. Government Code requires that standby fees be fixed on or before July 1 of each year and not exceed the statutory limits imposed by the Government Code Section 25210.77b.

Government Code Section 25210.77a requires that the Board annually establish CSA zone fees in time for the fees to be collected on the next tax roll. Past practice to set the fees during the budget hearings did not allow the new fees to be placed on the tax roll in time. The recommended action satisfies this requirement.

Under Proposition 218 recently passed by the State's voters, the subject standby charges are classified as "assessments" for the purpose of that Act. However, these standby charges are exempt from the Prop 218 requirements affecting existing assessments because they pre-dated Prop 218 and the uses (sewer, water or streets) are defined as exempt. The Midpines Fire Equipment and road maintenance fees are defined as "property-related fees or charges" under Prop 218 which requires certain conditions be met in order for the fee to continue. These fees meet those requirements as described in California Constitution Article XIID, Section 6(b), as described below:

1. The revenues derived from the fee or charge do not exceed the funds required to provide the property-related service.
2. The revenues derived from the fee or charge are not used for any purpose other than that for which the fee or charge was imposed.

- 3. The amount of the fee or charge imposed upon the parcels or persons does not exceed the proportional cost of this service attributable to the parcel.
- 4. The service is actually used by or immediately available to the owner of the property in question.
- 5. None of the fees or charges are imposed for general governmental service including, but not limited to, police, fire, ambulance, or library services where the service is available to the public at large in substantially the same manner as it is to property owners in general.

Additionally, the Prop 218 requirements take effect on July 1, 1997.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1. Reduce or eliminate the fees. These fees are commensurate with the benefits provided and reduction would only serve to impact services in those districts.
- 2. Increase the fees. The standby fees are at their statutory maximum. An increase is not necessary to provide the required services. An increased fee will also be subject to the rigorous requirements of Prop 218, which is not yet fully understood.

COSTS: (X) Not Applicable

A. Budgeted current FY> \$ _____

B. Total anticipated Costs> \$ _____

C. Required additional funding> \$ _____

D. Internal transfers> \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues> \$ _____

B. Reserve for contingencies> \$ _____

C. Source description: > _____

Balance in Reserve Contingencies, If Approved:
\$ _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

1. Notice of Public Hearing _____

2. Current Standby Fee Structure for 3 Districts _____

3. Current County Zone of Benefit Fees including _____
Road Maintenance and Midpines Fire Equipment Zones _____

CLERK'S USE ONLY

Res. No.: 97-263 Ord. No.: _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved Denied

Minute Order Attached No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office

Date: _____

ATTEST: _____

MARGIE WILLIAMS, Clerk of the Board

By: _____

Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

C.A.O. Initials df

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: FIX FEES CHARGED IN COUNTY SERVICE AREA SPECIAL
DISTRICTS; RES. 97-263 + 97-264

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on June 24, 1997

ACTION AND VOTE:

D) PUBLIC HEARING and Resolution to Fix Fees Charged in County Service Area (CSA) Special Districts Including Standby Charges for Sewer for Don Pedro Sewer Zone No. 1 and Mariposa Pines Sewer Zone and Zone of Benefit Fees for Midpines Fire Equipment and County Road Maintenance Zones at the Same Rates as in Fiscal Year 1996/97; and

E) PUBLIC HEARING and Resolution to Fix Fiscal Year 1997/98 Fees for Yosemite West Maintenance District Sewer, Water and Roads to the Current Fee Structure Adopted During the 1996/97 Fee Hearing

BOARD ACTION: Mike Edwards presented staff reports. He advised that they are still working with the committees on fee recommendations for Don Pedro Sewer and for Coulterville Water and Sewer. Staff responded to questions from the Board relative to the fees and whether there are any Proposition 218 implications.

Public portion of the hearing was opened and input was provided by the following:

Alice Casaretto, appearing on behalf of Donald Adams, Sharon and George Capps, and Verne Casaretto, presented her letter and information objecting to the Zone of Benefit for Little Bear Road and requesting that they be allowed to form their own maintenance association; and she expressed concern with non-residential traffic on the Road. Chairman Stewart advised her that dissolutionment of a Zone of Benefit is a separate process and she should work with Public Works staff on this matter.

Public portion of the hearing was closed. Mike Edwards advised that a summary of the changes in parcels for the Midpines Zone of Benefit is included in the agenda material and they will be assessed at the new rate. Board commenced with deliberations. (M)Parker, (S)Reilly, Res. 97-263 adopted fixing fees charged in County Service Area (CSA) Special Districts as recommended; and Res. 97-264 adopted fixing fiscal year 1997/98 fees for Yosemite West Maintenance District Sewer, Water and Roads as recommended/Ayes: Unanimous. Hearings were closed.

cc: Ken Hawkins, Auditor
Jeff Green, County Counsel
Blaine Shultz, Fire Chief
File

PUBLIC HEARING NOTICE
PROPOSED ACTION TO RE-ADOPT EXISTING FEES FOR COUNTY SERVICE
AREAS

On Tuesday, June 24, 1997, at 10:00 a.m., the Mariposa County Board of Supervisors will conduct a public hearing in the Board Room, County Courthouse at 5088 Bullion Street, Mariposa, California, regarding a proposal to fix fees at their current rate for the following County Service Area Zones:

<u>Zone</u>	<u>Type of Fee</u>
Don Pedro Sewer	Sewer Standby Charge
Mariposa Pines Sewer	Sewer Standby Charge
Millbrow Estates	Road Maintenance Fee
Quail Mine Road	Road Maintenance Fee
Ponderosa Way	Road Maintenance Fee
El Toro Road	Road Maintenance Fee
Montana de Paz	Road Maintenance Fee
Little Bear Road	Road Maintenance Fee
Sierra Vista Estates	Road Maintenance Fee
Miami Mountain	Road Maintenance Fee
Usona Ridge Road	Road Maintenance Fee
Black Oak Ridge Road	Road Maintenance Fee
Coyote Court	Road Maintenance Fee
Pagala Springs Road	Road Maintenance Fee
Yosemite View Estates	Road Maintenance Fee
Leichtlin Lane	Road Maintenance Fee
Jordan View Lane	Road Maintenance Fee
Terrace View Lane	Road Maintenance Fee
St. Andrews Road	Road Maintenance Fee
Broncho Hollow Lane	Road Maintenance Fee
Midpines Fire Equipment	Fire Protection Fee

Information on the fees will be available at the the office of the Clerk of the Board. All interested citizens are invited to provide written and/or oral comment.

Michael D. Edwards
Public Works Director

Publication Dates: 6/5, 6/12, 6/19

**PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
WATER & SEWER STANDBY FEES**

COULTERVILLE SERVICE AREA

Water Standby Fee/Annual \$30.00 per parcel
Sewer Standby Fee/Annual \$30.00 per parcel

MARIPOSA PINES

Sewer Standby Fee/Annual \$30.00 per parcel

DON PEDRO SEWER ZONE I

Sewer Standby Fee/Annual \$30.00 per parcel

Zones of Benefit Assessment Rates:

The following table indicates the existing assessment rates being fixed by the Mariposa County Board of Supervisors at the public fee hearing on June 24, 1997, for zones of benefit within Countywide County Service Area No. 1. The adopted rates are as follows:

Name of Zone	Area	No. Parcels	Zone Total	Per Parcel
Millbrow Estates	All	12	\$1,320.00	\$110.00
Greeley Hill Estates:	* See Note 1	37	\$1,334.00	Varies
>Water Service Only	Water Only	19	\$228.00	\$12.00
>Quail Mine Road	Quail Mine Rd	11	\$792.00	\$72.00
>Ponderosa Way	Ponderosa Way	5	\$180.00	\$36.00
>Unnamed Easement	Unnamed Rd	2	\$134.00	\$67.00
El Toro Road	All	12	\$2,042.57	\$170.21
Montana de Paz	All	16	\$4,029.00	\$251.81
Little Bear Road	* See Note 2	9	\$3,118.50	\$346.50
Sierra Vista Estates	All	16	\$4,000.00	\$250.00
Miami Mtn Snow Plowing	All	12	\$300.00	\$25.00
Usona Ridge Road	All	8	\$800.00	\$100.00
Black Oak Ridge Road	All	6	\$600.00	\$100.00
Coyote Court	All	3	\$730.20	\$243.40
Pagala Springs Road	All	4	\$1,421.75	\$355.44
Yosemite View Estates	All	12	\$5,044.00	\$420.33
Leichtlin Lane	All	4	\$1,600.00	\$400.00
Jordan View Lane	All	6	\$60.00	\$10.00
Terrace View Lane	All	24	\$2,628.00	\$109.50
St. Andrews Road	All	2	\$1,590.00	\$795.00
Midpines Fire Equipment	* See Note 3		\$20,160.00	Varies
>This zone is divided according to the level of improvements.	Unimproved	228		\$20.00
	Improved	489		\$30.00
	Commercial	16		\$60.00

****NOTES:** The notes referenced in the table above are found at the end of Page 2.

(continued)

Name of Zone	Area	No. Parcels	Zone Total	Per Parcel
Broncho Hollow Lane ZOB	* See Note 4	74	\$10,956.91	Varies
Annual Maintenance Assessment Rates	Parent, C-6	17	\$1,041.25	\$61.25
	C-1, C-2	42	\$7,790.16	\$185.48
	C-3, C-4, C-5	15	\$2,125.50	\$141.70

****NOTES:** The notes referenced in the table above are found at the end of Page 2.

****Notes:** The following notes are the notes referenced in the table above.

- When created, the Greeley Hill Estates Zone of Benefit was formed with a "parent" area, covering all thirty seven (37) lots in the Greeley Hill Estates Major Subdivision, which provided emergency water service to all lots. Additionally, three (3) "child" road maintenance areas were formed, to provide separate accounting for the three (3) private roads within the subdivision. The assessment rates in the "child" areas are composed of the base rate within the subdivision for water service, plus the additional apportioned cost of road maintenance, within a specific road area. The areas are composed as follows:

Water Service:	Lots 1-37
Quail Mine Road:	Lots 27-37
Ponderosa Way:	Lots 11, 12, 19, 20, and 21
Unnamed Easement Road:	Lots 7 and 8.
- The number of parcels within Little Bear Road Maintenance Zone of Benefit being assessed the rate shown in the preceding table, is nine (9), as approved and adopted by the Board of Supervisors. A Resolution Approving the Reorganization of Little Bear Road Maintenance Zone of Benefit was adopted by Resolution No. 95-141. Parcel C of that certain parcel map for Peter Bradbury, recorded February 11, 1993, in Book 26 of Parcel Maps at Page 4, was affected by the reorganization, and will not be assessed during the fiscal year 1997-1998. The other nine (9) parcels within the boundaries of the zone shall be assessed the rate shown on the preceding page.
- The rates in this table, for the Midpines Fire Equipment Zone of Benefit, are as approved and adopted by the Mariposa County Board of Supervisors, on December 7, 1993. The approved rate schedule provided a varying rate, depending upon the improvements on the property. The areas and improvement rates (per year) provided for were: 1) Unimproved Property, rate = \$20.00; 2) Improved Property, rate = \$30.00; 3) Commercial Property, rate = \$60.00; and 4) Exempt Government Property, rate = \$0. Determinations will be made based upon values contained in the Mariposa County assessment records for each property. Determinations are reviewed annually by the Planning Director and the County Fire Chief. Property owners may appeal the determinations to the Board of Supervisors. The results of that determination showing the revised status of several parcels are shown on Attachment #4.

4. When created, the seventy-four (74) parcels within the Broncho Hollow Lane Zone of Benefit were divided into seven geographical areas indicated as parent, C-1, C-2, C-3, C-4, C-5, and C-6. The seven geographical areas are allocated into three rate areas; Rate Area 1 (17 parcels), consisting of the parent and C-6 geographical areas**; Rate Area 2 (42 parcels), consisting of geographical areas C-1 and C-2; and Rate Area 3 (15 parcels), consisting of geographical areas C-3, C-4, and C-5.

**** Note:** APN 017-350-033 is a single Assessor's Parcel Number that was recently assigned to two (2) legal parcels under a single ownership. Therefore, said parcel should be assessed double the normal rate for the Parent Area in Rate Area 1.

When the Midpines Fire Equipment Zone of Benefit was formed, the Board specified that the Planning Department would be responsible for preparing a yearly list of parcels where development activity had occurred and might necessitate a change in the land use category. In May, 1997, the Planning Department prepared a list covering the changes that had occurred between June 1, 1996 to June 1, 1997. Permits or development applications had been pulled on fifty (50) parcels within the zone; however, only four (4) of those permits caused a change in land use. In the first case listed below, the parcel was split and boundaries adjusted by approved and finalized Land Division and Lot Line Adjustment processes. The original parcel was retired, and the net configuration resulted in two parcels, one (APN 008-240-056) with all of the original improvements, and the other (APN 008-240-054) with no improvements. In the last case listed below, it was discovered that the parcel has been mis-classified as a Non-commercially Improved parcel, when it appears to be an Unimproved parcel. The property owner should be credited for all previous overpayments.

The County Fire Chief has reviewed the list and concurs with the finding that only four (4) parcels qualify for a change in land use as dictated by the administrative guidelines in accordance with Mariposa County Resolution No. 93-605. **At this time, Public Works recommends changing the land use classification on all four (4) of parcels to the fees as indicated below:**

<u>Parcel Number</u>	<u>Owner of Record</u>	<u>Parcel Address</u>	<u>New Fee</u>
<u>Changes based on a Finalized Land Division:</u>			
APN 008-240-046	Douglas Chappell	5888 Colorado Road	Retired
APN 008-240-054	Douglas Chappell	5888 Colorado Road	\$20.00
APN 008-240-056	Douglas Chappell	5888 Colorado Road	\$30.00
<u>Changes based on Development Permits:</u>			
APN 008-170-046	D.L. Swickard et al	6808 Rancheria Creek	\$30.00
APN 008-180-018	Alexander Keeton et al	6758 Rancheria Creek	\$30.00
APN 014-090-030	Mark & Pamela Harris	4710 Triangle Road	\$20.00

The balance of the permits reviewed this year were either for allowable development on Non-commercially Improved parcels, or for incomplete development that did not result in a change in valuation on the latest Mariposa County Equalized Assessment Roll, on Unimproved parcels, in accordance with Mariposa County Resolution No. 93-605: