

## Frequently Asked Questions Regarding Proposition 218 Process

Four of the thirteen local landscape zones that are in a deficit did not approve annual assessment increases nor did not request a Proposition 218 revote needed to maintain current service levels. As such, the City Council has approved a process which will reduce maintenance costs for the affected Landscape Maintenance Assessment District (LMAD) sub-zones (Zones L2E, L2U, L4A, and L5A). This entails the removal of some portion of the areas currently under full maintenance into an un-irrigated or fallow condition. The City Council authorized staff to move forward with the removal of areas at their November 15, 2016 meeting.

**Will the City be vacating or quitclaiming the existing landscape easement?** Yes, however this is a legal process which will take several months to complete. The process is currently structured so that the City will retain the easement through the rest of 2016 at minimum. And, irrigation and service will continue until such time as the easement removal is eminent.

**When will the LMAD cease irrigating easement areas that are slated to be withdrawn from full maintenance activity?** Irrigation will cease concurrent with the easement vacation (or quitclaim) process. This is anticipated to be in early 2017.

**When will the easement vacation or quitclaim take effect?** The process of vacating or quitclaiming the easement is slated to commence in early 2017, with an anticipated effective timeframe of February-April of 2017. Thus the City will continue to possess the property rights of the easement until such time as the vacation or quitclaim document records with the County Recorder. As such we cannot predict exactly when that will occur for each individual property owner affected.

**Is there a cost for vacating or quitclaiming easements?** Yes, however these costs will be paid by the City.

**Can I, as a parcel owner, begin irrigating/improving the easement near my home prior to the vacation or quitclaim of the easement?** Yes, there is a process designed to allow parcel owners to apply for an encroachment permit (through the City Council E-5 Policy) that would allow landscape installation and maintenance providers working for the parcel owner to enter the easement that contains **three** elements:

- Prepare a plot plan including dimensions of the area you propose to irrigate and maintain with privately hired crews. This landscape development plan should also include a description of the type of irrigation being proposed. These crews can only access the encroachment area via the residential parcel itself.
- Request an encroachment permit application through the Engineering Department at City Hall pursuant to the City Council Policy E-5. You will need to provide proof of liability insurance for the contractor(s) you propose to use to work within the easement. This plot plan will also have to be submitted with the application.

- If you propose to add any plants to the easement area you will need to include the type of trees/shrubs/ground covers to be installed. This section does not cover non-landscaping items such as pools, fences, hardscape, etc.

Note that it is the owner's responsibility to determine if there are any CC&Rs (a Title Report would indicate the existence) affecting their parcel which would be enforceable by an HOA or a neighboring parcel owner and would limit how landscaping or other improvements can be installed or maintained on the parcel.

**There is an existing irrigation system on my parcel, can I use it?** The existing water service and the irrigation valve control equipment is NOT available for use by parcel owners. The above ground parts of the existing LMAD irrigation systems (pipes and sprinkler heads) are slated for removal at a point prior to recording of the easement vacation, thus it is not available for use by the underlying parcel owner. In reality these components are assembled in a manner that they would not typically be well-suited to adaptation to irrigation of just one parcel. Further, they generally require a higher volume of water than most residential water meters can deliver so the results achieved using the City system would likely not be satisfactory. However, if the property owner can provide sufficient information to the City of the hydraulic-feasibility of keeping the irrigation lines AND show there is no cost to the City for isolating the lines within the property, the existing above ground irrigation system may be approved to remain. A release of liability may be required if irrigation lines are to remain.

**Will there be any financial assistance offered by the City to parcel owners who will eventually bear the cost of maintenance of their parcel after the vacation or quitclaim is completed?** No, there are no provisions for any monetary reimbursement for parcel owners impacted by this process.

**Relative to landscaping, what will be expected of me as the parcel owner after the vacation or quitclaim process is completed?** There are no specific aesthetic requirements via Municipal Code for the parcel so it is not required that this part of your parcel be maintained to an aesthetic related level. The Municipal Code does however require that these former easement areas never become blighted. Examples would be accumulation of clutter and debris, unmanaged vegetation that could contribute to the spread of fire or installation of structures that do not meet building and zoning code restrictions. Functionally this means that periodic weed abatement would likely be needed as well as monitoring for burrowing rodent activity and control when warranted. If there are concrete drainage channels on your parcel, they should remain functioning by not allowing them to become choked with vegetation or soil. Note that it is the owner's responsibility to determine if there are any CC&Rs (a Title Report would indicate the existence) affecting their parcel which would be enforceable by an HOA or a neighboring parcel owner and would limit how landscaping or other improvements can be installed or maintained on the parcel. Additionally, for some developments, there may be design guidelines, mitigation measures, or conditions of approval as part of the development's entitlement process that may put restrictions on what can or cannot be done on your parcel.

**The City will continue to maintain a small portion of my parcel along a street, why?** As part of the cost reduction process, the City Council approved reduction guidelines that identified how existing

landscapes were evaluated to determine which existing areas would be removed from the LMAD. A copy of the Guidelines is available on the City's website.

**Once the vacation or quitclaim is completed will my annual assessment for local landscape services end?** No, in each case the purpose of this process is to reduce costs so that subsidies are no longer needed, not to eliminate the special benefit all together. The annual assessment for some of the Local Landscaping Zones may decline to a degree; in no case will all special benefits be eliminated. Thus a new annual assessment will be established commensurate with the level of special benefit provided via the reduction in service that results from this Prop 218 process. It is important to understand that each year the district is evaluated for financial health so if the costs associated with providing the special benefit declines, the annual assessment will decline accordingly.

**If reserve funds can be accumulated in a zone, how are they spent?** The current drought is making it necessary for all landscape managers in Southern California to make important decisions how to convert existing landscapes to be able to cope with ever-shrinking water supplies. Any reserve funds would almost certainly be focused on trying to fund such conversion projects to make the LMAD sustainable for the decades to come in a responsible manner.