# COUNTY OF HUMBOLDT

**For the meeting of:** 10/22/2024

**File #:** 24-1002

**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**Vote Requirement:** 4/5th

**SUBJECT:**
Petition to Form Permanent Road Division (PRD) 1000, Zone No. 010, Known as Washington Terrace Subdivision, McKinleyville Area and Supplemental Budget (4/5 Vote Required) and Supplemental Budget for Public Works, Land Use, 1100166, in the Amount of $4872 (4/5 Vote Required)

**RECOMMENDATION(S):**
That the Board of Supervisors:

1. Receive and file the Petition, Affidavit of Valuations, and Engineer's Report for the creation of Permanent Road Division (PRD) 1000, Zone No. 010 (4/5 Vote Required);
2. Adopt the Resolution of Intent to Establish PRD 1000. Zone No. 010 and to impose parcel charges for maintenance of road and drainage facilities (4/5 Vote Required);
3. Set a time and date of 9:00 am on December 10, 2024, to hold a public hearing to receive testimony of protest regarding the formation and setting of an assessment for road maintenance for the proposed PRD 1000, Zone No. 010 (4/5 Vote Required);
4. Direct:
    a. The Clerk of the Board to publish the Petition (Attachment 1), Notice Formation (Attachment 5) and Notice of Assessment (Attachment 6) in the Times Standard newspaper on Nov. 17, 2024 and Dec. 1, 2024, as per Streets and Highways Code Sections 1164 and 1196;
    b. The Department of Public Works to mail the Notice of Assessment and ballot to all landowners within the proposed zone as per Government Code Section 53753 no later than October 24, 2024 (at least 45 days prior to the election);
    c. The Department of Public Works to post the Petition (Attachment 1), Notice of Formation (Attachment 5) and Notice of Assessment (Attachment 6) no later than October 24, 2024 (15 days prior to the election) asper Streets and Highways Code Section 1195; and
5. Approve the Supplemental Budget request for Land Use (1100166) in the amount of $4,872 (Attachment 8) to provide associated funding for PRD 1000, Zone 010 (4/5 Vote Requirement).

**STRATEGIC PLAN:**
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1007 - Improve the transportation network to be multi-model, safe, sustainable and equitable

**DISCUSSION:**
On Dec. 17, 2002, the Board of Supervisors adopted Resolution Number 02-111, establishing the Humboldt County-Wide PRD 1000.

S&HC Section 1162.6 authorizes the Board of Supervisors to create zones within the division for specific permanent road projects.

Mr. James Furtado created the Washington Terrace Subdivision in McKinleyville on Washington Avenue. The subdivision map included an offer to dedicate Washington Court for public road purposes, Ascent Place for public road purposes, Parcel D for pedestrian easement, Parcels A, B & C in fee title for drainage facility purposes. The offer was rejected by the Board of Supervisors because at the time that map was filed with the County Recorder, Washington Court and Ascent Place did not comply with Policy #2 of policies adopted by the Board of Supervisors.

It is proposed that the division be formed for the purposes of maintaining the surface of Washington Court and Ascent Place, within the boundaries of the Washington Terrace Subdivision and rehabilitation of the storm drain system within the internal boundaries of the Washington Terrace Subdivision. The storm drain system outside of the internal boundaries that reside along Washington Avenue, an existing County Maintained Road, is not included in this division as maintenance is currently responsibility of the County. All facilities are located within the boundaries of the area proposed for the division. The area proposed for division is described in Exhibit A of the Engineer's Report (Attachment 2).

In addition, sidewalks within and fronting the subdivision will not be maintained by the County. Pursuant to Resolution 97-31, adopted by the Board of Supervisors on March 4, 1997, maintenance of sidewalks is the responsibility of the fronting landowner.

In order to comply with Policy #2 to allow the roads to be brought into the County Maintained Road System, Mr. Furtado submitted a Petition (Attachment 1) requesting that the Board of Supervisors hold the necessary hearings and election to establish a zone within PRD 1000 for the benefit of the Washington Terrace Subdivision. As required by S&HC Section 1162, the Petition includes the name of the zone, the signatures of the landowners, the boundaries of the zone, the number of acres in the zone and the assessed valuation, the value of improvements on the real estate, the number of inhabitants therein and a description of the roads to be maintained. The petition requests that an assessment be levied to pay the costs for future maintenance of road and drainage facilities.

The Petition is accompanied by an Engineer's Report (Attachment 2) and an Affidavit of Valuations (Attachment 3). The Engineer's Report provides the basis for the estimation of assessment to cover the cost of the requested maintenance. The Affidavit of Valuations is required by S&H Section 1163 and it states that the affiant has compared the valuations given in the petition and finds them to be complete and correct.

In order to form a zone within PRD 1000, the Board of Supervisors must receive and file the Petition and the Affidavit of Valuations and hold a public hearing to hear any protests to the formation of the zone. The Board of Supervisors must also conduct a public hearing upon the proposed assessment. A Resolution of Intent to hold a hearing to establish PRD 1000, Zone No. 010 and to consider an assessment for road maintenance is attached as Attachment 4.



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A Notice of the Hearing to Consider Formation of the zone (Attachment 5) and a Notice of the Hearing to Consider the Assessment to fund the maintenance required within the zone (Attachment 6) must be published as per S&HC Sections 1164 and 1196. A Ballot (Attachment 7) in conformance with Government Code Section 53753 must be mailed to each landowner located within the proposed zone. The ballot must be mailed at least forty-five (45) days prior to the hearing for establishing the parcel assessments. The ballots are to be returned to the Humboldt County Auditor's Office on or before the close of the hearing.

The formation of the PRD zone and the establishment of the assessment would allow the Department of Public Works to recommend in the future to the Board of Supervisors the acceptance of the roads (Washington Court and Ascent Place) within the Washington Terrace Subdivision into the County Maintained Road System. Policy Number 2 adopted by the Board of Supervisors on Jul. 15, 2003, allows the Department of Public Works to recommend acceptance of subdivision roads into the County Maintained Road System should a PRD be formed to fund future maintenance. The assessment would provide additional funding to the county for the future maintenance of the road and associated facilities within the subdivision. Maintenance is defined for the purpose of this petition as:

- Funding the resurfacing of Washington Court and Ascent Place, serving 40 lots. The cost of maintenance of the roads is based upon a repetitive 25-year cycle of resurfacing of the roads with a year-12 slurry seal, a year-25 asphalt concrete overlay, and a year-25 concrete crossing replacement. The maintenance cycle is as follows:

| CYCLE PERIOD YEARS | ACTIVITY |
|---|---|
| 12 | Slurry |
| 25 | Overlay |
| 25 | Concrete Replacement |

- Funding the rehabilitation of the storm drain system located within the overall internal boundaries of the Washington Terrace Subdivision is based upon an estimated 50-year life of the storm drain system. The cycle will repeat for subsequent 50-year cycles. This annexation will equitably spread the cost of the storm drain system across all the lots in the Subdivision. The storm drain system outside of the internal boundaries that reside along Washington Avenue, an existing County maintained road, are not included in this division as maintenance is currently the responsibility of the County.

- In addition, sidewalks within and fronting the subdivision will not be maintained by the County. Pursuant to Resolution 97-31, adopted by the Board of Supervisors on March 4, 1997, maintenance of sidewalks is the responsibility of the fronting landowner.

It is estimated that the costs of maintenance will be based upon the benefits received by each parcel. The method for determining the costs is shown in the engineer's report on file with the Department of Public Works.

It is further proposed that, in order to raise the necessary funds to pay for the maintenance activities, the Board of Supervisors impose a special assessment per parcel per year, with a provision for a compounded inflation factor based upon the Consumer Price Index. The assessment shall recur annually until changed by a new law or a vote of the property owners or a special election by all voters of PRD 1000, Zone No. 010. Any such special tax shall only become effective upon approval by the voters in compliance with all applicable statutory and constitutional requirements.

## SOURCE OF FUNDING:

General Fund - Land Use (1100166)

**FINANCIAL IMPACT:**

| ***Expenditures (1100166)*** | **FY24-25** |
|---|---|
| ***Budgeted Expenses*** | $4,872.00 |
| ***Total Expenditures*** | $4,872.00 |

**Projected amounts are estimates and are subject to change.*

| ***Funding Sources (1100166)*** | **FY24-25** |
|---|---|
| ***Fees/Other (Assessments)*** | $4,872.00 |
| ***Total Funding Sources*** | $4,872.00 |

**Projected amounts are estimates and are subject to change.*

Narrative Explanation of Financial Impact:
Streets and Highways Code (S&HC) Section 1197 requires the expense of organizing a zone and conducting an election to be payable out of the General Fund (1100). The first year's assessment includes an amount to reimburse the county's cost for formation of PRD 1000, Zone Number 010. The rest of the parcel assessment shall fund the maintenance described in PRD 1000, Zone Number 010. To offset inflation, the assessment includes a provision for an annual compounded increase based upon the Consumer Price Index.

If the Resolution of Intent to form the PRD zone is approved, but the landowners within the proposed PRD zone or the Board of Supervisors do not approve the assessment, the General Fund monies used to attempt to create this PRD zone cannot be recovered.

The requested supplemental budget is needed to provide funding for the formation and election costs. Anticipated reimbursable General Fund cost to create the PRD 1000, Zone No. 010 is $4,872.00 or a total formation cost per parcel equal to $121.80.

**STAFFING IMPACT:**

Narrative Explanation of Staffing Impact:
No staffing is expected to be impacted.

**OTHER AGENCY INVOLVEMENT:**
The Humboldt County Auditor is designated as the person to receive and tabulate the ballots for the election.
The Humboldt County Tax Collector will be responsible for collecting the assessment as part of the property taxes.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may choose to not accept the petition and not hold hearings for formation of a PRD zone and not hold an election to establish an assessment. The existing Covenants, Conditions and Restrictions or Homeowner's Association would maintain and repair the improvements described in the petition.

**ATTACHMENTS:**

1. Petition requesting formation of PRD 1000, Zone No. 010 for the Washington Terrace Subdivision
2. Engineer's Report
3. Affidavit of Valuations
4. Resolution of Intent to establish PRD 1000, Zone No. 010
5. Notice of Hearing to Consider Formation of PRD 1000, Zone No. 010
6. Notice of hearing to Consider an Assessment on real property to fund road maintenance within PRD 1000, Zone No. 010
7. Sample Ballot
8. Supplemental Budget

**PREVIOUS ACTION/REFERRAL:**

Meeting of: N/A
File No.: N/A



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