

CITY OF ORANGE
FINAL ENGINEER'S REPORT
FOR THE ANNUAL LEVY
ASSESSMENT LANDSCAPE MAINTENANCE
DISTRICT NO. 86-2
FISCAL YEAR 2020-212020



LANDSCAPE MAINTENANCE DISTRICT NO. 86-2
SANTIAGO HILLS

Intent Meeting:	May	12, 2020
Public Hearing:	June	9, 2020

AFFIDAVIT FOR THE ENGINEER'S REPORT

This Report describes the City of Orange Landscape Maintenance District No. 86-2 and proposed changes or modifications related thereto including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2020 -2021, pursuant to the City's Resolution of Intention. Reference is hereby made to the Orange County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this 27th day of May, 2020.


By: 
Frank Sun
Assistant Public Works Director / City Engineer



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INTRODUCTION

Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, being Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "1972 Act"), and in compliance with the substantive and procedural requirements of the *California State Constitution Articles XIII C and XIII D* (hereafter referred to as the "California Constitution"), the City Council of the City of Orange, County of Orange, State of California (hereafter referred to as "City"), in connection with the annual levy and collection of assessments of the special benefit assessment district designated as:

Landscape Maintenance District No. 86-2

(hereafter referred to as the "District"), which includes all lots and parcels of land that specially benefit from the improvements within the District. This Engineer's Report (hereafter referred to as "Report") has been prepared in connection with the annual levy and collections of assessments for said District pursuant to Chapter 1, Article 4 of the 1972 Act.

The City Council proposes to levy and collect annual assessments on the County tax rolls to provide ongoing funding for the costs and expenses required to service and maintain the landscaping improvements originally installed in connection with the development of properties within the District. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1972 Act.

This Report describes the District, the improvements, and the proposed assessments to be levied in Fiscal Year 2020-2021 against properties in connection with the special benefits the properties will receive from the maintenance and servicing of the District improvements. The annual assessments to be levied on properties within the District will provide a funding source for the continued operation and maintenance of local landscaping improvements installed in connection with the development of properties within the District. The assessments described in this Report are based on an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the improvements.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number (APN) by the Orange County Assessor's Office. The Orange County Auditor/Controller uses Assessor's Parcel Numbers and specific Fund Numbers to identify properties to be assessed on the tax roll for the special benefit assessments.

This Report has been prepared and presented to the City Council to address any proposed changes to the District or improvements, if any, and the proposed budget and assessments for Fiscal Year 2020-2021. The City Council will conduct a noticed public hearing to consider public testimonies, comments and written protests regarding the levy and collection of assessments for Fiscal Year 2020-2021. Upon conclusion of the public hearing, if majority protest does not exist the City Council may approve this Report (as submitted or amended) and levy the assessments for Fiscal Year 2020-2021. In such case, the assessments for fiscal year 2020-2021 shall be submitted to the Orange County Auditor/Controller for inclusion on the property tax roll for each parcel. If the proposed annual assessments for this District exceed the maximum assessment described herein (as approved by the property owners), the new or increased assessment must be confirmed through another property owner protest ballot proceeding before such an assessment may be imposed.

This Report consists of five (5) parts:

Part I

Plans and Specifications: A description of the District boundaries and the improvements associated with the District. The District is being formed as a single benefit zone encompassing all properties within the territory identified as Landscape and Maintenance District No 86-2.

Part II

The Method of Apportionment: A discussion of benefits the improvements and services provide to properties within the District and the method of calculating each property's proportional special benefit and annual assessment.

Part III

The District Budget: An estimate of the annual costs to operate, maintain and service the landscaping and appurtenant facilities installed and constructed as part of the development of properties within the District. This budget includes an estimate of anticipated direct maintenance costs and incidental expenses. The special benefit assessments are based on the overall operation costs minus any costs that are considered general benefit. The proposed assessments for Fiscal Year 2020-2021, and each subsequent year shall be based on the estimated net annual cost of operating, maintaining and servicing the improvements for that fiscal year as well as funds to be collected in installments to perform maintenance activities that cannot be reasonably collected in a single fiscal year's assessments.

Part IV

District Diagram: A Diagram showing the exterior boundaries of the District is provided in this Report and includes all parcels that will receive special benefits from the improvements. Reference is hereby made to the Orange County Assessor's Parcel Maps for a detailed description of the lines and dimensions of each lot and parcel of land within the District.

Part V

Assessment Roll: A listing of the proposed assessment amounts to be levied on Assessor's Parcel within the District for Fiscal Year 2020-2021. The proposed assessment amount for each parcel is based on the parcel's proportional special benefit as outlined in the method of apportionment.

PART I — PLANS AND SPECIFICATIONS

A. Description of the District

The assessment district boundary is shown on a map entitled Assessment Diagram, Landscape Maintenance District No. 86-2, City of Orange, which is on file with the City Clerk of the City of Orange. A reduced scale copy of the Diagram can be found in Part IV of this document.

B. Improvements and Services

Improvements and Services Permitted Pursuant to the 1972 Act

As generally defined by the Landscaping and Lighting Act of 1972 and applicable to this District, the improvements and associated assessments may include one or more of the following:

- 1) The installation or planting of landscaping;
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities;
- 3) 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;
- 4) The installation of park or recreational improvements, including, but not limited to, all of the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts, and public restrooms.
- 5) The maintenance or servicing, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement including but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements;
 - b) Grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
 - d) The removal of trimmings, rubbish, debris, and other solid waste;
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;
 - f) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 6) Incidental expenses associated with the improvements including, but not limited to:

- a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
- b) Compensation payable to the County for collection of assessments;
- c) Compensation of any engineer or attorney employed to render services;
- d) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;

Description of Planned Improvements

The landscape improvements are generally described as follows:

- a) Parkway and Recreation Areas:
 - Newport Boulevard - approximately 18-foot wide zone (including the width of the sidewalk) from the back of the curb to the property line, and corner cutoffs at intersections, on the east side from Chapman Avenue to 312 feet south of the centerline of Skylark Place.
 - Chapman Avenue - approximately 18-foot wide zone (including the width of the sidewalk) from the back of the curb to the property line, and corner cutoffs at intersections, on south side from Newport Boulevard to Jamboree Road.
 - Canyon View Avenue - approximately 30-foot wide zones (including the width of the sidewalk) from the back of the curb to the property line, and corner cutoffs at intersections, on both sides from Newport Boulevard to Jamboree Road.
 - White Oak Ridge - approximately 17-foot wide zones (including the width of the sidewalk) from the back of the curb to the property line, and corner cutoffs at intersections, on both sides from Newport Boulevard to Canyon View Avenue.
 - Trails End Lane - approximately 17-foot wide zone on the west side and approximately 28- to 32-foot wide zone on the east side (including the width of the sidewalks), both zones from the back of the curb to the property line, and corner cutoffs at intersections, from White Oak Ridge to Chapman Avenue.
 - Handy Creek Corridor - from the intersection of Chapman Avenue and Newport Boulevard to White Oak Ridge and from White Oak Ridge to the intersection of Canyon View Avenue and Handy Creek Road (Lot 20, a portion of Lot 11, and Lot D of Tract No. 12417) including concrete walkways which also serve as emergency access ways.
 - Paseo - approximately 50-foot wide zone from the Park to White Oak Ridge and from White Oak Ridge to Old Camp Road (Lots A and B of Tract No. 12417) and approximately 35-foot wide zone from the Paseo to White Oak Ridge (Lot C of Tract No. 12417) including surface and subsurface drainage facilities and concrete walkways which also serve as emergency access ways.
 - Handy Creek Road - approximately 10-foot wide zone (including the width of the sidewalks) on south side from the back of the curb to the property line from the end of Handy Creek Corridor (Lot D, Tract No. 12417) near Canyon View Avenue to the northerly terminus of the street.

- Fort Road - approximately 17-foot wide zones (including the width of the sidewalks) from the back of the curb to the property line on south side from White Oak Ridge to Jamboree Road.
- Santiago Canyon Road - approximately 15-foot wide zone (including the width of the sidewalk) from back of curb to back of sidewalk on north and south sides from Newport Boulevard to Jamboree Road.
- Old Camp Road - approximately 4-foot wide zones from back of curb to property line on both sides from Canyon View Avenue to the northerly terminus of the street.
- Skylark Place - approximately 18-foot wide zones (including the width of the sidewalk) from back of the curb to the property line on both sides from White Oak Ridge to Newport Boulevard.
- Jamboree Road - variable width zone (including the width of the bike trail-sidewalk) from the back of the curb to the property line on the west side from Canyon View Avenue to Chapman Avenue.
- Additional Areas - areas adjacent to the 18-foot wide zones along Skylark Place, Chapman Avenue, and Jamboree Road have been dedicated to the City with tracts 12672,12741,12711,15398 and PM 92-195. Such areas have been landscaped by the developers and the sprinkler systems tied into the District's.

b) Medians

- Chapman Avenue - 14-foot wide median from Newport Boulevard to Jamboree Road.
- White Oak Ridge - 14-foot wide medians at Newport Boulevard and Canyon View Avenue.
- Trails End Lane - 14-foot wide median from White Oak Ridge to Chapman Avenue.
- Jamboree Road - 24-foot wide median from southerly City limits to Santiago Canyon Road.
- Santiago Canyon Road - Variable width from Newport Boulevard to Jamboree Road.
- Newport Boulevard - 22-foot wide median from Chapman Avenue to Santiago Canyon Road.

c) The following items are excluded from the Maintenance District:

- The 8 +/- acre park is excluded from this Landscape Maintenance District.
- Sidewalks along all Maintenance District streets are excluded from this Landscape Maintenance District.
- The equestrian trail along Canyon View Avenue is excluded from this Landscape Maintenance District.

d) Maintenance shall include, but not be limited to:

- repair, removal, replacement or installation of all or any part of any included improvement such as storm drains and pedestrian walkways in the paseos;
- providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, and treating for disease or injury; and
- the removal of trimmings, rubbish, debris, and other solid waste.

The maintenance of the District improvements generally include, but are not limited to all materials, equipment, utilities, labor and incidental expenses including administrative expenses for annual operation of the District as well as the performance of occasional repairs, replacement and expanded maintenance activities associated with those improvements. Detailed maps and descriptions of the location and extent of the improvements to be maintained by the District are on file at the City and by reference are made part of this Report.

The estimated annual cost to provide and maintain the improvements within the District shall be allocated to each property in proportion to the special benefits received. The Method of Apportionment described in this Report utilizes commonly accepted assessment engineering practices and has been established pursuant to the 1972 Act and the provisions of the California Constitution.

PART II — METHOD OF APPORTIONMENT

A. General

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 landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“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 method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices and have been established pursuant to the 1972 Act and the provisions of the California Constitution. The formula used for calculating assessments in this District reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on benefit to each parcel.

B. Benefit Analysis

Each of the proposed improvements, the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the California Constitution and 1972 Act. The improvements provided by this District and for which properties will be assessed have been identified as necessary, required and/or desired for the orderly development of the residential properties within the District to their full potential. As such, the ongoing operation, servicing and maintenance of these improvements would be the financial obligation of those properties. Therefore, the improvements and the annual costs of ensuring the maintenance and operation of the improvements are a distinct and special benefit to the residential properties within the District.

Special Benefit

The method of apportionment (method of assessment) established herein is based on the premise that each assessed parcel within the District receives special benefits from the improvements and the desirability and security of those properties is enhanced by the presence of well-maintained landscaping in close proximity to those properties.

The special benefits associated with the landscaping and open space improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties providing a positive representation of the area and properties.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, dust and debris control, and fire prevention.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.

- Enhanced quality of life through well-maintained green space and landscaped areas.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

The parkways and medians consist of landscaped areas along the edge of or within the middle of streets and highways in the District. The District also has landscaped corridors extending through the developed area, which provide access to Santiago Hills Park. The improvements in these areas consist of trees, shrubs, ornamental vegetation, and appurtenant improvements.

The improvements extend throughout the development area and serve several purposes. The landscaped parkways along the streets and highways enhance the public walkways throughout the District and allow pedestrian access to the residents in the area. These parkways also provide passive and active recreational uses as well as the aesthetic enhancement for the total development area. Landscaped median islands also provide similar enhancements for the residents in the area.

The landscaped recreation/pedestrian corridors throughout the District provide for open space and recreational uses, which connect to the park site throughout the development area. Besides contributing to the active and passive recreation use in the area, the corridors aesthetically enhance the area within the District.

Maintenance of these public improvements primarily renders a people oriented benefit to the properties within the boundaries of the District and, as such, relates to the number of persons in each dwelling unit on each property. These benefits are direct and special to the properties within the District.

The preceding special benefits all contribute to the overall esthetic value and desirability of each of the assessed parcels within the District and thereby provide a special enhancement to these properties. Furthermore, it has been determined that the lack of funding to properly service and maintain the improvements would likely have a direct negative impact on the properties within the District.

General Benefit

In reviewing the District improvements, the proximity of those improvements to both properties within the District and those outside the District as well as the reasons for installing and constructing such improvements, it is evident that the improvements are solely the result of developing properties within the District and the ongoing maintenance and operation of these improvements will directly affect the properties within the District. Although the improvements are visible to the public at large, the construction and installation of these improvements were necessary for the development of properties within the District and are not required nor necessarily desired by any properties or developments outside the District boundary and any public access or use of the improvements by others is incidental. Therefore, it has been determined that the improvements and the ongoing maintenance, servicing and operation of those improvements provide no measurable general benefit to properties outside the District or to the public at large, but clearly provide distinct and special benefits to properties within the District.

C. Assessment Methodology

The benefit formula used to determine the assessment obligation for each parcel should be based upon both the improvements that benefit the parcels as well as the use of each property as compared to other parcels that benefit from those specific improvements. The method of apportionment established for most benefit assessment districts utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology. The Equivalent Benefit Unit method of apportionment uses the single-family home site as the basic unit of assessment. A single-family residential property equals one Equivalent Benefit Unit ("EBU"). Every other land use is converted to EBUs based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

The EBU method of apportioning benefit is typically seen as the most appropriate and equitable assessment methodology for districts formed under the 1972 Act, as the benefit to each parcel from the improvements are apportioned as a function of land use type, size and development.

EBU Application by Land Use:

Single-Family Residential — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that the other land use types are compared and weighted against (i.e. Equivalent Benefit Unit or EBU).

Multi-Family Residential — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. This land use is assessed 0.6 EBU per dwelling unit.

Mixed Use Property — This land use is defined as property developed for either commercial or industrial use. This land use type is assessed at 11.0 EBUs per gross acre.

Exempt Parcels — This land use identifies properties that are not assessed and are assigned 0.0 EBU. This land use classification may include, but is not limited, to lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and right-of-ways including greenbelts and parkways; utility right-of-ways; common areas, sliver parcels and bifurcated lots or any other property that cannot be developed; park properties and other publicly owned properties that are part of the District improvements or that have little or no improvement value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

Lots 9, 10, 11, 15, and 19 of Tract No. 12417 have been assigned 0.0 EBU because they have been excluded from the District. The cost of maintaining the landscape improvements on these publicly owned parcels is not paid by the District but rather from the general fund of the public agency owning the parcel. Therefore, these publicly owned parcels do not receive any special benefit from the District.

The following table provides a listing of land use types, land use code designations, the Equivalent Benefit Unit factor applied to that land use type, and the multiplying factor used to calculate each parcel's individual EBU.

Land Use Codes and Equivalent Benefit Units

Property Type	Equivalent Benefit Unit	Multiplier
Single-family Residential	1.000	Unit/Lot/Parcel
Multi-family Residential	0.600	Units/Dwelling Units
Mixed Use	11.000	Acreage
Exempt	0.000	Parcel

The benefit formula applied to parcels within the District is based on the preceding Equivalent Benefit Unit (EBU) table. Each parcel's EBU correlates the parcel's special benefit received as compared to the other parcels benefiting from the improvements.

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

$$\text{Parcel Type EBU} \times \text{Multiplier (Acres or Unit)} = \text{Parcel's EBU}$$

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

The Maximum allowable assessment rate of \$369.44 EBU (single family) generates an assessment total of \$533,650.77.

$$\begin{aligned} \text{Total Balance to Levy} / \text{Total EBU} &= \text{Assessment Rate per EBU} \\ \text{Assessment Rate per EBU} \times \text{Parcel's EBU} &= \text{Parcel's Assessment} \end{aligned}$$

PART III — DISTRICT BUDGET

The following budget outlines the estimated costs to maintain the improvements for 2020-2021.

**ANNUAL LEVY OF ASSESSMENT
LANDSCAPE MAINTENANCE DISTRICT NO. 86-2
City of Orange
ESTIMATED COSTS**

OPERATION & MAINTENANCE FUND BALANCE FROM PRIOR YEARS

Estimated Fund Balance (Includes 15-1 & 86-2) as of March 2020 \$586,207

The estimated budget necessary for the 2020-2021 Fiscal Year for the District is as follows:

BUDGET ITEM	COST
ANNUAL MAINTENANCE	
Landscaping	\$391,321
Tree Trimming	\$165,000
Electrical Maintenance	\$35,000
Misc. Contract Services	\$10,000
Repair/ Maintenance Services	\$47,051
Supplies	\$8,500
Other Professional Services	\$1,000
Telephone	\$1,000
Electricity	\$20,000
Water	\$168,000
Salaries & Benefits	\$45,119
City Administrative Services	\$25,424
Capital Replacement/ Dedicated Reserves	\$500,000
TOTAL EST. LANDSCAPE MAINTENANCE EXPENTITURES	\$1,417,415
 ESTIMATED REVENUE	
Landscape Maintenance District No. 86-2	\$533,651
Rancho Santiago Community College District	\$25,287
Proposed Benefit Assessment FY 2019/20 (LMD 15-1)	
(See LMD 15-1 Engineer's Report for specifics)	\$341,358
• CPI Adjustment (Current Year 0%)	\$0
• Unused CPI Adjustment (Carry over from prior years)	\$0
TOTAL ESTIMATED REVENUE	\$900,296

RESERVE FUNDS USED TO SUPPLEMENT EXPENDITURES ¹ **(\$517,119)**

●This Budget Estimate is for the purpose of establishing an Annual Assessment. It may vary from the adopted City Budget. All assessments collected by the District may only be used for District expenditures regardless of the Budget Estimate.

BALANCE TO LEVY **\$533,651**

Notes to Estimate of Costs:

1. Since expenditures in FY21 are anticipated to exceed revenues, the fund balance will be used to offset additional expenditures. In future years, the City will continue to work with District residents on developing a renovation plan that is both fiscally and environmentally sustainable.

PART IV — DISTRICT DIAGRAMS

The parcels within the Landscape Maintenance District No 86-2 consist of all lots, parcels and subdivisions of land located in the planned residential development known as Santiago Hills.

The following diagram incorporates all parcels within the District, as the same existed at the time this Report was prepared. The combination of this map and the Assessment Roll contained in this Report constitute the Assessment Diagram for the Landscape and Maintenance District No. 86-2.



PART V — ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District is based on available parcel maps and property data from the Orange County Assessor's Office, as they existed at the time this Engineer's Report was prepared and the City Council adopted the Resolution of Intention. A listing of the lots and parcels to be assessed within this District along with the assessment amounts is provided herein.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the fiscal year, a corrected parcel number and/or new parcel numbers 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 described in this Report as approved by the City Council. Therefore, if a single parcel is subdivided to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

The following is a list of the parcels and proposed assessment amounts for Fiscal Year 2020-2021 for each of the parcels within the District as determined by the assessment rates and method of apportionment described herein: