



**CITY COUNCIL AGENDA ITEM NO. E.7**  
**08/22/2023**

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**SUBJECT:** Initiating and declaring the intention to order the formation of Landscape & Lighting Assessment District No. 23-1

**DEPARTMENT:** Parks and Recreation

**STAFF:** Bruce Mulder, Director of Parks and Recreation  
Aaron Wanden, Park Maintenance Manager

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### **TITLE/RECOMMENDATION**

Adopt a resolution initiating and declaring the intention to order the formation of Landscape & Lighting Assessment District No. 23-1 (Orchard Grove); declaring the intention to levy and collect assessments; and setting the date of September 26, 2023, at 7:00 p.m. or at such time thereafter that the matter can be heard for the Public Hearing in accordance with the provisions of the Streets and Highways Code "Landscaping and Lighting Act of 1972" and California Proposition No. 218.

### **FISCAL IMPACT**

Upon build-out, the City will have authorization to collect the maximum annual assessment revenue of approximately \$80,130 (in FY 2023-24 dollars) from the residential parcels within the Orchard Grove project. This maximum annual assessment revenue will be increased each fiscal year based upon the prior year's change in the San Francisco Bay Area Urban Wage Earners Consumer Price Index and will fund the special benefit portion of the maintenance, operation, servicing, replacement, and administration expenses associated with City improvements that benefit the project. The annual general benefit portion of these costs of approximately \$3,100 will be funded by the General Fund.

To ensure the Landscape & Lighting Assessment Districts are self-supporting, each district has an administrative cost factored into the maximum assessment rate during formation to cover creation of annual Engineer's Reports and levying of assessments. Funds to cover the costs associated with the formation of the Landscape & Lighting District have been deposited with the City by the developer.

### **BACKGROUND**

The proposed formation of Landscape & Lighting Assessment District No. 23-1 (Orchard Grove) will consist of 45 single-family residential homes and six duets located east of Adams Lane and north of Gracie Lane. The project is conditioned to provide a funding mechanism to offset the annual operation, maintenance, and future capital replacement costs attributed to City streetlights,



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landscaping, open space areas, trails, and park improvements which benefit the properties located within the project.

The Landscaping and Lighting Act of 1972 and Proposition 218 require that an Engineer's Report be generated for the formation of any new assessment district or any annexations into existing assessment districts. The Engineer's Report identifies public improvements to be maintained, as well as the maximum annual assessment rates to be levied on properties benefiting from these improvements. The assessment rates may or may not change each fiscal year, dependent on the maintenance budget, but cannot exceed the maximum annual assessment amount set when the assessment district was originally formed, plus an annual cost of living adjustment. This report will set the maximum annual assessment rate for the new assessment district being proposed.

The Landscaping and Lighting Act of 1972 and Proposition 218 require that all formations of assessment districts receive voter approval, by the affected property owner(s), and a Public Hearing be held, prior to final approval from City Council. The adoption of the attached resolution will trigger the noticing and balloting period and the mailing of these notices and ballots to the affected property owner(s). In order for the ballots to be counted they must be returned to the City Clerk prior to the close of the public input portion of the Public Hearing, which will be held on September 26, 2023. At the close of the public input portion of the Public Hearing, the ballots will be tabulated, and the City Clerk will determine if a majority of property owners do not oppose the formation of Landscape & Lighting Assessment District No. 23-1 (Orchard Grove). If a majority of property owners are not opposed, City Council may adopt a resolution confirming the diagram and assessments to form Landscape & Lighting Assessment District No. 23-1 (Orchard Grove).

**CITY COUNCIL STRATEGIC INITIATIVE**

Not Applicable.

**PREVIOUS ACTION**

Previous Action by the City Council is included on Attachment 1.

**DATE OF NOTICE**

Not Applicable.

**ENVIRONMENTAL DETERMINATION**

Not Applicable.

**ATTACHMENT(S)**



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1. Previous Action
2. Resolution
3. Preliminary Engineer's Report – LLAD 23-1 (Orchard Grove)