

**January 29, 2014**

**STATEMENT OF PROCEEDINGS**

*The Minutes of the*

***FLOOD CONTROL DISTRICT  
REGULAR MEETING***

**COUNTY OF SAN DIEGO**

STATEMENT OF PROCEEDINGS  
SAN DIEGO COUNTY FLOOD CONTROL DISTRICT  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, JANUARY 29, 2014, 2:00 P.M.**  
COUNTY OPERATIONS CENTER, CAMPUS CENTER CHAMBERS  
5520 OVERLAND AVENUE, SAN DIEGO, CALIFORNIA

AFTERNOON SESSION: Meeting was called to order at 2:00 p.m.

PRESENT: Directors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Greg Cox; Dave Roberts; Ron Roberts; also David C. Hall, Assistant Clerk of the Board.

Public Communication: [No Speakers]

**NOTICE:** THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

**Flood Agenda Items**

**Agenda #    Subject**

1.            NOTICED PUBLIC HEARING:  
ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AND AUTHORIZING SPECIAL TAX (1/29/2014 - ADOPT RESOLUTIONS AND FIRST READING; 2/26/2014 - ADOPT RESOLUTION AND SECOND READING)  
  
(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 1)
  
2.            ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: IMPACT FEE DEFERRAL PROGRAM EXTENSION (12/4/2013 – FIRST READING; 1/29/2014 – SECOND READING)  
  
(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 6 AND SANITATION AGENDA NO. 2)

**FL1. SUBJECT: NOTICED PUBLIC HEARING:  
ADOPT RESOLUTIONS AND ORDINANCE FOR  
FORMATION OF COMMUNITY FACILITIES DISTRICT  
NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AND  
AUTHORIZING SPECIAL TAX (1/29/2014 - ADOPT  
RESOLUTIONS AND FIRST READING; 2/26/2014 - ADOPT  
RESOLUTION AND SECOND READING) (DISTRICT: 5)**

**OVERVIEW:**

D.R. Horton Los Angeles Holding Company, Inc. (Developer) is in the process of developing Horse Creek Ridge, a 396-acre community located in the northeast quadrant of the SR-76 and I-15 interchange within the unincorporated area of Fallbrook (57<sup>th</sup> Edition Thomas Guide Page 1048, J1 & 1028, H, J 5-7). On May 11, 2011(1), the Board of Supervisors approved a Tentative Map for Campus Park (VTM 5338 RPL-7), now known as Horse Creek Ridge. This is a master planned community consisting of 521 single family residential homes and 230 condominium units. In addition, the project is proposed to include a regional sports park complex, equestrian staging area, regional public trails, open space areas and two large detention basins.

On December 4, 2013 (5), the Board of Supervisors adopted a Resolution of Intention to Form Community Facilities District No. 2013-01, to fund needed community services. The purpose of the special tax is to pay directly for ongoing operation and maintenance of the regional sports park complex, staging area and park trails, onsite and offsite open space, and detention basins within the Community Facilities District. The special tax will also fund fire protection services provided by the North County Fire Protection District to the Horse Creek Ridge community. The special tax will include an annual index to offset increases in operations or maintenance and services costs and will fund on-going administration costs of the Community Facilities District.

This is a request adopt Resolutions to: 1) approve the Clerk of the Board to execute two Joint Community Facilities Agreements, the first between the County and the North County Fire Protection District and the other between the County and the San Diego County Flood Control District; 2) establish Community Facilities District No. 2013-01, Horse Creek Ridge Maintenance; 3) call a special election; 4) declare results of the special election and direct the recording of a notice of special tax lien; and adopt an Ordinance authorizing the levy of a special tax.

**FISCAL IMPACT:**

All County and consultant costs incurred for establishing this Community Facilities District, cost of maintenance of facilities and services, and ongoing administration of the Community Facilities District will be paid through special voter approved taxes. The Developer has delivered an initial deposit for all County and consultant costs to be incurred in the evaluation and formation of this Community Facilities District. Once the development is completed and infrastructure is in place, the special taxes will cover operation and maintenance for fire services provided by the North County Fire Protection District, local park

facilities, trails and open space maintained by Department of Parks and Recreation, and water quality devices maintained by the San Diego County Flood Control District. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Adopt the Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE EXECUTION AND DELIVERY OF SEPARATE JOINT COMMUNITY FACILITIES AGREEMENTS WITH NORTH COUNTY FIRE PROTECTION DISTRICT AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT IN CONNECTION WITH COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AND OTHER MATTERS RELATED THERETO.

(Relates to Board of Supervisors Agenda No. 1)

**ACTION:**

ON MOTION of Director Cox, seconded by Director D. Roberts, the Board of Directors of the San Diego County Flood Control District Board took action as recommended, on Consent, adopting Resolution No. 14-015, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE EXECUTION AND DELIVERY OF SEPARATE JOINT COMMUNITY FACILITIES AGREEMENTS WITH NORTH COUNTY FIRE PROTECTION DISTRICT AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT IN CONNECTION WITH COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AND OTHER MATTERS RELATED THERETO.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

**FL2.**

**SUBJECT: ADMINISTRATIVE ITEM:**

**SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: IMPACT FEE DEFERRAL PROGRAM EXTENSION (12/4/2013 – FIRST READING; 1/29/2014 – SECOND READING) (DISTRICTS: ALL)**

**OVERVIEW:**

On December 4, 2013 (FL1), the Board of Directors of the San Diego County Flood Control District introduced the Ordinance for further consideration and adoption on January 29, 2014.

In 2008, the State of California approved Assembly Bill 2604 which allows local governments to defer impact fees for land development projects as opposed to collecting the fees when the building permit is issued. The intent of the state legislation was to promote economic stimulus in the region by deferring the payment and collection of impact fees.

On December 10, 2008 (14), the Board of Supervisors directed the Chief Administrative Officer to draft ordinance amendments to defer impact fees for residential tracts and commercial building permits until final inspection or certificate of occupancy. The Board directed that the impact fee deferrals include Transportation Impact Fees, Park Lands Dedication Ordinance Fees, Drainage Fees and Sewer Fees, and a program sunset date. On March 4, 2009 (2), the Board adopted ordinance amendments to authorize, for a two-year period, deferral of certain impact fees in accordance with Assembly Bill 2604. On July 13, 2011 (9), the Board authorized a two-year extension of the Impact Fee Deferral Program.

Today's request is that the Board authorize an additional two-year extension of the Impact Fee Deferral Program.

**FISCAL IMPACT:**

If approved, the Ordinances will result in the continued deferral of applicant payment and County collection of the Transportation Impact Fees, Park Lands Dedication Ordinance Fees, Drainage Fees, and Sanitation District Fees. This deferral will result in a loss of revenue that would otherwise be generated by interest on the fees if they were collected earlier in the process. The previously adopted administration fee of \$170, that ensures full cost recovery for additional staff time to administer the program, will remain unchanged. This administration fee will be charged for each commercial permit issued and for each grouped phase of homes for tract developments. Administration of the program will be accomplished with existing staff. Based on data from April 2009-October 2013, customers were able to defer approximately \$4.5 million in impact fees, with an average deferral period of 165 days.

**BUSINESS IMPACT STATEMENT:**

Under Assembly Bill 2604, the proposed Impact Fee Deferral Program is designed to provide an economic stimulus for the region through the deferral of payment and collection of impact fees. The Building Industry Association (BIA) supports the extension of the impact fee deferral concept as a means to continue to stimulate development, job growth and the local economy.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Adopt the Ordinance entitled:

AN ORDINANCE AMENDING FLOOD CONTROL DISTRICT  
ORDINANCE NUMBERS 6 AND 7 TO DEFER THE  
PAYMENT OF SPECIAL DRAINAGE AREA FEES.

(Relates to Board of Supervisors Agenda No. 6 and Sanitation Agenda No. 2)

**ACTION:**

ON MOTION of Director Cox, seconded by Director D. Roberts, the Board of Directors of the San Diego County Flood Control District Board took action as recommended, on Consent, adopting Ordinance No. 10324 (N.S.), entitled: AN ORDINANCE AMENDING FLOOD CONTROL DISTRICT ORDINANCE NUMBERS 6 AND 7 TO DEFER THE PAYMENT OF SPECIAL DRAINAGE AREA FEES.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

There being no further business, the Board of Directors of the San Diego County Flood Control District adjourned at 2:38 p.m.

THOMAS J. PASTUSZKA  
Clerk of the Board of Directors of the  
San Diego County Flood Control District

Notes: Miller

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Flood Control District on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Directors, on Tuesday, May 06, 2014.

  
DIANNE JACOB  
Chairwoman

Attest:

  
THOMAS J. PASTUSZKA  
Clerk of the Board

01/29/14 FLOOD CONTROL DISTRICT