

COUNTY OF SACRAMENTO
CALIFORNIA

APPROVED

BOARD OF SUPERVISORS

By Res. # 2013-0364
JUN 04 2013

By *[Signature]*
Clerk of the Board

For the Agenda of:
June 4, 2013

To: Board of Supervisors
From: Community Development Department
Subject: Adopt Resolution To Establish The Florin Vineyard Community Plan Reimbursement Fee
Supervisorial District(s): Nottoli, Yee
Contact: Tricia Stevens, Principal Planner, 874-2926
Surinder Singh, Senior Planner, 874-5462

Overview

In December 2010, the Board of Supervisors adopted Resolution No.2010-1000 and executed a reimbursement agreement to establish the mechanism for subsequent adoption of a fee to recover and reimburse costs and studies related to the preparation of the Florin Vineyard Community Plan (FVCP). The reimbursement agreement will provide for the recovery and reimbursement of costs and studies incurred by the Florin Vineyard Property Owners' Group (FVPOG), which benefited from the adoption of the FVCP in December 2010. The reimbursement agreement allows the County to impose a fee on applicants seeking new entitlements within the area to recover the costs of preparing the FVCP. The fee amount, including methodology for establishing the fee, as suggested by the FVPOG, is acceptable to staff.

Recommendation

Approve the attached resolution approving a fee to be imposed on new planning applications within the FVCP area.

Measures/Evaluation

Approval of this fee will allow the County to reimburse the FVPOG for their costs in the preparation of the FVCP, consistent with the Resolution No.2010-1000 adopted by the Board on December 15, 2010.

Fiscal Impact

There will be no fiscal impact from the approval of this reimbursement fee.

BACKGROUND

The Board initiated a community planning program in October 2002 through Resolution No. 2000-1312 for the approximately 3,766 acre Florin-Vineyard Community Plan (FVCP) area. In order to effectively manage and support the Plan project, several applicants with rezone and development applications within the Plan area agreed to form the Florin Vineyard Property Owners' Group (FVPOG) and to fund costs associated with the community plan project. A

funding agreement was eventually adopted in 2004 between the County and FVPOG, which included provisions for the funding of the overall Plan project.

As part of the agreement, the FVPOG agreed to fund the cost of preparation of various plans and studies for the entire Plan area, including, but not limited to, a community plan and design guidelines, the environmental analysis as required by the California Environmental Quality Act (CEQA), technical studies associated with the CEQA document, infrastructure improvements, services, plans and studies associated with parks, recreation, open space and other amenities, as well as an infrastructure and public facilities financing plan. Significant costs were incurred by FVPOG in conjunction with the adoption of the FVCP in December 2010.

On December 15, 2010, the Board of Supervisors adopted Resolution No.2010-1000 and executed a reimbursement agreement to establish the mechanism for subsequent adoption of a fee to recover and reimburse costs and studies related to the preparation of the FVCP project. The reimbursement agreement will provide for the recovery and reimbursement of costs and studies incurred by the FVPOG which benefited from the adoption of the FGCP in December 2010. Numerous other specific or master planning programs have included reimbursement provisions including North Vineyard Station, Elverta, Natomas, East Antelope and others now in the cities of Elk Grove and Rancho Cordova.

DISCUSSION

The FVPOG, represented by Roy Brewer of Brewer Lofgren, LLP, have proposed a per acre reimbursement fee of \$1,258 that would be charged to applicants submitting proposals to rezone properties to an urban designation. These new applicants did not participate in the FVPOG and would benefit from the technical work funded by the FVPOG. The reimbursement fee is collected by the County in conjunction with the submittal of the application. Following collection of the fee, the County will, on a quarterly basis, disburse the amount of the fee to the party indicated on the reimbursement agreement until completely reimbursed or up to ten years, whichever occurs first.

The Reimbursement Fee is calculated by dividing the reimbursable costs by the total acreage to which the fee would be applied. The first step in determining the reimbursement fee is to document what costs are reimbursable. Mr. Brewer has provided this documentation of consultant costs expended by the FVPOG (Attachment 1) and staff is in agreement with this cost summary. As shown in Attachment 1, a total amount of \$5,218,310.11 was expended leading up to the adoption of the FVCP in December 2010 and continuing through the court ruling in May 2012 on the Swainson's Hawk litigation filed in the context of the FVCP approval. This cost was paid by the applicants as members of the FVPOG, including those who dropped out prior to the approval of the FVCP and are not eligible for reimbursement. The cost incurred by the remaining members of the FVPOG was estimated at \$3,483,578.00, which now represent the final reimbursable amount.

The second step in determining the fee is the calculation of acreage. The attached spreadsheet provides the FVPOG's fee calculation. The following land uses are considered non-reimbursable and have not been included in the total net acreage.

- Parks and schools
- Major roads and the California Traction Railroad
- Open Space and detention basins

- A 443 acre portion of the industrial lands in the northeast portion of the Plan area. This area is excluded because it contains a large amount of wetlands and development is highly unlikely.
- The land designated on the Plan for AR 2-5 (Agricultural-Residential with a parcel sizes between two and five acres). Future rezoning applications in this area would not require urban services such as water and sewer, and therefore would not benefit from the work funded by the FVPOG.

In addition, the Resolution also indicates that any rezones to AR-2 in the area designated for AR 1-2 would not be subject to the reimbursement fee if urban services are not required. It is foreseeable that portions of that area would request AR-1 zoning, which would require urban services and be subject to the reimbursement fee.

The fee would also include an administrative fee of \$36.00 per acre to cover County costs of administering the reimbursement program.

The proposed per acre reimbursement fee of \$1,293.60 is comparable to the reimbursement fee of \$1,290 adopted for the North Vineyard Station Specific Plan in 2006 and the reimbursement fee of \$962 adopted for the East Elk Grove Specific Plan in mid 1990's (now in the City of Elk Grove). Staff believes the proposed fee is fair and reasonable and consistent with County policy to provide the mechanism to reimburse developer groups who front the costs for master plans when subsequent applications are made.

MEASURES/EVALUATION

Approval of this fee will allow the County to reimburse FVPOG for their costs in the development of the FVCP, consistent with resolution No. 2010-1000 adopted by the Board on December 15, 2010.

FINANCIAL ANALYSIS

The adoption of this fee will result in no net County cost. The money reimbursed will be part of the application fee that is submitted at the time of development.

Respectfully submitted,

APPROVED:
BRADLEY J. HUDSON
County Executive

LORI A. MOSS, Director
Department of Community Development

By: _____
ROBERT B. LEONARD
Chief Deputy County Executive

Attachments:

Resolution, with Exhibit A

Attachment 1–Florin Vineyard Community Plan Reimbursement Fee – Fee Calculation

RESOLUTION NO. 2013-0364

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, TO
ESTABLISH A REIMBURSEMENT FEE FOR THE
FLORIN VINEYARD COMMUNITY PLAN**

WHEREAS, in 1999, the Board of Supervisors initiated a community planning process for the portion of the County known as the Florin Vineyard area; and

WHEREAS, the Board adopted a Funding Agreement for the preparation of the Florin Vineyard Community Plan in 2004, and

WHEREAS, in order to effectively manage and fund the preparation of the plans and studies, the Owners formed the Florin Vineyard Property Owners Group, LLC (“Owners’ Group”) and the Owners’ Group has incurred significant costs in the preparation of the documents required by and for the County; and

WHEREAS, the Florin Vineyard Community Plan was adopted by the Board of Supervisors on December 15, 2010; and

WHEREAS, On December 15, 2010, the Board of Supervisors adopted Resolution No. 2010-1000 and executed a reimbursement agreement to establish the mechanism for subsequent adoption of a fee to recover and reimburse certain costs and studies related to the preparation of the Florin Vineyard Community Plan; and

WHEREAS, the Planning and Environmental Division of the Community Development Department has undertaken a review of the costs of the preparation, adoption and administration of the Florin Vineyard Community Plan; and

WHEREAS, the Planning and Community Development Department has determined that the Florin Vineyard Community Plan Reimbursement Fee shall be established and implemented as a per gross acre fee with simple interest, to be charged on qualifying acreage (excluding public parks, schools and rural residential not requiring any urban services- AR 2 and AR-5 zoning) included in any planning application submitted for property located within the Florin Vineyard Community Plan; and

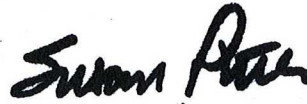
WHEREAS, Section 115-40 of the Zoning Code of the County of Sacramento prescribes that fees shall be established by resolution of the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby adopts the Florin Vineyard Community Plan Reimbursement Fee in the amount of \$1293.60 as detailed in Exhibit A attached hereto

Resolution Of The Board Of Supervisors Of The County Of Sacramento, State Of California, To Establish A Reimbursement Fee For The Florin Vineyard Community Plan
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On a motion by Supervisor Yee, Seconded by Supervisor Serna, the foregoing resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, at a regular meeting thereof this 4th day of June, 2013, by the following vote, to wit:

AYES: Supervisors: MacGlashan, Nottoli, Serna, Yee, Peters
NOES: Supervisors: None
ABSENT: Supervisors: None
ABSTAIN: Supervisors: None



Chair of the Board of Supervisors
of Sacramento County, California



In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chairman of the Board of Supervisors. County Of Sacramento on: 6/4/13

By [Signature]
Deputy Clerk, Board of Supervisors

FILED
BOARD OF SUPERVISORS

JUN 04 2013
BY [Signature]
CLERK OF THE BOARD

ATTEST: [Signature]
Clerk, Board of Supervisors

Attachment: Exhibit A

FLORIN VINEYARD COMMUNITY PLAN

**REIMBURSEMENT FEE
FEE CALCULATION**

1.	Total Acreage (gross)	3,766 acres
	Less Non-Reimbursement Acreage:	
	Parks	137 acres
	Schools	70 acres
	Major Roads/CC Railroad	119 acres
	Open Space/Detention basins	98 acres
	NE Wetlands	443 acres
	AR 2-5 designated areas	<u>129 acres</u>
	Subtotal	996 acres
	Total Acreage (Net)	2,770 acres

2. Invoices

**Summary of Invoices for
Florin Vineyard Community Plan**

Sacramento County	\$1,059,214.89
Southgate Recreation & Park District	\$8,500.00
Civil Engineering Solutions	\$25,000.00
Cox, Castle & Nicholson LLP	\$101,101.41
Gillum Consulting	\$199,416.33
Edward R. Gillum	\$184,110.29
EPS	\$108,346.92
Fehr & Peers	\$243,432.44
Gibson & Skordal, LLC	\$156,809.39
MacKay & Somps	\$1,198,251.00
Morrison & Foerster	\$48,738.66
MWH Americas, Inc.	\$15,000.00
Peak & Associates	\$38,850.00
Remy Moose & Manley	\$34,263.40
Remy Thomas Moose & Manley	\$72,762.68
Standard Pacific	\$217,688.02
The Brewer Law Firm	\$488,779.81
Brewer Lofgren LLP	\$947,191.13
Carter Burgess	70,853.74
Total Costs	\$5,218,310.11 ¹
Reimbursable Costs	\$3,483,578.00²

**2004-2012 Florin Vineyard Community Plan Applicants
Reimbursement Schedule**

Florin Vineyards		15.57%
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¹ A total amount of \$5,218,310.11 was expended leading up to the adoption of the Community Plan in December 2010 and continuing through the court ruling in May, 2012 on the Swainson's Hawk litigation filed in the context of the Community Plan approval. This cost was paid by the applicants as members of the Owners' Group, including those who dropped out prior to the approval of the Community Plan and are not eligible for reimbursement

² The cost incurred by the remaining members of the Owners' Group is estimated at \$3,483,578.00, which now represents the final reimbursable amount. See reimbursable schedule on the next page.

LK Dev One		14.50%
Taylor Properties & Village Properties		12.19%
Massie & Company (Gardner Parke)		11.65%
Elk Grove Reserve		9.24%
Caselman Ranch		8.93%
Petrovich Properties		7.47%
LAJ Construction		5.19%
Jack Liebau		4.17%
EGF Holdings		2.73%
Elk Grove Florin Gerber LLC		2.46%
Michael Stumbos		1.74%
Riley Ranch		1.73%
Buzz Oates		1.33%
Gardner Country Estates		1.09%

3. Reimbursement Fee Calculations

Base Component = Total Reimbursable Costs/Total Net Acreage	
$\$3,483,578.00/2,770 \text{ acres} =$	\$1,257.60 per acre
Administrative Component =	\$36.00 per acre
Total Reimbursable Fee =	\$1,293.60 per acre

4. Exclusion

The Florin Vineyard Community Plan designates 271 acres for Agricultural-Residential AR 1-2. The plan further anticipates that 181 AR-1 or AR-2 lots can be established within this area. Any AR-2 zoning proposal within the AR 1-2 designated area that does not require urban services shall be exempt from the reimbursement fee payment.

FLORIN VINEYARD COMMUNITY PLAN

**REIMBURSEMENT FEE
FEE CALCULATION**

1. Total Acreage (gross) 3,766 acres

Less Non-Reimbursement Acreage:

Parks	137 acres
Schools	70 acres
Major Roads/CC Railroad	119 acres
Open Space/Detention basins	98 acres
NE Wetlands	443 acres
AR 2-5 designated areas	<u>129 acres</u>
Subtotal	996 acres

Total Acreage (Net) 2,770 acres

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Brewer Lofgren LLP	\$947,191.13
Carter Burgess	70,853.74
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2004-2010 Florin Vineyard Community Plan Applicants

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Reimbursement Schedule

Florin Vineyards	\$542,385	15.57%
LK Dev One	\$505,001	14.50%
Taylor Properties & Village Properties	\$424,791	12.19%
Massie & Company (Gardner Parke)	\$405,898	11.65%
Elk Grove Reserve	\$321,951	9.24%
Caselman Ranch	\$311,086	8.93%
Petrovich Properties	\$260,326	7.47%
LAJ Construction	\$180,742	5.19%
Jack Liebau	\$145,335	4.17%
EGF Holdings	\$95,027	2.73%
Elk Grove Florin Gerber LLC	\$85,713	2.46%
Michael Stumbos	\$60,523	1.74%
Riley Ranch	\$60,438	1.73%
Buzz Oates	\$46,365	1.33%
Gardner Country Estates	\$37,996	1.09%

3. Reimbursement Fee Calculations

Base Component = Total Reimbursable Costs/Total Net Acreage
 $\$3,483,578.00/2,770 \text{ acres} = \$1,257.60 \text{ per acre}$

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