

May 1, 2019

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, MAY 1, 2019, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

A. REGULAR SESSION: Meeting was called to order at 9:01 a.m.

PRESENT: Supervisors Dianne Jacob, Chairwoman; Vice-Chairman Greg Cox, Kristin Gaspar; Nathan Fletcher; Jim Desmond; also, Andrew Potter, Clerk of the Board of Supervisors.

B. Closed Session Report

C. Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

D. Approval of the Statement of Proceedings/Minutes for the meeting April 10, 2019.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of April 10, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

E. Formation of Consent Calendar

F. Discussion Items

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.	SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: NOTICED PUBLIC HEARING TO ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AND AUTHORIZE ACTION TO ESTABLISH SPECIAL TAX AND APPROPRIATIONS LIMIT (4/10/2019 - ADOPT RESOLUTIONS AND FIRST READING OF ORDINANCE; 5/1/2019 - SECOND READING OF ORDINANCE)

2. NOTICED PUBLIC HEARING:
NOTICED PUBLIC HEARING TO ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AND AUTHORIZE ACTION TO ESTABLISH SPECIAL TAX AND APPROPRIATIONS LIMIT (5/1/2019 - ADOPT RESOLUTIONS AND FIRST READING OF ORDINANCE; 5/22/2019 - SECOND READING OF ORDINANCE)
3. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: TRAFFIC ADVISORY COMMITTEE (4/10/2019 - ADOPT RECOMMENDATIONS; 5/1/19 - SECOND READING OF AN ORDINANCE)
4. NOTICED PUBLIC HEARING:
ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: APPROVAL OF COST RECOVERY PROPOSAL IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2019-20 AND ASSOCIATED ORDINANCE REVISIONS
5. NOTICED PUBLIC HEARING:
ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: APPROVAL OF FEE ADJUSTMENTS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH EFFECTIVE FISCAL YEAR 2019-20 AND ASSOCIATED ORDINANCE REVISIONS
[FUNDING SOURCE: FEES PAID BY DEH CUSTOMERS, OR RESPONSIBLE PARTIES FOR COMPLAINT AND EMERGENCY RESPONSE RELATED COSTS]
6. COST RECOVERY PROPOSAL TO AMEND ORDINANCES RELATED TO LAND DEVELOPMENT FEES, DEPOSITS, AND HOURLY RATES EFFECTIVE FISCAL YEAR 2019-20
[FUNDING SOURCE: FEES PAID BY PRIVATELY-INITIATED LAND DEVELOPMENT PROJECTS AND BUILDING PERMIT APPLICANTS]
7. APPROVE A NAMING RIGHTS CONTRIBUTION AND ADOPT A RESOLUTION NAMING THE CAMPGROUND AT OTAY LAKES COUNTY PARK "CAMP BASHOR AT OTAY LAKES COUNTY PARK"
8. SET A HEARING FOR 6/5/2019:
SAN LUIS REY RIVER PARK - ACQUISITION OF APPROXIMATELY 8 ACRES FOR INCLUSION IN THE RIVER PARK AS OPEN SPACE AND POTENTIAL TRAIL CONNECTION (OCEAN BREEZE RANCH LLC) (5/1/2019 - SET HEARING; 6/5/2019 HOLD HEARING)
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE; DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE]

9. ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE)
10. SET A HEARING FOR 6/5/2019:
CHINESE BIBLE CHURCH, OPEN SPACE VACATION, LOCATED IN THE SAN DIEGUITO COMMUNITY PLAN AREA (5/1/2019 - SET HEARING;
6/5/2019 - HOLD HEARING)
11. COUNTY AIRPORTS - ADOPT A RESOLUTION AUTHORIZING APPLICATIONS AND AGREEMENTS FOR ACCEPTANCE OF FEDERAL AND STATE GRANT FUNDS
12. SET A HEARING FOR 6/5/2019:
RAMONA - ACQUISITION OF APPROXIMATELY 123 ACRES OF OPEN SPACE PRESERVE LAND FOR INCLUSION IN RAMONA GRASSLANDS (CARROLL FAMILY) (5/1/2019 - SET HEARING; 6/5/2019 HOLD HEARING)
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE; DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE]
13. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR PHASE 1 OF LINDO LAKE IMPROVEMENTS
[FUNDING SOURCE: PRIOR YEAR GENERAL FUND FUND BALANCE]
14. AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS AND TO NEGOTIATE AND AWARD A CONTRACT FOR WATER QUALITY MONITORING AND REPORTING SERVICES
15. APPROVE COOPERATIVE AGREEMENT WITH THE SOUTHERN CALIFORNIA STORMWATER MONITORING COALITION AND AUTHORIZE CONTRACTS TO IMPLEMENT COALITION PROJECTS
[FUNDING SOURCE: FISCAL YEAR 2019-20 IS GENERAL FUND FUND BALANCE]
16. PUBLIC COMMUNICATION

1. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: NOTICED PUBLIC HEARING TO ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AND AUTHORIZE ACTION TO ESTABLISH SPECIAL TAX AND APPROPRIATIONS LIMIT (4/10/2019 - ADOPT RESOLUTIONS AND FIRST READING OF ORDINANCE; 5/1/2019 - SECOND READING OF ORDINANCE) (DISTRICT: 5)**

OVERVIEW

On April 10, 2019 (02), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on May 01, 2019.

This is a request for the County of San Diego (County) Board of Supervisors (Board) to hold a public hearing and take action to form a Community Facilities District (CFD). The proposed CFD will provide funding for community facilities and services through the levy of a special tax on property owners within the Meadowood Master Planned Community (Meadowood). Today's hearing is the second step of a three-step CFD formation process, which is the adoption of a resolution of formation to form the district. The steps of the CFD formation process are: 1) adoption of a resolution of intention to initiate proceedings; 2) adoption of a resolution of formation to form the district; and 3) adoption of an ordinance to impose a special tax, if approved by a two-thirds vote of the qualified electors within the CFD. The Board acted on step one on February 27, 2019 (4) and, if today's actions are approved, step three will occur on May 1, 2019.

On January 11, 2012 (3), the Board approved a Vesting Tentative Map 5354RPL4 for Meadowood (VTM) to develop up to 844 single and multi-family residential homes on 389 acres of land located northeast of State Route 76 and Interstate 15 interchange, within the Fallbrook Community Plan area. A condition of project approval for the VTM required a Landscape Maintenance District (LMD) be formed in order to levy a special assessment to provide funding for ongoing maintenance of public facilities. These facilities would be constructed as part of the Meadowood development and would consist of public trails (5.6 miles), a public park (9.1 acres), and stormwater drainage and treatment facilities (4.0 acres detention basins and separate wetland areas). Pardee Homes (Developer) proposed a CFD to fund the operations and maintenance of these public facilities, which is a comparable funding mechanism to an LMD. This satisfies the condition placed on the project because the intent of the condition was to require the developer to provide a funding mechanism for the public facilities. In addition, the proposed Meadowood CFD will fund fire protection and emergency medical services through the North County Fire Protection District (NCFPD) within the CFD boundary to satisfy a separate Meadowood project condition.

The proposed CFD has been reviewed by staff and the total effective special tax rate was found to be in compliance with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, which sets a maximum total effective tax rate of 1.86% of the estimated sales price of the residential homes. The State Mello-Roos Act allows for the waiver of election requirements by unanimous consent of the qualified electors. For the Meadowood CFD formation, since the proposed community within the CFD boundary is uninhabited, the Mello-Roos Act specifies that in this circumstance, the qualified electors are the property owner(s) within the CFD. The Developer, as sole property owner, has indicated willingness to submit a consent and waiver that will allow for the ballots to be returned at today's hearing

immediately upon Board adoption of the resolution calling for an election as opposed to waiting until May 1, 2019. The May 1, 2019 hearing would be for the Board to conduct a second reading of the ordinance to adopt the new special tax if approved by the property owner.

This item also includes a request for the Board to adopt a resolution to execute and deliver separate Joint Community Facilities Agreements (JCFA) with the North County Fire Protection District (NCFPD) and the San Diego County Flood Control District (District). JCFA's will allow the NCFPD and the District to receive the annual portion of the special tax that would be levied by the CFD and collected by the County for the maintenance of stormwater and drainage facilities by the District and the provision of fire and emergency medical services by the NCFPD within the CFD boundary. The NCFPD JCFA was approved by the Board of Directors of the NCFPD on January 22, 2019. The District JCFA was approved by the District Board of Directors on February 27, 2019.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt (second reading) the ordinance entitled:
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING A SPECIAL TAX FOR THE FISCAL YEAR 2019-2020 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) (Attachment E, on file with the Clerk of the Board).
2. Direct the Auditor and Controller to establish a special revenue fund to be designated "MEADOWOOD PRK CFD 19-01 A-SPECIAL TAX" for Special Tax A collected in CFD No. 2019-01, that is intended to fund overall Community Facilities District administration and maintenance of the facilities in Meadowood by the Department of Parks and Recreation, with interest earnings allocated and distributed to the fund.
3. Direct the Auditor and Controller to establish a special revenue fund to be designated "MEADOWOOD FCD CFD 19-01 B-SPECIAL TAX" for Special Tax B collected in CFD No. 2019-01, that is intended to be used to fund flood control services in Meadowood, with interest earnings allocated and distributed to the fund.
4. Direct the Auditor and Controller to establish a special revenue fund to be designated "MEADOWOOD FIRE CFD 19-01 C-SPECIAL TAX" for Special Tax C collected in CFD No. 2019-01 that is intended to augment the portion of the 1% ad valorem tax that the North County Fire Protection District receives for associated fire services in Meadowood, with interest earnings allocated and distributed to the fund.
5. Establish an initial appropriations limit of \$1,500,000 for all funds combined in the Meadowood Maintenance CFD No. 2019-01.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2018-19 Operational Plan in Planning & Development Services, the Department of Parks and Recreation, the Department of Public Works, or the San Diego County Flood Control District (District). All staff time and consultant costs incurred to establish and form the Meadowood Maintenance Community

Facilities District (CFD), estimated at \$50,000, will be funded by Pardee Homes (Developer). The Developer is responsible for all County, District and consultant costs incurred in the establishment and formation of this CFD and will provide additional funds as needed.

The Rate and Method of Apportionment of the Special Tax (RMA) sets forth the annual amount of special tax to be levied on each parcel based on the size of the residential units and anticipated sales price. The special tax was divided into three special tax categories to separate the funding distributed to the County (Special Tax A) for the maintenance of public trails, a public park, and modular wetland facilities estimated at \$423,775 annually in 2019 dollars; the District (Special Tax B) for the maintenance of stormwater drainage and treatment facilities estimated at \$252,004 annually in 2019 dollars, and the North County Fire Protection District (Special Tax C) to fund fire protection and emergency medical services and facilities estimated at \$202,385 annually in 2019 dollars. The RMA also specifies an Undeveloped Special Tax, levied on the Developer during construction phases, until all residential units are sold and homeowners begin to pay the CFD special tax (excluding Special Tax C, as this tax will be levied only on developed parcels). Additionally, the CFD special tax will fund ongoing administration costs for the CFD, estimated at \$25,000 annually in 2019 dollars for all maintenance services. The special tax will include annual adjustments pursuant to the Meadowood project conditions of approval to offset increases in service costs and ongoing administration costs of the CFD.

The annual ongoing operations and maintenance costs are consistent with Board Policies I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, and B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, to ensure all staff and consultant costs are fully covered. The service costs account for staff, services, and supplies plus administration costs. The anticipated cost of repair and replacement of equipment for the public trails, the public park, and stormwater drainage and treatment facilities is included in the service costs.

Upon approval of the staff recommended actions by the Board of Supervisors and approval of the special taxes by the qualified electors, the ongoing operations, maintenance and administration costs, and levying of the CFD special taxes are authorized to begin in FY 2019-20 and will be included in future Operational Plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10602 (N.S.) entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING A SPECIAL TAX FOR THE FISCAL YEAR 2019-2020 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

2. **SUBJECT: NOTICED PUBLIC HEARING:
NOTICED PUBLIC HEARING TO ADOPT RESOLUTIONS AND
ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES
DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE)
AND AUTHORIZE ACTION TO ESTABLISH SPECIAL TAX AND
APPROPRIATIONS LIMIT (5/1/2019 - ADOPT RESOLUTIONS AND
FIRST READING OF ORDINANCE; 5/22/2019 - SECOND READING
OF ORDINANCE) (DISTRICT: 2)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to hold a public hearing and take action to form a Community Facilities District (CFD). The proposed CFD will provide funding for community services through the levy of a special tax on property owners within the Sweetwater Place Community (Sweetwater Place). Today's hearing is the second step of a three-step CFD formation process, which is the adoption of a resolution of formation to form the district. The steps of the CFD formation process are: 1) adoption of a resolution of intention to initiate proceedings; 2) adoption of a resolution of formation to form the district; and 3) adoption of an ordinance to impose a special tax, if approved by a two-thirds vote of the qualified electors within the CFD. A qualified elector is either a property owner or registered voter within a proposed CFD; if the proposed community within the CFD boundary is uninhabited and owned by a single person, the State Mello-Roos Act specifies that the qualified elector is the sole property owner. The Board acted on step one on March 13, 2019 (2) and, if today's actions are approved, step three would occur on May 22, 2019.

On December 6, 2017 (3), the Board approved a General Plan Amendment and Tentative Map 5588 for Sweetwater Place (TM) to develop 122 detached residential units and a 2-acre public park on 18 acres of land located north of Jamacha Boulevard at Sweetwater Springs Boulevard, within the Spring Valley Community Plan area. A condition of project approval for the TM requires establishment of a CFD or other funding mechanism to provide funding for ongoing maintenance of the public park which will be constructed by KB Home (Developer).

The proposed CFD has been reviewed by staff and the total effective special tax rate was found to be in compliance with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, which sets a maximum total effective tax rate of 1.86% of the estimated sales price of the residential homes. The Developer has agreed to fund interim maintenance of facilities until CFD funds are available. The Developer, as sole property owner, has submitted a consent and waiver that will allow for the ballots to be returned at today's hearing immediately upon Board adoption of the resolution calling for an election. The May 22, 2019 hearing then would be for the Board to conduct a second reading of the ordinance to adopt the new special tax, if approved by the property owner.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On May 1, 2019:

1. Find that the Mitigated Negative Declaration (MND) for the Sweetwater Place project, dated August 22, 2017, on file in Planning & Development Services under PDS2015-ER-14-19-005, has been completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; that the decision-making body has reviewed and considered the information contained in the MND prior to approving the formation of the Community Facilities District (CFD); and the MND reflects the independent judgment and analysis of the Board of Supervisors (Board).
2. Find that the currently proposed actions are within the scope of the MND; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the MND; and that no new information of substantial importance has become available since the MND (CEQA Guidelines Section 15162) was prepared.
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO FORMING AND ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF SUCH COMMUNITY FACILITIES DISTRICT (Attachment A, on file with the Clerk of the Board).
4. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT TO FINANCE PARK MAINTENANCE AND PARK SERVICES THEREIN AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT (Attachment B, on file with the Clerk of the Board).
5. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THE RESULTS OF THE SPECIAL ELECTIONS FOR COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) ON THE PROPOSITIONS WITH RESPECT TO (i) THE ANNUAL LEVY OF SPECIAL TAXES, AND (ii) THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND AUTHORIZING THE RECORDATION OF THE NOTICE OF SPECIAL TAX LIEN (Attachment C, on file with the Clerk of the Board).
6. Approve introduction (first reading), read title and waive further reading of the ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING A SPECIAL TAX FOR THE FISCAL YEAR 2019-2020 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) (Attachment D, on file with the Clerk of the Board).

If on May 1, 2019, the Board takes the recommended actions and the Clerk of the Board certifies the election results supporting the imposition of a special tax, then on May 22, 2019, the Board will:

1. Adopt (second reading) the ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING A SPECIAL TAX WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) (Attachment D, on file with the Clerk of the Board).
2. Direct the Auditor and Controller to establish a special revenue fund to be designated "SWEETWTR PL MAINT CFD 19-02 SPECIAL TAX" for Special Tax collected in CFD No. 2019-02, that is intended to fund overall Community Facilities District administration and maintenance of the facilities in Sweetwater Place by the Department of Parks and Recreation, with interest earnings allocated and distributed to the fund.
3. Establish an initial appropriations limit of \$250,000 in the SWEETWTR PL MAINT CFD 19-02 SPECIAL TAX fund.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2018-19 Operational Plan in Planning & Development Services or the Department of Parks and Recreation. All staff time and consultant costs incurred to establish and form the Sweetwater Place Maintenance Community Facilities District (CFD), estimated at \$50,000, will be funded by KB Home (Developer). The Developer is responsible for all County of San Diego and consultant costs incurred in the establishment and formation of this CFD and will provide additional funds as needed.

The Rate and Method of Apportionment of the Special Tax (RMA) sets forth the annual amount of special tax to be levied on each parcel in an amount sufficient to support the full cost of public services, including operations, maintenance and administrative costs, at the time of CFD formation and in future years. In FY 2019-20, when the special tax is scheduled to begin, the maximum annual special tax levy is projected to be \$983.89 per residence per year. The RMA also specifies an Undeveloped Special Tax of \$8,595 per acre for undeveloped land, levied on the Developer during construction phases, until all residential units are sold and homeowners begin to pay the CFD special tax. Additionally, consistent with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, and B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, the CFD is projected to fully fund ongoing administration costs of the CFD, estimated at \$10,000 annually in 2019 dollars. The special tax will include annual adjustments estimated to fully offset any increases in maintenance services costs and ongoing administration costs of the CFD, including any staff, services, supplies, and the anticipated cost of repair and replacement of equipment for the public park.

Upon approval of this and associated items by the Board of Supervisors and approval of the special taxes by the property owners, the ongoing operations, maintenance and administration costs, and levying of the CFD special taxes are authorized to begin in FY 2019-20 and will be included in future Operational Plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION 2.1:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, adopting the following:

1. Conducted a public hearing for protest regarding the formation of Community Facilities District No. 2019-02 (Sweetwater Place Maintenance).
2. Directed the Clerk of the Board at the conclusion of the public hearing to tabulate all valid ballots received and certify election results.
3. Found that the Mitigated Negative Declaration (MND) for the Sweetwater Place project, dated August 22, 2017, on file in Planning & Development Services under PDS2015-ER-14-19-005, has been completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; that the decision-making body has reviewed and considered the information contained in the MND prior to approving the formation of the Community Facilities District (CFD); and the MND reflects the independent judgment and analysis of the Board of Supervisors (Board);
4. Found that the currently proposed actions are within the scope of the MND; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the MND; and that no new information of substantial importance has become available since the MND (CEQA Guidelines Section 15162) was prepared;
5. Resolution No. 19-053 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO FORMING AND ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF SUCH COMMUNITY FACILITIES DISTRICT; and,
6. Resolution No. 19-054 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT TO FINANCE PARK MAINTENANCE AND PARK SERVICES THEREIN AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ACTION 2.2:

Noting for the record that at the conclusion of the public hearing on May 1, 2019, there was not a majority protest; ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors adopted the following:

7. Resolution No. 19-055 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THE RESULTS OF THE SPECIAL ELECTIONS FOR COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) ON THE PROPOSITIONS WITH RESPECT TO (i) THE ANNUAL LEVY OF SPECIAL TAXES, AND (ii) THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND AUTHORIZING THE RECORDATION OF THE NOTICE OF SPECIAL TAX LIEN; and,
8. Introduced the Ordinance for further Board consideration and adoption on May 22, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (4/10/2019 - ADOPT
RECOMMENDATIONS; 5/1/19 - SECOND READING OF AN
ORDINANCE) (DISTRICTS: 2 & 5)**

OVERVIEW

On April 10, 2019 (04), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on May 1, 2019.

The Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of TAC is to provide the residents of San Diego County (County) with a safe and efficient road system by establishing consistent and uniform traffic regulations that are effective and can be legally enforced. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices, such as speed limits, stop signs, traffic signals, and parking regulations on County maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the request, including engineering studies and studies of traffic conditions.

The TAC recommends the Board act on four items from the January 25, 2019, meeting agenda:

Item 2-A would establish a 50 MPH speed limit on Magnolia Avenue from State Route 78 to Black Canyon Road and a 45 MPH speed limit on Black Canyon Road from Magnolia Avenue to Black Canyon Place in Ramona and certify the speed limits for radar enforcement.

Item 2-B would establish an all-way stop at the intersection of Marilla Drive and Westhill Road in Lakeside.

Item 5-A would establish an all-way stop at the intersection of York Drive and Clarence Drive in Vista.

Item 5-B would establish an all-way stop at the intersection of Osborne Street and Hutchison Street in Bonsall.

Approval of Item 2-A would establish a tool for speed enforcement that increases roadway safety and retains mobility. Properly posted speed limits provide feedback to safe and reasonable drivers to improve traffic safety, reduce the number and severity of collisions, and allow for enforcement.

Approval of Items 2-B, 5-A, and 5-B would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at the intersections. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring that reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

The Board action on Item 2-A would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On April 10, 2019, the Board would consider the TAC items. If the Board takes action on April 10, 2019, then on May 1, 2019, a second reading of an Ordinance amending Section 72.164.1. and adding Section 72.164.1.1. (Item 2-A) of the County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE
District 2

Item 2-A. Magnolia Avenue from State Route 78 to Black Canyon Road and Black Canyon Road from Magnolia Avenue to Black Canyon Place in Ramona. (58th Edition Thomas Guide Page 1153-A4) - Establish a 50 MPH speed limit on Magnolia Avenue and a 45 MPH speed limit on Black Canyon Road and certify the speed limits for radar enforcement.

Item 2-B. Marilla Drive and Westhill Road in Lakeside. (58th Edition Thomas Guide Page 1231-H5) - Establish an all-way stop at the intersection.

District 5

Item 5-A. York Drive and Clarence Drive in Vista. (58th Edition Thomas Guide Page 1108-B1) - Establish an all-way stop at the intersection.

Item 5-B. Osborne Street and Hutchison Street in Bonsall. (58th Edition Thomas Guide Page 1087-H1) - Establish an all-way stop at the intersection.

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 alterations of existing public facilities relating to regulatory traffic control issues on County-maintained roadways, 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.

3. Adopt the following Resolutions:
RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY (Items 2-B, 5-A, and 5-B).

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN SAN DIEGO COUNTY (Item 5-A).

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN SAN DIEGO COUNTY (Items 2-A and 5-B).

4. Approve the introduction, read title, and waive further reading of the following Ordinance:
ORDINANCE AMENDING SECTION 72.164.1. AND ADDING SECTION 72.164.1.1. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADWAYS IN SAN DIEGO COUNTY (Item 2-A).

If, on April 10, 2019, the Board takes action as recommended, then, on May 1, 2019:

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTION 72.164.1. AND ADDING SECTION 72.164.1.1. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADWAYS IN SAN DIEGO COUNTY (Item 2-A).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2018-19 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

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10603 (N.S.) entitled: ORDINANCE AMENDING SECTION 72.164.1. AND ADDING SECTION 72.164.1.1. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADWAYS IN SAN DIEGO COUNTY (Item 2 A).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: NOTICED PUBLIC HEARING:
ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
APPROVAL OF COST RECOVERY PROPOSAL IN THE
DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES
EFFECTIVE FISCAL YEAR 2019-20 AND ASSOCIATED ORDINANCE
REVISIONS (DISTRICTS: ALL)**

OVERVIEW

On April 10, 2019 (07), the Board of Supervisors set a hearing and introduced the Ordinances for further Board consideration and adoption on May 01, 2019.

The mission of the Department of Agriculture, Weights and Measures (AWM) is to promote a diverse agricultural community, public health and safety, a fair marketplace and a sustainable environment by providing quality services to customers in an effective and efficient manner.

The Board of Supervisors' (Board) Policy B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, directs departments to recover the full cost of services provided to agencies or individuals. The last cost recovery package approved by the Board was on April 25, 2018 (2). Since that time, AWM has continued to provide services to the public at the approved rates. The fees proposed today for Fiscal Year 2019-20 will be necessary to address cost increases based on labor agreements with County staff effective November 2017, and to ensure compliance with Board Policy B-29 except where the Board has previously directed the waiver of fees. This cost recovery proposal represents AWM's commitment to the Board to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

Today's request requires two steps. The first request is to approve the first reading of AWM's cost recovery proposal on April 10, 2019. If approved, the ordinance amendments will be brought back for adoption on May 1, 2019. The request on May 1, 2019 would be to adopt ordinance amendments to Section 364.3 of the San Diego County Administrative Code relating to Pest Exclusion, Direct Marketing, Verification of Agriculture, Apiary, Industrial Hemp Cultivation, Hazardous Materials Inventory, Price Verification and Devices fees and hourly rates and Chapter 17 of Division 1 of Title 2 of the San Diego County Code of Regulatory Ordinances, Relating To Registration of Commercial Weighing And Measuring Instruments. The average AWM proposed fee adjustment in this cost recovery proposal is equivalent to a 2.6% increase.

Today's request also includes a waiver of Board Policy B-29 related to fees for Pest Exclusion, Direct Marketing and Verification of Agriculture consistent with the Board's historical support of the agricultural industry and AWM, and to serve as required matching funds necessary to obtain State of California funding.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Consider and adopt the Ordinance amending Section 364. of the San Diego County Administrative Code, relating to fees charged by AWM (second reading):
AN ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES.

2. Consider and adopt the Ordinance amending Chapter 17 of the County Code of Regulatory Ordinances, relating to registration of commercial weighing and measuring instruments (second reading):
AN ORDINANCE AMENDING CHAPTER 17 OF DIVISION 1 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO REGISTRATION OF COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS.

FISCAL IMPACT

The proposed increases to fees are not included in the Fiscal Year (FY) 2018-19 Operational Plan in the Department of Agriculture, Weights and Measures (AWM). If approved, the fee adjustments will result in additional estimated costs and revenue of \$33,205 in AWM effective FY 2019-20. The funding source is fees paid by AWM customers.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested since the proposed fees do not cover all operating costs. The total unrecovered cost per Board Policy B-29 is approximately \$513,749 for Fiscal Year 2019-20 and, if approved, will be funded with General Purpose Revenue. There will be no additional staff years.

If approved, the proposed hourly rate and fee adjustments will be included in the FY 2019-20 CAO Recommended Operational Plan in Agriculture, Weights and Measures.

BUSINESS IMPACT STATEMENT

If approved, these recommendations would enable the Department of Agriculture, Weights and Measures to continue providing quality services in an effective and efficient manner that support a diverse agricultural community, public health and safety, a fair marketplace and a sustainable environment.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10604 (N.S.) entitled: AN ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES; and,

Ordinance No. 10605 (N.S.) entitled: AN ORDINANCE AMENDING CHAPTER 17 OF DIVISION 1 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO REGISTRATION OF COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**5. SUBJECT: NOTICED PUBLIC HEARING:
ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
APPROVAL OF FEE ADJUSTMENTS IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH EFFECTIVE FISCAL YEAR 2019-20
AND ASSOCIATED ORDINANCE REVISIONS (DISTRICTS: ALL)**

OVERVIEW

On April 10, 2019 (06), the Board of Supervisors set a hearing and introduced the Ordinance for further Board consideration and adoption on May 1, 2019.

The mission of the Department of Environmental Health (DEH) is to protect the environment and enhance public health for all San Diego county residents by preventing disease, promoting environmental responsibility and, when necessary, enforcing environmental and public health laws.

Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* directs departments to recover the full cost of services provided to agencies or individuals.

Exceptions require specific Board approval. The last cost recovery package was adopted by the Board on April 25, 2018 (1). Since that time, DEH has continued to provide services to the public at the approved rates. The fees proposed today for Fiscal Year 2019-20 will be necessary to address cost increases based on labor agreements and ensure compliance with Board Policy B-29 except where the Board has previously authorized the waiver or reduction of cost-based of fees. This cost recovery proposal represents the DEH's commitment to the Board to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

The average DEH proposed fee adjustment in this cost recovery proposal is equivalent to a 6% increase, which includes negotiated salary and benefit increases, and additional staffing in the food program in response to new State mandates and to increase inspection frequency at restaurants, working towards meeting the Federal recommendation risk-based inspection frequency goal for food facilities. DEH has worked to contain costs where possible and has applied approximately \$1.2 million in operational savings to offset increased costs. Without this cost containment, fees would have needed to increase an additional 4%.

Today's request requires two steps. The first request is to approve the first reading of DEH's cost recovery proposal on April 10, 2019. If approved, the ordinance amendments will be brought back for adoption on May 1, 2019. The request on May 1, 2019 would be to adopt ordinance amendments to Title 6 of the County Code of Regulatory Ordinances relating to permit fees, nonprofit organization permit fee reductions, and procedures for businesses and health regulated activities in DEH effective FY 2019-20.

Today's request also includes a waiver of Board Policy B-29 related to fees for nonprofit organization food, housing, pool and temporary event permits.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the Ordinance amending Title 6 of the County Code of Regulatory Ordinances (second reading).

FISCAL IMPACT

The proposed increases to fees are not included in the Fiscal Year (FY) 2018-19 Operational Plan in the Department of Environmental Health (DEH). If approved, the proposed fee adjustments will result in additional estimated costs and revenue of \$1,683,976, with \$1,081,970 in the Food & Housing Division \$500,768 in the Hazardous Materials Division, \$100,128 in the Land & Water Quality Division and \$1,110 in the Community Health Division, effective FY 2019-20. The funding source is fees paid by DEH customers, or responsible parties for complaint and emergency response related costs.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested when a Nonprofit Organization is seeking food, housing, pool and temporary event permits because fees that are waived or reduced will not cover all operating costs. The total unrecovered cost per Board Policy B-29 is approximately \$240,303 in DEH for FY 2019-20 and, if approved, will be funded with General Purpose Revenue. There will be no additional staff years.

If approved, funds for this request will be included in the FY 2019-20 CAO Recommended Operational Plan in DEH.

BUSINESS IMPACT STATEMENT

If approved, these recommendations will allow the Department of Environmental Health to maintain high quality services that promote and enhance protection of the environment and public health, and continue to align fees to the actual costs of services provided to fee payers in each fee category. These important services prevent disease, promote environmental responsibility, and ensure a level playing field for businesses.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10606 (N.S.) entitled: ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL HEALTH REGULATORY PROGRAM FEES.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

6. **SUBJECT: COST RECOVERY PROPOSAL TO AMEND ORDINANCES RELATED TO LAND DEVELOPMENT FEES, DEPOSITS, AND HOURLY RATES EFFECTIVE FISCAL YEAR 2019-20 (DISTRICTS: ALL)**

OVERVIEW

On April 10, 2019 (5), the Board of Supervisors (Board) considered and adopted the Chief Administrative Officer's recommendations for this item, approving the land development cost recovery proposal which included hourly billing rates, fees, and deposits for the processing of discretionary land development and building permit applications by Planning & Development Services, the Department of Public Works, and the Department of Parks and Recreation. Subsequent to this action, staff was notified by the *San Diego Union-Tribune* that the newspaper failed to print the required legal advertisement to notice the public hearing. In order to satisfy state law noticing requirements for this item, this item has been re-noticed in the newspaper and is being reheard by the Board.

This is a request for the Board to adopt the land development cost recovery proposal which includes hourly billing rates, fees, and deposits for the processing of discretionary land development and building permit applications by Planning & Development Services (PDS), the Department of Public Works (DPW), and the Department of Parks and Recreation (DPR) (collectively “the Departments”).

With cost recovery funding, the Departments provide services that range in diversity and complexity and serve a wide variety of customers. These services enhance the livability of our communities and ensure the health and safety of residents by facilitating new land development, providing sufficient recreational opportunities, and protecting natural resources. The review of privately-initiated land development and building permit applications ensures the safe design and construction of structures and infrastructure to protect the public. Through these services, the County of San Diego (County) balances community, economic, and environmental interests to enhance the quality of life in the unincorporated area of San Diego county.

Board Policy B-29: *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery* directs departments to recover the full cost of services. Exceptions require specific Board approval. The last cost recovery package approved by the Board for the Departments was April 18, 2018 (1). The fees proposed today for Fiscal Year 2019-20 will be necessary to address cost increases based on labor agreements with County staff effective November 2017, and to ensure compliance with Board Policy B-29 except where the Board has previously directed the waiver of fees. This cost recovery proposal represents the Departments’ commitment to the Board to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

For PDS, the average proposed flat fee increase requested in this cost recovery proposal is equivalent to a 1.0% increase, the average intake deposit change is a 2.7% increase, and the average hourly rate is unchanged. For DPW, the average proposed flat fee increase is a 2.2% increase, the average intake deposit change is a 1.8% increase, and the average hourly rate change is a 0.3% increase. DPR does not use fees or deposits and is proposing to update its hourly rates; the proposed average hourly rate change is 0.1% increase.

Today’s request also includes a waiver of Board Policy B-29 in PDS related to appeals, fees for rebuilding structures damaged or destroyed by natural disaster, plan check and building fees for the Green Building Incentive Program and Homeowner and Business Owner Relief Act permits, Accessory Dwelling Units, and Agricultural Tourism, as previously directed by the Board.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15273 of the CEQA Guidelines. Approve the findings in Attachment C pursuant to CEQA Guidelines Section 15273 (c).

2. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, for fees relating to: appeals, rebuilding structures damaged or destroyed by natural disaster, plan review and permit fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act permits, Accessory Dwelling Units, and Agricultural Tourism in Planning & Development Services.
3. Adopt the attached Form of Ordinance entitled:
AN ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE CODE RELATING TO FEES AND DEPOSITS FOR THE DEPARTMENTS OF PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, AND PARKS AND RECREATION (Attachment B, on file with the Clerk of the Board).

FISCAL IMPACT

The proposed increases to fees and deposits are not included in the Fiscal Year (FY) 2018-19 Operational Plan in Planning & Development Services (PDS), the Department of Public Works (DPW), or the Department of Parks and Recreation (DPR). If approved, the proposed fee and deposit adjustments will result in additional estimated costs and revenue of \$313,000 in PDS, \$73,000 in DPW, and \$25 in DPR, effective FY 2019-20. The funding source is fees paid by privately-initiated land development projects and building permit applicants.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested for appeal fees, fees for rebuilding structures damaged or destroyed by natural disasters, plan review and permit fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act permits, Accessory Dwelling Units, and Agricultural Tourism. These are proposed to be less than full cost recovery and a waiver of Board Policy B-29 is requested since the proposed fees do not cover all operating costs. The total unrecovered cost per Board Policy B-29 is approximately \$4.0 million in PDS for FY 2019-20 and will be funded with General Purpose Revenue. There will be no additional staff years. If approved, funds for this request will be included in the FY 2019-20 CAO Recommended Operational Plan in PDS, DPW, and DPR.

BUSINESS IMPACT STATEMENT

These recommendations would enable Planning & Development Services (PDS), the Department of Public Works (DPW), and the Department of Parks and Recreation (DPR) to maintain high-quality services. These services enhance the livability of our communities and ensure the health and safety of residents by facilitating new land development, providing sufficient recreational opportunities, and protecting natural resources.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10607 (N.S.) entitled: AN ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE CODE RELATING TO FEES AND DEPOSITS FOR THE DEPARTMENTS OF PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, AND PARKS AND RECREATION.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. SUBJECT: APPROVE A NAMING RIGHTS CONTRIBUTION AND ADOPT A RESOLUTION NAMING THE CAMPGROUND AT OTAY LAKES COUNTY PARK “CAMP BASHOR AT OTAY LAKES COUNTY PARK” (DISTRICTS: ALL)

OVERVIEW

In order to support the Department of Parks and Recreation’s goal of diversifying funding sources, the Board of Supervisors approved a Naming Rights program for County Parks and Recreation amenities on January 29, 2014 (02). Board Policy F-52 authorizes the Director of the Department of Parks and Recreation (DPR) to approve park amenity naming rights that are for a term of five years or less or that will result in \$15,000 or less in total revenue for the duration of the naming term. Board Policy F-46 requires the adoption of a Resolution for the naming of amenities in all other circumstances.

San Diego County resident and philanthropist Mrs. Dianne Bashor has generously offered a contribution of \$1,000,000 to the San Diego-Imperial Council, Boy Scouts of America (Scouts) for the entitlement, development, construction and operation of a day-use and overnight campground facility at Otay Lakes County Park.

Today’s action will approve a Naming Rights contribution and adopt a Resolution to name the campground at Otay Lakes County Park “Camp Bashor at Otay Lakes County Park” for as long as the San Diego-Imperial Council, Boy Scouts of America operates the campground through a lease agreement with the County of San Diego.

RECOMMENDATION(S)

VICE-CHAIRMAN GREG COX

1. Find that the Naming Rights Contribution and Adoption of a Resolution Naming the Campground at Otay Lakes County Park “Camp Bashor at Otay Lakes County Park” project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 and 15303.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY NAMING THE CAMPGROUND AT OTAY LAKES COUNTY PARK “CAMP BASHOR AT OTAY LAKES COUNTY PARK.”

FISCAL IMPACT

Under the Exclusive Right to Lease Agreement (Agreement) between the County of San Diego and the San Diego-Imperial Council, Boy Scouts of America (Scouts), the Scouts are responsible for the design, environmental analysis, obtaining project entitlements, constructing, maintaining and operating the improvements required by this campground facility. Today’s action will enable the Scouts to raise a significant portion of the funds required for compliance with the terms of the Agreement.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting the following: Resolution No. 19-056 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY NAMING THE CAMPGROUND AT OTAY LAKES COUNTY PARK "CAMP BASHOR AT OTAY LAKES COUNTY PARK".

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. **SUBJECT: SET A HEARING FOR 6/5/2019:
SAN LUIS REY RIVER PARK - ACQUISITION OF APPROXIMATELY
8 ACRES FOR INCLUSION IN THE RIVER PARK AS OPEN SPACE
AND POTENTIAL TRAIL CONNECTION (OCEAN BREEZE RANCH
LLC) (5/1/2019 - SET HEARING; 6/5/2019 HOLD HEARING)
(DISTRICT: 5)**

OVERVIEW

The Multiple Species Conservation Program (MSCP) is a regional conservation planning program initiated in 1998 to balance protection of habitat and species with recreation, development and agricultural activities by acquiring, managing and monitoring open space lands. Since 1998, the County of San Diego (County) has acquired approximately 22,000 acres of open space land for the MSCP in three plan areas. In North County, much of the planned 9-mile long San Luis Rey River Park (River Park) lies within the Pre-Approved Mitigation Area (PAMA) which consists of high-quality habitat that can support sensitive species.

The County has identified approximately 8 acres (Property) in the Bonsall area available to add to the River Park. The Property is in the MSCP Draft North County Plan PAMA and is located south of State Route 76 near its intersection with Gird Road. The Property is situated near the northern boundary of two parcels owned by the seller and is approximately 1½ miles long and at least 20 feet wide. It connects existing River Park land located east and west of the Property. Subject to future funding and environmental review, the Property could potentially provide a trail connection to future trails in the River Park.

Today's request requires two steps. On May 1, 2019 it is requested that the Board set a hearing for June 5, 2019 and provide public notice of the hearing. If the Board takes the actions recommended for May 1, 2019, then on June 5, 2019, after making the necessary findings, the Board is requested to approve the purchase of the Property, consisting of a portion of Assessor's Parcel Numbers (APNs) 124-150-34 and 124-150-35, and a trail easement over a portion of APNs 124-150-35 and 125-131-54 from Ocean Breeze Ranch LLC, a Delaware limited liability company, for the total appraised value of \$403,500 based on budgeted appropriations of available prior year General Fund fund balance in the MSCP Acquisition Fund. With staff, transaction and land improvement costs, the total capital project cost is \$484,500.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On May 1, 2019

1. Set a hearing for June 5, 2019, at which time the Board of Supervisors may consider approving the purchase of Assessor Parcel Numbers (APN) 124-150-34 (portion) and APN 124-150-35 (portion) and a 0.05-acre trail easement over a portion of APNs 124-150-35 and 125-131-54 from Ocean Breeze Ranch LLC, a Delaware limited liability company for the appraised value of \$403,500.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on May 1, 2019, the Board takes the actions recommended in Items 1-2 above, then on June 5, 2019:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15317 and 15325.
2. Approve the Purchase and Sale Agreement and Joint Escrow Instructions for the purchase of APNs 124-150-34 (portion) and 124-150-35 (portion) and a 0.05 trail easement over a portion of APNs 124-150-35 and 125-131-54 at the appraised value of \$403,500.
3. Authorize the Director, Department of General Services, or designee, to execute two originals of the Purchase and Sale Agreement and Joint Escrow Instructions as well as all escrow and related documents necessary to complete the purchase of APNs 124-150-34 (portion) and 124-150-35 (portion) and a trail easement over a portion of APNs 124-150-35 and 125-131-54.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2018-19 Operational Plan in the Multiple Species Conservation Program (MSCP) Acquisition Fund. This request will result in current year costs for the Property of \$484,500 itemized as follows: \$403,500 for property acquisition, \$63,000 for staff time and appraisal reports to complete the transaction; \$2,000 for closing and title costs; and \$16,000 in one-time land protection costs, including initial stewardship to provide erosion control measures. The funding source is available prior year General Fund fund balance.

Total annual costs for land monitoring and adaptive management of the Property are estimated at \$5,000. Fixed charge assessments are estimated at \$260. If approved, total annual costs estimated at \$5,260 will be incurred beginning in Fiscal Year 2019-20 and will be included in future Operational Plans. The funding source will be Department of Parks and Recreation General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for June 5, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. **SUBJECT: ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) (DISTRICT: 5)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to initiate proceedings to establish Community Facilities District (CFD) No. 2019-03. The proposed CFD will provide funding for ongoing operations and maintenance of a 2.6-acre public park through the levy of a special tax on property owners within the Park Circle Community (Park Circle). It will include an annual adjustment to offset increases in costs.

On October 25, 2017 (1), the Board approved Tentative Map 5603 (TM) for Park Circle to develop 332 single-family residential units and a 2.6-acre public park on 73.9 acres of land located at the northwest intersection of Valley Center Road and Mirar De Valle Road within the South Village of the Valley Center Community Plan area. A condition of project approval for the TM required a CFD or other funding mechanism to be established to provide funding for ongoing maintenance of the public park, which will be constructed by Touchstone Communities, LLC (Developer).

The proposed CFD has been reviewed by staff and the total effective special tax rate was found to be in compliance with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, which sets a maximum total effective tax rate of 1.86% of the estimated sales price of the residential homes. The effective tax rate in the CFD will be 1.51%. The Developer has agreed to fund interim maintenance of facilities until CFD funds are available.

Per State law, the CFD formation process requires three hearings. The first hearing is for the Board to initiate the CFD formation process. A second hearing, scheduled for June 5, 2019, will be for the Board to provide the public an opportunity to comment on the formation of the CFD and complete the first reading of the ordinance authorizing a new tax. A third hearing, scheduled for June 26, 2019, will be for the Board to conduct a second reading of the ordinance to adopt the new tax, if approved by a two-thirds vote of the qualified electors. A qualified elector is either a property owner or registered voter within a proposed CFD. If the proposed community within the CFD boundary is uninhabited, the State Mello-Roos Act specifies that the qualified elector is the sole property owner. In this case, the qualified elector is the sole property owner.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Board has reviewed and considered the information contained in the County General Plan Update (GPU) Program Environmental Impact Report (EIR), dated August 3, 2011, State Clearinghouse Number 2002111067, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001; the Park Circle Mixed-Use Development Environmental Review and 15183 Checklist, dated October 25, 2017, on file with PDS; and the Park Circle Community Facilities District

Environmental Review and 15183 Checklist, dated March 2019, prior to the Board's recommendation on the formation of Park Circle Community Facilities District. The Park Circle Community Facilities District project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is exempt from additional environmental review pursuant to CEQA Guidelines Section 15183.

2. Find that the currently proposed actions are consistent with the activities contemplated and analyzed in the County GPU Program EIR; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the GPU Program EIR, and that no new information of substantial importance has become available since the EIR was found to be exempt (CEQA Guidelines Section 15183).
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES AND SETTING THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT AND ORDERING AND DIRECTING THE PREPARATION OF A COMMUNITY FACILITIES DISTRICT REPORT FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) (Attachment B, on file with the Clerk of the Board).
4. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR INCLUSION IN THE PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) (Attachment C, on file with the Clerk of the Board).

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2018-19 Operational Plan in Planning & Development Services or the Department of Parks and Recreation. All staff time and consultant costs incurred to establish and form the Park Circle Maintenance Community Facilities District (CFD), estimated at \$50,000, will be funded by Touchstone Communities, LLC (Developer). The Developer is responsible for all County of San Diego and consultant costs incurred in the establishment and formation of this CFD and will provide additional funds as needed.

The Rate and Method of Apportionment of the Special Tax (RMA) sets forth the annual amount of special tax to be levied based on the number of the residential units and anticipated sale price in an amount sufficient to support the full cost of public services, including operations, maintenance and administrative costs, at the time of CFD formation and in future years. In FY 2019-20, when the special tax is scheduled to begin, the maximum annual special tax levy is projected to be \$781.74 per residence. The RMA also specifies an Undeveloped Special Tax of \$8,878.08 per acre for undeveloped land, levied on the Developer during construction phases, until all residential units are sold and homeowners begin to pay the CFD special tax. Additionally, the amount of the CFD special tax is consistent with Board Policies I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, and B-29, *Fees*,

Grants, Revenue Contracts - Department Responsibility for Cost Recovery, and is projected to fully fund ongoing administration costs for the CFD, estimated at \$20,000 annually in 2019 dollars. The special tax will include annual adjustments estimated to fully offset any increases in maintenance services costs and ongoing administration costs of the CFD, including any staff, services and supplies, and the anticipated cost of repair and replacement of equipment for the public park.

Upon approval of this and associated items by the Board of Supervisors and approval of the special taxes by the property owner, the ongoing operations, maintenance and administration costs, and levying of the CFD special taxes are authorized to begin in FY 2019-20 and will be included in future Operational Plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting the following: Resolution No. 19-057 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES AND SETTING THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT AND ORDERING AND DIRECTING THE PREPARATION OF A COMMUNITY FACILITIES DISTRICT REPORT FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE); and,

Resolution No. 19-058 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR INCLUSION IN THE PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

10. **SUBJECT: SET A HEARING FOR 6/26/2019:
CHINESE BIBLE CHURCH, OPEN SPACE VACATION, LOCATED IN
THE SAN DIEGUITO COMMUNITY PLAN AREA (5/1/2019 - SET
HEARING; 6/26/2019 - HOLD HEARING) (DISTRICT: 5)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to set a date for a public hearing and provide public notice for that hearing to consider the vacation of 8,727 square feet of a biological open space easement on a portion of Lot 1 of the approved Golem Subdivision (subdivision). This request for a vacation is related to the proposed Chinese Bible Church (Project), located along the east side of Four Gee Road, north of Camino Del Norte, in the San Dieguito Community Planning Area, within the unincorporated area. If approved, the Project

would require a portion of the open space to be used for a driveway in and out of the church site. Because this area was previously used as mitigation for biological impacts related to build-out of the subdivision, off-site mitigation will be provided at twice the typical ratio. The Board is scheduled to make a final decision for both the vacation and the Project on June 26, 2019.

Board Policy I-103 (Open Space Easement Vacations) and the California Streets and Highways Code require two public meetings for the vacation of open space. On May 1, 2019, it is requested that the Board set a date for a public hearing on June 26, 2019 and provide public notice of that hearing. If the Board takes the actions recommended on May 1, 2019, then on June 26, 2019, the Board would consider and adopt a resolution to vacate the referenced open space easement and record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2012-3940-12-002.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) recommends that the Board of Supervisors (Board):
On May 1, 2019:

1. Set a public hearing date on June 26, 2019 to consider vacating 8,727 square feet of a biological open space easement.
2. Direct the Clerk of the Board of Supervisors to provide notice of the hearing via publication and posting as required by law.

If on May 1, 2019, the Board takes the actions recommended in Items 1-2 above, then on June 26, 2019:

1. Adopt the Environmental Findings, which includes the certification of the Supplemental Environmental Impact Report (SEIR), REF: PDS2014-3910-95-08-007L pursuant to California Environmental Quality Act (CEQA) guidelines (Attachment A, on file with the Clerk of the Board).
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2012-3940-12-002 (Attachment B, on file with the Clerk of the Board).
3. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

Noting for the record that an Errata sheet was submitted changing the public hearing date to June 26, 2019; ON MOTION of Supervisor Gaspar, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, setting a Hearing for June 26, 2019.

AYES: Cox, Jacob, Gaspar, Desmond
ABSENT: Fletcher

11. SUBJECT: COUNTY AIRPORTS - ADOPT A RESOLUTION AUTHORIZING APPLICATIONS AND AGREEMENTS FOR ACCEPTANCE OF FEDERAL AND STATE GRANT FUNDS (DISTRICTS: 2 & 5)

OVERVIEW

The Department of Public Works operates eight airports: Agua Caliente Springs Airport, Borrego Valley Airport, Fallbrook Community Airpark, Gillespie Field, Jacumba Airport, McClellan-Palomar Airport, Ocotillo Wells Airport, and Ramona Airport. County Airports provide valuable services for the aviation industry as well as commercial leasing opportunities that contribute to San Diego's employment and economic vitality.

Grant funding is a critical component of airport capital improvement and maintenance projects. In order to receive grants the Department of Public Works is required to request authorization from the Board of Supervisors (Board) to apply for grant funding from the FAA and State of California. Periodically, grant funds become available for a short period of time at the end of the federal and state fiscal years. Board approval to delegate authority to the Director of Public Works to apply for and accept grants for County Airports streamlines the application process and enables County Airports to apply for grant funding on short notice.

On April 25, 2018 (4), the Board authorized the annual application for and acceptance of federal and state aviation grants for Fiscal Year 2018-19. This is a request to adopt a resolution authorizing the Director, Department of Public Works, or designee, to submit, negotiate, and execute all documents necessary to secure grant funding from the Federal Aviation Administration (FAA), the State Airport Improvement Program for Matching Grants, and the State Division of Aeronautics Acquisition and Development Grant Program during Fiscal Year 2019-20.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that delegating authority to allow application for and acceptance of possible grant funding is exempt from CEQA review because it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment.
2. Adopt a resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS AUTHORIZING APPLICATIONS AND AGREEMENTS TO ACCEPT FEDERAL AND STATE FUNDING FOR FISCAL YEAR 2019-20 AT AGUA CALIENTE SPRINGS AIRPORT, BORREGO VALLEY AIRPORT, FALLBROOK COMMUNITY AIRPARK, GILLESPIE FIELD, JACUMBA AIRPORT, MCCLELLAN-PALOMAR AIRPORT, OCOTILLO WELLS AIRPORT, AND RAMONA AIRPORT.
3. Authorize the Director, Department of Public Works, or designee, to submit, negotiate, and execute all documents necessary to secure and spend federal and state grant funds for County Airport projects during Fiscal Year 2019-20.

FISCAL IMPACT

There is no fiscal impact associated with the approval of today's resolution authorizing applications and agreements for federal and state funding. The Department of Public Works will return to the Board at a later date to appropriate any grant funds received, as they become available. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, adopting the following: Resolution No. 19-059 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS AUTHORIZING APPLICATIONS AND AGREEMENTS TO ACCEPT FEDERAL AND STATE FUNDING FOR FISCAL YEAR 2019-20 AT AGUA CALIENTE SPRINGS AIRPORT, BORREGO VALLEY AIRPORT, FALLBROOK COMMUNITY AIRPARK, GILLESPIE FIELD, JACUMBA AIRPORT, MCCLELLAN PALOMAR AIRPORT, OCOTILLO WELLS AIRPORT, AND RAMONA AIRPORT.

AYES: Cox, Jacob, Gaspar, Desmond

ABSENT: Fletcher

12. **SUBJECT: SET A HEARING FOR 6/5/2019:
RAMONA - ACQUISITION OF APPROXIMATELY 123 ACRES OF
OPEN SPACE PRESERVE LAND FOR INCLUSION IN RAMONA
GRASSLANDS (CARROLL FAMILY) (5/1/2019 - SET HEARING;
6/5/2019 HOLD HEARING) (DISTRICT: 2)**

OVERVIEW

The Multiple Species Conservation Program (MSCP) is a regional conservation planning program initiated in 1998 to balance protection of habitat and species with recreation, development, and agricultural activities. The MSCP protects habitat and species through acquisition, management and monitoring of dedicated open space lands. Since 1998, the County of San Diego (County) has acquired approximately 22,000 acres of open space land for the MSCP in three plan areas: South, North and East. From 1998 through 2018, the County has spent a total of \$202 million, of which \$108 million is from County funding and \$94 million from partnering organizations and grants. The MSCP acreage includes the 3,490-acre Ramona Grasslands Preserve, which the County began to acquire in 2004 and is in both the South and North MSCP plan areas.

The County has identified approximately 123 acres in Ramona (Property) available to add to the north side of Ramona Grasslands Preserve. The Property is located north of Old Survey Road No. 97 and east of Bandy Canyon Road. It is within the MSCP South County Plan Pre-Approved Mitigation Area (PAMA) that includes high quality habitat which can support sensitive species. Subject to future funding and environmental review, the Property could potentially provide an extension of Old Survey Road 97 trail or a community trail connection to the regional Coast to Crest Trail located approximately one mile to the north.

Today's request requires two steps. On May 1, 2019 it is requested that the Board set a hearing for June 5, 2019 and provide public notice of the hearing. If the Board takes the actions recommended for May 1, 2019, then on June 5, 2019, after making the necessary findings, the Board is requested to approve the purchase of the Property identified as Assessor's Parcel Number 276-050-29 from the Carroll Family, vested as described in the background below, at the appraised value of \$950,000 based on budgeted appropriations of available prior year General Fund fund balance in the Capital MSCP Acquisition Fund. With staff, transaction and land improvement costs, the total project cost in Fiscal Year 2018-19 is \$1,174,500.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On May 1, 2019

1. Set a hearing for June 5, 2019, at which time the Board of Supervisors may consider approving the purchase of Assessor Parcel Number (APN) 276-050-29 from the Carroll Family for the appraised value of \$950,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on May 1, 2019, the Board takes the actions recommended in Items 1-2 above, then on June 5, 2019:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15303, 15304 and 15325.
2. Approve the Purchase and Sale Agreement and Joint Escrow Instructions for the purchase of APN 276-050-29 from the Carroll Family for the appraised value of \$950,000
3. Authorize the Director, Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase of APN 276-050-29.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2018-19 Operational Plan in the Multiple Species Conservation Program (MSCP) Acquisition Fund. This request will result in current year costs for the Property of \$1,174,500 itemized as follows: \$950,000 for property acquisition, \$41,000 for staff time and appraisal reports to complete the transaction; \$3,500 for closing and title costs; and \$180,000 in one-time land protection costs, including biological and cultural baseline surveys of the property that will be used to determine the extent of biological resources onsite and to update the Ramona Grassland Preserve Resource Management Plan (\$143,000) and initial stewardship consisting of signage, surveying, access control and vegetation management (\$37,000). The funding source is available prior year General Fund fund balance.

Total annual costs for land monitoring and adaptive management of the Property are estimated at \$25,695. Fixed charge assessments are estimated at \$5.00. If approved, total annual costs, estimated at \$25,700 will be incurred beginning in Fiscal Year 2019-20 and will be included in future Operational Plans. The funding source will be Department of Parks and Recreation General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for June 5, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

13. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A
CONSTRUCTION CONTRACT FOR PHASE 1 OF LINDO LAKE
IMPROVEMENTS (DISTRICT: 2)**

OVERVIEW

Lindo Lake Park is a 55-acre park located on Vine Street in the community of Lakeside. The park features the Lakeside Community Center, Lakeside Teen Center, two playgrounds, a large group picnic shelter, barbeque and picnic areas, a ball field, outdoor fitness stations, tennis courts, a historic boathouse, and walking trails around Lindo Lake. Lindo Lake is the only natural lake in the County of San Diego. In the early 1960's an upstream dam was constructed on Quail Creek, severing water that naturally fed Lindo Lake. Over the years, stormwater runoff from the hillsides surrounding Lindo Lake became its primary source of water; however, during the drier months and drought conditions groundwater is used to maintain water levels. These disturbances to the natural water flow in the area have deteriorated the water quality in Lindo Lake. Lakeside community activities and the park's ecological systems are all dependent on the health of the lake.

The Lindo Lake Improvements project will restore the lake by removing years of sediment from the basins, increasing the depth of the lake, and reducing lake bottom infiltration using a natural clay liner that is important to maintain water levels. Improvements will restore terrestrial and aquatic habitat that benefits both the environment and the community of Lakeside. The project also includes stormwater filtration basins, storm drain filtration, circulation and aeration necessary to maintain healthy oxygen levels that prevent algae blooms. Lake restoration will be completed in two phases: Phase 1 will restore the east basin and Phase 2 will restore the west basin of Lindo Lake. Phase 1 project amenities will include a fishing pier, bird watching station, picnic tables, benches, native habitat restoration, and water efficient irrigation around the east basin.

The requested action will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for Phase 1 of the Lindo Lake Improvements project estimated at \$6,600,000 including contingency. Remaining project funds of \$925,000 will be used for related project expenses, including design, environmental analysis, inspection, construction management and project administration for a total project cost of \$7,525,000. If approved, Phase 1 project construction will begin winter 2019-20 with construction completion in summer 2021. Future board actions will be brought forward to establish appropriations of approximately \$7,000,000 for Phase 2 construction and to seek authorization to advertise and award a Phase 2 construction contract.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Certify that the Supplemental Environmental Impact Report (SEIR) dated May 1, 2019, on file with the Department of Parks and Recreation and identified by State Clearinghouse #1990010240, has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, that the SEIR was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained therein before approving the project, and that the EIR reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the findings concerning mitigation of significant environmental effects pursuant to Section 15091 of CEQA Guidelines at Attachment D.
3. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with CEQA Guidelines section 15091 at Attachment D, and authorize the Director, Department of Parks and Recreation to implement the identified mitigation measures.
4. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code and Public Contract Code section 22160-22169, with respect to contracting for the first phase of construction of Lindo Lake Improvements project.
5. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the first phase of the Lindo Lake Improvements project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funding for this request is included in the Fiscal Year 2018-19 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs of \$7,525,000 for Capital Project 1019565 Lindo Lake Improvements. Construction costs are estimated at \$6,600,000 including contingency. Remaining funds of \$925,000 will be used for related project expenses, including design, environmental analysis, inspection, construction management, and project administration. The funding source is prior year General Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Desmond

ABSENT: Fletcher

14. SUBJECT: AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS AND TO NEGOTIATE AND AWARD A CONTRACT FOR WATER QUALITY MONITORING AND REPORTING SERVICES (DISTRICTS: ALL)

OVERVIEW

To comply with the Municipal Separate Storm Sewer System Permit (MS4 Permit) issued by the San Diego Regional Water Quality Control Board to the County of San Diego (County) and other Copermittees, the County is required to implement a water quality monitoring and reporting program consisting of water quality sampling, data analysis, and regulatory reporting. The County is responsible for permit-mandated monitoring and reporting activities within the unincorporated area. As the lead agency in two of the region's ten watersheds (San Diego River and San Luis Rey River), the County also leads water quality monitoring and reporting activities on behalf of other jurisdictions.

The County contracts with environmental consultants to carry out the required monitoring and reporting programs. Copermittees provide fair-share financial contributions to offset County costs as defined by the San Diego Regional Stormwater Copermittees Memorandum of Understanding (MOU). Based on the County's recent experience administering water quality monitoring contracts, it is estimated that approximately 30% of the County's total cost will be reimbursed by other Copermittees pursuant to the MOU's fair-share cost-sharing formulas. The County's current monitoring and reporting contract will expire on June 30, 2020. A new, five-year MS4 Permit is slated for re-issuance in late 2019 or 2020. It is anticipated that water quality monitoring and reporting programs will continue to be required and therefore a new contract will be necessary to comply with MS4 Permit requirements.

Today's proposed action is to authorize issuance of a Request for Proposals and to negotiate and award a consultant contract to conduct water quality monitoring and associated data analysis and reporting services to ensure compliance with MS4 Permit requirements. The estimated total value of the contract to be awarded is \$1,950,000 per year for a period of five years, with a total five-year amount not to exceed \$9,750,000.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15306 of the state CEQA Guidelines because the action involves data collection and research for water quality purposes, which do not result in a serious or major disturbance to an environmental resource.
2. Authorize the Director, Department of Purchasing and Contracting, in accordance with County Administrative Code Section 401 et seq., to issue a Request for Proposals and to negotiate and award a consultant contract to conduct water quality monitoring and reporting services to ensure compliance with the Municipal Separate Storm Sewer System Permit.

FISCAL IMPACT

There is no fiscal impact associated with the approval of these recommendations. The Department of Public Works will establish appropriations necessary for related costs and revenues in future years' Operational Plans, beginning in Fiscal Year 2020-21. There will be no change in net General Fund cost and no additional staff years as a result of today's action.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 15. SUBJECT: APPROVE COOPERATIVE AGREEMENT WITH THE SOUTHERN CALIFORNIA STORMWATER MONITORING COALITION AND AUTHORIZE CONTRACTS TO IMPLEMENT COALITION PROJECTS (DISTRICTS: ALL)**

OVERVIEW

The Southern California Stormwater Monitoring Coalition (Coalition) is a partnership between stormwater regulators and agencies across southern California. The Coalition conducts research and monitoring projects that enhance water quality and assist agencies in meeting stormwater permit requirements. The County of San Diego (County) has been a member of the Coalition since 2001. The current five-year agreement with the Coalition was approved by the Board of Supervisors on September 17, 2014 (7) and will expire on June 30, 2019.

The proposed new five-year agreement designates the Southern California Coastal Water Research Project (SCCWRP) as the entity responsible for carrying out water quality projects identified by the Coalition. All member agencies, including the County, will contract with SCCWRP to provide funding contributions toward completion of the projects identified in the Coalition's Annual Work Plan. The proposed Coalition agreement also allows the County to provide funding, along with other Coalition member agencies, for Research Implementation Agreements that are in addition to the projects included in the Annual Work Plan. This allows for the opportunity to leverage available grant funds for projects that might not otherwise have been included in the Coalition's Annual Work Plan. Research Implementation Agreements could be managed by any member that volunteers to do so upon approval by the Coalition.

All County contracts related to the Coalition agreement would be negotiated through the Department of Purchasing and Contracting and overseen by the Department of Public Works. Approval of the proposed agreement with the Coalition and related contracts will assist the County in complying with state and federal water quality permit requirements.

Today's actions are to approve the proposed five-year agreement with the Coalition, to authorize negotiation and award of contracts with SCCWRP to implement projects identified in the Coalition Annual Work Plans, to authorize separate Research Implementation Agreements with member agencies for Coalition-approved projects, and to waive Board Policy A-87. Under the proposed agreement, the County's contribution would not exceed \$750,000 over five years.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15306 of the state CEQA Guidelines because the cooperative funding agreements would be used for monitoring, research, and data collection purposes, which do not result in a serious or major disturbance to an environmental resource.
2. Authorize the Director, Department of Public Works, or his designees to negotiate and enter into a Cooperative Agreement with the Southern California Stormwater Monitoring Coalition and to take all action necessary to fulfill the County's obligations under the agreement, including, without limitation, authorizing payment requests for work.
3. Authorize the Director, Department of Purchasing and Contracting, to negotiate and award contracts to the Southern California Coastal Water Research Project to implement projects identified in Southern California Stormwater Monitoring Coalition Annual Work Plans, subject to approval of the Director, Department of Public Works, or his designee. Waive Board Policy A-87.
4. Authorize the Director, Department of Purchasing and Contracting, to negotiate and award separate Research Implementation Agreements with member agencies for Southern California Stormwater Monitoring Coalition approved projects, subject to the approval of the Director, Department of Public Works, or his designee. Waive Board Policy A-87.

FISCAL IMPACT

Funds for this request will be included in the Fiscal Year 2019-20 CAO Recommended Operational Plan for the Department of Public Works General Fund under the Watershed Protection Program. If approved, this request will result in costs of up to \$100,000 for Southern California Stormwater Monitoring Coalition Annual Work Plan projects for Fiscal Year 2019-20. For Fiscal Year 2020-21 through Fiscal Year 2023-24, annual costs will be up to \$162,500 per year, which includes \$100,000 for projects identified in the Annual Work Plan and up to \$62,500 per year towards additional Research Implementation Agreements, for a total cost of \$750,000 over five years. The funding source for Fiscal Year 2019-20 is General Fund fund balance (\$100,000). Funding for Fiscal Year 2020-21 through Fiscal Year 2023-24 annual costs of \$162,500 will be included in future year Operational Plans. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

16. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Jason Dean Huddleston spoke to the Board regarding a request for adoption of the “Anti National Defense Authorization Act of 2019” ordinance.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:55 a.m. in memory of Ramona Johnston and Col. Louis Gerken.

ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Santiago
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 May 22, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

05/01/19