

CITY OF YUBA CITY
STAFF REPORT

Date: September 21, 2021
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: Diana Langley, Public Works Director

Summary

Subject: Yuba City Lighting and Landscape Maintenance District No. 2, Zone of Benefit A (Yuba City KFC)

Recommendation: Adopt a Resolution confirming and ordering annexation of the parcel associated with the Yuba City KFC at 438 Bridge Street, APN 52-321-026, into the existing Yuba City Lighting and Landscape Maintenance District No. 2, Zone of Benefit A and establishing a levy of assessments for the annexed territory

Fiscal Impact: \$3,072.34 total annual revenue, with an inflation index

Purpose:

To fund the ongoing operation, maintenance, and administration of landscaping material, irrigation systems, street trees, and street lighting.

Background:

The existing Yuba City Lighting and Landscape Maintenance District (LLMD) No. 2, Zone of Benefit A was established in 1994 for the Town Center Area, with a fee per parcel for the operation and maintenance costs associated with street lighting, street trees, landscaping materials, and irrigation systems. The fee per parcel for Zone of Benefit A was established by determining the annual costs for operation and maintenance for the district, determining the cost per lot frontage foot for parcels which benefit from the district, and establishing rates for each parcel based on their respective lot frontage lengths. The original Engineer's Report for this Zone of Benefit did not include a Cost of Living Adjustment (COLA) for inflation.

In 2008, the City held a Proposition 218 hearing for the district to increase the maximum assessment, and to establish COLA provisions, as operation and maintenance costs exceeded the maximum levy at that time. The public hearing was successful, and the maximum assessment rate for Zone A became \$487.60 per Equivalent Benefit Unit (EBU) in fiscal year 2008-09, instead of using a lot frontage length basis. Per the 2008 Engineer's Report, the district is annually assessed from February to February, and the COLA took effect in the 2009-10 fiscal year.

Currently the Yuba City KFC Development at the southwest corner of Bridge Street and Shasta Street, Assessor's Parcel Number (APN) 52-321-026 is requesting to be included into this Zone of Benefit, as required through their conditions of approval for Use Permit 19-05. The subject parcel contains 1.02 acres of land. Since the parcel is zoned commercial, and commercial properties were designated 5.0 EBU per acre in the original engineer's report, the parcel would equate to 5.1 EBU. In order to determine the assessment for this parcel, the 2008 assessment for Zone of Benefit A will need to be increased to today's dollars using the Consumer Price Index (CPI).

The City has created and modified several LLMDs to encompass a number of commercial projects and subdivisions over the past few years. The process of annexing to an existing district consists of adopting multiple City Council Resolutions, holding Public Hearings, and observing rights of majority protests.

Analysis:

The Public Notice procedure can be waived and an expedited process can be substituted at the request of the property owners requesting to be annexed into the district. The authorized representatives of the Yuba City KFC Development have requested to waive the Public Hearing proceedings, which has allowed the City to utilize the expedited process to annex the parcels associated with the Yuba City KFC Development into the existing LLMD No. 2, Zone of Benefit A.

The expedited process consists of the City Council adopting a single Resolution which confirms and orders the annexation of the new territory into the existing Zone of Benefit and orders a levy of assessments for said Zone of Benefit. The levy amounts have been established by City staff through the creation of an Engineer's Report for the Zone of Benefit. The Engineer's Report contains a detailed estimate of annual costs to energize and maintain the streetlights, and maintain street trees, landscaping materials, and irrigation systems within the Zone of Benefit (Attachment 2).

Once the Resolution has been adopted, the City will file the Engineer's Report with the City Clerk. The information will then be provided to the Sutter County Auditor-Controller so that the properties can be assessed accordingly.

Fiscal Impact:

Revenue from the assessed parcel is to be used to provide maintenance services and district administrative costs. The Engineer's Report for the Yuba City Lighting and Landscape Maintenance District No. 2 Zone of Benefit A has determined that the annual assessed amount for the parcel being annexed into the Zone of Benefit is \$602.42 per EBU. Since the parcel is 5.1 EBU, the annual levy for the parcel will be \$3,072.34 and is subject to an annual inflation increase.

Alternatives:

1. Do not adopt the following Resolution and fund the operation and maintenance of the street lights, street trees, landscaping materials, and irrigation systems from alternate sources.
2. Direct staff to begin the typical longform Lighting and Landscape Maintenance District annexation procedure.

Recommendation:

Adopt a Resolution confirming and ordering annexation of the parcel associated with the Yuba City KFC at 438 Bridge Street, APN 52-321-026, into the existing Yuba City Lighting and Landscape Maintenance District No. 2, Zone of Benefit A and establishing a levy of assessments for the annexed territory.

Attachments:

1. Resolution
 - a. Exhibit A – Assessment Roll
 - b. Exhibit B – Vicinity Map
 - c. Exhibit C – Zone of Benefit Map
2. Engineer's Report – LLMD No. 2, Zone of Benefit A
3. Waive Public Hearing Letter

Prepared by:

/s/ Josh Wolfe

Josh Wolfe
Associate Civil Engineer

Submitted by:

/s/ Dave Vaughn

Dave Vaughn
City Manager

Reviewed by:

City Attorney

SLC by email

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
CONFIRMING AND ORDERING ANNEXATION OF THE PARCELS ASSOCIATED WITH THE
YUBA CITY KFC DEVELOPMENT AT 438 BRIDGE STREET, APN 52-321-026, INTO THE
EXISTING YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 2,
ZONE OF BENEFIT A AND ESTABLISHING A LEVY OF ASSESSMENTS FOR THE
ANNEXED TERRITORY**

WHEREAS, the City of Yuba City, pursuant to the provisions of the Lighting and Landscaping Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"), previously established Yuba City Lighting and Landscape Maintenance District ("District") No. 2, and has levied and collected the annual assessments for said District No. 2; and

WHEREAS, assessments levied within the district provide revenue for the purpose of financing the maintenance of certain public projects eligible under the Act, including without limitation the operation, maintenance, and servicing of public streetlights, street trees, landscaping materials, and irrigation systems; and

WHEREAS, certain property owners have requested their property to be annexed into District No. 2, Zone of Benefit A; and

WHEREAS, in annexation proceedings, the Resolutions, report, notices of hearing, and right of majority protest shall be waived with the written consent of all of the owners of property within the territory to be annexed, and mailed notice may be dispensed with as to all property owners who shall have filed a written request for the annexation of their property; and

WHEREAS, pursuant to Section 22608 of the Streets and Highways Code, the property owners have provided written consent waiving such items, and acknowledging the amount of levy and collection of assessments; and

WHEREAS, the Resolutions, report, notices of hearing, right of majority protest, and mailed notice have been properly waived; and

WHEREAS, the City Council desires to annex the territory of the property owners to existing assessment District No. 2; designate the portion of the annexed territory into existing District No. 2 Zone of Benefit A, and set the levy and collection of assessments against the assessable lots and parcels of land for that portion of territory.

NOW, THEREFORE, be it resolved by the City Council of the City of Yuba City as follows:

Section 1. The above recitals are true and correct, and are hereby incorporated herein by this reference.

Section 2. The City Council finds that the hearing on said annexation of territory and levy of assessment was held in accordance with law and all persons desiring to speak were heard, and that there was no majority protest by the property owners of the same.

Section 3. The City Council orders the territory identified in Exhibit "B" is annexed into existing assessment district Yuba City Lighting and Landscape Maintenance District No. 2 ("District"), Zone of Benefit A.

Section 4. The City Council hereby (1) finds that the public interest and convenience requires and (2) declares its intention to order the levy of and to collect assessments against the assessable lots and parcels of property within Zone of Benefit A of the existing assessment district designated "Yuba City Lighting and Landscape Maintenance District No. 2" pursuant to the provisions of the Act, for the remainder of the fiscal year commencing July 1, 2021 and ending June 30, 2022, to pay for the costs and expenses of the improvements for Zone of Benefit A, at the assessment rate(s) set forth in Exhibit "A."

Section 5. The City Council hereby determines that the territory within Zone of Benefit A of the District, whose boundaries are set forth in Exhibit "B," will be the territory benefited by the maintenance and servicing of the improvements.

Section 6. The City Council hereby orders the levy of the assessments described in said Exhibit "A."

Section 7. The City Council finds that the assessment diagram showing Zone of Benefit A of the District, and also the subdivision of land within the District, as contained in Exhibit "B," be and it is hereby finally approved and confirmed as the diagram of the properties to be assessed to pay the costs of the improvements for that portion of the District.

Section 8. The City Clerk shall file the diagram and assessment, as confirmed or certified copy thereof, with the Sutter County Auditor-Controller no later than September 24, 2021.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 21st day of September 2021.

AYES:

NOES:

ABSENT:

Marc Boomgaarden, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):

Exhibit A – Assessment Roll

Exhibit B – Vicinity Map

Exhibit C – Existing Zone of Benefit Map

EXHIBIT A

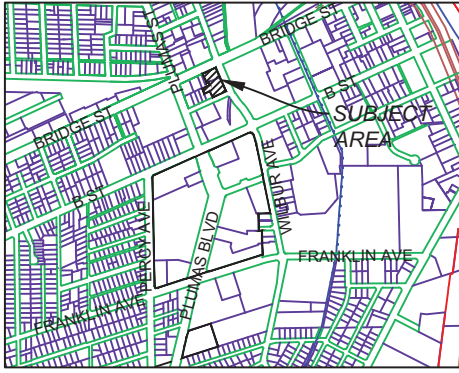
**PART C
ASSESSMENT ROLL**

**Yuba City Lighting and Landscape Maintenance District No. 2
ZONE OF BENEFIT A
(Yuba City KFC)**

Assessment #	Assessor's #	Amount of Assmt.
1	52-321-026	\$ 3,072.34

EXHIBIT B

YUBA CITY KFC
LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 2
ZONE OF BENEFIT A



SCALE: 1" = 200'

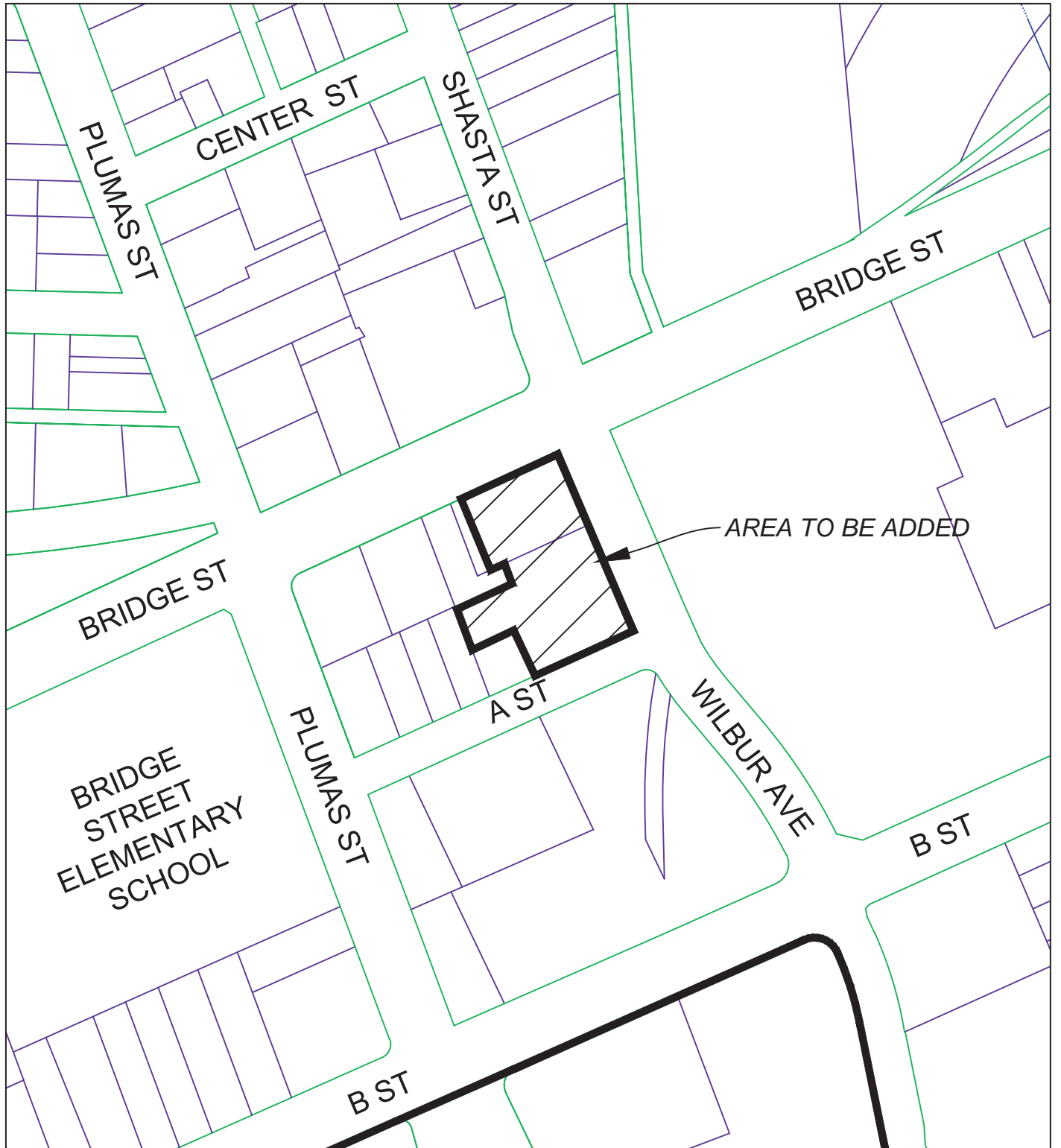
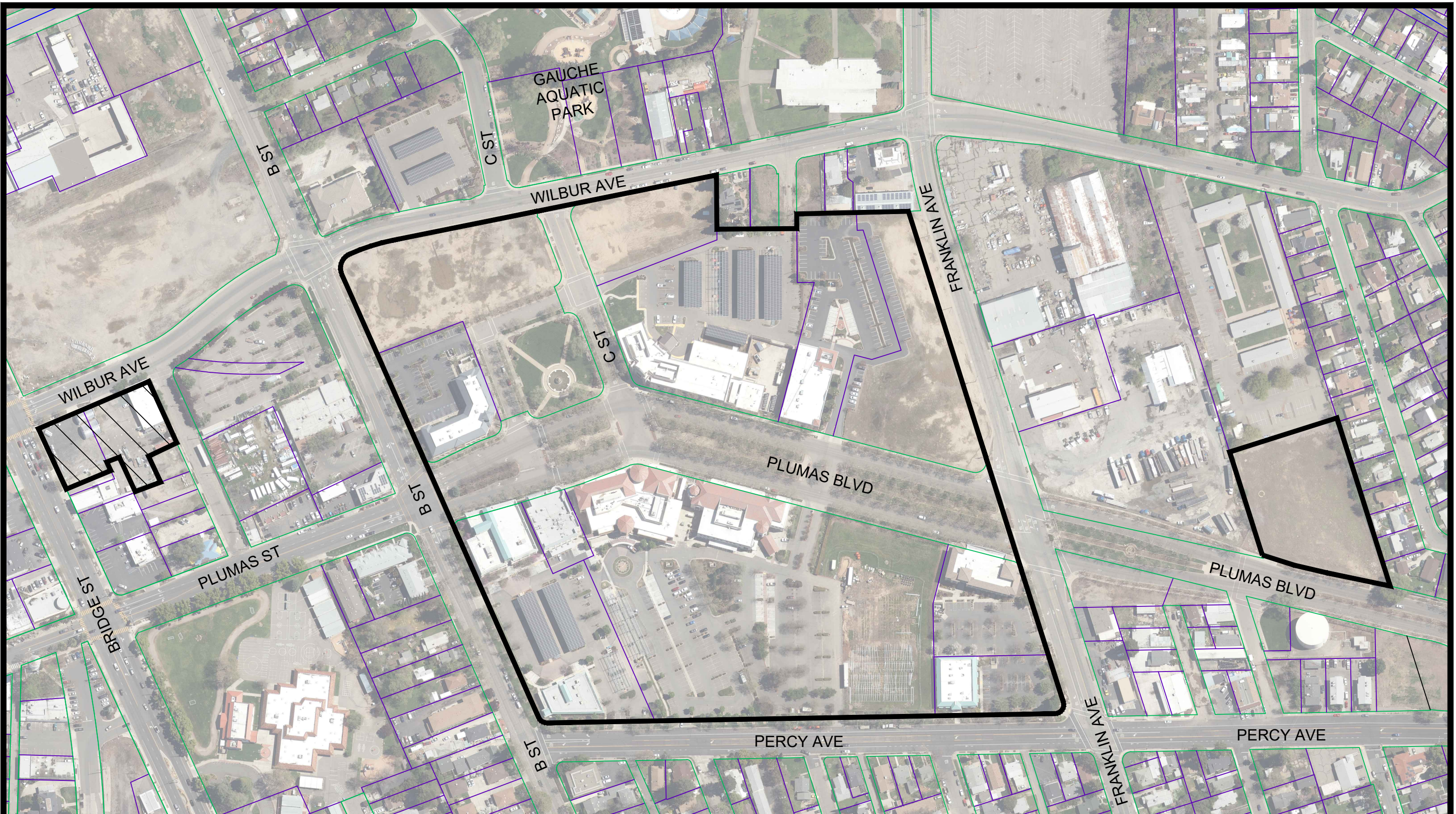


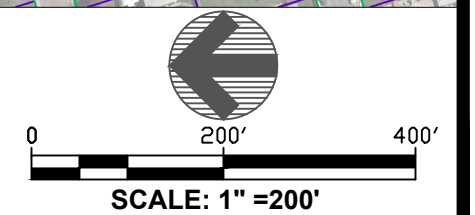
EXHIBIT C



SYMBOL LEGEND:

-  - EXISTING ZONE OF BENEFIT A AREA
-  - PARCEL BEING ANNEXED INTO ZONE OF BENEFIT

**LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 2, ZONE OF BENEFIT A
NEW AREA FOR ZONE OF BENEFIT MAP**



ATTACHMENT 2

ENGINEER'S REPORT

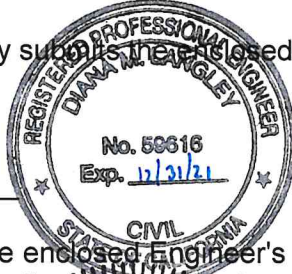
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 2



2021-2022 ZONE OF BENEFIT A (Yuba City KFC)

**ENGINEER'S REPORT
FOR
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 2
ZONE OF BENEFIT A
(Yuba City KFC)
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

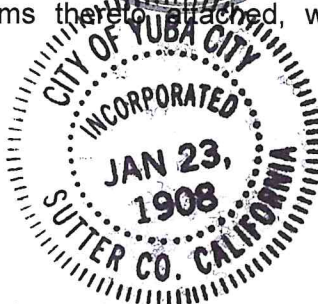
The undersigned respectfully submits the enclosed report as directed by the City Council.
Diana Langley, Engineer of Work
City of Yuba City



Dated : September 15, 2021

By: Diana Langley

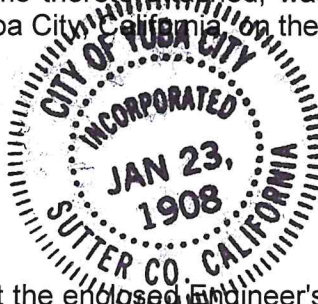
I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with me on the 15th of September, 2021.



Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By: Ciara Wakefield

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was approved and confirmed by the City Council of the City of Yuba City, California, on the 21st of September, 2021.



Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By: Ciara Wakefield

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with the County Auditor of the County of Sutter, on the 24th of September, 2021.



Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By: Ciara Wakefield

**ENGINEER'S REPORT
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 2
ZONE OF BENEFIT A
(Yuba City KFC)**

(Pursuant to the Landscaping and Lighting Act of 1972)

Diana Langley, Engineer of work for the Yuba City Lighting and Landscape Maintenance District No. 2, Zone of Benefit A, City of Yuba City, County of Sutter County, California, makes this report as directed by City Council, pursuant to Section 22585 of the Streets and Highway Code (Landscape and Lighting Act of 1972).

The improvements to be maintained subject to this report include landscaping material, irrigation systems, street trees, and street lighting described within the original "Engineer's Report, Yuba City Lighting and Landscape District No. 2, Zone of Benefit A, Town Center". The area requesting annexation into District 2, Zone of Benefit A includes: Yuba City KFC, Use Permit (UP) 19-05, on Assessor's Parcel Number 52-321-026, located south of Bridge Street, west of Shasta Street, east of Plumas Street, and north of A Street. The subject parcel was formerly under the following Assessor's Parcel Numbers: 52-321-009 and 52-321-022.

This report consists of five parts, as follows:

Part A- Plans and specifications (the improvements to be maintained are not filed with the City Clerk, since this will be a maintenance district only).

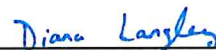
Part B - An estimate of the cost of maintenance.

Part C - An assessment of the estimated cost of maintenance on each benefited parcel of land within the assessment district (see attached list).

Part D - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

Part E - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part C by assessment number.

Respectfully submitted,



Diana Langley
Engineer of Work
City of Yuba City

**PART A
PLANS AND SPECIFICATIONS**

**YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 2
ZONE OF BENEFIT A
(Yuba City KFC)**

This is a maintenance district only -- no plans or specifications are required.

PART B
ESTIMATE OF ANNUAL COST OF MAINTENANCE
Yuba City Lighting and Landscape Maintenance District No. 2
Zone of Benefit A
(1 Parcel)

Basis of Calculation
Yuba City KFC UP 19-05,

Background

The existing Yuba City Lighting and Landscape Maintenance District (LLMD) No. 2, Zone of Benefit A was established in 1994 for the Town Center Area, with a fee per parcel for the operation and maintenance costs associated with street lighting, street trees, landscaping materials, and irrigation systems. The fee per parcel for Zone of Benefit A was established by determining the annual costs for operation and maintenance for the district, determining the cost per lot frontage foot for parcels which benefit from the district, and establishing rates for each parcel based on their respective lot frontage lengths. The original Engineer's Report for this Zone of Benefit did not include a Cost of Living Adjustment (COLA) for inflation.

In 2008, the City held a Proposition 218 hearing for the District to increase the maximum assessment, and to establish COLA provisions, as operation and maintenance costs exceeded the maximum levy at that time. The properties within the district were re-assessed, and the rates per parcel were modified such that each parcel would pay their fair share of the annual costs based on their Equivalent Benefit Units (EBU). The EBUs were established as follows:

Land Use Type	EBU	Multiplier
Single-Family Residential	1.000	Unit/Lot/Parcel
Multi-Family Residential	0.600	Unit
Commercial	5.000	Acreage
Exempt	0.000	Parcel

The public hearing was successful, and the maximum assessment rate for Zone A became \$487.60 per EBU in fiscal year 2008-09, instead of using a lot frontage length basis. Per the 2008 Engineer's Report, the district is annually assessed from February to February, and the COLA took effect in the 2009-10 fiscal year.

Currently the Yuba City KFC Development at Assessor's Parcel Number (APN) 52-321-026 is requesting to be included into this Zone of Benefit, as required through their conditions of approval for Use Permit 19-05. The subject parcel contains 1.02 acres of land. Since the parcel is zoned commercial this would equate to 5.1 EBU for the parcel. In order to determine the assessment for this parcel, the 2008 assessment for Zone of Benefit A will need to be increased to today's dollars using the Consumer Price Index (CPI).

Analysis

The 2008 estimate for annual maintenance costs in this Zone of Benefit was as follows:

**Yuba City Lighting and Landscape Maintenance District No. 2
Zone of Benefit A
(134.35 EBUs)
Town Center Area**

Item	Cost
Direct Costs	
Labor	\$7,500
Water	\$7,901
Vehicle Maintenance	\$2,529
Street Light Electricity	\$8,806
Material & Supplies	\$3,500
Professional Services	\$25,642
Direct Costs Subtotal	\$55,878
Administration Costs	
City Administration Costs	\$14
District Administration Fees	\$1,001
Miscellaneous Administration Expenses	\$5,822
Administrative Costs Subtotal	\$6,837
Levy Breakdown	
Total Direct and Admin. Costs	\$62,715
Reserve Fund	\$2,794
(Sub-Total) District Costs	\$65,508
Maximum Levy Amount	\$65,508
District Statistics	
Total Parcels	13
Total Parcels Levied	13
Total Equivalent Benefit Units (EBU)	134.35
Calculated Levy per EBU (FY 2008/09)	\$487.60
Current Approved Maximum Rate per Front Foot	\$15.34
Proposed Maximum Rate per EBU (To be Balloted)	\$487.60

The below tables show the CPI and Multipliers for February of 2008, February of 2009, and January of 2021:

Consumer Price Index

Year	Consumer Price Index	Multiplier
February 2008	211.693	1.000
February 2009	212.193	1.002

Year	Consumer Price Index	Multiplier
February 2009	212.193	1.000
January 2021	261.582	1.233

In order to bring the February 2008 per EBU assessment into January 2021 dollars, the CPI multiplier will be used.

Established Rate Per EBU in 2008	= \$ 487.60
<u>CPI Multiplier February 2008 to February 2009(1.002)</u>	<u>= \$ 0.98</u>
Maximum Rate Per EBU in 2009	= \$ 488.58
Maximum Rate Per EBU in 2009	= \$ 488.58
<u>CPI Multiplier February 2009 to January 2021 (1.233)</u>	<u>= \$ 113.84</u>
Maximum Rate Per EBU in 2021	= \$ 602.42
Maximum Rate Per EBU in 2021	= \$ 602.42
EBU in Subject Parcel	= 5.1
Total Assessment for Subject Parcel	= \$3,072.34

**PART C
ASSESSMENT ROLL**

**Yuba City Lighting and Landscape Maintenance District No. 2
ZONE OF BENEFIT A
(Yuba City KFC)**

Assessment #	Assessor's #	Amount of Assmt.
1	52-321-026	\$ 3,072.34

**PART D
METHOD OF APPORTIONMENT OF ASSESSMENT**

**Yuba City Lighting and Landscape Maintenance District No. 2
Zone of Benefit A
(Yuba City KFC)**

All areas within the LLMD will share equally in the operation and maintenance costs of the landscaping material, irrigation systems, street trees, and street lighting described within the original "Engineer's Report, Yuba City Lighting and Landscape District No. 2, Zone of Benefit A, Town Center". The area requesting annexation into District 2, Zone of Benefit A includes: Yuba City KFC, UP 19-05, on Assessor's Parcel Number 52-321-026, located south of Bridge Street, west of Shasta Street, east of Plumas Street, and north of A Street. The subject parcel was formerly under the following Assessor's Parcel Numbers: 52-321-009 and 52-321-022.

The proposed assessments upon assessable lots and parcels of land within the assessment district shall be adjusted annually on each January 1 to reflect changes from January of the previous year to January of the current year of the "All Urban Consumers" Consumer Price Index, US City Average, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

A 10% administration charge was factored into the original assessment in order to cover the cost to administer the District.

Consumer Price Index

Year	Consumer Price Index	Multiplier
February 2008	211.693	1.000
February 2009	212.193	1.002

Year	Consumer Price Index	Multiplier
February 2009	212.193	1.000
January 2021	261.582	1.233

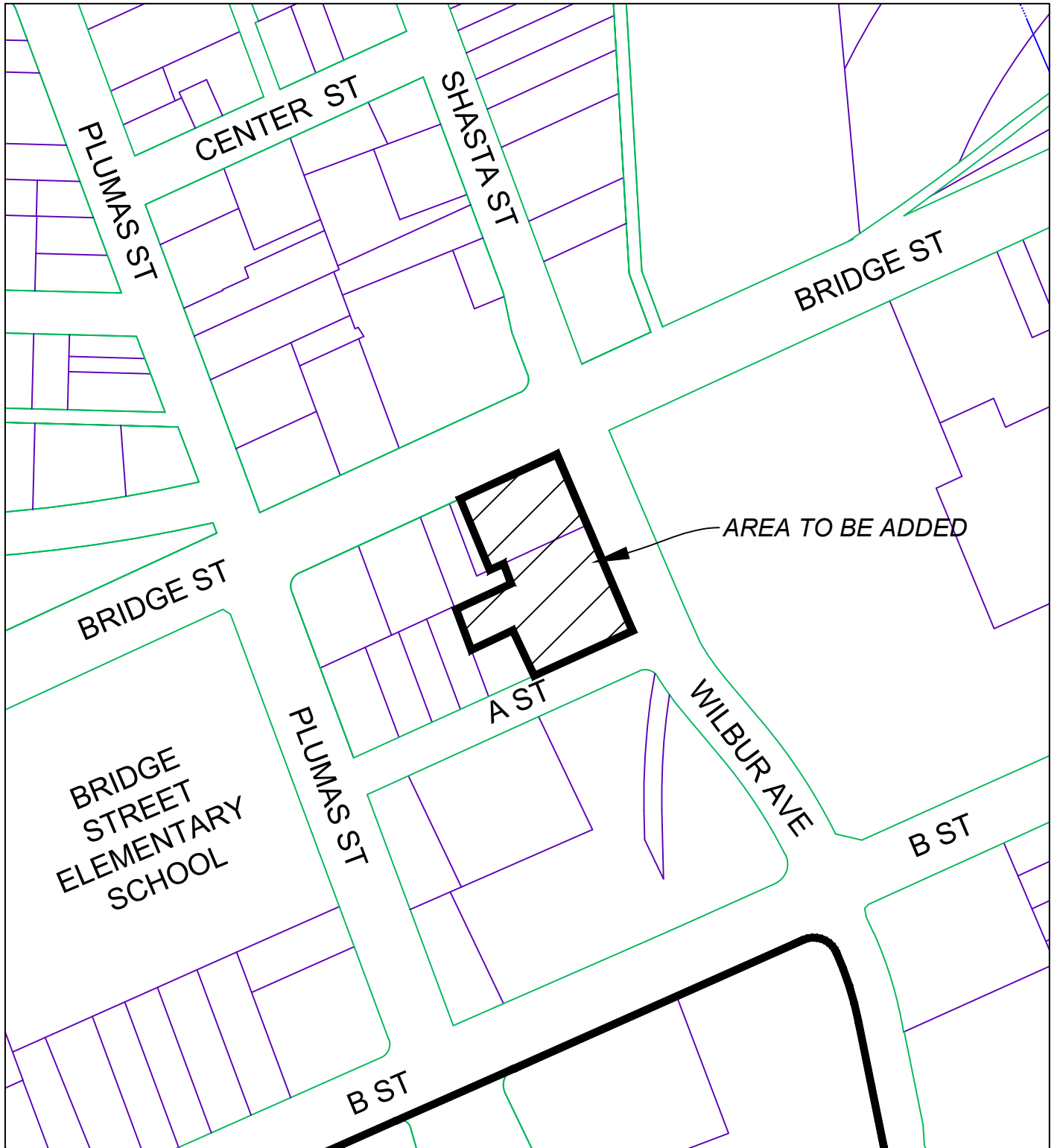
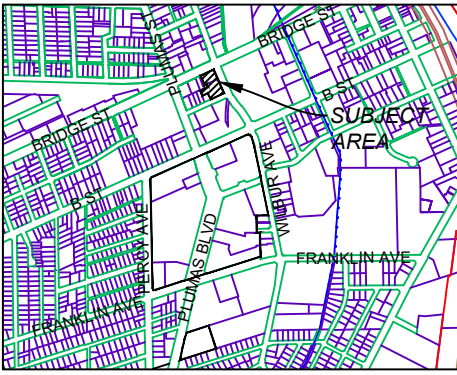
**PART E
ASSESSMENT DIAGRAM**

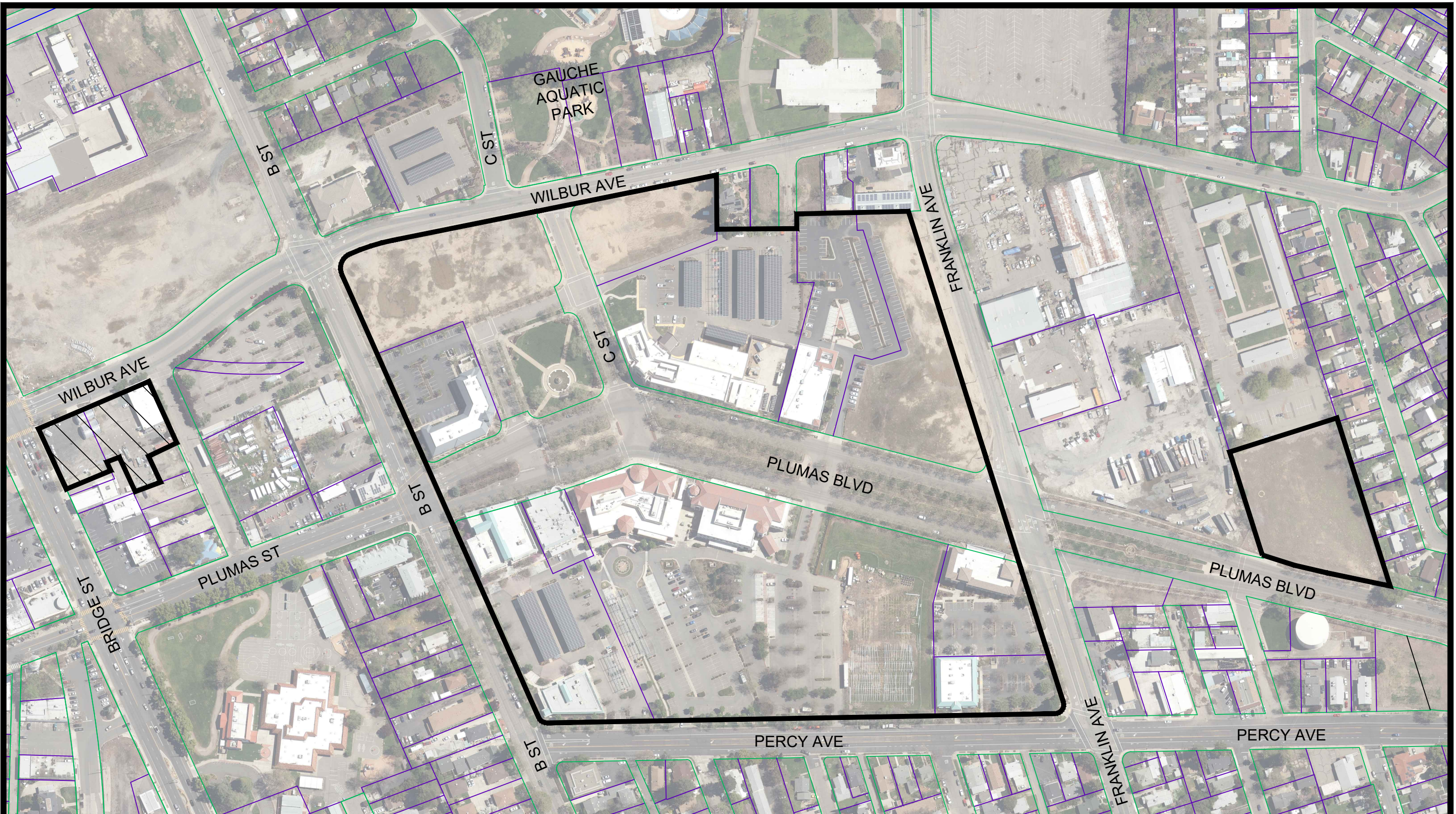
**Yuba City Lighting and Landscape Maintenance District No. 2
ZONE OF BENEFIT A
(Yuba City KFC)**

YUBA CITY KFC
LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 2
ZONE OF BENEFIT A



SCALE: 1" = 200'

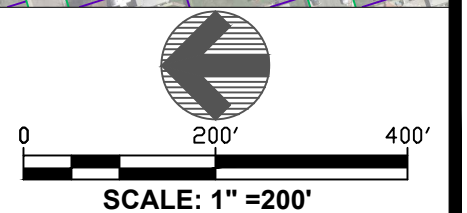




SYMBOL LEGEND:

-  - EXISTING ZONE OF BENEFIT A AREA
-  - PARCEL BEING ANNEXED INTO ZONE OF BENEFIT

**LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 2, ZONE OF BENEFIT A
NEW AREA FOR ZONE OF BENEFIT MAP**



ATTACHMENT 3

Argonaut California Ventures, Inc
PO Box 2650
Klamath Falls, OR 97601

Kevin Bradford
City of Yuba City
Public Works Department
1201 Civic Center Boulevard
Yuba City, CA 95993

Subject: Yuba City KFC
Lighting and Landscape Maintenance District Assessment Formation

Dear Mr. Bradford:

We are the owners/representatives of the property designated as Yuba City KFC, which is described as Assessor Parcel Number (APN): 52-321-022, located south of Bridge Street, west of Shasta Street, east of Plumas Street, and north of A Street, in Yuba City. The subject parcel was formerly under the following APNs: 52-321-009 and 52-321-022.

The subject property has been conditioned to request the annexation into a Lighting and Landscape Maintenance District, Zone of Benefit, as requested by the City, prior to the certificate of occupancy being issued.

Pursuant to Section 22608 of the Streets and Highways Code, we are waiving any resolutions, report, notices of hearing, and right of majority protest regarding the annexation of the subject property described above into Lighting and Landscape Maintenance District 2, Zone of Benefit A. I also acknowledge and agree that the subject property will be subject to a levy of an initial assessment in the amount of \$3,072.34 per year, as may be adjusted by a levy of annual assessments per Streets and Highways Code Section 22620 et seq.

It is hereby certified that the below signatures are that of the individuals authorized to sign on behalf of APN 53-321-022. If you have any questions, please call Todd Stewart at (541) 273-4639.

Sincerely,



Todd Stewart, President
Argonaut California Ventures, Inc

7-14-21