

CITY OF CARLSBAD

COUNCIL POLICY STATEMENT

General Subject: OPEN SPACE
Specific Subject: OPEN SPACE MAINTENANCE DISTRICTS

Policy No. 23 page 1 of 4

Date Issued 8/2/83

Effective Date 8/2/83

Cancellation Date

Supersedes No. 23 (1/5/77)

Copies to: City Council, City Manager, City Attorney, Department and Division Heads, Employee Bulletin Boards, Press, File

PURPOSE

To establish a policy that will:

1. Outline the circumstances when the City will agree to create, or allow annexation to, a public district for the maintenance of open space.
2. Outline procedures for the establishment of open space maintenance districts.
3. Adopt an open space easement maintenance program as described in the Landscape Guidelines Manual.

BACKGROUND

As the City develops and certain areas are set aside or established as open space, it may be necessary to provide for the maintenance of such areas. In certain instances the City may provide for the maintenance and in other instances maintenance must be provided by other means. However, in many instances it may not be necessary to provide for the active maintenance of open space areas. It is not the intent of this policy to encourage the formation of maintenance districts. The need to actively maintain open space should be minimized. The responsibility for open space maintenance should remain with the individual property owner unless there are substantial reasons for providing common or public maintenance. The creation of intensively landscaped areas, which are expensive to maintain, should be carefully limited. Open space areas should be developed so as to obviate the need for a public maintenance district.

The intent of this policy is to define criteria for establishing maintenance districts when appropriate, and to outline the procedure involved.

The characteristics, degree of development, landscape, and maintenance standards for open space areas are outlined in the City's Landscape Guidelines Manual. The Manual describes the "Open Space Maintenance Program" submittal that is required of developments containing open space.

In those instances where a public maintenance district is essential, this policy will provide guidelines to help insure that open space areas will be adequately maintained.

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DEFINITIONS

Open Space Maintenance Areas: Land and water areas within subdivisions, specific plans, or planned communities which are dedicated in fee to the City or upon which easements for open space purposes have been granted, excluding the following: City parks to be maintained out of the general funds of the City; prime open space and conservation areas identified in the Carlsbad General Plan; private recreation areas not open to the public.

Maintenance District: A district to provide maintenance of open space maintenance areas formed pursuant to the "Landscaping and Lighting Act of 1972" (Section 22500 et seq. of the Street and Highway Code).

Maintain or Maintenance: The furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- (a) repair, removal or replacement of all or any part of any improvement.
- (b) providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
- (c) removal of trimmings, rubbish, debris, and other solid waste (Section 22531, Street and Highway Code).

Public Places: One or any combination of the following:

- (a) Any public street, highway, road, alley, lane, boulevard, parkway, or other way dedicated to or used for public use.
- (b) Any public property, right-of-way, or leasehold interest which is in use in the performance of a public function and which adjoins any of the ways described in subdivision (a) (Section 22535, Street and Highway Code).

CRITERIA FOR ESTABLISHING DISTRICTS:

The City Council will consider the creation of a maintenance district pursuant to the Landscaping and Lighting Act of 1972, or the annexation of additional territory to an existing district under the following conditions:

1. The area to be maintained is a public place as defined herein.

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2. An active maintenance program is essential in order for the open space maintenance area to serve its designated function.
3. The use of a maintenance district is the best way of providing maintenance.
4. The property owners within the district will benefit by the active maintenance of open space maintenance areas.
5. The subdivider will bear the cost of the incidental expenses necessary to establish the district.
6. The subdivider will provide maintenance for a year for all newly planted areas.

Maintenance district shall not be used to provide maintenance to the following:

1. Areas designated as City parks.
2. Private recreation areas.
3. Privately owned property unless an appropriate easement has been granted to the City.

PROCEDURES FOR ESTABLISHMENT OF DISTRICTS:

The following procedure shall be followed in order to establish a maintenance district:

1. As part of the development review process, City staff shall analyze open space requirements in all proposed subdivisions.
2. City staff shall prepare recommendations to the Planning Commission on the following:
 - a. the intended function of all proposed open space.
 - b. maintenance responsibility for all proposed open space.
 - c. categories of landscape development in proposed open space.
3. The Planning Commission shall recommend what tentative map conditions will be imposed on subdivisions to insure adequate open space maintenance.
4. Upon tentative map approval by the City Council, the City staff shall prepare estimates on the cost of forming a district and the annual cost of maintenance.
5. City staff report shall be presented to the City Council.
6. If the Council decides to proceed with the formation of a district, a resolution initiating proceeding should be adopted pursuant to the provisions of the Landscaping and Lighting Act of 1972.

SUBDIVIDER

Submits Development Plans.

STAFF REVIEWS PLANS

Staff analyzes open space requirements and prepares recommendations to the Planning Commission.

PLANNING COMMISSION

Reviews development proposal and establishes conditions needed to implement open space requirements of General Plan and Open Space Maintenance District Policy and makes report to City Council.

CITY COUNCIL

City Council approves, conditionally approves, or disapproves Planning Commission Report.

SUBDIVIDER

Submits landscape improvement plans to Park & Recreation Director.

PARKS AND RECREATION DIRECTOR

Evaluates plans and specifications for conformance to City standards and prepares estimate of annual maintenance cost and improvement costs.
Prepares estimate of cost of forming district and prepares report to City Council.

CITY COUNCIL

Adopts resolution initiating proceedings to form district. Authorizes employment of engineering consultant to prepare necessary reports.

ENGINEERING CONSULTANT

Prepares report as required by Section 22565-22574 of the Street & Highway Code. Files report with City Clerk for submission to City Council.

CITY COUNCIL

After approval of the report, City Council adopts Resolution of Intention. The resolution shall, among other things, fix a time and place for a public hearing.

CITY CLERK

Shall give notice of hearing as provided in the Act.

CITY COUNCIL

Hold hearing as provided in the Resolution of Intention. If a majority protest has not been filed or is overruled, the City Council may adopt a resolution ordering the improvements and the formation of the assessment district.