

June 24, 2015

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JUNE 24, 2015, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:02 a.m.

PRESENT: Supervisors Bill Horn, Chairman; Dave Roberts, Vice Chairman; Greg Cox; Dianne Jacob; Ron Roberts; also David Hall, Clerk.

Approval of the Statement of Proceedings/Minutes for the meetings of June 10, 2015.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of June 10, 2015.

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

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.

Board of Supervisors' Agenda Items

Agenda # Subject

1. TRAFFIC ADVISORY COMMITTEE

2. NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: APPROVE AMENDMENTS TO DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADOPT AND IMPLEMENT A LOCAL AGENCY MANAGEMENT PROGRAM FOR ONSITE WASTEWATER TREATMENT SYSTEMS (6/10/15 – FIRST READING; 6/24/15 – SECOND READING)

3. BORREGO VALLEY AIRPORT – FIRST AMENDMENT TO AVIATION LEASE WITH JOHN S. WATKINS AND FIRST AMENDMENT TO AVIATION LEASE WITH LARRY H. STRASBAUGH 1999 REVOCABLE TRUST
[FUNDING SOURCE: RENTAL PAYMENTS FROM THE LESSEES UNDER THE TERMS OF THE AMENDED LEASE AGREEMENTS]
(4 VOTES)
4. PROPERTY TAX EXCHANGE FOR JURISDICTIONAL CHANGES – DISSOLUTION OF PINE VALLEY FIRE PROTECTION DISTRICT AND SAN DIEGO RURAL FIRE PROTECTION DISTRICT WITH CONCURRENT ANNEXATIONS TO CSA NO. 135
5. ESTABLISH APPROPRIATIONS FOR JESS MARTIN LARGE BALL FIELD IMPROVEMENTS PROJECT
[FUNDING SOURCE: COMMUNITY DEVELOPMENT BLOCK GRANT AND AN OPERATING TRANSFER IN FROM THE GENERAL FUND]
(4 VOTES)
6. FALLBROOK COMMUNITY AIRPARK – NEW AGRICULTURAL GROUND LEASE WITH AIR PARK RANCH II, A GENERAL PARTNERSHIP
(4 VOTES)
7. AUTHORIZE EXECUTION OF STATE ROUTE 76 MIDDLE HIGHWAY PROJECT COOPERATIVE AGREEMENT TO ACCEPT FUNDING FOR THE SAN LUIS REY RIVER PARK MULTI-USE TRAIL PROJECT
[FUNDING SOURCE: COOPERATIVE AGREEMENT WITH THE CALTRANS]
8. COUNTY OF SAN DIEGO TRACT NO. 4750-1 (FINAL MAP NO. 14502): FIRST AMENDMENT TO JOINT AGREEMENT TO SUBSTITUTE SECURITY, CHANGE OWNERSHIP AND EXTEND TIME FOR RANCHO ALEGRE FOR PUBLIC AND PRIVATE IMPROVEMENTS LOCATED IN FALLBROOK COMMUNITY PLANNING AREA
9. COUNTY OF SAN DIEGO TRACT NO. 5586-1: APPROVAL OF FINAL MAP FOR AGUA DULCE TERRACE CONDOMINIUM CONVERSION LOCATED IN SPRING VALLEY COMMUNITY PLAN AREA
10. RATIFY AND APPROVE LIGHT BROWN APPLE MOTH REGULATORY REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF FOOD AND AGRICULTURE
[FUNDING SOURCE: CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, STATE UNCLAIMED GAS TAX AND GENERAL PURPOSE REVENUE]
11. PUBLIC COMMUNICATION

1. **SUBJECT: TRAFFIC ADVISORY COMMITTEE (DISTRICTS: 2, 3 & 5)**

OVERVIEW:

The Traffic Advisory Committee (TAC) meets every six weeks to review proposed additions, deletions or changes to regulatory traffic controls. Six items were on the Committee's April 24, 2015 meeting agenda. The TAC recommends your action on all six items.

The Board of Supervisors (Board) action on Item 5-A would revise the County Code of Regulatory Ordinances and requires two steps. On June 24, 2015, the Board will consider the TAC items. If the Board takes action on June 24, 2015, then on July 22, 2015, a second reading of an Ordinance repealing Sections 72.143.14. and 72.143.15. of the San Diego County Code of Regulatory Ordinances would be necessary to implement the Board's direction for Item 5-A.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-2017 CAO Recommended Operational Plan for the Department of Public Works Road Fund. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

TRAFFIC ADVISORY COMMITTEE

District 2

- 2-A. Brabham Street at Merlyn Place (58th Edition Thomas Guide Page 1272-B4) Rancho San Diego – Install a left turn pocket on Brabham Street just west of Merlyn Place for eastbound traffic with associated addition of parking prohibitions and evaluate the operation of the intersection improvements one year after implementation to determine if an all-way stop installation still needs to be considered.
- 2-B. Arena Way from Gunn Stage Road to Open View Road, (58th Edition Thomas Guide Page 1173-D2) Ramona – Recertify the existing 40 MPH speed limit for continued radar speed enforcement.
- 2-C. Moreno Avenue from Willow Road to Vigilante Road, (58th Edition Thomas Guide Page 1232-B1) Lakeside – Recertify the existing 45 MPH speed limit for continued radar speed enforcement.
- 2-D. Greenfield Drive, north side from the El Cajon City Limit westerly 400 feet and from 170 feet east of Oro Street easterly 330 feet, (58th Edition Thomas Guide Page 1257 H3) El Cajon – Delete existing parking prohibition resolution. Road widening improvements have made the parking prohibitions unnecessary.

District 3

- 3-A. Felicita Road from Via Rancho Parkway northerly to the Escondido City Limit, (58th Edition Thomas Guide Page 1149-J1) Escondido – Recertify the existing 45 MPH speed limit for continued radar speed enforcement.

District 5

- 5-A. West Elder Street, north side, from 120 feet west of Main Avenue westerly 140 feet, and Pico Avenue, east side, from West Elder Street northerly 120 feet, (58th Edition Thomas Guide Page 1027 E2) Fallbrook – Repeal existing Time Limit ordinances. Use of adjacent commercial property has changed from a private school to a restaurant making these school zone restrictions unnecessary.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alteration of existing public facilities relating to regulatory traffic control issues on County-maintained roads, resulting in negligible or no expansion of use beyond that existing at the time of the Board action.

2. Adopt the Traffic Advisory Committee’s recommendations:

- a. Adopt the following Resolution:

A RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 301 RELATING TO THE ESTABLISHMENT OF NO STANDING OR PARKING ZONES IN SAN DIEGO COUNTY (Item 2-A & Item 2-D).

- b. Approve the introduction, read title and waive further reading of the following Ordinances:

ORDINANCE REPEALING SECTIONS 72.143.14. AND 72.143.15. OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO TRAFFIC REGULATIONS IN SAN DIEGO COUNTY (Item 5-A).

If, on June 24, 2015, the Board takes action as recommended in the Chief Administrative Officer’s above Recommendation 2 related to Item 5-A, on July 22, 2015:

Consider and adopt: ORDINANCE REPEALING SECTIONS 72.143.14. AND 72.143.15. OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO TRAFFIC REGULATIONS IN SAN DIEGO COUNTY (Item 5-A) (second reading).

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 15-085, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 301 RELATING TO THE ESTABLISHMENT OF NO STANDING OR PARKING ZONES IN SAN DIEGO COUNTY, and introducing the Ordinance for further Board consideration and adoption on July 22, 2015.

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

2. **SUBJECT: NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF
ORDINANCE: APPROVE AMENDMENTS TO DIVISION 8
OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF
REGULATORY ORDINANCES TO ADOPT AND
IMPLEMENT A LOCAL AGENCY MANAGEMENT
PROGRAM FOR ONSITE WASTEWATER TREATMENT
SYSTEMS (6/10/15 – FIRST READING; 6/24/15 – SECOND
READING (DISTRICTS: ALL))**

OVERVIEW:

On June 10, 2015 (2), the Board introduced the Ordinance for further consideration and adoption on June 24, 2015.

Onsite Wastewater Treatment Systems (OWTS) are used throughout the state as a means to dispose of wastewater from residences or businesses that is discharged from plumbing fixtures, appliances and other devices including, but not limited to toilets, bathtubs, laundry facilities, etc. Until recently, there were no statewide requirements for siting, design, operation, and maintenance of these systems and requirements were left up to each local Regional Water Quality Control Board (RWQCB) to develop and implement. The Department of Environmental Health (DEH) issues most conventional OWTS permits for residential use in the County, pursuant to a delegation from the RWQCB. Assembly Bill 885 (2000) directed the State Water Resources Control Board (SWRCB) to develop regulations or standards for OWTS to be implemented by qualified local agencies. The SWRCB adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) on June 19, 2012. Consequently, each RWQCB was required to make Basin Plan (or water quality control plan) amendments to incorporate the OWTS policy into their local Basin Plans. The San Diego RWQCB took action to amend their local Basin Plan on April 17, 2015.

If a local agency such as the County wants to continue to implement the OWTS program, it is required to develop and submit a Local Agency Management Program (LAMP) to the local RWQCB for approval. The County's LAMP was approved by the San Diego RWQCB on April 29, 2015. The purpose of the County's LAMP is to implement a revised local program to permit conventional OWTS and to expand the local program to permit and regulate alternative OWTS.

The LAMP gives property owners additional tools to manage wastewater on their properties while protecting groundwater and surface water from contamination as well as public health through the proper design, placement, installation, maintenance and assessment of individual OWTS.

The LAMP replaces a similar preexisting County program, which was based on a delegation of authority from the RWQCB to permit OWTS in lieu of RWQCB waste discharge permits. The fundamental standards under the new LAMP are consistent with the standards currently applied in San Diego County by the County and the RWQCB. These standards will now be set out in the LAMP, rather than in the County Code. Full implementation of the OWTS Policy will transfer oversight of some larger conventional OWTS and some additional alternative OWTS from the RWQCB to the County.

During the General Plan Update in 2011 the Board of Supervisors directed the DEH to work with the State and stakeholders to develop uniform performance standards and regulations for the permitting and operation of alternative septic systems. With the SWRCB adoption of the State OWTS Policy on June 19, 2012, the RWQCB actions in April 2015, and approval of the recommendations below, the Board directed actions will be satisfied.

Today's request requires two steps. On June 10, 2015, it is requested that the Board introduce an ordinance to amend Title 6, Division 8 of the County Code of Regulatory Ordinances to adopt and implement a Local Agency Management Program for onsite wastewater treatment systems and to set a hearing for June 24, 2015. If the Board takes the actions recommended for June 10 2015, then on June 24, 2015, after making the necessary findings, the Board is requested to adopt the proposed ordinance and to authorize the Director, DEH to revise the LAMP, if necessary, to maintain RWQCB approval for County implementation of an OWTS program.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-17 CAO Recommended Operational Plan for the Department of Environmental Health. Permit types and fees are in the existing fee ordinance and any costs incurred as a result of this request will be offset by fee revenue. There will be no change in net General Fund costs and no additional staff years are required to implement this program.

BUSINESS IMPACT STATEMENT:

This program will benefit business by allowing the Department of Environmental Health to provide oversight for the expanded use of conventional Onsite Wastewater Treatment Systems (OWTS) and use of alternative OWTS for new construction. This oversight is currently provided by the County and in some cases by the Regional Water Quality Control Board (RWQCB) and the changes will streamline the approval process. The program will also allow for the creation of new lots based on the use of alternative OWTS which is currently prohibited. Stakeholder meetings have been held with the North County Civil Engineers and Land Surveyors Association, Building Industry Association, Land Development Industry Group, local OWTS design professionals and contractors and the general public to obtain input on the proposed program.

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find, on the basis of the whole record, there is no substantial evidence the project will have a significant effect on the environment. Consider the Negative Declaration, dated January 16, 2015, for the Onsite Wastewater Treatment Systems (OWTS) – Amendment to County Code of Regulatory Ordinances to Implement San Diego County Local Agency Management Program for OWTS (Attachment C) together with any comments received during public review (Attachment D), and adopt it, finding it reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Ordinance entitled:
AN ORDINANCE AMENDING TITLE 6, DIVISION 8 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADOPT AND IMPLEMENT A LOCAL AGENCY MANAGEMENT PROGRAM FOR ONSITE WASTEWATER TREATMENT SYSTEMS.
3. Authorize the Director, Department of Environmental Health to revise the Local Agency Management Program if necessary to maintain Regional Water Quality Control Board approval for County implementation of an OWTS program, to accommodate new technology, or protect health and safety and the environment.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10389 (N.S.), entitled: AN ORDINANCE AMENDING TITLE 6, DIVISION 8 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADOPT AND IMPLEMENT A LOCAL AGENCY MANAGEMENT PROGRAM FOR ONSITE WASTEWATER TREATMENT SYSTEMS.

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

3. **SUBJECT: BORREGO VALLEY AIRPORT – FIRST AMENDMENT TO AVIATION LEASE WITH JOHN S. WATKINS AND FIRST AMENDMENT TO AVIATION LEASE WITH LARRY H. STRASBAUGH 1999 REVOCABLE TRUST (DISTRICT: 5)**

OVERVIEW:

Borrego Valley Airport serves the desert community of Borrego Springs and Anza-Borrego Desert (57th Edition Thomas Guide Page 1058, F5). The airport is located three miles east of Borrego Springs at an elevation of 520 feet. The airport has a 5,000-foot long paved runway. On September 15, 2010 (9), the Board approved two separate 30-year aviation ground leases; one with John S. Watkins and one with Larry H. Strasbaugh 1999 Revocable Trust.

This is a request to approve the First Amendments to aviation ground leases with John S. Watkins and Larry H. Strasbaugh 1999 Revocable Trust at Borrego Airport to update lease language and adjust rent to fair market rates as the leases require every five years.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2015-17 CAO Recommended Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$5,328 in Fiscal Year 2015-16, an increase of \$114 per year over current year revenue. The funding source for the additional revenue is rental payments from the lessees under the terms of the amended lease agreements. There will be no change to the net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendments are categorically exempt from CEQA review as they consist of the leasing of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the First Amendment to Aviation Lease with John S. Watkins. **(4 VOTES)**
3. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the First Amendment to Aviation Lease with Larry H. Strasbaugh 1999 Revocable Trust. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

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

4. **SUBJECT: PROPERTY TAX EXCHANGE FOR JURISDICTIONAL CHANGES – DISSOLUTION OF PINE VALLEY FIRE PROTECTION DISTRICT AND SAN DIEGO RURAL FIRE PROTECTION DISTRICT WITH CONCURRENT ANNEXATIONS TO CSA NO. 135 (DISTRICTS: 1 & 2)**

OVERVIEW:

Section 99 of the State Revenue and Taxation Code requires that the Board of Supervisors (Board) adopt a property tax exchange resolution before the Local Agency Formation Commission (LAFCO) can process a proposal for

reorganization. Board Policy B-45 also provides guidance for processing property tax exchanges and specifies the procedures for conducting property tax exchange negotiations.

The proposed Resolution Regarding Negotiated Property Tax Exchange Relative to Jurisdictional Changes (Resolution) is a part of a reorganization including the dissolution of the Pine Valley Fire Protection District (Pine Valley FPD) and the dissolution of San Diego Rural Fire Protection District (Rural FPD), and their concurrent annexation to County Service Area (CSA) No. 135. The Pine Valley FPD is located east of the intersection of Highway 79 and Interstate 8 and encompasses 69.47 square miles of unincorporated land. The Rural FPD is also located in the southeastern portion of San Diego County, east of Santee, El Cajon and Chula Vista, and encompasses 697 square miles of unincorporated land.

Today's request is for the Board to adopt a resolution for the exchange of property taxes between Pine Valley FPD, San Diego Rural FPD and CSA No. 135.

FISCAL IMPACT:

If adopted, this Resolution will transfer future property tax revenue from the Pine Valley Fire Protection District (FPD) and San Diego Rural Fire Protection District (Rural FPD) to County Service Area (CSA) No.135. For Fiscal Year 2014-2015, the total property tax revenue generated within Pine Valley FPD is \$193,343.67, and within Rural FPD is \$617,177.34. The proposed transfer of tax revenue will reallocate tax revenue from Pine Valley FPD and Rural FPD to CSA No. 135. 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 REGARDING NEGOTIATED PROPERTY TAX EXCHANGE RELATIVE TO JURISDICTIONAL CHANGES.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 15-086, entitled: RESOLUTION REGARDING NEGOTIATED PROPERTY TAX EXCHANGE RELATIVE TO JURISDICTIONAL CHANGES.

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

5. **SUBJECT: ESTABLISH APPROPRIATIONS FOR JESS MARTIN
LARGE BALL FIELD IMPROVEMENTS PROJECT
(DISTRICT: 2)**

OVERVIEW:

Annually, the United States Department of Housing and Urban Development provides grant funding for housing and community development projects through the Community Development Block Grant (CDBG) Program. On April 15, 2014 (10), the County's Department of Housing and Community Development received Board of Supervisors approval of the Final Proposed Fiscal Year 2014-15 County of San Diego Annual Funding Plan that included CDBG project funding of \$300,000 to partially fund the Jess Martin Large Ball Field Improvements project.

The Jess Martin Large Ball Field Improvements project will include grading, the installation of new irrigation lines that will be fed from a well and weather resistant sod for the main baseball field located within the nine-acre Jess Martin Park (57th Edition Thomas Guide page 1156, C-1). The project will improve the quality of play and will enable greater use of the field. If approved, construction is expected to be completed in fall 2015.

This requested action will establish appropriations of \$183,000 in Capital Project 1019010, Jess Martin Large Ball Field Improvements to fully fund the project based on an Operating Transfer In from the General Fund. The funding will supplement existing CDBG funds of \$300,000 currently budgeted in the project for a total project cost of \$483,000

FISCAL IMPACT:

Funds for this project are partially included in the Fiscal Year 2014-15 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs and revenue of \$483,000 for Project 1019010, Jess Martin Large Ball Field Improvement project. The funding sources are a Community Development Block Grant (\$300,000) and an Operating Transfer In from the General Fund (\$183,000).

Upon project completion, annual operations and maintenance will be provided by existing Department of Parks and Recreation staff funded by Landscape Maintenance District Zone No. 2 – Julian (Jess Martin Park). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

TRAFFIC ADVISORY COMMITTEE

1. Find that the Jess Martin Large Ball Field Improvements project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303.

2. Transfer appropriations of \$183,000 from the Department of Parks and Recreation, Services and Supplies, to Contributions to the Capital Outlay Fund, Operating Transfer Out, to provide funding for Jess Martin Large Ball Field improvements.
3. Establish appropriations of \$183,000 in the Capital Outlay Fund for Capital Project, 1019010, Jess Martin Large Ball Field Improvement Project, based on an Operating Transfer from the General Fund (4 VOTES).

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended.

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

6. **SUBJECT: FALLBROOK COMMUNITY AIRPARK – NEW AGRICULTURAL GROUND LEASE WITH AIR PARK RANCH II, A GENERAL PARTNERSHIP (DISTRICT: 5)**

OVERVIEW:

Fallbrook Community Airpark (Airpark) is located two miles south of downtown Fallbrook (57th Edition Thomas Guide Page 1027, G7). The Airpark is equipped with runway lighting, hangars, an aviation fuel island and aircraft tie-down areas. The Airpark is divided into two areas, one designated for aviation use, and the other for compatible non-aviation uses, including agricultural and recreational uses.

The 16.4± acre area proposed for lease has historically been used for agricultural purposes as an avocado grove. The current occupant, Jackson-Hartley, a general partnership, began farming the avocado grove in 1976 under a sublease with Fallbrook Airpark, Inc. In 2005, the County entered into a 10-year lease with Jackson-Hartley directly. Because of the limited term and rent, this lease did not require approval by the Board of Supervisors. The current lease will terminate on June 30, 2015, and the family of Susan Jackson-Urquhart, the current operator, has requested a new 20-year lease to allow them to rehabilitate and diversify the grove to make it more productive and profitable for both the operator and the County. The new lease would be issued in the name of Duane Urquhart and Dustin R. Urquhart d.b.a. Air Park Ranch II, a general partnership. This is a request to approve a new 20-year agricultural ground lease agreement, which would commence on July 1, 2015 and terminate on June 30, 2035. Rent under the new lease would be percentage-based with a minimum annual guarantee of \$3,000. Approval of this action would provide the County with strong lease protections while ensuring improved agricultural production on the property through lessee investment in new crops.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2015-17 CAO Recommended Operational Plan for the Airport Enterprise Fund. If approved, this request will result in minimum annual revenue of \$3,000 in the Airport Enterprise Fund. The revenue source is rental payments from lessee under the terms of the lease agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed new lease is categorically exempt from CEQA review because the proposed action involves approval of an agricultural ground lease agreement with negligible expansion of use from what currently exists.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the New Agricultural Ground Lease with Duane Urquhart and Dustin R. Urquhart d.b.a. Air Park Ranch II, a general partnership. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

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

7. **SUBJECT: AUTHORIZE EXECUTION OF STATE ROUTE 76 MIDDLE HIGHWAY PROJECT COOPERATIVE AGREEMENT TO ACCEPT FUNDING FOR THE SAN LUIS REY RIVER PARK MULTI-USE TRAIL PROJECT (DISTRICT: 5)**

OVERVIEW:

The Board of Supervisors approved the Master Plan and certified the Program Environmental Impact Report for San Luis Rey River Park (SLRRP) on September 24, 2008 (10). The SLRRP (Thomas Guide 1048, A7 – J4) will be approximately 8.5 miles in length and will generally follow the San Luis Rey river corridor. Interagency commitments were stated in a Memorandum of Understanding (MOU) between the County and the California Department of Transportation (Caltrans) for the SR-76 Middle Highway project which was executed on November 10, 2009 (Attachment A).

This request is to authorize the Directors, Departments of Parks and Recreation, Public Works and General Services to execute a Cooperative Agreement between Caltrans and the County of San Diego to accept funds of \$260,000 from Caltrans for the construction of 1.5 miles of multi-use trail for the SLRRP.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2015-17 Approved Operational Plan in the Department of Parks and Recreation (DPR). If approved, this request will result in revenue of \$260,000 which will be deposited into the Department of Parks and Recreation Trust Fund. The funding source is a Cooperative Agreement with the Caltrans. DPR will return to the Board at a later date to appropriate funds for construction in the San Luis Rey River Park. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Final Program Environmental Impact Report (EIR) on file in the Department of Parks and Recreation for the San Luis Rey River Park Master Plan, dated September 24, 2008, State Clearinghouse # 2006051074, was completed in compliance with the California Environmental Quality Act (CEQA) and state and County CEQA guidelines, that the decision-making body has reviewed and considered the information contained therein before approving the project, that the EIR reflects the independent judgment and analysis of the Board of Supervisors and;

Find that there are no substantial changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified EIR, dated September 24, 2008, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since said EIR was prepared.

2. Authorize the Directors of the Departments of Parks and Recreation, Public Works and General Services, or designee, as agents of the County to execute a Cooperative Agreement between Caltrans and the County (Attachment B), for the acceptance of funds from Caltrans for constructing a multi-use public trail in lieu of Caltrans' constructing the multi-use trail as required by the SR-76 Middle Highway project Memorandum of Understanding (Attachment A).

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

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

8. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4750-1 (FINAL MAP NO. 14502): FIRST AMENDMENT TO JOINT AGREEMENT TO SUBSTITUTE SECURITY, CHANGE OWNERSHIP AND EXTEND TIME FOR RANCHO ALEGRE FOR PUBLIC AND PRIVATE IMPROVEMENTS LOCATED IN FALLBROOK COMMUNITY PLANNING AREA (DISTRICT: 5)**

OVERVIEW:

The purpose of this item is for the Board of Supervisors (Board) to review and approve the First Amendment (Amendment) to a Joint Agreement to Improve Major Subdivision (Substitution of Security, Change of Ownership, Extension of Time and associated agreements) for County of San Diego Tract No. 4750-1, known as Rancho Alegre. This project is a subdivision consisting of 33 single family residential lots on a total of 116.15 acres. It is located in the Fallbrook Community Planning area, with the easterly boundary of the map fronting on Ranger Road, approximately 0.4 mile north of Reche Road, and the westerly boundary fronting on Yucca Road, approximately 0.6 mile south of Live Oak Park Road (2009 Thomas Guide, Page 1028, E-3) see Attachment A for Vicinity Map.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Amendment and associated actions is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c) (1) and (2) of the CEQA Guidelines.
2. Approve and authorize Clerk of the Board to execute the Amendment for public and private improvements (Attachment B).
3. Approve and authorize the Clerk of the Board to execute Joint Lien Contract (Attachment C) and Holding Agreement No. 1082-0296-00 (Attachment D).
4. Upon approval of the above documents by the Board, and execution by the Clerk of the Board, the Joint Lien Contract (Attachment C) and the Grant Deed (Attachment E) shall be forwarded to the County Recorder for recordation.
5. The Faithful Performance Bond (Bond No. 827398S) and Labor and Material Bond (Bond No. 827398S) for the Joint Improvement Agreement shall be released and the lien established by the Joint Lien Contract substituted in its place.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board continued the item to August 5, 2015, at 9:00 a.m., on Consent.

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

9. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5586-1: APPROVAL OF FINAL MAP FOR AGUA DULCE TERRACE CONDOMINIUM CONVERSION LOCATED IN SPRING VALLEY COMMUNITY PLAN AREA (DISTRICT: 2)**

OVERVIEW:

The purpose of this item is for the Board of Supervisors (Board) to review and approve the Final Map for County of San Diego Tract No. 5586-1. This project is a subdivision consisting of the conversion of an existing apartment complex to an eight residential condominium unit project on one lot, on a total of 0.94 acre. There is no security required for this project since all improvements have been previously completed. County of San Diego Tract No. 5586-1, known as the Agua Dulce Terrace Condominium Conversion, is located within the Spring Valley area, on the easterly side of Sweetwater Road and southerly of Ildica Street (2009 Thomas Guide, Page 1291 A-1).

On October 10, 2014, the Planning Commission approved the Resolution of Approval for Tentative Map (TM) 5586. The applicant has satisfied all conditions in the Resolution of Approval for TM 5586 and paid all fees and deposits. This map has been examined, found to be technically correct, and complies with State law and County ordinances. It is in substantial conformance with the Resolution of Approval of the TM, and is consistent with all elements of the San Diego County General Plan and the Spring Valley Community Plan.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

1. Approve the Final Map for County of San Diego Tract No. 5586-1.
2. Accept on behalf of the County, the noise protection easement as granted on said map.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent

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

10. SUBJECT: RATIFY AND APPROVE LIGHT BROWN APPLE MOTH REGULATORY REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF FOOD AND AGRICULTURE (DISTRICTS: ALL)

OVERVIEW:

The County of San Diego Department of Agriculture, Weights and Measures (AWM) provides essential services that protect agriculture and promote the health and safety of the residents of San Diego County. Many of these services are funded by revenue agreements with the State of California Department of Food and Agriculture (CDFA). AWM requests authorization to enter into a revenue agreement with CDFA for \$365,766.50 to continue Light Brown Apple Moth (LBAM) quarantine response and regulatory compliance activities for the period of October 1, 2014 through September 30, 2015. AWM received the contract documents on November 24, 2014. A Program Environmental Impact Report for the Statewide Plant Pest Prevention and Management Program was certified by CDFA on December 24, 2014. An Environmental Review Update Checklist Form was completed by County Staff in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164(e) on May 12, 2015. Therefore, ratification of the revenue agreement is also requested.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan and the Fiscal Year 2015-17 Approved Operational Plan for the Department of Agriculture, Weights and Measures. If approved, this request will result in costs and revenue of \$333,542.70 in Fiscal Year 2014-15 and costs and revenue of \$114,245.80 in Fiscal Year 2015-16 for Light Brown Apple Moth quarantine response and regulatory compliance activities. The funding sources are the California Department of Food and Agriculture (\$365,766.50), State Unclaimed Gas Tax (\$31,989.00) and General Purpose Revenue (\$50,033.00). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

Light Brown Apple Moth (LBAM) attacks approximately 250 fruits, vegetables, ornamentals and nursery stock. In the infested counties in Northern California, it causes approximately \$160.0 million to \$640.0 million in crop losses and treatment costs annually. The LBAM quarantines represent potential economic hardships for San Diego county's \$1.85 billion dollar agricultural industry, especially those agricultural operations that export plants to other states and countries. This contract was established to protect agriculture and facilitate trade by supporting quarantine regulatory activities.

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Program Environmental Impact Report (PEIR) on file in the Department of Agriculture, Weights and Measures for the Statewide Plant Pest Prevention and Management Program, dated December 24, 2014, State Clearinghouse #2011062057, was completed in compliance with California Environmental Quality Act (CEQA) Guidelines, that the Board of Supervisors has reviewed and considered the information contained therein before approving the project; and find that there are no changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified PEIR dated December 24, 2014, that there is no substantial increase in the severity of the previously identified significant effects, and that no new information of substantial importance has become available since the PEIR was certified.
2. Waive Board Policy B-29 Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires full-cost recovery for revenue agreements because the full cost of the Light Brown Apple Moth activities, including County and departmental overheads, exceeds the State allowable overhead rate.
3. Ratify the acceptance of the Light Brown Apple Moth Regulatory revenue agreement in the amount of \$365,766.50 with California Department of Food and Agriculture for the period of October 1, 2014 through September 30, 2015, and authorize the Agricultural Commissioner/Sealer of Weights and Measures to execute the revenue agreement.
4. Authorize the Agricultural Commissioner/Sealer of Weights and Measures to execute future revenue agreements with California Department of Food and Agriculture for Light Brown Apple Moth Regulatory activities and all required revenue agreement documents, including any extensions, amendments or revisions thereof that do not materially impact either the program or funding level, for a period of five years through and including a revenue agreement for Fiscal Year 2019-20.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board withdrew this item at the request of the Chief Administrative Officer, on Consent.

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

11. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:

Martha Welch spoke to the Board regarding Capital Improvements 2014-2015.

Reginald Tisdale spoke to the Board regarding HIV Planning Council.

Joe Naiman spoke to the Board regarding Stadium Funding Alternatives.

Thomas Matthews spoke to the Board regarding Electric Meters.

Timothy Quince spoke to the Board regarding Code No Temp – Electric for Water Pump on site.

Gordon Shackelford spoke to the Board regarding Air Quality.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:24 a.m.

DAVID HALL
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Vizcarra

Discussion: Zurita

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

Approved by the Board of Supervisors, on Wednesday, July 22, 2015.



BILL HORN
Chairman

Attest:



DAVID HALL
Clerk of the Board

06/24/15