

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



**ITEM: 3.43**  
(ID # 21661)

**MEETING DATE:**

Tuesday, May 09, 2023

**FROM :** TLMA-TRANSPORTATION:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:  
Adopt Resolution No. 2023-098 and Resolution No. 2023-099 to Initiate proceedings for the Annexation of Zone 225 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Winchester, District 3. [\$7,752 Ongoing Cost - L&LMD No. 89 1 C 100%] (Set for Public Hearing on June 27, 2023) (Clerk to Advertise)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. 2023-098 a Resolution of the Board of Supervisors of the County of Riverside initiating proceedings for the annexation of Zone 225 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;
2. Adopt Resolution No. 2023-099, a Resolution of the Board of Supervisors of the County of Riverside declaring its intent to order the annexation of Zone 225 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 fossil 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 225, 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 225 for June 27, 2023, 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)

**ACTION:Policy, Set for Hearing**

  
Mark Lancaster, Director of Transportation 4/12/2023

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Gutierrez, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Gutierrez  
Nays: None  
Absent: None  
Date: May 9, 2023  
xc: Trans., COBAB/CF

Kimberly A. Rector  
Clerk of the Board

By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 7,752	\$ 0	\$ 7,752
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> L&LMD No. 89-1-C – 100% There are no General Funds used in this project.			<b>Budget Adjustment:</b> N/A	
			<b>For Fiscal Year:</b> 23/24	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

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 No. 36417 (TR36417), as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD No. 89-1-C, creating Zone 225. The boundaries of Zone 225 will encompass the entire TR36417 and will include the maintenance and servicing of fossil filters.

Adoption of Resolution No. 2023-098 appoints the Director of the Transportation Department, or their designee, as the Engineer to prepare a Report regarding the proposed annexation of Zone 225 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2023-099 declares the Board of Supervisors' intention of ordering the annexation of Zone 225 to L&LMD No. 89-1-C. The annexation of Zone 225 to L&LMD No. 89-1-C will fund the maintenance and servicing of fossil filters within public right-of-way located south of Olive Avenue, east of La Ventana Rd and west of Leon Road in the Winchester area and includes 228 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 June 27, 2023 to receive testimony for and against the proposed assessment. Each property owner within the proposed Zone 225 will receive a notice of the public hearing and mail-in assessment ballot, an impartial analysis, a copy of Resolution No. 2023-099, and an information sheet.



**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
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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 225 will be annexed to L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Zone 225 and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Proceeding" allowing for the proceeding and public hearing to be held on June 27, 2023.

**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 2023-24 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.

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 fossil filters within public right-of-way.

Only the residential property owners within the proposed boundaries of Zone 225, which are represented by TR36417, 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,

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

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 2023-24 for Zone 225 is \$7,752. This will result in an assessment for fiscal year 2023-24 within Zone 225 of \$34 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 2023.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

Location Map

Exhibit A

Resolution No. 2023-098

Resolution No. 2023-099

Engineer's Report

  
\_\_\_\_\_  
Aaron Gettis, Deputy County Counsel      4/27/2023



2 RESOLUTION NO. 2023-098

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
4 **PROCEEDINGS FOR THE ANNEXATION OF ZONE 225 TO LANDSCAPING AND LIGHTING**  
5 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**  
6 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**  
7 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION**

8 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
9 Riverside (hereinafter the "County") has been advised by the Riverside County Transportation  
10 Department (hereinafter "Department") that said Department has received an application from the  
11 owner (the "Applicant") of all the property within the unincorporated area of the County (hereinafter  
12 "Zone 225"), as shown and described in Exhibit "A", which is attached hereto and made a part hereof,  
13 to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter  
14 "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of Supervisors has  
15 determined that it is necessary and desirable to initiate proceedings for the annexation of Zone 225 to  
16 L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with  
17 Section 22500) of Division 15 of the Streets and Highways Code (hereinafter, respectively, the "Act"  
18 and the "Streets and Highways Code"); and

19 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
20 California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed  
21 assessment to be levied by L&LMD No. 89-1-C for Zone 225; and

22 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
23 Ballot Proceeding" allowing for the proceeding to be held on June 27, 2023; and

24 **WHEREAS**, the Director of the Department, or their designee, is a licensed and registered civil  
25 engineer, has expertise with respect to the formation and annexation of territory to landscaping and  
26 lighting maintenance districts and the levying of assessments for said purposes and, therefore, is able

FORM APPROVED COUNTY COUNSEL  
BY: *Caroline K. Monroy* 4-29-23  
CAROLINE K. MONROY DATE

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of  
2 Zone 225 to L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
4 Board of Supervisors of the County of Riverside assembled in regular session on May 9, 2023 as  
5 follows:

6 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all  
7 the above recitals are true and correct.

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Zone 225 to  
9 L&LMD No. 89-1-C and to initiate and conduct proceedings therefor pursuant to the Act for the purpose  
10 of levying an annual assessment on all parcels within Zone 225 to pay the costs of the following  
11 services:

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

15 **Section 3. Boundaries and Designation.** The boundaries of Zone 225 that are  
16 proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as shown and described  
17 in Exhibit "A".

18 **Section 4. Report.** The Director of the Department, or their designee, is hereby  
19 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of  
20 Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways Code  
21 and Section 4 of Article XIID of the California Constitution.

22 **Section 5. Effective date.** This Resolution shall take effect from and after its date of  
23 adoption.

24  
25  
26



2  
3 RESOLUTION NO. 2023-098

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
5 INITIATING PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 225  
6 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED  
7 OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING  
8 ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING  
9 SAID ANNEXATION

10  
11 ROLL CALL:

12  
13 Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez  
14 Nays: None  
15 Absent: None  
16  
17

18 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of  
19 Supervisors on the date therein set forth.  
20

21 KIMBERLY A. RECTOR, Clerk of said Board

22  
23 By: 

24 Deputy  
25

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 225 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of APN 461-160-029 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2023-24.

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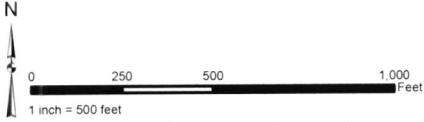


LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

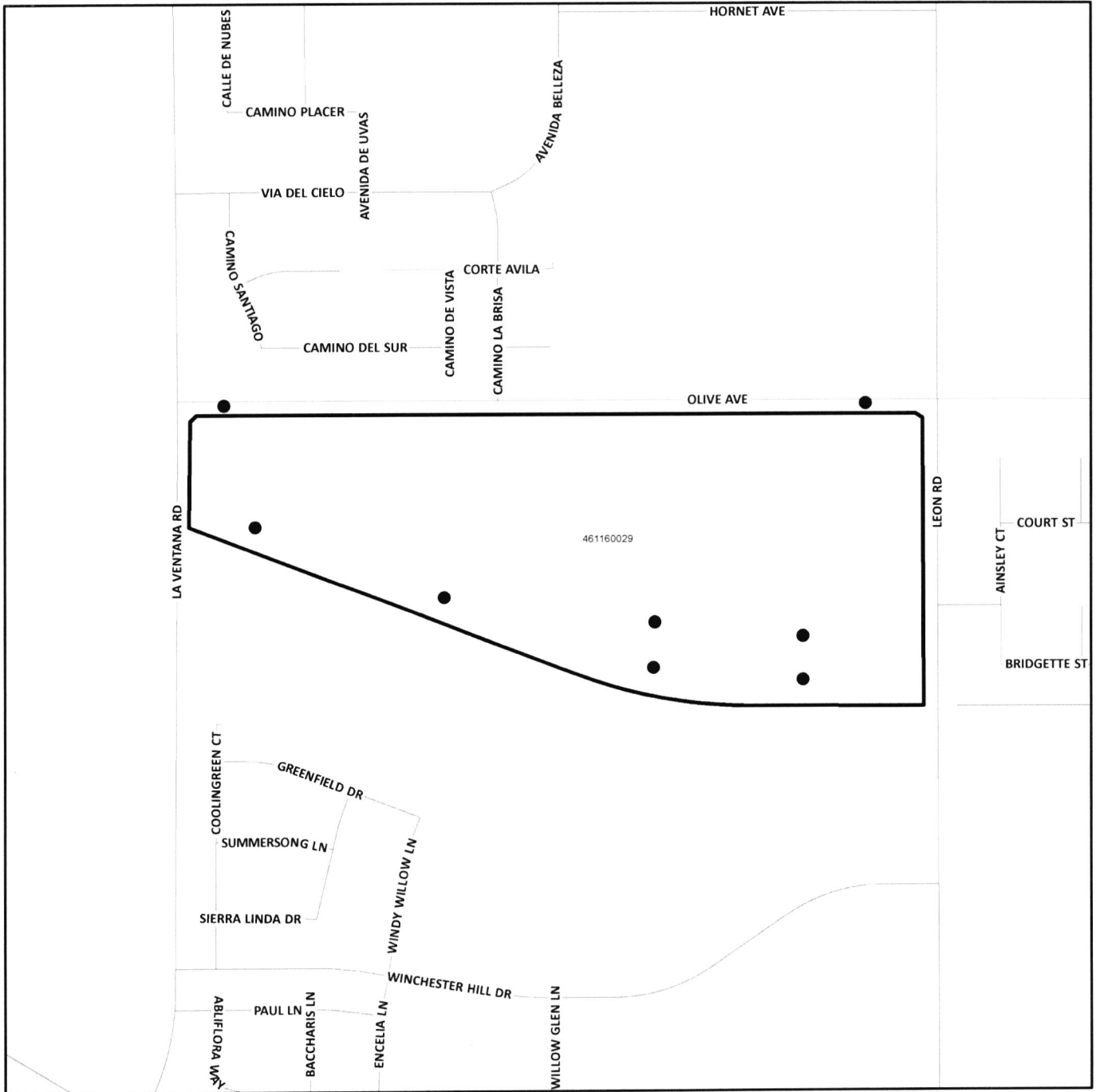
**ZONE 225**  
PORTION(S) OF SECTION 31, T.5S., R.2W.  
TRACT MAP NO. 36417  
1 PARCEL



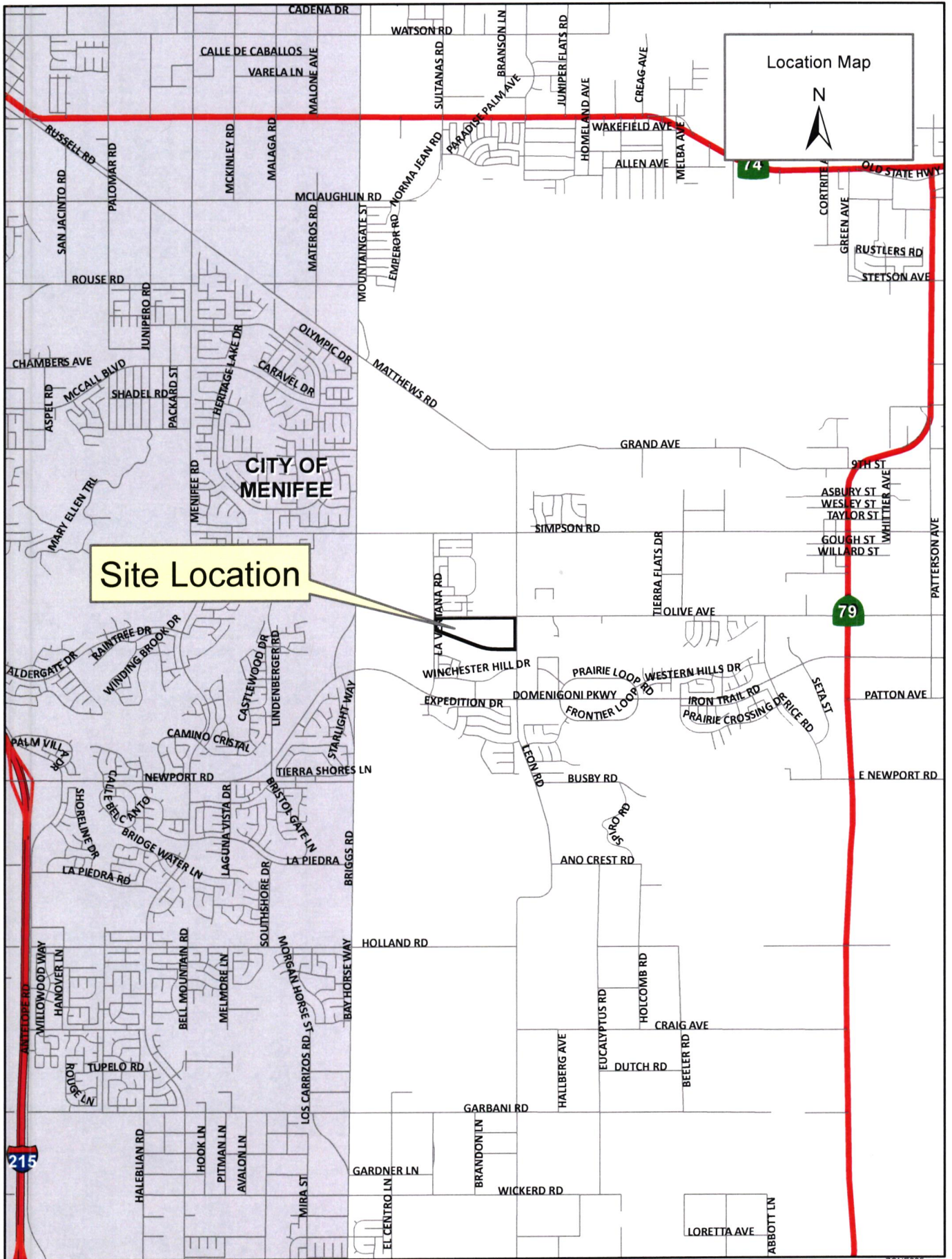
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**ASSESSMENT DIAGRAM**



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





2 RESOLUTION NO. 2023-099

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 225 TO LANDSCAPING AND LIGHTING  
5 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE  
6 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE  
7 AND SERVICING OF FOSSIL FILTERS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;  
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE  
9 THE ANNEXATION OF ZONE 225 ; ORDERING AN ASSESSMENT PROCEEDING; ORDERING AN  
10 ASSESSMENT BALLOT PROCEEDING CONDUCTED BY MAIL; AND DIRECTING NOTICE OF  
11 THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID  
12 ACT AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE  
13 ELECTIONS CODE

14 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
15 Riverside (hereinafter the "County") has adopted Resolution No. 2023-098 on May 9, 2023 initiating  
16 proceedings for the annexation of Zone 225 (hereinafter "Zone 225"), as described and shown in  
17 Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting  
18 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter  
19 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),  
20 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
21 (hereinafter the "Streets and Highways Code"), and ordering the preparation of a report (hereinafter the  
22 "Report") regarding the proposed annexation of Zone 225 and the assessments to be levied within  
23 Zone 225 each fiscal year beginning fiscal year 2023-24 for the maintenance and servicing of fossil  
24 filters within the public right-of-way within said zone; and

25 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
26 California Constitution (hereinafter "Article XIID"), the Act, 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 225;  
and

**WHEREAS**, the Board of Supervisors by Resolution No. 2023-098 directed the Director of the  
Transportation Department, or their designee (hereinafter the "Engineer"), to prepare and file the

FORM APPROVED COUNTY COUNSEL  
BY Caroline K. Monroy 4-27-23  
DATE  
CAROLINE K. MONROY

1 Report with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et.  
2 seq. of the Streets and Highways Code and Section 4 of Article XIID; and

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

5 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
6 Ballot Proceeding" allowing for the proceeding to be held on June 27, 2023; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
8 pursuant to Section 22587 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
9 Section 22588 of the Streets and Highways Code, of the time and place of a public hearing on said  
10 Report, the annexation of Zone 225, and the assessments to be levied on parcels within Zone 225  
11 beginning in fiscal year 2023-24;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
13 Board of Supervisors in regular session assembled on May 9, 2023 as follows:

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

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the  
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
18 approved by the Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2023-24 on all parcels within Zone 225 will be  
20 \$34 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Zone 225, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and  
23 collect an annual assessment on all assessable lots and parcels of property within Zone 225  
24 commencing with the fiscal year 2023-24 as set forth in the Report. The Report expressly states that  
25 there are no parcels or lots within Zone 225 that are owned by a federal, state or other local  
26 governmental agency that will benefit from the services to be financed by the annual assessments. The



1 annual assessments will be collected at the same time and in the same manner as property taxes are  
2 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
3 collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within the boundaries of Zone 225 is proposed to  
5 be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the  
6 County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The services authorized for Zone 225  
8 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of runoff catch basin filters within the public right-of-way  
10 including the removal of petroleum hydrocarbons and other pollutants from water runoff.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
12 benefits from the annexation of Zone 225 to L&LMD No. 89-1-C will be \$34 per parcel for fiscal year  
13 2023-24. As stated in the Report, the total budget for Zone 225 for the fiscal year 2023-24 is \$7,752.00;  
14 there are 228 parcels that are to be assessed. Each succeeding fiscal year the special assessment  
15 may be subject to an annual adjustment that is the greater of two percent (2%) or the cumulative  
16 percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the  
17 Riverside-San Bernardino-Ontario California Standard Metropolitan Statistical area ("Index") published  
18 by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U  
19 adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of each  
20 year over the base Index for March of 2023. Any increase larger than the greater of 2% or the CPI-U  
21 annual adjustment requires a majority approval of all the property owners in Zone 225. The Board of  
22 Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors  
23 undertakes proceedings for the dissolution of Zone 225 of L&LMD No. 89-1-C. The annual assessment  
24 will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be  
25 made to the Report on file in the Office of the Clerk of the Board of Supervisors.

26

1           **Section 6.    The Property to be Annexed.** The property to be annexed to L&LMD No.  
2 89-1-C is Zone 225. The boundaries of Zone 225 are located within the unincorporated area of the  
3 County and are described and shown in the Report and Exhibit "A".

4           **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
6 the Report for a full and detailed description of the services, the boundaries of Zone 225, and the  
7 annual assessment to be levied upon assessable lots and parcels within Zone 225 proposed to be  
8 annexed to L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Zone 225 shall be annexed to L&LMD  
10 No. 89-1-C and an annual assessment levied beginning with fiscal year 2023-24 shall be considered at  
11 a public hearing (hereinafter the "Public Hearing") to be held on June 27, 2023, at 9:30 a.m. at the  
12 meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside,  
13 California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Zone 225 is to receive  
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and  
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the  
17 Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority  
18 protest exists if, upon the conclusion of the hearing, assessment ballots submitted in opposition to the  
19 assessment exceed the assessment ballots submitted in favor of the assessment. In tabulating the  
20 assessment ballots, the assessment ballots shall be weighted according to the proportional financial  
21 obligation of the affected property.

22           **Section 10. Information.** Any property owner desiring additional information regarding  
23 Zone 225 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Michelle  
24 Cervantes, Administrative Services Officer, Transportation Department of the County of Riverside, 4080  
25 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6591, or by e-mail at  
26 MICERVAN@rivco.org.

1           **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
2 annexation of Zone 225 to L&LMD No. 89-1-C shall be given consistent with Sections 22608 and 22588  
3 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors  
4 shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published  
5 once in an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is  
6 June 27, 2023. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors.  
7 Notice shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County  
8 Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and  
9 Section 4000 of the California Elections Code to all owners of record of property within Zone 225 as  
10 shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and  
11 deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 27,  
12 2023.


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

15           ROLL CALL:

16           Ayes:           Jeffries, Spiegel, Washington, Perez and Gutierrez  
17           Nays:           None  
18           Absent:         None

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

21           KIMBERLY A. RECTOR, Clerk of said Board

22           By:   
23           Deputy

24  
25           05.09.2023 3.43  
26



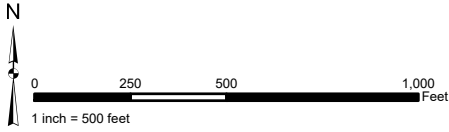
**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 225 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, are coterminous with the boundaries of APN 461-160-029 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2023-24.

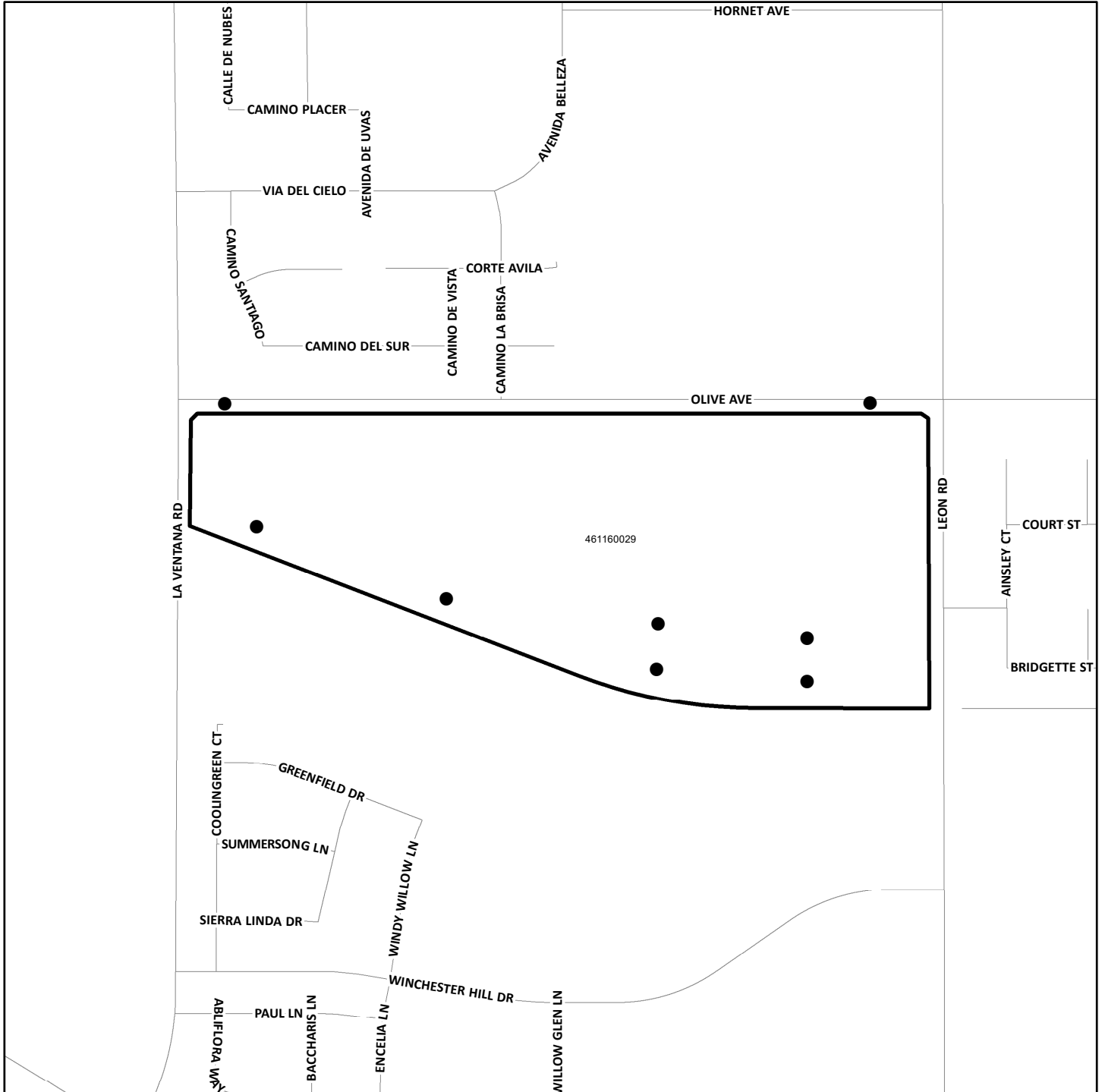
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**ZONE 225**  
PORTION(S) OF SECTION 31, T.5S., R.2W.  
TRACT MAP NO. 36417  
1 PARCEL

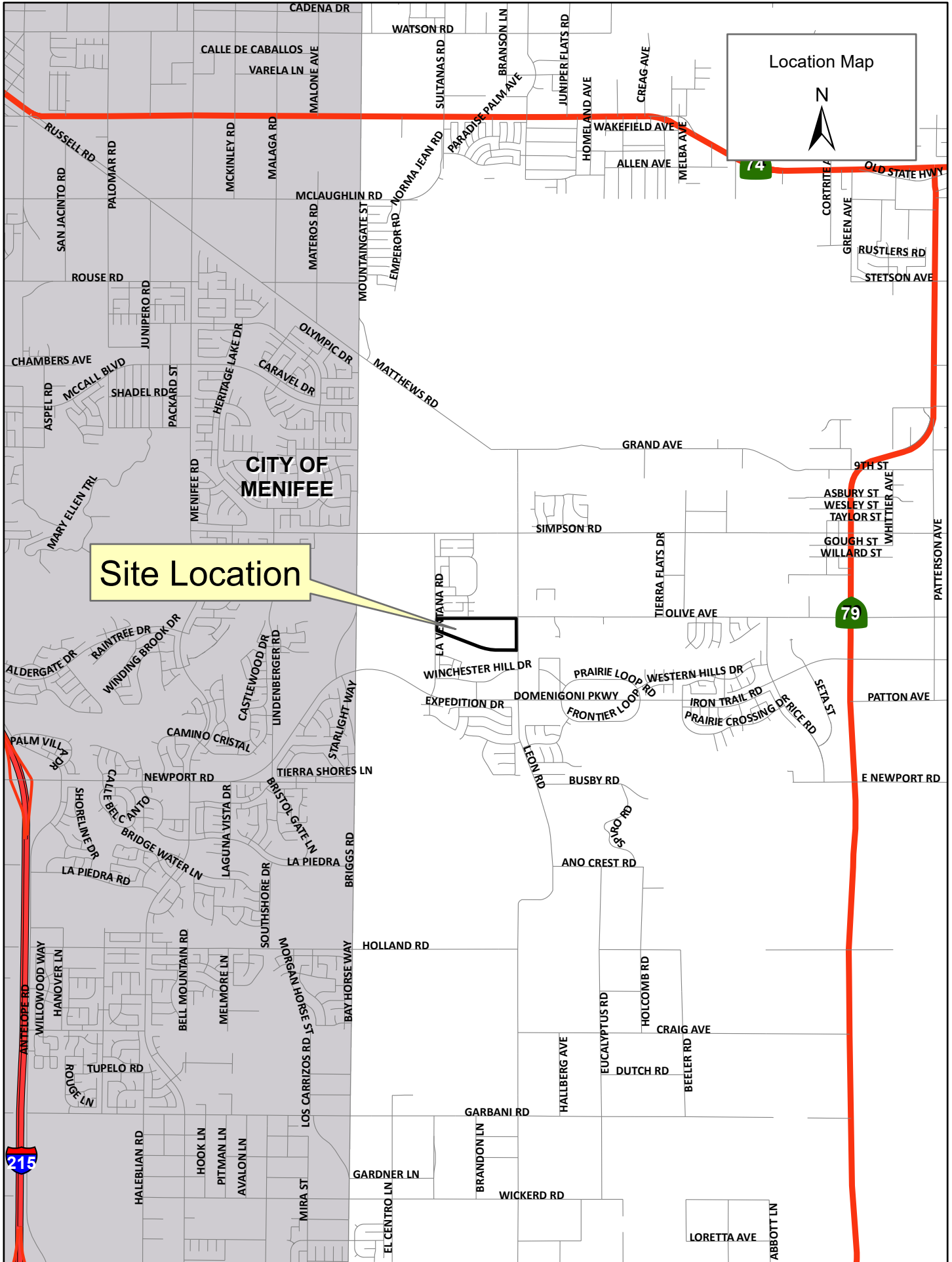


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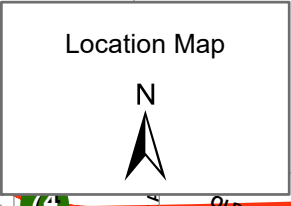
**ASSESSMENT DIAGRAM**



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



Site Location







## **COUNTY OF RIVERSIDE - TRANSPORTATION AND LAND MANAGEMENT AGENCY**

**ENGINEER'S REPORT FOR  
LANDSCAPING AND LIGHTING MAINTENANCE  
DISTRICT NO. 89-1-CONSOLIDATED  
ANNEXATION OF ZONE 225  
TR 36417**

**March 2023**

*PREPARED BY*



**Harris & Associates**

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## ENGINEER'S CERTIFICATION

**AGENCY:** COUNTY OF RIVERSIDE, CALIFORNIA – TRANSPORTATION DEPARTMENT

**PROJECT:** ANNEXATION OF TR 36417 TO  
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO.  
89-1-CONSOLIDATED ("L&LMD NO. 89-1-C") AS ZONE 225  
TR 36417

**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 36417 (TR 36417) to L&LMD No. 89-1-C as Zone 225 and establishes the Maximum Assessment to be levied in the Fiscal Year commencing on July 1, 2023 and ending on June 30, 2024 (2023-2024) and continuing in all subsequent Fiscal Years, for this area to be known and designated as:

### **L&LMD NO. 89-1-C ZONE 225 TR 36417**

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 225 have been assessed upon the parcels of land in Zone 225 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 225, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said Zone 225





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 225 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 29<sup>th</sup> day of March 2023



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 225 have been assessed upon the parcels of land in Zone 225 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 9<sup>th</sup> day of May, 2023, the Riverside County Board of Supervisors, County of Riverside, State of California, ordering the preparation of the Report providing for the annexation of TR 36417 to L&LMD No. 89-1-C as Zone 225 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. 2023-098 for a special assessment district zone known and designated as:

ZONE 225  
TR 36417

The annexation of Zone 225 includes the parcel(s) of land within the residential development known as TR 36417, also identified by the Assessor Parcel Number(s) valid as of the date of this Report:

461-160-029

Harris & Associates submits this Report, consisting of (5) parts, for the annexation of said Zone 225 and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2023-2024 and continuing in subsequent fiscal years.

### **Part I**

**Plans and Specifications:** This section contains a description of Zone 225's boundaries and the proposed improvements within said Zone 225 ("Plans" as described in Part I). Zone 225 shall consist of a benefit zone encompassing all of the properties within the residential development known as TR 36417.

### **Part II**

**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 225 is based on current property development Plans and estimated annual costs and expenses associated with all improvements to be accepted and maintained by Zone 225 at build-out.

### **Part III**

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 2023-2024, 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 225. 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 2023-2024.

## **B. Description of Assessment Zone**

The services to be provided by L&LMD No. 89-1-C Zone 225 include maintenance of stormwater runoff catch basin filters located within the landscaped areas, which provide a special benefit to the parcel(s) to be assessed. The annexation of TR 36417 to L&LMD No. 89-1-C as Zone 225 will provide the financial mechanism (annual assessments) by which the ongoing operation and maintenance of these improvements and services will be funded. Zone 225'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 225

The services to be funded by L&LMD No. 89-1C Zone 225 include the maintenance and servicing of 8 (eight) stormwater runoff catch basin filters located within the landscaped areas in and immediately adjacent to the residential subdivision designated as Tract 36417, which were required as a condition of approval for the 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) Tentative Tract Map No. 36417 prepared for Winchester Meadows, LLC, Amended Map No. 3, dated 4/27/2014; (2) Street Improvement Plans Tract 36417 Olive Avenue, IP No. 170010, prepared by Elevations Engineering Group, 7/14/2021, signed by County Oversight Engineer #76450, 9/3/2021; (3) Winchester Meadows Maintenance Exhibit, prepared by Frank Radmacher Associates, Inc., ("Plans").

### **C. Location of Assessment Zone**

Zone 225 is located within the unincorporated area of the County of Riverside, State of California and is comprised of TR 36417. The area for Zone 225 is generally located south of Olive Avenue, east of La Ventana Road, north of Winchester Hill Drive, and west of Leon Road. At full development, Zone 225 is projected to include 228 assessable residential lots/units and 5 non-assessable lots. Zone 225 currently consists of the lot(s)/unit(s), parcel(s) and subdivisions of land located in the following development area:

- TR 36417 – Assessor Parcel Number(s) as of the date of this Report:

461-160-029



## 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 225 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 225 provide direct and special benefit to the lots or parcels within Zone 225. 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 landscaping facilities, including 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 225.

Zone 225 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 225 Authorized Improvements and Services:**

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

- Landscape improvements provide environmental enhancement to nearby parcels through erosion control, dust and debris control, and weed abatement for fire safety.
- The aesthetic desirability of parcels within the District is specifically enhanced by the presence of well-maintained open space, greenbelts, street medians, and frontage landscape.
- Improvements are required as a condition of approval for the development.

## **General Benefit**

The total benefit from the works of improvement is a combination of the special benefits to the parcels within the Zone 225 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 225, 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 225, 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 225, any benefit received by properties outside of the Zone 225 is nominal. Therefore, the general benefit portion of the benefit received from the improvements for the Zone 225 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 225, 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 225.

## **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 225 costs and assessments.

The Maximum Assessment formula shall be applied to all assessable residential parcels of land within Zone 225. For Zone 225, the initial Maximum Assessment for Fiscal Year 2023-2024 is as follows:

- The initial Maximum Assessment established within Zone 225 (TR 36417) shall be \$7,752.
- The initial Maximum Assessment per residential parcel established within Zone 225 (TR 36417) shall be \$34 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 2023, starting in Fiscal Year 2024-2025.

The Maximum Assessment is adjusted annually and is calculated independent of the Zone 225'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 225 assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on Zone 225 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 225. If the proposed assessment is not approved, the County may not levy an assessment greater than the adjusted Maximum Assessment previously established for Zone 225.

### **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 225 over and above general benefit conferred upon the assessable real property within Zone 225 or to the public at large. It is determined that each residential parcel or lot within Zone 225, 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 225. Any Exempt Property within Zone 225 is specifically excluded from the apportionment calculation and is exempt from assessment.

The Assessment Rate per Residential Parcel within Zone 225 is calculated by dividing the total Annual Balance to Levy by the total number of Assessable Residential Parcels within Zone 225, 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 2023-2024 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 225 (TR 36417) FOR FISCAL YEAR 2023-2024

Cost Description	Total Costs for Zone 225 <sup>1,2</sup>	Cost per Residential Parcel for Zone 225 <sup>2,3</sup>
Stormwater Runoff Catch Basin Filters <sup>4</sup>	\$5,250	\$23
Field, and Repair	\$1,750	\$8
Maintenance Total	\$7,000	\$31
Administrative Costs	\$467	\$2
Contingency	\$285	\$1
<b>Total Annual Costs for Zone 225</b>	<b>\$7,752</b>	<b>\$34</b>
<b>Initial Maximum Assessment for Zone 225<sup>5</sup></b>	<b>\$7,752</b>	<b>\$34</b>

<sup>1</sup> Projected base rates of services for Fiscal Year 2023-2024 were provided by the County of Riverside Transportation Department.

<sup>2</sup> Total costs and cost per parcel rounded to whole dollars.

<sup>3</sup> Based on projected 228 assessable residential parcels/lots.

<sup>4</sup> 8 catch basins with 80 linear feet of filters.

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



## PART IV – ASSESSMENT DIAGRAM/BOUNDARY MAP

### Part IV – Assessment Diagram/Boundary Map

#### Fiscal Year 2023-2024 L&LMD NO. 89-1-C ZONE 225

The Assessment Diagram/Boundary Map for Zone 225 by this reference is incorporated and made a part of this Report. Only the parcels identified within Zone 225 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 225 Assessment Diagram/Boundary Map identifying the boundaries of parcels within TR 36417 in L&LMD No. 89-1-C Zone 225 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.

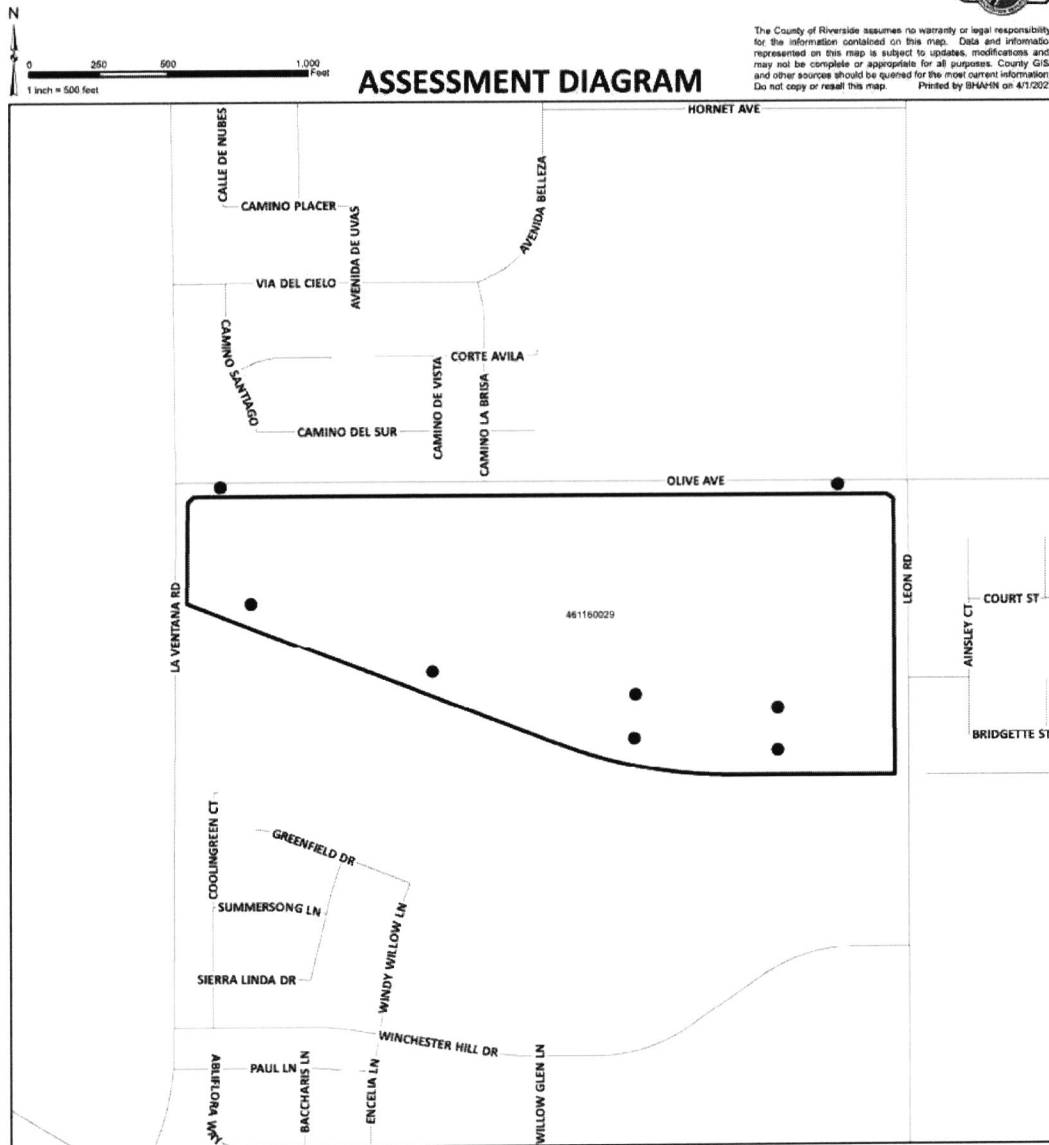


LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

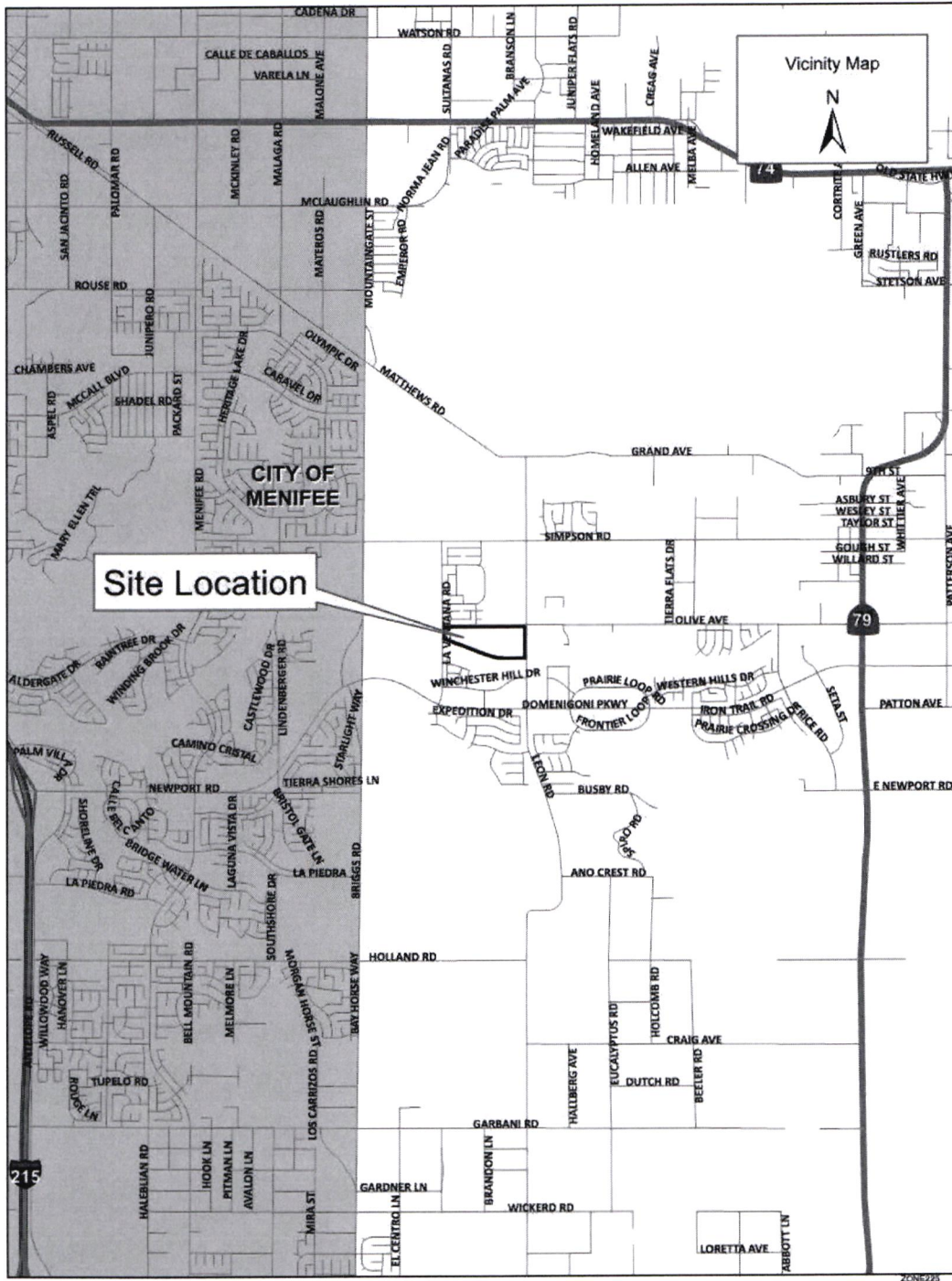
**ZONE 225**  
 PORTION(S) OF SECTION 31, T.5S., R.2W.  
 TRACT MAP NO. 36417  
 1 PARCEL



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 BH&H on 4/12/2022



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



## PART V – ASSESSMENT ROLL

Parcel identification for each lot/unit or parcel within Zone 225 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 225 includes the following APN(s) as of the date of this Report:

461-160-029

The initial Maximum Assessment for Zone 225 is as follows:

**L&LMD NO. 89-1-C ZONE 225  
(TR 36417)  
PROPOSED FISCAL YEAR 2023-2024 MAXIMUM ASSESSMENT<sup>1</sup>**

<b>TR</b>	<b>Assessor Parcel Number/ Lot No.</b>	<b>Maximum Assessment per Parcel</b>
TR 36417	1 - 228	\$34.00
TR 36417	A - E	\$0

<sup>1</sup> The initial Maximum Assessment shall be adjusted annually by the greater of two percent or the cumulative percentage increase in the CPI-U 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 225. 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 June 27, 2023. A copy of said waiver is filed herewith and made a part hereof as seen on the following page.





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

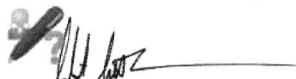
**WAIVER AND CONSENT REGARDING DATE OF  
ASSESSMENT BALLOT PROCEEDING**

The undersigned, an authorized representative of KB Home Coastal, Inc. (the "Owner") owns property within the unincorporated area of the County of Riverside represented by the following Assessor's Parcel Numbers for fiscal year 2023-24 (the "Property"): APN(s) 461-160-029.

The Owner has made application that the Property be annexed as Zone 225 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the City ("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 June 27, 2023

**OWNER:** KB Home Coastal, Inc.  
(Name of Company  
as Stated in Initial Paragraph)

By:   
Signature

Name: Scott Hansen  
Print

Title: VP, Forward Planning