

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.56
(ID # 16912)

MEETING DATE:
Tuesday, August 17, 2021

FROM : TLMA-TRANSPORTATION:

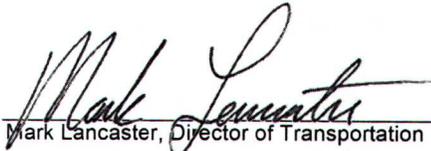
SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adopt Resolution No. 2021-129 and Resolution No. 2021-130 to Initiate proceedings for the Annexation of Zone 220 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, French Valley, District 3. [\$13,140 Ongoing Cost - L&LMD No. 89-1-C 100%] (Set for Public Hearing on October 05, 2021) (Clerk to Advertise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2021-129 a Resolution of the Board of Supervisors of the County of Riverside initiating proceedings for the annexation of Zone 220 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 and ordering preparation of the Engineer's Report regarding said annexation;

Continued on page 2

ACTION:Policy


Mark Lancaster, Director of Transportation 7/27/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for public hearing on Tuesday, October 5, 2021, at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: August 17, 2021
xc: Transp., COB

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

RECOMMENDED MOTION: That the Board of Supervisors:

2. Adopt Resolution No. 2021-130, a Resolution of the Board of Supervisors of the County of Riverside declaring its intent to order the annexation of Zone 220 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of stormwater runoff catch basin filters, adopting the preliminary Engineer's Report, giving notice of and setting the time and place of the public hearing on the annexation of Zone 220, ordering an assessment ballot proceeding conducted by mail, and directing the notice of the public hearing and the assessment ballot to be mailed pursuant to said Act and Article XIID of the California Constitution and Section 4000 of the Elections Code; and

3. Set the public hearing on the annexation of Zone 220 for October 05, 2021, order a mailed assessment ballot proceeding; and direct notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution. (Clerk to Advertise)

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 13,140	\$ 0	\$ 13,140
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: L&LMD No. 89-1-C – 100% There are no General Funds used in this project.			Budget Adjustment: N/A	
			For Fiscal Year: 22/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Landscaping and Lighting Maintenance Districts (L&LMD's) are formed for the purpose of creating a funding mechanism to pay for the installation and maintenance of landscaping, streetlights, traffic signals, runoff catch basin filters, decorative fencing, and other roadside features within the road right of way. Within an established L&LMD, zones are created for specific developments, a fee structure is developed specific to the features within that zone, and the zone is then assessed through a tax levy on an annual basis for the installation and maintenance of the features within that particular zone.

L&LMD No. 89-1-C was formed in 1994, Resolution No. 94-389, and currently consists of 166 individual zones with different fee structures spread throughout Riverside County. The residential property owner of Tract Map No. 37208, as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD No. 89-1-C, creating Zone 220. The boundaries of Zone 220 will encompass the entire Tract Map No. 37208 and will include the maintenance and servicing of stormwater runoff catch basin filters.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Adoption of Resolution No. 2021-129 appoints the Director of the Transportation Department, or their designee, as the Engineer to prepare a Report regarding the proposed annexation of Zone 220 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (“L&LMD No. 89-1-C”).

Resolution No. 2021-130 declares the Board of Supervisors’ intention of ordering the annexation of Zone 220 to L&LMD No. 89-1-C. The annexation of Zone 220 to L&LMD No. 89-1-C will fund the maintenance and servicing of stormwater runoff catch basin filters within public right-of-way located south of Thompson Road, east of Washington Street and north of Benton Road in the French Valley area and includes 154 single-family residences.

Consistent with the Board of Supervisors’ direction regarding compliance with Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, the attached resolutions have been prepared and a public hearing scheduled for 9:30 a.m. on October 5, 2021 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 220 will receive a notice of the public hearing and mail-in assessment ballot, an impartial analysis, a copy of Resolution No. 2021-130, and an information sheet.

Assessment ballots must be returned prior to the conclusion of the public hearing. If, at the time designated for the tabulation of the assessment ballots, the assessment ballots submitted in favor of the annexation and levy of the assessment exceed the assessment ballots submitted in opposition of said annexation and levy, Zone 220 will be annexed to L&LMD No. 89-1-C.

The individuals/entities which own all of the property within the proposed boundaries of Zone 220 have executed a “Waiver and Consent Regarding Date of Assessment Ballot Proceeding” allowing for the proceeding and public hearing to be held on October 5, 2021.

Reference

At the direction of the County of Riverside Board of Supervisors, L&LMD No. 89-1-C was formed in 1994 by Resolution No. 94-389 authorizing the annexation of new zones into L&LMD No. 89-1-C for the purpose of levying assessments to pay for the installation and maintenance of landscaping, streetlights and other right-of-way approved improvements.

The zone specific Engineer’s Report for fiscal year 2022-23 was prepared in compliance with the requirement of Article 4, Chapter, 1, of the Landscaping and Lighting Act of 1972, which is Part 2, Division 15 of the California Streets and Highways Code. The County initiates annexation proceedings for the annual levy of assessments by passing a resolution, which proposes the new levy under the Landscaping and Lighting Act of 1972. This resolution also describes the improvements, describes the location of the zone within the District and finally orders an engineer, who is a registered professional engineer, certified by the State of California, to prepare and file a detailed report.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

In November 1996, California voters passed Proposition 218, Right to Vote on Taxes Act which added Articles XIII C and XIII D to the California Constitution, new procedures must be followed to levy annual assessments under the Landscaping and Lighting Act of 1972. A County may levy annual assessments for an assessment district after complying with the requirements of the Landscaping and Lighting Act of 1972, and the provisions of Proposition 218 Right to Vote on Taxes Act.

Impact on Residents and Businesses

The new assessment is for the purpose of providing the maintenance and servicing of stormwater runoff catch basin filters within public right-of-way.

Only the residential property owners within the proposed boundaries of Zone 220, which are represented by Tract Map No. 37208, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram) are impacted by the cost of this annexation. By setting up an assessment for the maintenance of certain infrastructure required by the development, the County requires that the development pay for its maintenance impact, rather than the obligation falling upon public funding sources.

SUPPLEMENTAL:

Additional Fiscal Information

The proposed budget for fiscal year 2022-23 for Zone 220 is \$13,140.00. This will result in an assessment for fiscal year 2022-23 within Zone 220 of \$85 per parcel. The annual assessment may be adjusted annually by the greater of 2% or the cumulative percentage increase in the Consumer Price Index for all Urban Consumers (CPI-U), if any, as it stands as of March of each year over the base index for March of 2021.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Location Map

Exhibit A

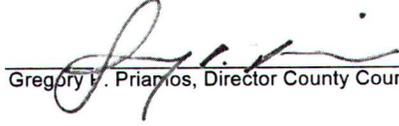
Resolution No. 2021-129

Resolution No. 2021-130

Engineer's Report


Jason Farin, Principal Management Analyst

8/12/2021


Gregory L. Priamos, Director County Counsel

8/9/2021

RESOLUTION NO. 2021-129

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 220 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has been advised by the Riverside County Transportation Department (hereinafter "Department") that said Department has received an application from the owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Zone 220"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89 1 Consolidated (hereinafter "L&LMD No. 89 1 C") of the County of Riverside, State of California, and the Board of Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 220 to L&LMD No. 89 1 C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act" and the "Streets and Highways Code"); and

WHEREAS, such proceedings shall comply with the requirements of Article XIII D of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89 1 C for Zone 220; and

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Proceeding" allowing for the proceeding to be held on October 5, 2021; and

BY: AARON C. GETTIS DATE: 8-6-21

AUG 17 2021 3.56

2 **RESOLUTION 2021-129**

3
4 **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF**
5 **RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF ZONE 220 TO**
6 **LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-**
7 **CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE**
8 **LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING A PREPARATION**
9 **OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

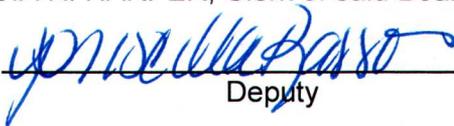
10 ADOPTED by Riverside County Board of Supervisors on August 17, 2021.

11 ROLL CALL:

12 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
13 Nays: None
14 Absent: None

15 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
16 Supervisors on the date therein set forth.

17 KECIA R. HARPER, Clerk of said Board

18 By:  Deputy

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22 08.17.2021 3.56
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RESOLUTION NO. 2021-130

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 220 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF STORMWATER RUNOFF CATCH BASIN FILTERS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 220 ; ORDERING AN ASSESSMENT PROCEEDING; ORDERING AN ASSESSMENT BALLOT PROCEEDING CONDUCTED BY MAIL; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2021-129 on August 17, 2021 initiating proceedings for the annexation of Zone 220 (hereinafter "Zone 220"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No. 89 1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89 1 C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Streets and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 220 and the assessments to be levied within Zone 220 each fiscal year beginning fiscal year 2022-23 for the maintenance and servicing of stormwater runoff catch basin filters within the public right-of-way within said zone; and

WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California Constitution (hereinafter "Article XIID"), the Act, and Section 4000 of the Elections

BY:  AARON C. GETTIS
DATE: 8-6-21

1 Code requiring voter approval of the proposed assessment to be levied by L&LMD No. 89 1 C for
2 Zone 220; and

3 **WHEREAS**, the Board of Supervisors by Resolution No. 2021-129 directed the Director of
4 the Transportation Department, or their designee (hereinafter the "Engineer"), to prepare and file
5 the Report with the Clerk of the Board of Supervisors in accordance with Sections 22608 and
6 22585 et. seq. of the Streets and Highways Code and Section 4 of Article XIID; and

7 **WHEREAS**, said Engineer has filed the Report with the Clerk of the Board of Supervisors
8 and the Report has been presented to and considered by the Board of Supervisors; and

9 **WHEREAS**, the Applicants have has executed a "Waiver and Consent Regarding Date of
10 Assessment Ballot Proceeding" allowing for the proceeding to be held on October 5, 2021; and

11 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
12 pursuant to Section 22587 of the Streets and Highways Code, which fixes and gives notice,
13 pursuant to Section 22588 of the Streets and Highways Code, of the time and place of a public
14 hearing on said Report, the annexation of Zone 220, and the assessments to be levied on parcels
15 within Zone 220 beginning in fiscal year 2022-23;

16 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
17 Board of Supervisors in regular session assembled on August 17, 2021 as follows:

18 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report, finds that:

- 19 (a) The foregoing recitals are true and correct;
- 20 (b) The Report contains all matters required by Sections 22565 through 22574 of the
21 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
22 approved by the Board of Supervisors;
- 23 (c) The annual assessment for fiscal year 2022-23 on all parcels within Zone 220 will
24 be \$85 per parcel.

25 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
26 annexation of Zone 220, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to
27 levy and collect an annual assessment on all assessable lots and parcels of property within Zone
28 220 commencing with the fiscal year 2022-23 as set forth in the Report. The Report expressly

1 states that there are no parcels or lots within Zone 220 that are owned by a federal, state or other
2 local governmental agency that will benefit from the services to be financed by the annual
3 assessments. The annual assessments will be collected at the same time and in the same manner
4 as property taxes are collected, and all laws providing for the collection and enforcement of
5 property taxes shall apply to the collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within the boundaries of Zone 220 is proposed
7 to be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of
8 the County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The services authorized for Zone
10 220 of L&LMD No. 89-1-C are:

11 (a) The maintenance and servicing of stormwater runoff catch basin filters within the public
12 right-of-way including the removal of petroleum hydrocarbons and other pollutants from water
13 runoff; and

14 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
15 benefits from the annexation of Zone 220 to L&LMD No. 89 1 C will be \$85 per parcel for fiscal
16 year 2022-23. As stated in the Report, the total budget for Zone 220 for the fiscal year 2022-23 is
17 \$13,140.00; there are 154 parcels that are to be assessed. Each succeeding fiscal year the
18 special assessment may be subject to an annual adjustment that is the greater of two percent
19 (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban
20 Consumers ("CPI U") for the Riverside-San Bernardino-Ontario California Standard Metropolitan
21 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States
22 Department of Labor. The annual CPI U adjustment will be based on the cumulative increase, if
23 any, in the Index as it stands on March of each year over the base Index for March of 2021. Any
24 increase larger than the greater of 2% or the CPI U annual adjustment requires a majority approval
25 of all the property owners in Zone 220. The Board of Supervisors will levy the assessment in each
26 subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution
27 of Zone 220 of L&LMD No. 89 1 C. The annual assessment will fund the services described in
28

1 Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file
2 in the Office of the Clerk of the Board of Supervisors.

3 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No.
4 89 1 C is Zone 220. The boundaries of Zone 220 are located within the unincorporated area of
5 the County and are described and shown in the Report and Exhibit "A".

6 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is
8 made to the Report for a full and detailed description of the services, the boundaries of Zone 220,
9 and the annual assessment to be levied upon assessable lots and parcels within Zone 220
10 proposed to be annexed to L&LMD No. 89-1-C.

11 **Section 8. Public Hearing.** The question of whether Zone 220 shall be annexed to
12 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2022-23 shall be
13 considered at a public hearing (hereinafter the "Public Hearing") to be held on October 5, 2021,
14 at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
15 1st Floor, Riverside, California.

16 **Section 9. Majority Protest.** Each owner of record of property within Zone 220 is to
17 receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article
18 XIID and Section 4000 of the California Elections Code. The assessment ballots are to be
19 returned prior to the Public Hearing. The agency shall not impose an assessment if there is a
20 majority protest. A majority protest exists if, upon the conclusion of the hearing, assessment
21 ballots submitted in opposition to the assessment exceed the assessment ballots submitted in
22 favor of the assessment. In tabulating the assessment ballots, the assessment ballots shall be
23 weighted according to the proportional financial obligation of the affected property.

24 **Section 10. Information.** Any property owner desiring additional information regarding
25 Zone 220 of L&LMD No. 89 1 C, the Report, or the proposed assessment is to contact Ms. Brigitte
26 Hahn, Senior Engineering Technician, Transportation Department of the County of Riverside,
27 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951 955 6263, or
28 by e mail at bhahn@rivco.org.

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Zone 220 to L&LMD No. 89 1 C shall be given consistent with Sections 22608 and
3 22588 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board
4 of Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution
5 to be published once in an appropriate newspaper at least ten (10) days prior to the date of the
6 Public Hearing that is October 5, 2021. Publication of this Resolution is to be effected by the Clerk
7 of the Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid,
8 those notices, as prepared by County Counsel, assessment ballot and information sheets as
9 required by Section 4 of Article XIID and Section 4000 of the California Elections Code to all
10 owners of record of property within Zone 220 as shown on the last equalized assessment roll of
11 the County. Mailing is to be made by the Engineer and deposited with the U. S. Post Office at
12 least forty-five (45) days prior to the Public Hearing on October 5, 2021.

13 **Section 12 Effective Date.** This Resolution shall take effect from and after its date of
14 adoption.

2 **RESOLUTION 2021-130**

3

4 **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF**
 5 **RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 220**
 6 **TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-**
 7 **CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE**
 8 **LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND**
 9 **SERVICING OF STORMWATER RUNOFF CATCH BASIN FILTERS; ADOPTING THE**
 10 **PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE**
 11 **TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE**
 12 **220; ORDERING AN ASSESSMENT PROCEEDING; ORDERING AN ASSESSMENT**
 13 **BALLOT PROCEEDING CONDUCTED BY MAIL; AND DIRECTING NOTICE OF THE**
 14 **PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT**
 15 **TO SAID ACT AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND**
 16 **SECTION 4000 OF THE ELECTIONS CODE**

17 ADOPTED by Riverside County Board of Supervisors on August 17, 2021.

18 **ROLL CALL:**

19 **Ayes:** Jeffries, Spiegel, Washington, Perez and Hewitt
 20 **Nays:** None
 21 **Absent:** None

22 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

23 KECIA R. HARPER, Clerk of said Board

24 By: 
 25 Deputy

EXHIBIT "A"

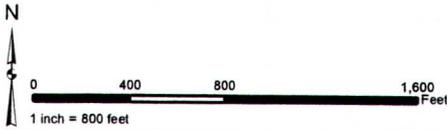
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 220 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, County of Riverside, are coterminous with the boundaries of APN 964-030-017 and 964-030-018 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2022-23.

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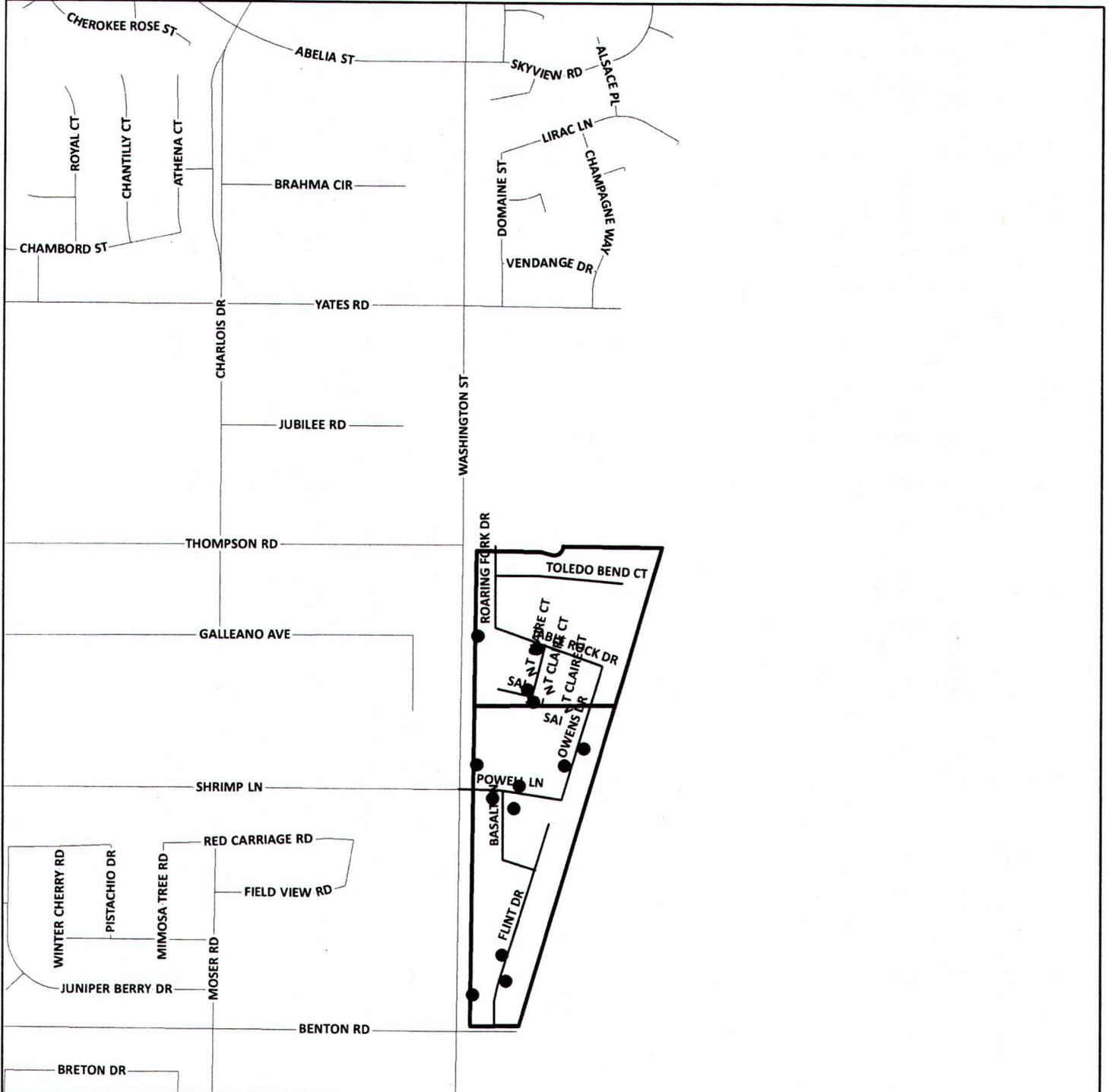
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

ZONE 220
 PORTION(S) OF SECTION 3, T.7S., R.2W.
 TRACT MAP NO. 37028
 154 PARCELS



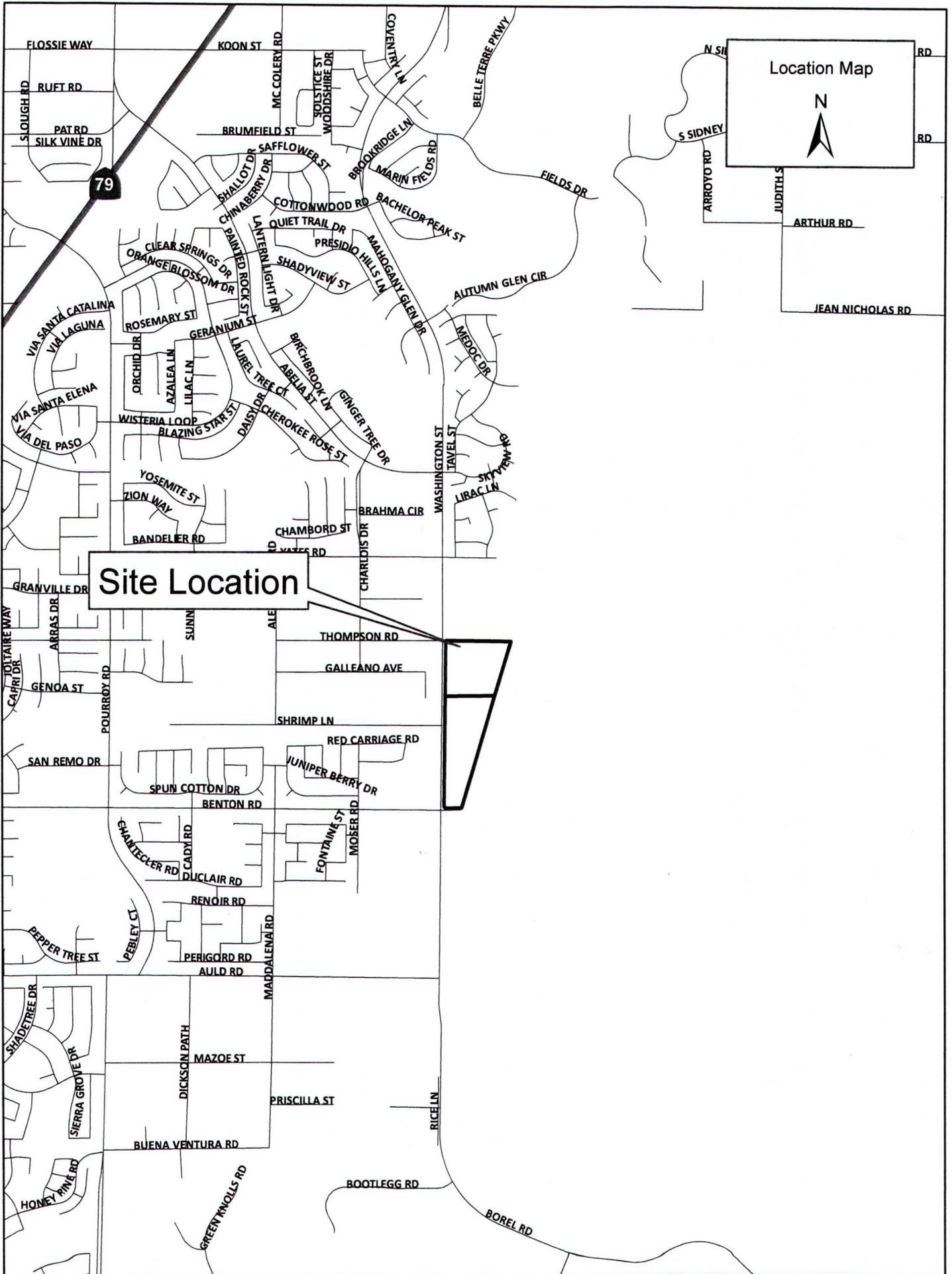
The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or resell this map. Printed by bhahn on 4/1/2021

ASSESSMENT DIAGRAM



● DENOTES MAINTAINED STORMWATER RUNOFF CATCH BASIN FILTER

▭ DENOTES ZONE BOUNDARY





COUNTY OF RIVERSIDE - TRANSPORTATION AND LAND MANAGEMENT AGENCY

**ENGINEER'S REPORT FOR
LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
ANNEXATION OF ZONE 220
TR 37028**

June 2021

PREPARED BY



Harris & Associates

41593 Winchester Rd, Suite 159

Temecula, CA 92590

www.weareharris.com



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ENGINEER'S CERTIFICATION

AGENCY: COUNTY OF RIVERSIDE, CALIFORNIA – TRANSPORTATION DEPARTMENT

PROJECT: ANNEXATION OF TR 37028 TO
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO.
89-1-CONSOLIDATED ("L&LMD NO. 89-1-C") AS ZONE 220
TR 37028

TO: BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

ENGINEER'S REPORT

Pursuant to the provisions of Section 22565 through 22574 of the Landscaping and Lighting Act of 1972 ("1972 Act"), said Act being Part 2 of Division 15 of the Streets and Highways Code of the State of California, Section 4 of Article XIII D of the California Constitution, and direction from the Board of Supervisors of Riverside County, California, I submit herewith the following Engineer's Report ("Report"), consisting of five parts.

This Report provides for the annexation of Tract 37028 (TR 37028) to L&LMD No. 89-1-C as Zone 220 and establishes the Maximum Assessment to be levied in the Fiscal Year commencing on July 1, 2022 and ending on June 30, 2023 (2022-2023) and continuing in all subsequent Fiscal Years, for this area to be known and designated as:

L&LMD NO. 89-1-C ZONE 220 **TR 37028**

I do hereby assess and apportion the total amount of the costs and expenses upon several parcels of land within said designated area liable therefor and benefited thereby, in proportion to the estimated benefits that each parcel receives, respectively, from said services.

NOW, THEREFORE, I, the appointed ENGINEER, acting on behalf of the County of Riverside Transportation Department, pursuant to the 1972 Act, do hereby submit the following:

Pursuant to the provisions of law, the costs and expenses of Zone 220 have been assessed upon the parcels of land in Zone 220 benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcels

As required by law, an Assessment Diagram/Boundary Map is filed herewith, showing Zone 220, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said Zone 220



as they exist as of the date of this Report, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot number within a specific tract and indicated on said Assessment Diagram/Boundary Map and in the Assessment Roll contained herein.

The separate numbers given the subdivisions and parcels of land, as shown on said Assessment Diagram/Boundary Map and Assessment Roll, correspond with the numbers assigned to each parcel by the Riverside County Assessor. Reference is made to the County Assessor Parcel Map for a description of the lots or parcels.

As of the date of this Report, there are no parcels or lots within Zone 220 that are owned by a federal, state or other local governmental agency that will benefit from the services to be provided by the assessments to be collected.

DATED this 29th day of June 2021



Alison M. Bouley, P.E., Assessment Engineer
R.C.E. No. C61383
Engineer of Work
County of Riverside
State of California

EXECUTIVE SUMMARY

A. Introduction

Pursuant to the provisions of law, the costs and expenses of Zone 220 have been assessed upon the parcels of land in Zone 220 benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcel(s). For particulars as to the identification of said parcel(s), reference is made to the Assessment Diagram/Boundary Map, a reduced copy of which is included herein. On this 17th day of August, 2021, the Riverside County Board of Supervisors, County of Riverside, State of California, ordering the preparation of the Report providing for the annexation of TR 37028 to L&LMD No. 89-1-C as Zone 220 did, pursuant to the provisions of the 1972 Act, being Division 15 of the Streets and Highways Code of the State of California, adopt Resolution No. 2021-129 for a special assessment district zone known and designated as:

ZONE 220
TR 37028

The annexation of Zone 220 includes the parcel(s) of land within the residential development known as TR 37028, also identified by the Assessor Parcel Number(s) valid as of the date of this Report:

964-030-017
964-030-018

Harris & Associates submits this Report, consisting of (5) parts, for the annexation of said Zone 220 and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2022-2023 and continuing in subsequent fiscal years.

Part I

Plans and Specifications: This section contains a description of Zone 220's boundaries and the proposed improvements within said Zone 220 ("Plans" as described in Part I). Zone 220 shall consist of a benefit zone encompassing all of the properties within the residential development known as TR 37028.

Part II

The Method of Apportionment: A narrative of the property benefits from the improvements and the method of calculating each property's proportional special benefit and annual assessment. The proposed initial Maximum Assessment and assessment range formula established for Zone 220 is based on current property development Plans and estimated annual costs and expenses associated with all improvements to be accepted and maintained by Zone 220 at build-out.



Part III

The Cost Estimate: An estimate of the cost of stormwater runoff catch basin filter maintenance, including incidental costs and expenses in connection therewith for Fiscal Year 2022-2023, is as set forth on the lists thereof, attached hereto.

Part IV

Assessment Diagram/Boundary Map: The Assessment Diagram/Boundary Map shows the parcels of land included within the boundaries of Zone 220. For details concerning the lines and dimensions of the applicable Assessor's Parcel Number(s), refer to the Riverside County Assessor's Map(s) as of the date of this Report.

Part V

Assessment Roll: Separate numbers given the subdivisions and parcels of land/lots and the initial Maximum Assessment per parcel or lot to be applied on the tax roll for Fiscal Year 2022-2023.

B. Description of Assessment Zone

The services to be provided by L&LMD No. 89-1-C Zone 220 include maintenance of stormwater runoff catch basin filters, which provide a special benefit to the parcel(s) to be assessed. The annexation of TR 37028 to L&LMD No. 89-1-C as Zone 220 will provide the financial mechanism (annual assessments) by which the ongoing operation and maintenance of these improvements and services will be funded. Zone 220's structure, proposed improvements, method of apportionment and assessments described in this Report are based on the Plans provided to Harris & Associates as of the date of this Report, including all estimated direct expenditures, incidental expenses, and reserves associated with the energizing, maintenance and servicing of the proposed improvements.

PART I – PLANS AND SPECIFICATIONS

A. Description of Improvements and Services for L&LMD No. 89-1-C

The following services were authorized pursuant to the County of Riverside Board of Supervisors approved Resolution No. 94-389 for L&LMD No. 89-1-C:

- L&LMD No. 89-1-C will annually levy an assessment on property within its boundaries to pay the cost of the following services and improvements in proportion to the special benefit provided to the parcels to be assessed:
 - The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation;
 - The installation or construction of statuary, fountains and other ornamental structures and facilities;
 - The installation or construction of public lighting facilities including but not limited to, traffic signals;
 - The installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, water irrigation, drainage or electrical facilities; and,
 - The maintenance and/or servicing of any of the foregoing.

B. Improvements and Services for L&LMD No. 89-1-C Zone 220

The services to be funded by L&LMD No. 89-1C Zone 220 include the maintenance and servicing of 13 stormwater runoff catch basin filters in and immediately adjacent to the residential subdivision designated as Tract 37028, which were required as a condition of approval for Tract.

The proposed improvements described in this Report are based on current development and improvement plans provided to Harris & Associates as of the date of this Report. Improvement plans include the (1) unsigned Tract Map No. 37028 by Adkan Engineers, dated September 2019, (2) Onsite Street Improvement and Drainage Plan Schedule A, Tract No. 37028, IP No. 200015 by Adkan Engineers, dated 10/16/2020, signed by County Oversight Engineer #76450, 11/10/2020 ("Plans").

C. Location of Assessment Zone

Zone 220 is located within the unincorporated area of the County of Riverside, State of California and is comprised of TR 37028. The area for Zone 220 is generally located south of Thompson Road, east of Washington Street, north of Benton Road. At full development, Zone 220 is projected to include 154 assessable residential lots/units and 6 non-assessable lots. Zone 220 currently consists of the lot(s)/unit(s), parcel(s) and subdivisions of land located in the following development area:

- TR 37028 – Assessor Parcel Number(s) as of the date of this Report:

964-030-017

964-030-018



PART II – METHOD OF APPORTIONMENT

A. Benefit Analysis

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping, dedicated easements for landscape use, and appurtenant facilities. The 1972 Act further provides that assessments may be apportioned upon all assessable lots or parcels of land within an assessment district in proportion to the estimated benefits to be received by each lot or parcel from the improvements rather than by assessed value.

Section 22573 of the 1972 Act gives the following instructions for apportioning assessments to the parcels within the district:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments reflects the composition of the parcels and the improvements and services provided by Zone 220 to fairly apportion the costs based on the estimated benefit to each parcel.

In addition, Article XIII D of the California Constitution (“Article”) requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Article provides that only special benefits are assessable, and the County must separate the general benefits from the special benefits conferred on a parcel. A special benefit is a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the district. The general enhancement of property value does not constitute a special benefit.

The proposed improvements, the associated costs, and assessments have been carefully reviewed, and allocated based on the special benefit received by the parcels to be assessed as required by the 1972 Act and Article XIII D as described in the following section.

Special Benefit

The stormwater runoff catch basin filters within and immediately adjacent to Zone 220 provide direct and special benefit to the lots or parcels within Zone 220. Therefore, the maintenance of these improvements also provides direct and special benefit by maintaining the functionality of the improvements and allowing the improvements to operate in a proper manner.

The proper maintenance of the stormwater runoff catch basin filters specially benefits parcels within the Zone by improved water quality control and an enhanced quality of life and sense of well-being for owner(s) of the properties within Zone 220.

Zone 220 does not include government-owned parcels or easements, utility easements, or flood channel parcels.

Special Benefits of Landscaping and Lighting Maintenance District No. 89-1-C Zone 220 Authorized Improvements and Services:

The special benefits of stormwater runoff catch basin filters are the provision of improved water quality control and environmental enhancement, specifically:

- Enhanced water quality control by filtering out unwanted debris from runoff flowing into the stormwater collection system.
- Protection of the natural environment by enhancing water quality for green space and landscaping.
- Environmental enhancement through improved dust and debris control.

General Benefit

The total benefit from the works of improvement is a combination of the special benefits to the parcels within the Zone 220 and the general benefits to the public at large and to adjacent property owners. A portion of the total maintenance costs for the stormwater runoff catch basin filters, if any, associated with general benefits cannot be assessed to the parcels in the Zone 220, but would be paid from other Riverside County Transportation Department funds. Because the stormwater runoff catch basin filters are located immediately adjacent to properties within the Zone 220, were required as a condition of approval for the development of the property, and are maintained solely for the benefit of the properties within the Zone 220, any benefit received by properties outside of the Zone 220 is nominal. Therefore, the general benefit portion of the benefit received from the improvements for the Zone 220 is zero.

Summary

In summary, no property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property. Additionally, because the benefiting properties consist of a uniform land use (residential), it is determined that each of the residential parcels or lots within Zone 220, at buildout, will benefit equally from the improvements. Therefore, the proportionate share of the costs and expenses for the maintenance and servicing of the stormwater runoff catch basin filters are apportioned equally on a per parcel basis within Zone 220.

B. Maximum Assessment Methodology

The following methodology for establishing the Maximum Annual Assessment was adopted by Riverside County Board of Supervisors in the annual Report approved on November 29, 1994. Such methodology has been maintained in preparation of this Report. The purpose of establishing a Maximum Assessment formula is to provide for reasonable increases and inflationary adjustments to annual assessments without requiring costly noticing and mailing procedures, which would add to Zone 220 costs and assessments.

The Maximum Assessment formula shall be applied to all assessable residential parcels of land within Zone 220. For Zone 220, the initial Maximum Assessment for Fiscal Year 2022-2023 is as follows:

- The initial Maximum Assessment established within Zone 220 (TR 37028) shall be \$13,140.
- The initial Maximum Assessment per residential parcel established within Zone 220 (TR 37028) shall be \$85 per assessable residential parcel.

The initial Maximum Assessment shall be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the Consumer Price Index for all Urban Consumers ("CPI-U") for Riverside-San Bernardino-Ontario California Standard Metropolitan Statistical Area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor (BLS). The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands in March of each year over the base Index of 2022, starting in Fiscal Year 2023-2024.

The Maximum Assessment is adjusted annually and is calculated independent of the Zone 220's annual budget and proposed annual assessment. The proposed annual assessment (rate per assessable residential parcel) applied in any fiscal year is not considered to be an increased assessment if less than or equal to the Maximum Assessment amount. In no case shall the annual assessment exceed the Maximum Assessment.

Although the Maximum Assessment will increase each year, the actual Zone 220 assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on Zone 220 assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjusted maximum amount. If the budget and assessments for the fiscal year require an increase and the increase is more than the adjusted Maximum Assessment, it is considered an increased assessment.

To impose an increased assessment, the County of Riverside must comply with the provisions of the California Constitution Article XIII D Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners, through the balloting process, must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for Zone 220. If the proposed assessment is not approved, the County may not levy an assessment greater than the adjusted Maximum Assessment previously established for Zone 220.

C. Annual Assessment

The Method of Apportionment of the Assessment is based upon the relative special benefit derived from the improvements and conferred upon the assessable real property within Zone 220 over and above general benefit conferred upon the assessable real property within Zone 220 or to the public at large. It is determined that each residential parcel or lot within Zone 220, at buildout, will benefit equally from the improvements. Therefore, the proportionate share of the costs and expenses for the maintenance and servicing of the stormwater runoff catch basin filters are apportioned on a per residential parcel basis for all benefiting residential parcels within Zone 220. Any Exempt Property within Zone 220 is specifically excluded from the apportionment calculation and is exempt from assessment.

The Assessment Rate per Residential Parcel within Zone 220 is calculated by dividing the total Annual Balance to Levy by the total number of Assessable Residential Parcels within Zone 220, at buildout, to determine the Annual Assessment per Assessable Residential Parcel. The Annual Balance to Levy is the Total Annual Stormwater Runoff Catch Basin Filters Costs as seen in Part III – Cost Estimate.

The Assessment for each Assessable Residential Parcel for FY 2022-2023 is calculated as follows:

$$\text{Annual Balance to Levy} / \text{Total number of Assessable Residential Parcels} = \text{Annual Assessment per Assessable Residential Parcel.}$$

PART III – COST ESTIMATE

L&LMD NO. 89-1-C ZONE 220 (TR 37028) FOR FISCAL YEAR 2022-2023

Cost Description	Total Costs for Zone 220 ^{1,2}	Cost per Residential Parcel for Zone 220 ^{2,3}
Stormwater Runoff Catch Basin Filters ⁴	\$8,719	\$57
Field, and Repair	\$2,906	\$19
Maintenance Total	\$11,625	\$76
Administrative Costs	\$900	\$5
Contingency	\$615	\$4
Total Annual Costs for Zone 220	\$13,140	\$85
Initial Maximum Assessment for Zone 220⁵	\$13,140	\$85

¹ Projected base rates of services for Fiscal Year 2022-2023 were provided by the County of Riverside Transportation Department.

² Total costs and cost per parcel rounded to whole dollars.

³ Based on projected 154 assessable residential parcels/lots.

⁴ 13 catch basins with 155 feet of filters.

⁵ The initial Maximum Assessment shall be adjusted annually by the greater of two percent or the cumulative percentage increase in the CPI-U-E Index published by the BLS.



PART IV – ASSESSMENT DIAGRAM/BOUNDARY MAP

Part IV – Assessment Diagram/Boundary Map

Fiscal Year 2022-2023 L&LMD NO. 89-1-C ZONE 220

The Assessment Diagram/Boundary Map for Zone 220 by this reference is incorporated and made a part of this Report. Only the parcels identified within Zone 220 Assessment Diagram are within said boundary.

If any parcel submitted for collection is identified by the County Auditor Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel number will be identified and resubmitted to the County Auditor Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Information identified on this Assessment Diagram/Boundary Map was provided by the Riverside County Transportation Department.

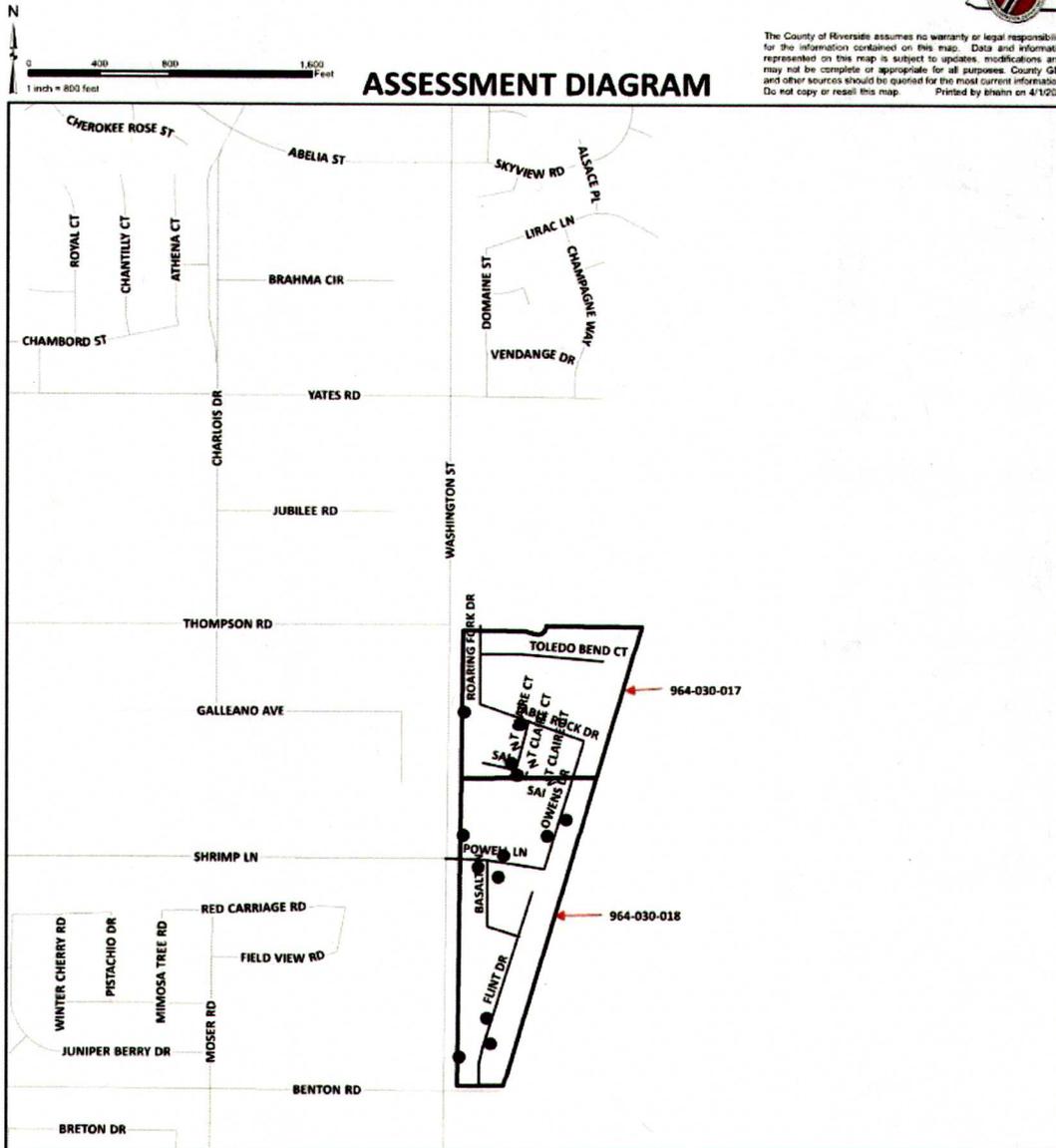
The Zone 220 Assessment Diagram/Boundary Map identifying the boundaries of parcels within TR 37028 in L&LMD No. 89-1-C Zone 220 is included in this Report for reference on the following page. For details concerning the lines and dimensions of the applicable Assessor's Parcel Numbers, refer to the County Assessor's Maps as of the date of this Report.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

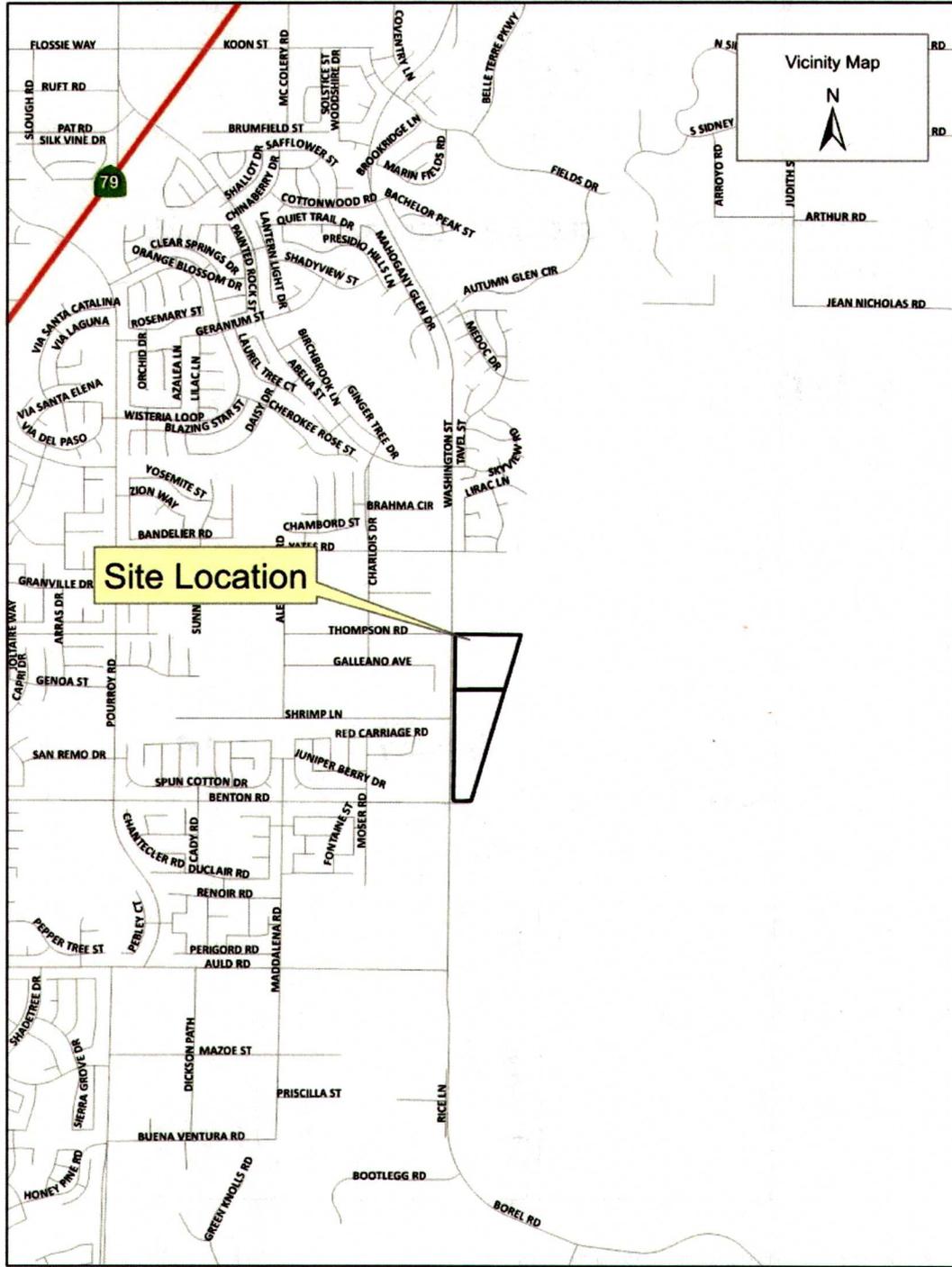
ZONE 220
 PORTION(S) OF SECTION 3, T.7S., R.2W.
 TRACT MAP NO. 37028
 154 PARCELS



The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or reuse this map. Printed by InPlan on 4/10/21



- DENOTES MAINTAINED STORMWATER RUNOFF CATCH BASIN FILTER
- ▭ DENOTES ZONE BOUNDARY



PART V – ASSESSMENT ROLL

Parcel identification for each lot/unit or parcel within Zone 220 shall be the parcel as shown on the Riverside County Secured Roll for the year in which this Report is prepared and reflective of the Assessor's Parcel Map(s). Zone 220 includes the following APN(s) as of the date of this Report:

964-030-017

964-030-018

The initial Maximum Assessment for Zone 220 is as follows:

**L&LMD NO. 89-1-C ZONE 220
(TR 37028)
PROPOSED FISCAL YEAR 2022-2023 MAXIMUM ASSESSMENT¹**

TR	Assessor Parcel Number/ Lot No.	Maximum Assessment per Parcel
TR 37028	1 - 154	\$85
TR 37028	155 - 160	\$0

¹ The initial Maximum Assessment shall be adjusted annually by the greater of two percent or the cumulative percentage increase in the CPI-U-E Index published by the BLS.

WAIVER AND CONSENT

Waiver and Consent Regarding Date of Assessment Ballot Election

There is one entity which owns all of the property within the proposed boundaries of Zone 220. Said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on October 5, 2021. A copy of said waiver is filed herewith and made a part hereof as seen on the following page.



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**LANDSCAPING AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED
OF THE COUNTY OF RIVERSIDE COUNTY OF RIVERSIDE, CALIFORNIA**

**WAIVER AND CONSENT REGARDING DATE OF
ASSESSMENT BALLOT PROCEEDING**

The undersigned, an authorized representative of Lennar Homes of California, Inc. (the "Owner") owns property within the unincorporated area of the County of Riverside unincorporated area of the County of Riverside (the "County") represented by the following Assessor's Parcel Numbers for fiscal year 2022-23 (the "Property"): APN(s) 964-030-017 and 964-030-018.

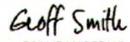
The Owner has made application that the Property be annexed as Zone 220 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County ("L&LMD No. 89-1-C") and certifies the following:

1. The Owner waives the requirements of Section 4000 of the Elections Code of the State of California (the "Elections Code") that the mailed ballot proceeding required for annexation and the levy of an annual assessment must be held on an established mailed ballot proceeding date pursuant to Section 1500 of the Election Code; and
2. The Owner consents to the mailed assessment ballot proceeding with respect to the levy of an annual assessment on the Property being held on October 5, 2021

OWNER: Lennar Homes of California, Inc.

**(Name of Company
as Stated in Initial Paragraph)**

By:

DocuSigned by:

SC111B682D7F46D
Signature

Name:

Geoffrey Smith

Print

Title:

Vice President