

CITY OF YUBA CITY
STAFF REPORT

Date: May 17, 2022
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 (Faith Court Subdivision)

Recommendation: Adopt a Resolution confirming and ordering annexation of the parcels associated with the Faith Court Subdivision, APNs 62-420-001 through 62-420-010 into the existing Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 and establishing a levy of assessments for the annexed territory

Fiscal Impact: \$34.57 per lot, \$587.69 total annual revenue, with an inflation index

Purpose:

To fund the ongoing operation, maintenance, and administration of street lighting.

Council Strategic Goal:

Annexing this subdivision into a Lighting and Landscape Maintenance District (LLMD) addresses the City Council's Strategic Goal of maintaining infrastructure, as the LLMD will ensure that street lighting is maintained and in operation.

Background:

The existing LLMD No. 5, Zone of Benefit H_4 was established in 2005 for the Bay Drive Estates Subdivision, with a fee per parcel for the operation and maintenance costs associated with street lights. The fee per parcel for Zone of Benefit H_4 was determined by taking the original per parcel assessment from LLMD No. 5, Zone of Benefit H (Phalla Estates), formed in 2000, and increasing the per parcel rate from 2000 dollars to 2005 dollars.

Currently, the Faith Court Subdivision at Assessor's Parcel Numbers (APNs) 62-420-001 through 62-420-010 is requesting to be included into this Zone of Benefit, as required through their conditions of approval for Tentative Subdivision Map 20-01. Additionally, the subject parcels are planned to be split into 17 parcels. In order to determine the assessment for these 17 parcels, the original assessment for Zone of Benefit H_4 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 Faith Court Subdivision have requested to waive the Public Hearing proceedings, which has allowed the City to utilize the expedited process in order to annex the parcels associated with the Faith Court Subdivision into the existing LLMD No. 5, Zone of Benefit H_4.

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 order 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 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 parcels 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. 5 Zone of Benefit H_4 has determined that the annual assessed amount for the parcels being annexed into the Zone of Benefit is \$34.57 per lot, or \$587.69 total annually, 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 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 parcels associated with the Faith Court Subdivision, APNs 62-420-001 through 62-420-010 into the existing Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 and establishing a levy of assessments for the annexed territory.

Attachments:

1. Resolution - Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 (Faith Court Subdivision) with Exhibits
2. Engineer's Report – LLMD No. 5, Zone of Benefit H_4
3. Waive Public Hearing Letter

Prepared By:

Submitted By:

Josh Wolffe
Associate Civil Engineer

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
CONFIRMING AND ORDERING ANNEXATION OF THE PARCELS ASSOCIATED
WITH FAITH COURT SUBDIVISION, APNs 62-420-001 THROUGH 62-420-010, INTO
THE EXISTING YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT
NO. 5, ZONE OF BENEFIT H_4 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. 5, and has levied and collected the annual assessments for said District No. 5; 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; and

WHEREAS, certain property owners have requested their property to be annexed into District No. 5, Zone of Benefit H_4 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. 5; designate the portion of the annexed territory into existing District No. 5 Zone of Benefit H_4, 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. 5 ("District"), Zone of Benefit H_4.

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 H_4 of the existing assessment district designated "Yuba City Lighting and Landscape Maintenance District No. 5" 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 H_4, at the assessment rate(s) set forth in Exhibit "A."

Section 5. The City Council hereby determines that the territory within Zone of Benefit H_4 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 H_4 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 May 20, 2022.

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 17th day of May, 2022.

AYES:

NOES:

ABSENT:

Dave Shaw, 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 A

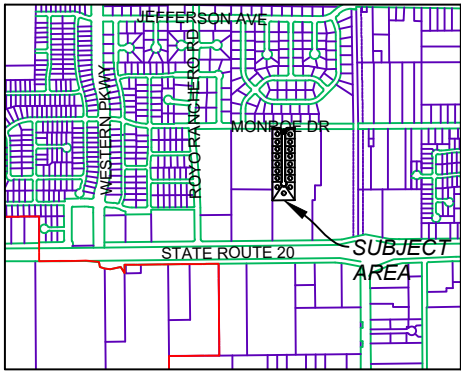
**PART C
ASSESSMENT ROLL**

**Yuba City Lighting and Landscape Maintenance District No. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)**

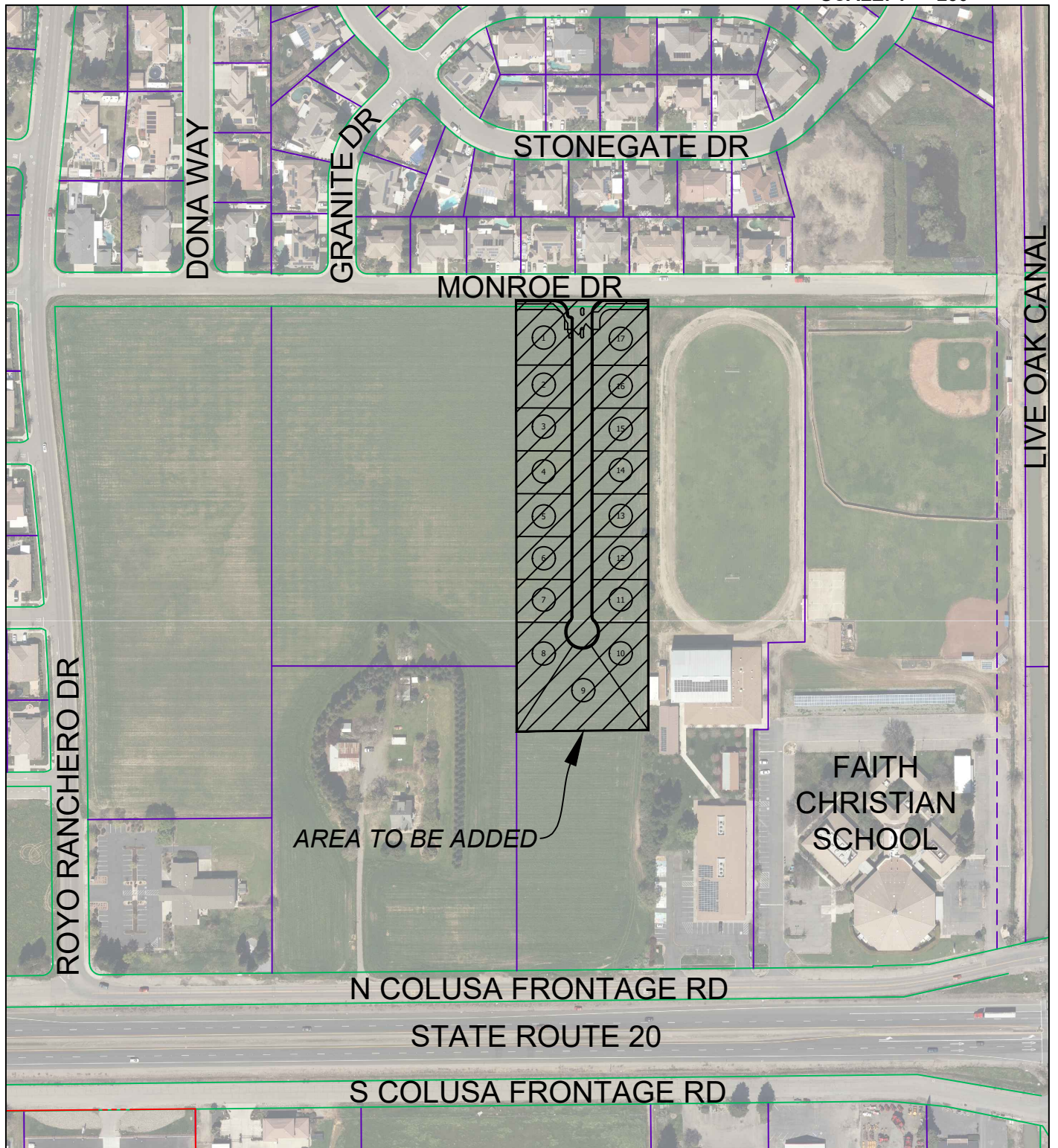
Assessment #	Assessor's #	Amount of Assmt.
1-17	62-420-TBD	\$ 34.57

EXHIBIT B

**FAITH COURT SUBDIVISION
LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 5
ZONE OF BENEFIT H_4**



SCALE: 1" = 250'



ATTACHMENT 2

ENGINEER'S REPORT

YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT

NO. 5



2021-2022

ZONE OF BENEFIT H_4

(Faith Court Subdivision)

**ENGINEER'S REPORT
FOR
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

The undersigned respectfully submits the enclosed report as directed by the City Council.

Benjamin Moody, Engineer of Work
City of Yuba City

Dated : _____

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with me on the ____ of _____, 2022.

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

By: _____

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 ____ of _____, 2022.

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

By : _____

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 ____ of _____, 2022.

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

By: _____

**ENGINEER'S REPORT
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)**

(Pursuant to the Landscaping and Lighting Act of 1972)

Benjamin Moody, Engineer of Work for the Yuba City Lighting and Landscape Maintenance District (LLMD) No. 5, Zone of Benefit H_4, 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 the street lighting as described within the original "Engineer's Report, Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4, Bay Drive Estates #1." The area requesting annexation into District No. 5, Zone of Benefit H_4 includes: Faith Court Subdivision, Tentative Subdivision Map (TSM) 20-01, on the Assessor Parcel Numbers 62-420-001 through 62-420-010, located on the east side of Royo Ranchero Road, north of North Colusa Frontage Road, south of Monroe Road, and west of the Live Oak Canal. The subject parcels are to be split into 17 parcels.

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,

Benjamin Moody
Engineer of Work
City of Yuba City

**PART A
PLANS AND SPECIFICATIONS**

**YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)**

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. 5
Zone of Benefit H_4
(3 Parcels)

Basis of Calculation
Faith Court Subdivision 20-01,

Background

The existing LLMD No. 5, Zone of Benefit H_4 was established in 2005 for the Bay Drive Estates Subdivision, with a fee per parcel for the operation and maintenance costs associated with street lights. The fee per parcel for Zone of Benefit H_4 was determined by taking the original per parcel assessment from LLMD No. 5, Zone of Benefit H (Phalla Estates), formed in 2000, and increasing the per parcel rate from 2000 dollars to 2005 dollars.

Currently, the Faith Court Subdivision at Assessor’s Parcel Numbers (APNs) 62-420-001 through 62-420-010 is requesting to be included into this Zone of Benefit, as required through their conditions of approval for Tentative Subdivision Map 20-01. Additionally, the subject parcels are planned to be split into 17 parcels. In order to determine the assessment for these 17 parcels, the original assessment for Zone of Benefit H_4 will need to be increased to today’s dollars using the Consumer Price Index (CPI).

Analysis

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

Yuba City Lighting and Landscape Maintenance District No. 5
Zone of Benefit H
(130 units)

Phalla Estates – Street Lighting Only

		<u>Total</u>	<u>per Lot</u>
Street Lighting –			
\$130.44/yr x 6 lights	=	\$782.64	20.60
Subtotal	=	\$782.64	20.60
2005 CPI multiplier (1.133)		886.92	23.34
10% Administration	=	<u>88.92</u>	<u>2.34</u>
Total Assessment =		975.84	25.68

The above calculations show the original annual cost for maintenance per parcel (\$20.60) for Zone of Benefit H being increased to \$25.68 per parcel for the formation of Zone of Benefit H_4 in 2005 through utilizing the CPI multiplier. The

below tables show the CPI and Multipliers for May of 2000, May of 2005, and January of 2021:

Consumer Price Index

Year	Consumer Price Index	Multiplier
May 2000	171.5	1.000
May 2005	194.4	1.133

Year	Consumer Price Index	Multiplier
May 2005	194.4	1.000
January 2021	261.582	1.346

In order to bring the 2005 per parcel assessment into January 2021 dollars, the CPI multiplier will be used.

Established Rate Per Parcel in 2005 = \$ 25.68
 CPI Multiplier (1.346) = \$ 34.57
 10 % Administration (Included in 2005 Per Parcel Rate) = \$ 0.00

Per Lot Assessment (17 Lots) = \$ 34.57

**PART C
ASSESSMENT ROLL**

**Yuba City Lighting and Landscape Maintenance District No. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)**

Assessment #	Assessor's #	Amount of Assmt.
1-17	62-420-TBD	\$ 34.57

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT

Yuba City Lighting and Landscape Maintenance District No. 5
Zone of Benefit H_4
(Faith Court Subdivision)

All areas within the LLMD will share equally in the maintenance costs of the street lighting as described within the original “Engineer’s Report, Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4, Bay Drive Estates #1.” The area requesting annexation into District 5, Zone of Benefit H_4 includes: Faith Court Subdivision, Tentative Subdivision Map (TSM) 20-01, on the Assessor Parcel Numbers 62-420-001 through 62-420-010, located on the east side of Royo Ranchero Road, north of North Colusa Frontage Road, south of Monroe Road, and west of the Live Oak Canal. The subject parcels are to be split into 17 parcels.

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
May 2005	194.4	1.000
January 2021	261.582	1.346

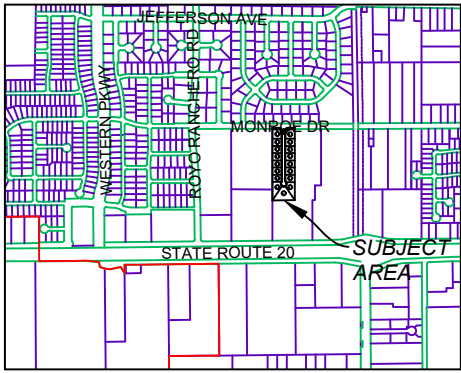
PART E

ASSESSMENT DIAGRAM

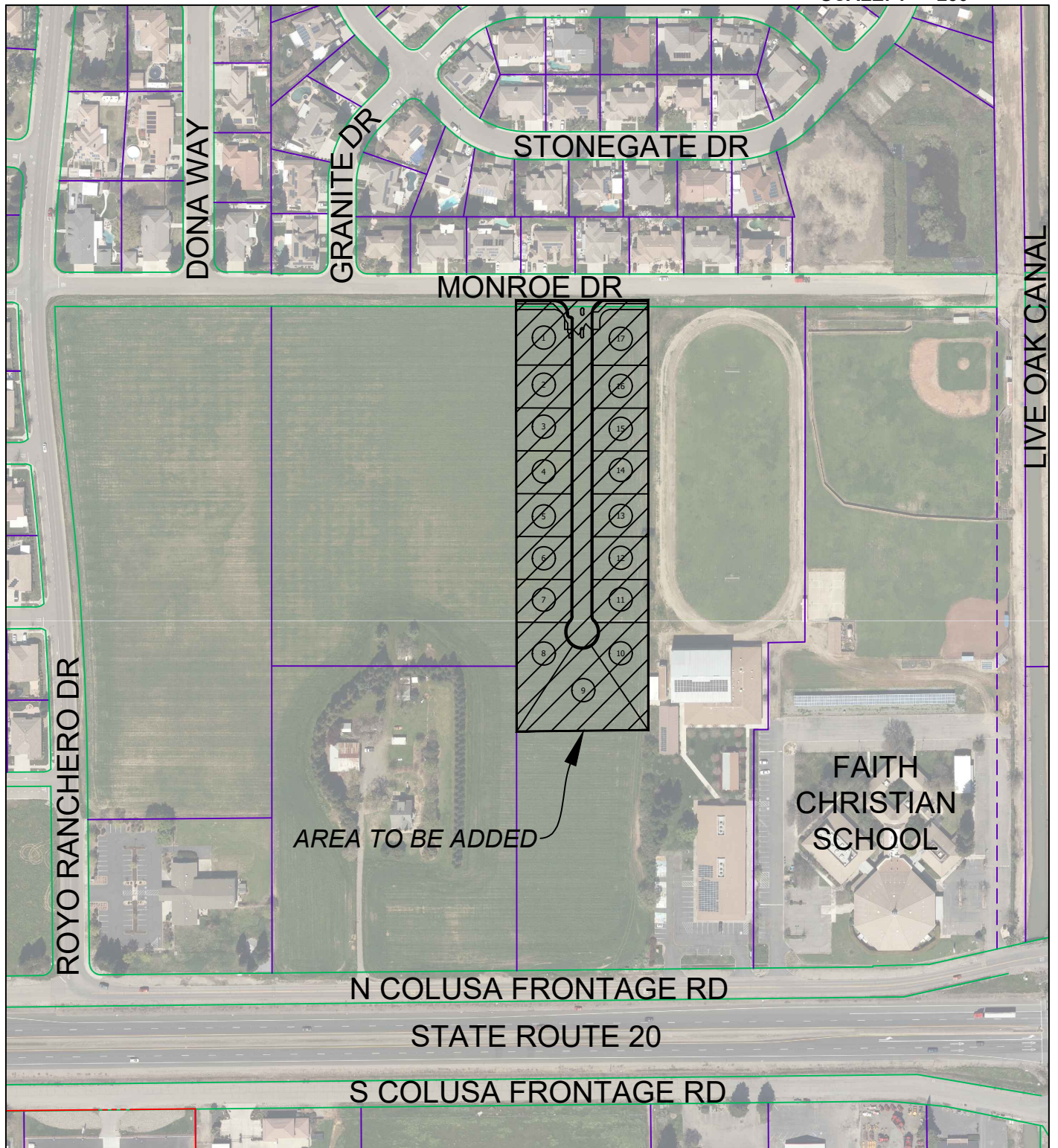
Yuba City Lighting and Landscape Maintenance District No. 5

**ZONE OF BENEFIT H_4
(Faith Court Subdivision)**

**FAITH COURT SUBDIVISION
LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 5
ZONE OF BENEFIT H_4**



SCALE: 1" = 250'



ATTACHMENT 3



770 N. Walton Ave, Suite 600
Yuba City, CA 95993
(530) 923-7863 - www.hilbershomes.com

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

Subject: Faith Court Subdivision
Lighting and Landscape Maintenance District Assessment Formation

Dear Mr. Bradford:


We are the owners/representatives of the property designated as Faith Court Subdivision, which is described as Assessor Parcel Numbers (APNs): 62-420-001 through 62-420-010, located on the east side of Royo Ranchero Road, north of North Colusa Frontage Road, south of Monroe Road, and west of the Live Oak Canal. The subject parcels are to be split into 17 parcels.

The subject property has been conditioned to request for the formation of a Lighting and Landscape Maintenance District, Zone of Benefit, as requested by the City, prior to the final map being filed.

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 5, Zone of Benefit H_4. I also acknowledge and agree that the subject property will be subject to a levy of an initial assessment in the amount of \$587.69 per year (\$34.57 per parcel, 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 APNs 62-420-001 through 62-420-010. If you have any questions, please call Kristen Longwell at (530) 218-5978

Sincerely,



Kurt G. Hilbers, President
Faith, LLC

2.3.22

Date