

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Public Works

BOARD AGENDA #: 9:05 AM

AGENDA DATE: May 3, 2016

SUBJECT:

Public Hearing to Consider the Formation of the Fruit Yard Lighting District and Levy of an Annual Assessment; and Conduct an Assessment Ballot Procedure Regarding the Matter

BOARD ACTION AS FOLLOWS:

No. 2016-223

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: The Board approved Staff Recommendations Nos. 1-3 and 5-6; one ballot was received with a weighted vote of 122.15 in support of the formation of the Fruit Yard Lighting District, the assessment formula for calculating the annual assessment, the levy of an annual benefit assessment; and, a majority protest was not filed regarding the proposed assessment formula

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

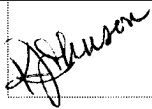
File No. DL-46-1

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

Urgent

Routine



BOARD AGENDA #: 9:05 AM

AGENDA DATE: May 3, 2016

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Public Hearing to Consider the Formation of the Fruit Yard Lighting District and Levy of an Annual Assessment; and Conduct an Assessment Ballot Procedure Regarding the Matter

STAFF RECOMMENDATIONS:

1. Find that the notice of the Public Hearing was given pursuant to Streets and Highway Code Section 10951 and 19052 on April 19, 2016 and April 26, 2016.
2. Conduct the Public Hearing to receive comments regarding:
 - A. The formation of the Fruit Yard Lighting District;
 - B. The proposed method of calculating the amount of the annual assessment; and,
 - C. The levy of the annual assessment to pay for the street light service.
3. Authorize the Clerk of the Board to oversee the tabulation of the sealed ballot, determine whether a majority protest against the assessment exists, and immediately submit the results to the Board of Supervisors.
4. If a simple majority of the assessment ballots received protest the proposed formula for calculating the annual assessment, do not approve the formation of the Fruit Yard Lighting District.
5. If a majority protest is not filed, direct that the following actions occur:
 - A. Find that the formation and assessments are necessary to meet operating and maintenance expenses, and meet financial reserve needs required to maintain the proposed service levels within the proposed district area;
 - B. Form the Fruit Yard Lighting District and confirm the boundary of the district as those being described as Exhibits "A" and "B", which are made a part hereof;
 - C. Direct the Department of Public Works to file the formation with the California State Board of Equalization;
 - D. Confirm and approve the method of calculating the amount of the annual assessment that will be used to pay for street lighting service;
 - E. Levy the Fiscal Year 2016/2017 annual assessment at \$2.87 per Equivalent Benefit Unit (EBU). The parcels subject to the annual assessment are shown on Exhibit "C", which is a part hereof; and
 - F. Authorize the Auditor-Controller to add the annual assessment to the 2016/2017 Tax Roll.

Public Hearing to Consider the Formation of the Fruit Yard Lighting District and Levy of an Annual Assessment; and Conduct an Assessment Ballot Procedure Regarding the Matter

6. Find that the California Constitution Article XIII D, "Proposition 218," requirements for Public Hearing and Assessment Ballot Procedure have been satisfied upon closure of the Public Hearing regarding this matter on May 3, 2016, and make the Engineer's Report a part of the record of this proceeding.

DISCUSSION:

The proposed formation of the Fruit Yard Lighting District is located at the southwest corner of SR132 Yosemite Avenue and Geer Road on the east side of Modesto. The proposed 34.9 acre formation will operate and maintain a total of two 100 watt light emitting diode (LED) streetlights that are to be installed by the Modesto Irrigation District.

The lighting district is being established per a Condition of Approval (COA) for Stanislaus County Planning Department General Plan Amendment/Rezone 2007-03 for The Fruit Yard. The COA given was listed under the Department of Public Works as follows:

Condition of Approval No. (34) "Prior to final and or occupancy of any building or approved use of the park site, streetlights per County Standards shall be installed along the developed portions of the parcel along the right-of-way Geer Rd."

Condition of Approval No. (35) "Prior to the issuance of a building or grading/drainage permit of approved use of the park site, a lighting district shall be formed to provide a funding mechanism to pay for operations and maintenance of the streetlights. The developer shall provide all necessary documentation and pay all the costs associated with the formation of the lighting district."

Condition of Approval No. (36) "Prior to issuance of a Grading Permit or Building Permit or approved use of the park site, whichever is done first, the developer shall pay the first year's operating and maintenance costs of the streetlights with the Department of Public Works."

The streetlights will only provide a special benefit to the parcel within the district. Stanislaus County does not provide street lighting to unincorporated areas without the formation of a lighting district; therefore, no general benefit has been assigned to the assessment calculation. Proposition 218 was a statewide initiative approved by the voters in November 1996. It requires that the property owners of the proposed district or existing district, through a ballot procedure, approve specific benefit assessments and any increase of said assessment. There is only one property owner for this proposed district, and an assessment ballot was mailed out with a notice of the proposed assessment to the property owner on March 10, 2016, more than 45 days in advance of the Public Hearing. This notice described the specific benefit of the proposed district, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of the Public Hearing. Also, a "Notice of the Public Hearing" was published in the

Public Hearing to Consider the Formation of the Fruit Yard Lighting District and Levy of an Annual Assessment; and Conduct an Assessment Ballot Procedure Regarding the Matter

Modesto Bee newspaper on April 19, 2016 and April 26, 2016, which meets the requirements of the Streets and Highway Code Section 19051 and 19052.

A tabulation of ballots cannot be done until the Board of Supervisors conducts the required Public Hearing. The Board of Supervisors must hold the Public Hearing to receive any comments regarding the proposal. Any interested person may present written or oral testimony at the Public Hearing. At the conclusion of the public hearing, balloting will be closed and the Clerk of the Board of Supervisors will tabulate the results and provide the results to the Board of Supervisors. Based on the results, the formation of the district and the levy of the annual assessments will or will not occur. All assessment ballots submitted are public information and subject to inspection, by request, under the Public Records Act.

If a simple majority of the assessment ballots received protest the method for calculating the annual assessment and levy of the annual assessment to pay for street lighting service, a majority protest will have been filed, and Proposition 218 prohibits the County from levying the annual assessment. Without a funding source to pay for the operation and maintenance of the streetlights, the District will not be formed.

The operation and maintenance costs will include all expenses associated with the maintenance of the streetlights and the Modesto Irrigation District utility costs. The lights will be owned and maintained by the Modesto Irrigation District. The formula includes a charge to cover administration costs and to create and maintain an operational reserve. The reserve will be used to pay for unexpected or emergency expenses incurred by the district that were neither contemplated nor estimated as part of the district operation and maintenance.

If the district operation and maintenance costs are less than expected, the fund balance will be carried forward to reduce the amount to be collected the following year. Although some special districts receive a portion of the property tax collected by the County, the district is not expected to receive a portion of the property tax revenue in the future. However, if the district does receive any property tax revenue in the future, it will reduce or offset the amount of operation and maintenance costs that must be collected by the annual assessment.

The formula to calculate the annual assessment is written as follows:

AMOUNT OF ANNUAL ASSESSMENT LEVIED: (Estimated Operations and Maintenance) plus (Administration and Operational Reserve costs) minus (Fund Balance from the previous year and the Estimated Assessment Revenue for Current Year).

The formula used to calculate the proportional benefit to each parcel within the district begins with a basic Equivalent Benefit Unit (EBU). From this base unit, parcels are analyzed according to their actual equivalent benefit within the district.

If the district is formed and the formula approved, the total amount of assessments chargeable to the district in Fiscal Year 2016/2017 will be approximately \$350. Parcel is currently listed as commercial property, and therefore receives an EBU multiplier of 3.5 per acre. The total acreage of all the parcels within the district is 34.9 acres. The total EBU's within the district is 122.15 (34.9 x 3.5). Using the formula listed above, the levied amount for this district is a total

Public Hearing to Consider the Formation of the Fruit Yard Lighting District and Levy of an Annual Assessment; and Conduct an Assessment Ballot Procedure Regarding the Matter

of \$2.87 per EBU. Therefore, the assessment for this parcel would be \$350, as shown on Exhibit "C" of the Engineer's Report.

The fiscal year is the 12-month period commencing on July 1st and ending on the following June 30th. However, the assessments are collected in December and April. This means the fiscal year starts on July 1st but the first installment of the assessments will not be collected until December. This creates a 6-month lag in receiving the money necessary to operate and maintain the streetlights. Therefore, a sufficient amount of money collected by the assessments will be carried forward as a general reserve. Initially, in order to operate the district, the first year's operating costs for the streetlights will be funded by the County through the use of Community Development Funds, if the formation is approved. This will provide the source of revenue so the streetlights may be energized this winter.

The purpose of the annual assessment is to provide a continued source of funding for the Fruit Yard Lighting District.

POLICY ISSUE:

The State of California Streets and Highway Code Section 19030 authorizes the Board of Supervisors to establish lighting districts.

FISCAL IMPACT:

Ongoing operation and maintenance costs associated with the Fruit Yard Lighting District will be borne by the district once established. Initial start-up costs for the said district are estimated to be \$2,025 and include the first year's utilities and maintenance cost of \$525, State Board of Equalization filing fee of \$1,200, and administration costs of \$300. These costs will be covered by the Fruit Yard.

| | | |
|--|----|---------------------|
| Cost of recommended action: | \$ | 2,025 |
| Source(s) of Funding: | | |
| The Fruit Yard | \$ | <u>2,025</u> |
| Funding Total: | | <u>2,025</u> |
| Net Cost to County General Fund | | <u><u>2,025</u></u> |

| | |
|---|-----------|
| Fiscal Year: | 2016/2017 |
| Budget Adjustment/Appropriations needed: | No |

Fund Balance as of June 30, 2016

BOARD OF SUPERVISORS' PRIORITY:

The recommended action is consistent with its priorities of providing a safe community, a healthy community, and a well-planned infrastructure system by installing and maintaining additional streetlights.

Public Hearing to Consider the Formation of the Fruit Yard Lighting District and Levy of an Annual Assessment; and Conduct an Assessment Ballot Procedure Regarding the Matter

STAFFING IMPACT:

The administration of the Lighting District will be performed by Stanislaus County Department of Public Works staff.

CONTACT PERSON:

Matt Machado, Public Works Director

(209) 525-4153

ATTACHMENT(S):

- A. Legal Description
- B. Assessor's Map
- C. Engineer's Report

ATTACHMENT A
LEGAL DESCRIPTION

**FRUITYARD
LIGHTING DISTRICT
STANISLAUS COUNTY, CALIFORNIA**

All that certain real property situate in the County of Stanislaus, State of California, lying within a portion of the Northeast quarter of Section 34, Township 3 South, Range 10 East, Mount Diablo Meridian, described as follows:

COMMENCING at the Northeast corner of said Section 34, said corner lies on the center line of State Highway 132 (Yosemite Avenue); thence North 89°55' 01" West along the North line of said Section 34 and center line of State Highway 132, a distance of 20.04 feet to the intersection with the center line of Geer Road and being the POINT OF BEGINNING of this description; thence in a clockwise direction, the bounds of said annexation being described as follows:

1) South 00°51'12" East along the center line of Geer Road, a distance of 193.38 feet to a point of curvature of a tangent curve, concave Westerly, having a radius of 6000.00 feet; thence continuing

2) Southerly along the center line of Geer Road and the arc of said curve, through a central angle of 04°57'45", an arc distance of 519.51 feet, having a long chord bearing and distance of South 01°37'40" West, a distance of 519.51 feet; thence continuing along the center line of Geer Road

3) South 04°06'33" West, a distance of 544.72 feet to a point of curvature of a tangent curve, concave easterly, having a radius of 14000.00 feet; thence continuing along the center line of Geer Road

4) Southerly along the arc of said curve, through a central angle of 00°07'37", an arc distance of 31.01 feet, having a long chord bearing and distance of South 04°02'44" West, a distance of 31.01 feet to a point of cusp of a curve, concave Southerly, having a radius 152.50 feet, of which the radius point bears South 24°15'37" West; thence

5) along the arc of said curve, through a central angle of 24°35'16", an arc distance of 65.44 feet, having a long chord bearing and distance of North 78°00'02" West, a distance of 64.94 feet, said point lying on the North right of way line of the 75.00 foot wide Modesto Irrigation District Lateral Number 1; thence

6) South 89°40'21" West along last said North right of way line, a distance of 542.61 feet; thence

7) North 00°19'39" West, a distance of 577.21 feet to a point of curvature of a curve. Concave Southeasterly, having a radius of 200.00 feet of which the radius point bears South 03°01'50" East; thence

8) Southwesterly along the arc of said curve, through a central angle of 45°20'39", an arc distance of 158.28 feet, subtended by a long chord bearing of South 64°17'50" West and chord distance of 154.18 feet to a point of reverse curvature of a curve, concave Northeasterly, having a radius of 250.00 feet of which the radius point bears North 48°22'29" West; thence

9) Westerly along the arc of said curve, through a central angle of 138°27'28", an arc distance of 604.14 feet, subtended by a long chord bearing of North 69°08'45" West and chord distance of 467.50 feet; thence

10) South 89°54'53" West, a distance of 398.34 feet; thence

11) North 00°05'07" West, a distance of 602.75 feet to a point on the North line of said Section 34 also being the center line of State Highway 132; thence

12) South 89°55'01" East along last said line, a distance of 1637.57 feet to the point of beginning.

CONTAINING 34.90 ACRES MORE OR LESS

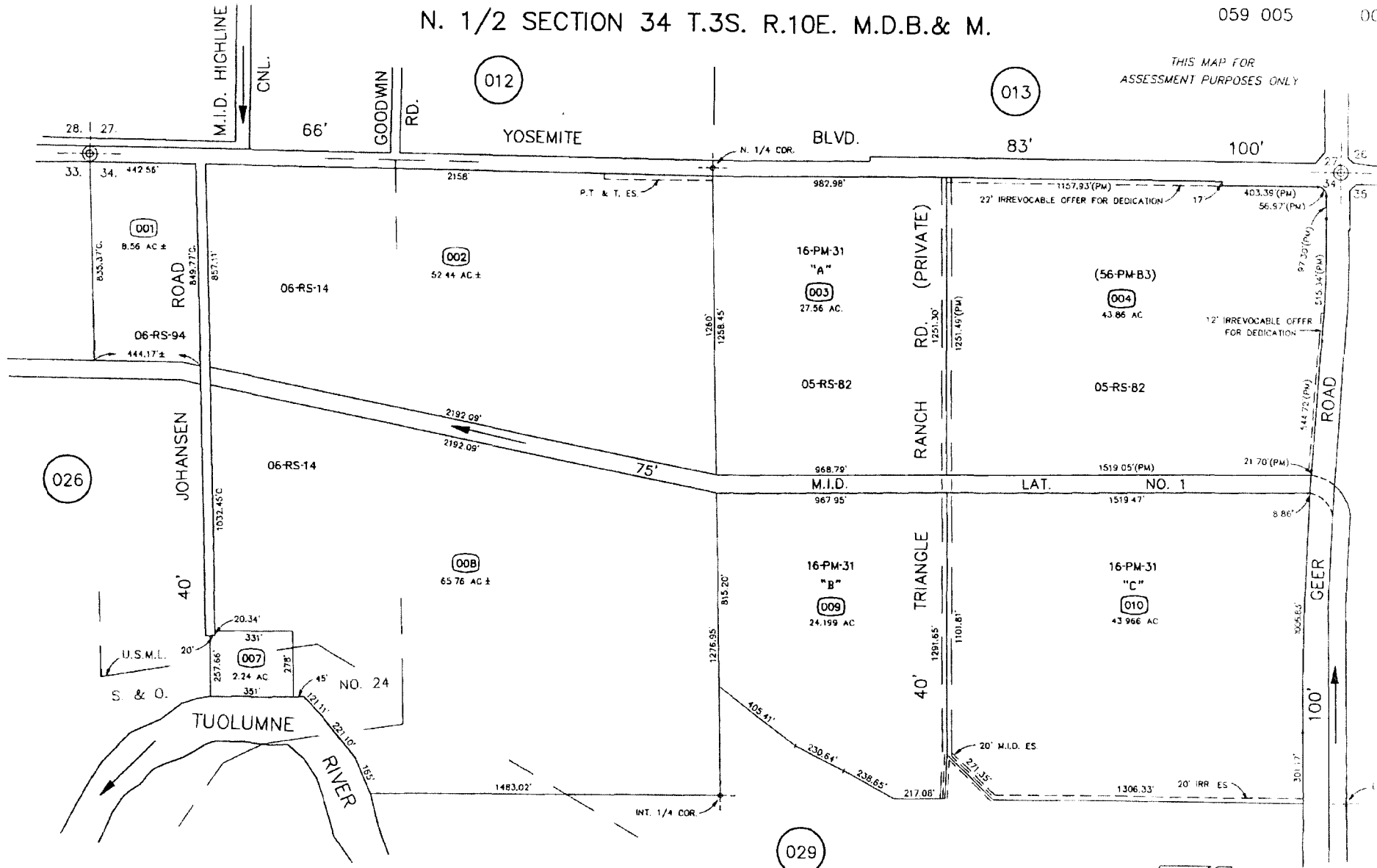
ATTACHMENT B
ASSESSOR'S MAP

N. 1/2 SECTION 34 T.3S. R.10E. M.D.B.& M.

059 005

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THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM: G-034
DRAWN: 02-21-66
REVISED: 04-06-72, 10-09-87, 11-06-12 MB, 06-03-13 (V) MB.

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ATTACHMENT C
ENGINEER'S REPORT



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE, LS
Director, County Surveyor

Chris Brady, PE
Deputy Director - Construction/Roads/Bridges

Colt Esenwein, PE
Deputy Director - Engineering/Survey/Fleet

David Leamon, PE
Deputy Director - Development/Traffic

Kathy Johnson
Assistant Director - Finance/GIS/HR/Transit

www.stancounty.com/publicworks

**FRUIT YARD LIGHTING DISTRICT
ENGINEERS REPORT**

MODESTO

FISCAL YEAR 2016/2017

SET HEARING: MARCH 8, 2016
PUBLIC HEARING: APRIL 26, 2016

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ENGINEER'S REPORT AFFIDAVIT

County of Stanislaus, State of California

Fruit Yard Lighting District

This report describes the district and all relevant zones therein including the budget(s), parcels and assessments to be levied for the fiscal year 2016/2017. Reference is hereby made to the Stanislaus County Assessor's maps for a detailed description of the lines and dimensions of parcels within the Lighting District (LD)

The undersigned respectfully submits the enclosed report as directed by the Board of Supervisors.

Dated this 9TH day of FEBRUARY, 2016



MATT MACHADO, DIRECTOR, PE
Stanislaus County Department of Public Works



FRUIT YARD LIGHTING DISTRICT
ANNUAL ENGINEER'S REPORT
FISCAL YEAR 2009/2010

INTRODUCTION:

The Fruit Yard Lighting District is being established under the California Street and Highway Code Section 19030, per a request set forth by the parcel owners within the legal boundaries of said district and Supervisor Jeff Grover. The formation of this district is to generate funds to pay for the operation and maintenance of streetlights for the Marshal Avenue developed area between California and Truman in West Modesto. The legal description and the boundary of the district is shown on Exhibit "A" and "B".

PART I- PLANS AND SPECIFICATIONS

A. Description of the Lighting District

There is 1 parcel, on 34.9 acres, within the boundaries of this proposed district. This is a commercial property with public access.

B. Description of Improvements and Services

The purpose of this Lighting District is to provide streetlights that will improve the area by deterring crime, promoting traffic safety and aiding law enforcement efforts in this designated area. The special benefit assessments to be levied for this district are intended to provide a revenue source for all the maintenance, and servicing of the service area's improvements including, but not limited to the materials, equipment, labor and administrative expenses. However, the assessments are not intended to fund reconstruction or major renovations of the improvements and facilities. The improvements are to be owned and maintained by The Modesto Irrigation District and funded entirely through the service areas assessments, and are generally described as:

- Operate and maintain a total of two (2) lights, 100 watt Light Emitting Diode (LED) luminaries.
- Periodic inspection, maintenance, and bulb replacement as needed.

PART II- METHOD OF APPORTIONMENT

A. Benefit Analysis

The method of apportionment described in this report for allocation of special benefit assessments utilizes commonly accepted engineering

practices. The formula used for calculating assessments reflects the composition of the parcels and improvements provided to fairly apportion the costs based on special benefits to each parcel. Furthermore, pursuant to the Constitution Article XIID Section 4, a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and a parcel may only be assessed for special benefits received.

All the improvements and services associated with the lighting District, have been identified as necessary, required and/or desired for the orderly development of the properties within the district to their full potential and consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties. The ongoing operation, servicing and maintenance of the improvements and facilities would be the financial obligation of those properties. Therefore, the streetlights, and the annual costs of ensuring the maintenance and operation of these improvements provide special benefits to the properties within the Fruit Yard Lighting District.

Each equivalent benefit unit represents an equal proportional benefit from the streetlights. The streetlights only provide a special benefit to the parcels within the Fruit Yard Lighting District, therefore, no general benefit has been assigned.

B. Assessment Methodology

The method of apportionment for the Lighting District (LD) calculates the receipt of special benefits from the respective improvements based on the actual or the proposed land use of the parcels within the district. The special benefit received by each lot or parcel is equated to the overall land use of the parcels within the LD based on the parcel's actual land use or proposed development.

Upon review of the proposed improvements it has been determined that each of the residential parcels within the LD receives special benefits from all of the improvements to be funded by annual assessments. The parcels within the LD may be identified by one of the following land use classifications and is assigned a weighting factor known as Equivalent Benefit Unit (EBU). The EBU calculated for a specific parcel defines the parcel's proportional special benefits from the LD's improvements, facilities and services.

Equivalent Benefit units (EBU):

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of all other property in the LD. The EBU method of apportioning assessments uses the single-family home site as the basic unit of assessment. A single-family home site equals one EBU. All other land uses are converted to EBU's based

on an assessment formula that equates the property's specific development status, type of development (land use) and size of property, as compared to a single-family home site.

The EBU method of apportioning special benefits is typically seen as the most appropriate and equitable assessment methodology, as the benefits to each parcel from the improvements are apportioned as a function of land use type, size and development. Not all land use types described in the following are necessarily applicable to the development of properties within the LD, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the district.

EBU Application by Land Use:

Single Family Residential- This land use is defined as a fully subdivided residential home site with or without structure. This land use is assessed 1.00 EBU per parcel or lot. This is the base value that all other properties are compared and weighted against.

Multi-family Residential- This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property typically includes apartments, duplexes, triplex etc. It does not typically include condominiums, town-homes, or mobile home parks). Based on average population densities and the size of the structure as compared to a typical single family residential unit, multi-family residential parcels shall be proportionally assessed for the parcels total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single family residence (sample sources: Institute of transportation Engineers Informational report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Addition). These Various studies indicate the most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases, the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by the LD, it has been determined that an appropriate allocation of special benefit for multifamily residential properties as compared to a single family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 5 units; 0.50 EBU per unit for units 6 through 50: and 0.25 EBU per unit for all remaining units.

Condominium/Town-Home Units- Condominiums and town-homes tend to share attributes of both a single family residential and multi-family

residential properties and for this reason are identified as a separate land use classification. Like most single family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU pr unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to the APN. There is no adjustment factor with parcels with more than five units.

Planned-Residential Development- This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the LD. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionally for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out (the EBU assigned to each parcel shall represent the combination of single family, condominium, multifamily units to be developed).

Exempt Parcels- This land use identifies properties that are not assessed and are assigned 0.00 EBU. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County)
- Private properties that cannot be developed independently for an adjacent property, such as common areas, bifurcated lots or properties with very restrictive development use

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

Special Cases- in many LD's where multiple land use classifications are involved, there is usually one or more properties that the standard land use classifications or usual calculation of benefit will not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a vacant residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross

acreage of the parcel. The following table provides a summary of land use types, the EBU factors used to calculate each parcels individual EBU as outlined above.

Land use and Equivalent benefit units

| Property type | EBU | Multiplier |
|--|------|--------------------------------|
| Single Family Residential | 1.00 | Per unit/lot(parcel) |
| Multi-Family Residential | 0.75 | Per unit for the first 5 units |
| | 0.50 | Per unit for units 6 thru 50 |
| | 0.25 | Per units > 50 |
| Condominium/Town- Home Units | 0.75 | Per Unit |
| Planned Residential Development | 1.00 | Per planned Residential lot |
| | 0.75 | Per planned Condominium |
| | 0.75 | Per unit for the first 5 units |
| | 0.50 | Per unit for units 6-50 |
| | 0.25 | Per unit >50 |
| Vacant/Undeveloped Residential Land | 1.00 | Per Acre |
| Public Park | 0.40 | Per Acre |
| Public Storm Drain Basin | 0.40 | Per Acre |
| Public School/Congregations | 2.20 | Per Acre |
| Commercial/Industrial Parcel | 3.50 | Per Acre |
| Undeveloped Commercial/industrial Parcel | 1.00 | Per Acre |
| Rural/ Agricultural | 1.00 | Per Acre |
| Exempt Parcels | 0.00 | Per parcel |

C. Budget Formula

The following formula is used to calculate each parcel's EBU (proportional benefit):

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of EBU's is the sum of all individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (assessment rate) for the improvements is established by taking the total cost of the improvements and dividing the amount by the total number of EBU's of all benefiting parcels from the improvements. The rate is then applied back to each parcel's individual EBU to determine the parcels proportionate benefit and assessment obligation for the improvements.

The formula that will be used to calculate the annual assessment, approved with the proposition 218-ballot procedure, will be the following:

(Estimated Operation & Maintenance Costs for Current year) + (Estimated Dry Period Reserve for Next Year) – (Fund Balance From Previous Year) – (Estimated Property Tax Revenue For Current Year) = Total Balance to Levy

EBU X Total Parcels = Total EBU's

Total Balance to Levy/ Total EBU's = Levy per EBU

Levy per EBU x Parcel EBU (parcel acreage x EBU) = Parcel Levy Amount

The fiscal year is the 12-month period commencing on July 1 and ending on the following June 30. However, the assessments are collected in December and April. This means the fiscal year starts on July 1 but the first installment of the assessments will not be collected until December. This creates a 6-month lag in receiving the money necessary to operate and maintain the streetlights. Therefore, a sufficient amount of money collected by the assessments will be carried forward as a general reserve. Initially, in order to operate the district, the representative of the proposed district is required to deposit the first years operating costs for the streetlights, State Board of Equalization fee, and staffing costs associated with forming the district. These funds for this formation are provided from the Community Development Fund. This fund has been established to providing funding for "one-time projects or programs benefiting the unincorporated area that demonstrates strong local support and commitment and a general public benefit. This will provide the source of revenue so the streetlights may be energized when acceptance is granted from the State Board of Equalization.

Using the current Modesto Irrigation District Schedule (lighting district "owned" lights) rate of \$11.36 per month for two (2) 100 watt LED street lights. With the addition of administration costs the total estimated costs to operate the proposed district is \$350.00 per year.

| EXPENSE DESCRIPTION | TOTAL BUDGET |
|---|--------------|
| ADMINISTRATION | |
| County Administration | \$ 100 |
| Miscellaneous/Other Admin Fees | \$0 |
| Total | \$100 |
| UTILITY DISTRICT | |
| Utilities/Street Lights | \$250 |
| Maintenance street lights | \$100 |
| Total | \$350 |
| Capital Improvement Reserve | \$0 |
| Total Administration, and District Budget | \$450 |
| Fund Balance Information | |
| Beginning Fund Balance (Estimated for 2008/09) | \$525 |
| Capital Improvement Reserve (-) | \$0 |
| Available Fund Balance | \$525 |
| Adjustments to Available Fund Balance | |
| General Fund (or PW) Loan Repayment/Advance (+) | \$0 |
| Other Revenues/General Fund (Contributions i.e. Grants) (+) | \$0 |
| Capital Improvement Expenditure (pumps etc.) (-) | \$0 |
| 6 Months Operating Reserve (-) | \$225 |
| Total Adjustments | \$225 |
| Remaining Available Fund Balance | \$300 |
| Total Administration, and District Budget | \$450 |
| Use of Fund Balance (-) | (\$100) |
| Balance to Levy | \$350 |
| District Statistics | |
| Total Parcels | 1 |
| Total Acres | 34.9 |
| Total EBU (total acres x 3.5 EBU) | 122.15 |
| Assessment per EBU | \$2.87 |
| Total to Levy | \$350.00 |

EXHIBIT "A"

FRUITYARD LIGHTING DISTRICT




ALBERS RD

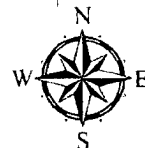
YOSEMITE BLV

GEER RD

M.I.D Lateral No. 1

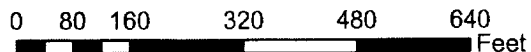
Legend

-  FruitYard LD
-  Roads
-  Parcels



February 2016

Stanislaus County Public Works
Aron Harris

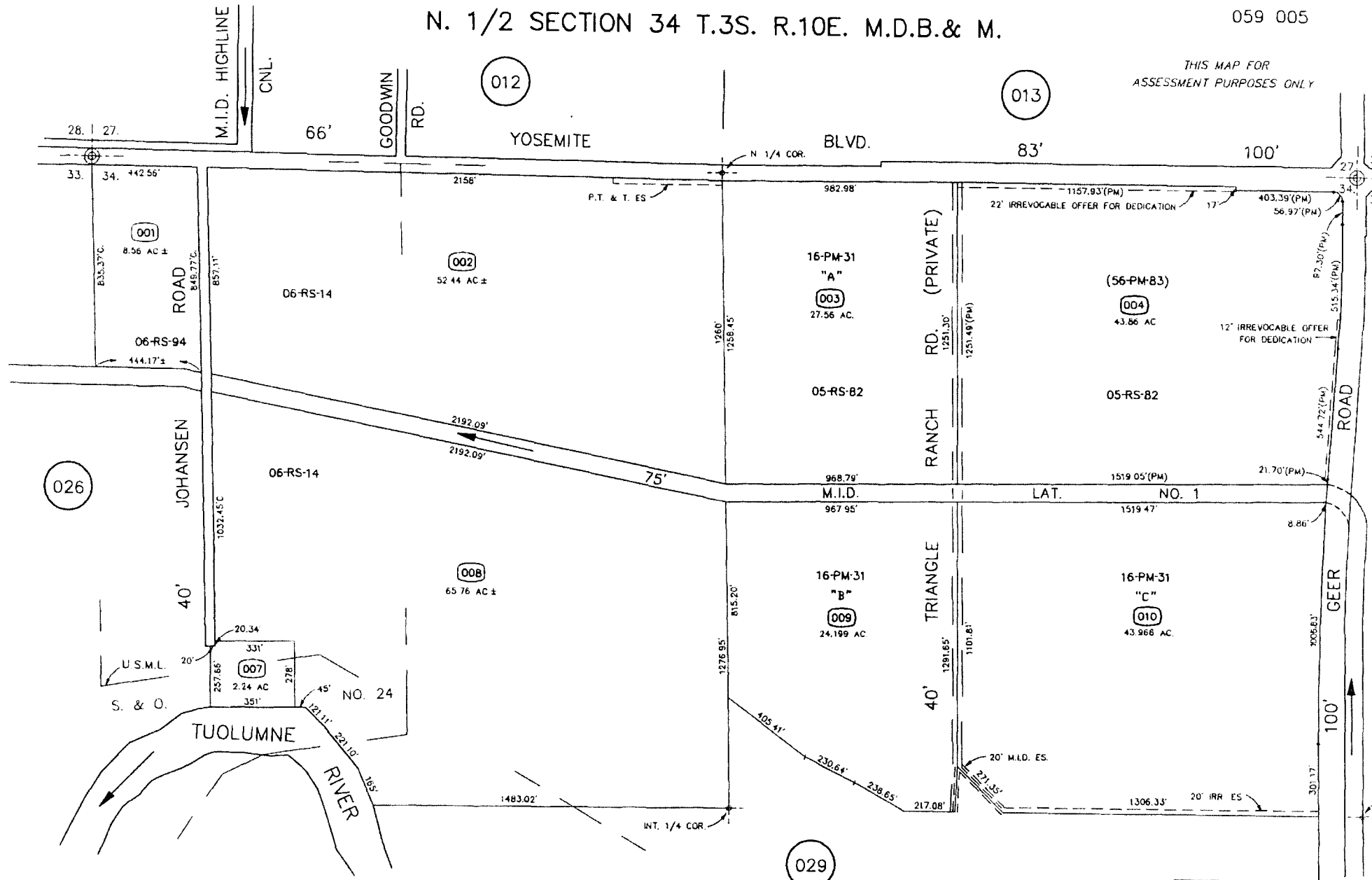


N. 1/2 SECTION 34 T.3S. R.10E. M.D.B.& M.

059 005

THIS MAP FOR ASSESSMENT PURPOSES ONLY

EXHIBIT "B"



FROM: G-034
 DRAWN: 02-21-66
 REVISED: 04-06-72, 10-09-87, 11-06-12 MB, 06-03-13 (V) MB.

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EXHIBIT "C"
PARCEL COUNT FOR
FRUIT YARD LIGHTING DISTRICT
FISCAL YEAR 2015-2016

The Assessor's parcels listed below are subject to the annual assessment:

| A.P.N. | ZONE | ACRES | EBU | ASSESSMENT |
|-------------|------|-------|--------|------------|
| 009-027-004 | COMM | 34.9 | 122.15 | \$ 350.00 |