



The County of San Diego

Planning Commission Hearing Report

Date:	July 15, 2016	Case/File No.:	N/A
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Bonsall Unified School District Land Acquisition
Time:	9:00 a.m.	Location:	31403 Old River Road, Bonsall
Agenda Item:	#2	General Plan:	Public/Semi-Public
Appeal Status:	N/A	Zoning:	Single Family Residential (RS)
Applicant:	Bonsall Unified School District	Community:	Bonsall Community Plan Area
Environmental:	Not a project pursuant to CEQA § 15061(b)(3) and 15378	APN:	126-300-52-00

A. EXECUTIVE SUMMARY

1. Requested Actions

This report provides information related to the proposed land acquisition of 31403 Old River Road by the Bonsall Unified School District (District).

Planning & Development Services (PDS) recommends that the Planning Commission direct staff to transmit this report to the District, supporting acquisition of the site pursuant to Section 21152.2 of the Public Resources Code and finding that the acquisition is consistent with the General Plan pursuant to Government Code Section 65402.

2. Key Requirements for Requested Action

- a. The Public Resources Code Section 21151.2 requires the Planning Commission to investigate the proposed site and make a recommendation concerning acquisition of the site by the District to promote the safety of pupils and comprehensive planning.
- b. Government Code Section 65402 requires review for conformance with the County's General Plan relative to its purpose, location and extent.

B. REPORT SUMMARY

This report will provide information to allow the Planning Commission to evaluate a proposed land acquisition by the District. A site map has been prepared (Figure 1) identifying the subject property on the east side of Old River Road, immediately south of Bonsall Elementary School in the Bonsall Community Plan Area. The property is a 0.64 acre of land addressed as 31403 Old River Road (APN 126-300-52-00). The report analysis and discussion provides the applicable land use and policy information to allow the Planning Commission to determine if the proposed land acquisition is consistent with the General Plan as required by Government Code Section 65402.



Figure 1: Aerial

C. BACKGROUND

On March 23, 2016, Fagen, Friedman and Fulfroft, LLP submitted a letter (Attachment B) requesting that the Planning Commission evaluate the proposed land acquisition by the District. The subject site is the former location of North County Fire Protection District Fire Station No. 5. In 2015, the North County Fire Protection District relocated Station No. 5 to 5906 Olive Hill Road and initiated the process to dispose of the subject property.

D. PROJECT DESCRIPTION

At this time, the District does not have an intended use for the property. However, during the May Community Sponsor Group meeting, the District's Superintendent discussed using the existing building for facilities and maintenance operations, if feasible.

E. ANALYSIS AND DISCUSSION

1. General Plan Consistency

The property is within a General Plan Village boundary which indicates that the area is intended to have higher intensity uses that could include community servicing public facilities. The General Plan Regional Category and Land Use Designation for the site reflect the prior use of the site as a fire station. The General Plan Regional Category for the site is "No Jurisdiction" and indicates that the County does not have land use planning jurisdiction over the site for educational or related purposes. If the District proposes a use other than school related facilities, it would need to conform to the County General Plan and Zoning Ordinance. The Public/Semi Public General Plan Land Use designation for the site allows for major facilities to be built and maintained for public use (Attachment A).

Academic uses at the site can be found to be consistent with the General Plan because they are considered Public/Semi Public uses; and the No Jurisdiction category would accurately represent use by the District. Goal LU-17 of the General Plan Land Use Element calls for quality schools that enhance our communities and mitigate for their impacts. The following General Plan Policies relate to planning for school facilities:

- LU-17.1: Planning for Schools. Encourage school districts to consider the population distribution as shown on the Land Use Map when planning for new school facilities.
- LU-17.2: Compatibility of Schools with Adjoining Uses. Encourage school districts to minimize conflicts between schools and adjacent land uses through appropriate siting and adequate mitigation, addressing such issues as student drop-off/pick up locations, parking access, and security.
- LU-17.3: Priority School Locations. Encourage school districts to locate schools within Village or Rural Village areas wherever possible and site and design them in a manner that provides the maximum opportunity for students to walk or bicycle to school.
- LU-17.4: Avoidance of Hazards. Assist school districts with locating school facilities away from fault zones, flood or dam inundation zones, and hazardous materials storage areas in conformance with State statutes.

Through the proposed land acquisition, the District has the opportunity to plan and design the site to promote the safety of pupils. Future construction or modification of the site would be subject to applicable District notification policies and rules at the time of construction or modification.

The acquisition of the site will promote comprehensive community planning through the expansion of the District's campus within a Village boundary of the General Plan. The acquisition of the site is consistent with No Jurisdiction General Plan Regional Category and a Public/Semi-Public Land Use Designation of the General Plan because the District is a public entity. The acquisition of the site is also consistent with Goal LU-17 and related General Plan Policies because it provides an

opportunity for school and community enhancement. The proposed acquisition and anticipated use of the site for maintenance operations is not expected to have a significant impact on the community.

2. Bonsall Community Plan

The Bonsall Community Plan includes multiple goals and policies that seek to preserve community character and avoid adverse impacts associated with development; however the proposed land acquisition does not include any proposed development at this time.

3. Public Resources and Government Codes

To promote the safety of pupils and comprehensive community planning, school districts are required by Public Resources Code Section 21151.2 to give the Planning Commission notice of a proposed acquisition for a new school site or for an addition to a present school site. Once notified, the Planning Commission submits a written report to the School District. In addition, Government Code Section 65402 also requires the planning agency having jurisdiction to report on the acquisition's conformance with the adopted General Plan.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The transmittal of a report to the District is not a project pursuant to Sections 15061(b)(3) and 15378 of the CEQA guidelines because the report will not result in direct or indirect physical changes in the environment.

G. PUBLIC INPUT

The Bonsall Community Sponsor Group (Group) recommended approval of the proposed acquisition of 31403 Old River Road by the District on May 3, 2016.

H. RECOMMENDATION

It is recommended that the Planning Commission direct staff to transmit this report to the District, supporting acquisition of the site pursuant to Section 21152.2 of the Public Resources Code and finding that the acquisition is consistent with the General Plan pursuant to Government Code 65402.

Report Prepared By:

Emma Schoppe
(858) 495-5437
emma.schoppe@sdcounty.ca.gov

Report Approved By:

Mark Wardlaw, Director
(858) 694-2962
mark.wardlaw@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE:



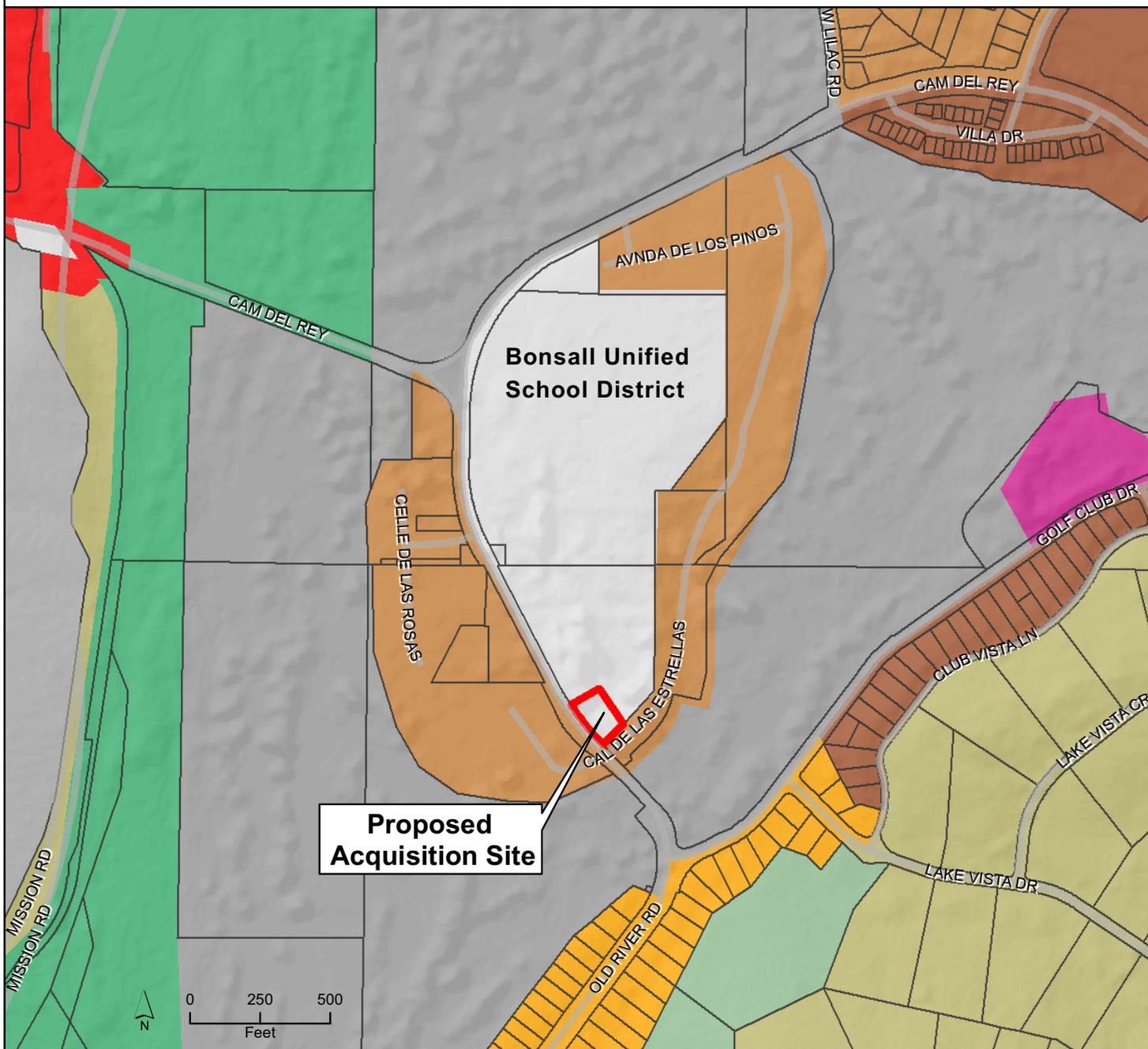
MARK WARDLAW, DIRECTOR

ATTACHMENTS:

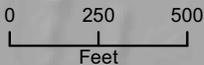
- Attachment A – Site Map
- Attachment B – Letter from Fagen, Friedman and Fulfroost, LLP dated March 23, 2016
- Attachment C – Section 21152.2 of the Public Resources Code
- Attachment D – Section 65402 of the Government Code

Attachment A – Site Map

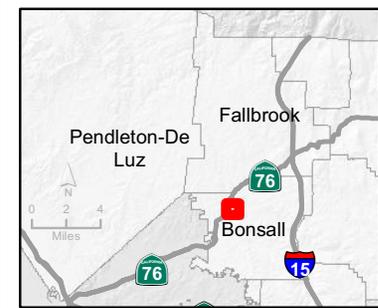
Bonsall Unified School District Land Acquisition - General Plan Land Use



Proposed Acquisition Site



- Legend**
- SDE.SANGIS.ROADS_ALL**
- SDE.SANGIS.ROADS_ALL
 - Proposed Acquisition
 - Parcels
- General Plan Designation**
- Village Residential (VR-15)
 - Village Residential (VR-7.3)
 - Village Residential (VR-4.3)
 - Semi-Rural Residential (SR-2)
 - Semi-Rural Residential (SR-10)
 - Rural Lands (RL-40)
 - General Commercial
 - Rural Commercial
 - Public/Semi-Public Facilities
 - Public Agency Lands
 - Open Space (Recreation)



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**Attachment B – Letter from Fagen, Friedman and
Fulfroft, LLP**


Fagen Friedman & Fulfroft LLP

1525 Faraday Avenue, Suite 300
 Carlsbad, California 92008
 Main: 760-304-6000
 Fax: 760-304-6011
 www.f3law.com

Luke Boughen
 Direct Dial: 760-304-6008
 lboughen@f3law.com

March 23, 2016

Via Email (emma.schoppe@sdcountry.ca.gov)

Emma Schoppe, Land Use/Environmental Planner
 County of San Diego
 5510 Overland Avenue, Suite 110
 San Diego, CA 92123

Re: **Planning Notice**
County of San Diego APN 126-300-52-00

Dear Ms. Schoppe:

We serve as legal counsel to the Bonsall Unified School District ("School District") concerning the acquisition of certain real property located in Bonsall. We write to notify you of the location, purpose, and extent of the School District's proposed real property acquisition.

The School District is the owner of real property located at 31505 Old River Road in Bonsall, which is more commonly known as the Bonsall Elementary School and District Office. The School District is considering acquiring the adjacent, 0.64 acre parcel located at 31403 Old River Road (the "Property"). The current owner of the Property is the North County Fire Protection District ("Fire District"). The Fire District acquired the property from the School District in 1982. The terms of the acquisition by the North County require the Property to be first offered to the School District at the 1982 sale price if the Fire District desires to sell the Property.

The School District currently does not have an intended use for the Property. Before the School District moves forward with any use of the Property, it shall comply with all applicable environmental compliance review, notices, and documents.

Enclosed please find a depiction of the Property. We hope the above information is helpful. Please do not hesitate to contact our office should you have any questions or would like additional information.

Sincerely,

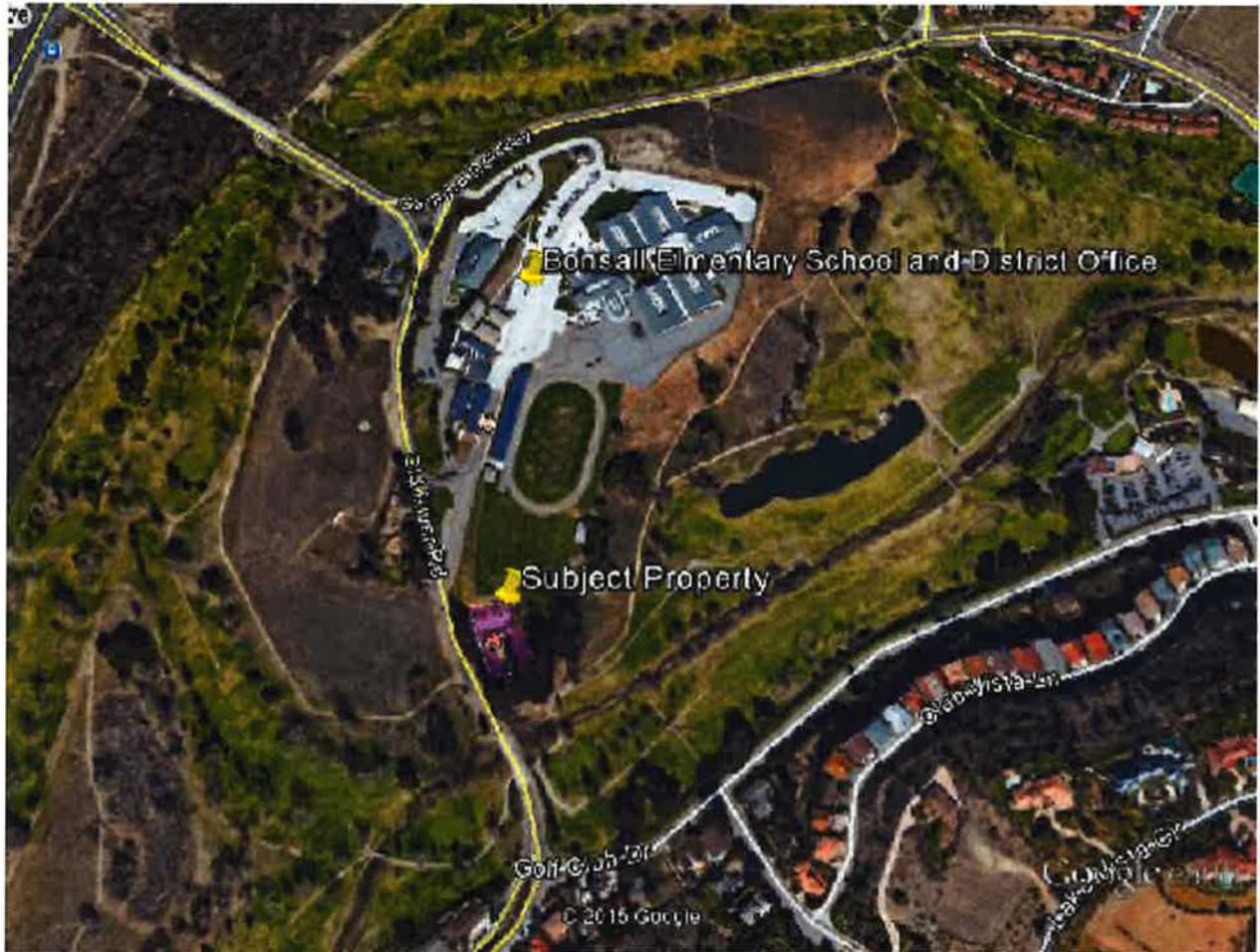
FAGEN FRIEDMAN & FULFROST, LLP

Luke Boughen

Encl.: Depiction of Property

00108-00102/1112182.2

DEPICTION OF PROPERTY



Google earth



**Attachment C – Section 21152.2 of the Public
Resources Code**

PUBLIC RESOURCES CODE 21151.2.

21151.2. To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received.

**Attachment D – Section 65402 of the Government
Code**

GOVERNMENT CODE SECTION 65402

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted

to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.