

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, JUNE 15, 2022, 9:00 AM**  
COUNTY ADMINISTRATION CENTER, ROOM 310  
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 10:30 a.m.

PRESENT: Supervisors Nathan Fletcher, Chair; Joel Anderson; Terra Lawson-Remer; Jim Desmond; also, Ryan Sharp, Assistant Clerk of the Board of Supervisors.

ABSENT: Supervisor Nora Vargas, Vice-Chair

(Members of the Board of Supervisors attended the meeting via teleconference and participated in the meeting to the same extent as if they were present, pursuant to Resolution No. 22-056, adopted May 24, 2022.)

- B. Closed Session Report
- C. Non-Agenda 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 of May 25, 2022.

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of May 25, 2022.

AYES: Anderson, Lawson-Remer, Fletcher, Desmond

ABSENT: Vargas

- E. 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

- | <b>Agenda #</b> | <b>Subject</b>   |
|-----------------|--|
| 1.              | NOTICED PUBLIC HEARING:<br>PUBLIC HEARING TO CONFIRM FISCAL YEAR 2022-23 LEVIES IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT AND LANDSCAPE MAINTENANCE DISTRICT ZONES NO. 1 - RANCHO SAN DIEGO AND NO. 2 - JESS MARTIN PARK<br>[FUNDING SOURCE: ASSESSMENT LEVIES ON PROPERTY OWNERS WITHIN THE IDENTIFIED DISTRICTS]                        |
| 2.              | NOTICED PUBLIC HEARING:<br>RAMONA GRASSLANDS COUNTY PRESERVE - APPROVE ACQUISITION OF APPROXIMATELY 228 ACRES OF OPEN SPACE LAND (REVOCABLE TRUST OF DONALD J. METZLER AND DIANE W. METZLER) (5/11/2022 - SET HEARING; 6/15/2022 - HOLD HEARING)<br>[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE; GENERAL PURPOSE REVENUE]    |
| 3.              | EXPANDING ACCESS TO AFFORDABLE BROADBAND INTERNET SERVICE TO LOW-INCOME AND TRIBAL CUSTOMERS   |
| 4.              | NOTICED PUBLIC HEARING:<br>PUBLIC HEARING TO APPROVE FEES AND CHARGES FOR FISCAL YEAR 2022-23 TAX ROLL OF SAN DIEGO COUNTY SANITATION DISTRICT, CAMPO WATER MAINTENANCE DISTRICT, AND COUNTY SERVICE AREA NO. 137 – LIVE OAK SPRINGS WATER SYSTEM<br><br>(RELATES TO SANITATION DISTRICT AGENDA NO. SA03)  |
| 5.              | CONFIRM FISCAL YEAR 2022-23 LEVIES FOR COMMUNITY FACILITIES DISTRICTS<br>[FUNDING SOURCES: SPECIAL TAX LEVIES FROM CFD NO. 2008-01, CFD NO. 2013-01, CFD NO. 2019-02, CFD NO. 2019-01, CFD NO. 2019-03, CFD NO. 04-1 AND CFD 09-1 AND ARE PAID BY PROPERTY OWNERS]<br><br>(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. FP01) |

6. NOTICED PUBLIC HEARING:  
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2022-23 LEVIES  
FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE  
AREAS AND ZONES, SAN DIEGO COUNTY FIRE PROTECTION  
DISTRICT ZONES, AND STORMWATER MAINTENANCE ZONES  
[FUNDING SOURCE: ASSESSMENT LEVIES ON PROPERTY  
OWNERS WITHIN THE IDENTIFIED DISTRICTS]

(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA  
NO. FP02; AND, FLOOD CONTROL DISTRICT AGENDA NO. FL01)

7. CANNABIS PROGRAM ENHANCEMENT MEASURES: INCREASING  
SAFETY, PROVIDING EDUCATION, AND IMPROVING EQUITY  
WITHIN THE UNINCORPORATED COMMUNITIES  
[FUNDING SOURCE: UNASSIGNED GENERAL FUND BALANCE  
THERE WILL BE NO ADDITIONAL STAFF YEARS AND NO  
CHANGE IN GENERAL FUND NET COST]

8. PUBLIC COMMUNICATION

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1. **SUBJECT: NOTICED PUBLIC HEARING:  
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2022-23 LEVIES IN  
THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT AND  
LANDSCAPE MAINTENANCE DISTRICT ZONES NO. 1 - RANCHO  
SAN DIEGO AND NO. 2 - JESS MARTIN PARK (DISTRICTS: ALL)**

**OVERVIEW**

On May 25, 2022 (06), the Board of Supervisors set a Hearing for June 15, 2022.

Special districts are created by residents of a community to deliver specialized services the local county or city do not provide. There are a variety of special districts, and each type is governed under different State laws. The County of San Diego (County) uses special districts as a funding mechanism to provide community parks and street lighting services across the unincorporated region. Services are mainly funded by property owners through assessments that are collected through annual property tax bills, reducing the cost to ratepayers by eliminating the administrative costs from annual billing and payment collection. District boundaries were established by voters at the time of formation or part of a development. Services are primarily funded by parcels within each district's boundaries. The method for calculating how much each parcel pays varies based on the type of district and ordinances adopted when the districts were formed. The most common method for calculating the rate per parcel is based on a variety of factors, including land use, parcel acreage, or use type (single-family or multi-family). The assessment rate cannot exceed the maximum amount in the adopted ordinance without an additional vote of the affected community. At the time of formation, some of the ordinances contained cost escalators, tied to a specific cost index, to allow special districts to increase the maximum rate each year to keep pace with inflation. The most commonly used cost index is the Consumer Price Index (CPI), which measures the cost of consumer goods.

Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Staff reviewed each district to determine if revenues were adequate for services or if rates should be increased or decreased based on the budget. Staff determined that the proposed rates for Fiscal Year (FY) 2022-23 are needed to fund services and to ensure compliance with Board Policy B-29. Rates are also necessary to maintain financial reserves to fund future services, facility repairs, improvements, or replacements. All proposed rates are in accordance with Articles XIII A-D of the California Constitution (Proposition 218) as amended to date and are within maximum rates set forth in each district's adopted ordinance; and therefore, do not require voter approval from affected property owners. Under Proposition 218, voters must approve special district formations and the maximum amount that can be collected from property owners.

**San Diego County Street Lighting District**

The San Diego County Street Lighting District is managed by the Department of Public Works (DPW). The Street Lighting District funds operation and maintenance of public streetlights across the unincorporated region of the county. The district funds electricity costs for 10,562 lights, with DPW providing maintenance for 6,876 lights (65%) with district funds. SDG&E provides maintenance for the remaining 3,686 lights (35%). DPW completed an LED retrofit

of the County-maintained lights in 2020 which reduced energy use, resulting in lower energy costs and greenhouse gas emissions, and the cost savings passed on to ratepayers. SDG&E only replaces fixtures with LED lights when current lights burn out. SDG&E has not shared a plan to fully transition to LEDs. The amount each parcel is charged is determined by the type of land use and number of dwelling units (represented by “benefit units” as described in the background). The proposed annual assessment rate will decrease from \$7.00 to \$2.00 (71%), per single-family residence.

**Landscape Maintenance District Zone No. 1 - Rancho San Diego**

Landscape Maintenance District Zone No. 1 - Rancho San Diego is managed by the Department of Parks and Recreation (DPR) to supplement funding for park operation, maintenance, and improvements within the unincorporated community of Rancho San Diego (District 4). The amount each parcel is charged is based on the type of land use and the number of dwelling units (represented by “benefit units”). The proposed maximum annual assessment rate will increase by 3% from \$36.38 to \$37.46 per single-family residence. The increase is due to rising inflation, based on a 5.21% escalation in the Consumer Price Index for 2021, with a voter-approved maximum cost escalator of 3%. The additional revenue will support ongoing services. Without the additional revenue, services will be reduced; which will result in deferred maintenance and more costly future repairs.

**Landscape Maintenance District Zone No. 2 - Jess Martin Park**

Landscape Maintenance District Zone No. 2 - Jess Martin Park is managed by DPR to fund ongoing maintenance of amenities and construction of minor capital improvements at Jess Martin Park in the unincorporated community of Julian (District 2). Jess Martin Park is a nine-acre park in Julian. The park includes three ballfields, a multipurpose field, a skate area, and an outdoor fitness area. The district is partially funded by assessments from 4,819 parcels within the district and General Purpose Revenue, which offsets the benefit to park visitors who do not live, work, or own property within the district. The voters did not approve an annual cost escalator at the time of the district’s formation; therefore, any increase to the assessment would require the approval of the property owners within the district boundary. The proposed maximum annual assessment rate will remain at the current amount of \$47.82 per single-family residence.

This is a request to adopt resolutions to confirm assessments and authorize levies for three special districts administered by the DPW and DPR. Upon adoption, the assessments will be placed on the tax roll for FY 2022-23. These actions are discretionary after consideration of public testimony.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT.
2. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1 (Rancho San Diego).

3. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2 (Jess Martin Park).

### **EQUITY IMPACT STATEMENT**

Today's action continues the County of San Diego's commitment to providing programs and services that enhance our communities. Assessments fund streetlight and parks services which improve the health and safety of our local communities.

### **FISCAL IMPACT**

The proposed assessment levies are included in the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan in the Departments of Public Works, and Parks and Recreation. The proposed rate decrease for the San Diego County Street Lighting District will reduce revenue from property owner assessments by \$687,668 in FY 2022-23. The proposed rate increase for Landscape Maintenance District Zone No. 1 - Rancho San Diego will result in increased revenue from property owner assessments of \$5,109 in FY 2022-23. There is no proposed change in rates for Landscape Maintenance District Zone No. 2 - Jess Martin Park for FY 2022-23. There will be no change in net General Fund cost and no additional staff years.

The proposed assessment levies are evaluated annually in an amount sufficient to recover the full cost as required by Board Policy B-29: *Fees, Grants, Revenue Contracts-Department Responsibility for Cost Recovery*. Accordingly, there is no projected unrecovered cost, and a waiver of Board Policy B-29 is not needed. The funding source is assessment levies on property owners within the identified districts.

If the Board of Supervisors does not adopt the resolutions, the proposed assessments cannot be placed on the tax rolls for FY 2022-23. Without the funds generated by the assessments, services for street lighting and landscape maintenance would be greatly reduced unless other funding sources are identified.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following: Resolution No. 22-074, entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT;

Resolution No. 22-075, entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1 (Rancho San Diego); and,

Resolution No. 22-076, entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2 (Jess Martin Park).

AYES: Anderson, Lawson-Remer, Fletcher, Desmond  
ABSENT: Vargas

2. **SUBJECT: NOTICED PUBLIC HEARING:  
RAMONA GRASSLANDS COUNTY PRESERVE - APPROVE  
ACQUISITION OF APPROXIMATELY 228 ACRES OF OPEN  
PACE LAND (REVOCABLE TRUST OF DONALD J. METZLER  
AND DIANE W. METZLER) (5/11/2022 - SET HEARING; 6/15/2022  
- HOLD HEARING) (DISTRICT: 2)**

### **OVERVIEW**

On May 11, 2022 (03), the Board of Supervisors set a Hearing for June 15, 2022.

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego county by preserving significant natural resources. A core aspect of DPR's conservation program is the acquisition of open space lands that supports the preservation of sensitive species and habitat. The County of San Diego (County) has identified an approximately 228-acre property (Property) directly adjacent to the existing Ramona Grasslands County Preserve in Ramona. The existing Ramona Grasslands County preserve is over 3,600 acres and has habitat including Diegan coastal sage scrub and riparian habitat which provides habitat for sensitive species such as Stephen's kangaroo rat, arroyo toad, and coastal California gnatcatcher.

This acquisition meets the DPR standard for conservation under the Multiple Species Conservation Program (MSCP) set by state and federal requirements for special status species conservation. The property contributes to regional conservation due to the high-quality habitat and biodiversity, biological connectivity, access, and value. There is potential for public access on the site such as a connection to existing offsite regional or community trails pending environmental review and budgeting.

Additionally, DPR works closely with a cross-functional acquisition roundtable team of County staff to analyze potential acquisitions from a multi-faceted perspective to ensure alignment with the County's sustainability programs including a cross-departmental roundtable team consisting of staff from the Department of General Services, the Department of Public Works, the Department of Environmental Health, Planning & Development Services, Agriculture, Weights and Measures, the Climate Action Plan (CAP) update, water quality protection, and Regional Decarbonization Framework (RDF). Acquiring this property supports CAP efforts by contributing to greenhouse gas reductions of approximately 290 metric tons of carbon dioxide equivalents per year. Additionally, conservation of the property provides benefits including flood control and water quality protection. The County executed an Option Agreement with the Revocable Trust of Donald J. Metzler and Diane W. Metzler (Seller) for the purchase of the Property for the appraised value of \$640,000 (\$2,807/acre).



The appraised value of the Property considers existing conservation measures on the property, which limits the Property's development potential.

The unincorporated area of the county is comprised of three Multiple Species Conservation Program (MSCP) Plan Areas: the adopted South County Subarea Plan, the draft North County Plan, and the future East County Plan. Each MSCP Plan has been or will be designed to meet the needs of the respective Plan Area's unique geography and is a long term, regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within the San Diego region.

The Property proposed for acquisition is within the MSCP adopted South County Subarea Plan.

The County has acquired approximately 13,166 acres within the adopted South County Subarea Plan. DPR implements the MSCP through open space acquisition, land management, and biological monitoring of sensitive habitats and species. Acquiring the Property would further protect the region's biodiversity and supports implementation of the County's 2018 Climate Action Plan and efforts to improve water quality.

DPR currently owns and/or manages over 56,000 acres of open space and park lands. Of these lands, the County has acquired approximately 25,460 acres of MSCP preserve lands within the County's adopted MSCP South County Subarea, the draft North County, and future East County Plan Areas from the inception of the adopted MSCP South County Subarea in 1998 through December 31, 2021. As reported in the 2021 MSCP Annual Report, from 1998 through December 2021, approximately \$221 million has been spent on County acquisitions in all three MSCP Plan areas, of which approximately \$125 million is from County funding and \$96 million is from partnering organizations and grants.

Today's request is for the Board of Supervisors (Board) to set a hearing for June 15, 2022, to consider approval of the purchase of the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request on June 15, 2022, after making the necessary findings, the Board will be requested to authorize the purchase of the Property from the Seller for the appraised value of \$640,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$1,034,711. Funds for this request are included in the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan of the Multiple Species Conservation Program Acquisition Fund. The annual costs to manage the Property are \$64,759, including ongoing stewardship, fire abatement, and supervision of the preserve. These ongoing costs will be included in the FY 2022-23 CAO Recommended Operational Plan.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed acquisition of APNs 276-041-01, -02, -03; 276-040-08, -09, -10, -11 & -12 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), 15313 (Acquisition of Lands for Wildlife Conservation

Purposes), 15316 (Transfer of Ownership of Land in Order to Create Parks) and 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources).

2. Authorize the Director, Department of General Services, or designee to exercise the option to purchase Assessor Parcel Numbers 276-041-01, -02, -03; 276-040-08, -09, -10, -11 & -12 for the appraised value of \$640,000.
3. Authorize the Director, Department of General Services, or designee to execute all escrow and related documents necessary to complete the purchase of APNs 276-041-01, -02, -03; 276-040-08, -09, -10, -11 & -12.

### **EQUITY IMPACT STATEMENT**

The Department of Parks and Recreation Conservation Program's acquisition of properties with high-quality habitat is anticipated to result in positive public health impacts by improving water and air quality for all residents. The acquisition of the Property will contribute acreage to multiple sustainability efforts, including expanding the adopted South County Subarea Plan preserve area by 228 acres and reducing greenhouse gas emissions by 290 metric tons of carbon dioxide equivalents per year.

### **FISCAL IMPACT**

There is no impact in Fiscal Year (FY) 2021-22. Funds for this request are included in the FY 2022-23 CAO Recommended Operational Plan of the Multiple Species Conservation Program Acquisition Fund. This request will result in total one-time project costs for the Property of \$1,034,711 in FY 2022-23, itemized as follows: \$640,000 for property acquisition, plus \$33,000 for staff time and appraisal reports to complete the transaction; \$2,711 for closing and title costs; \$359,000 in one-time land improvement costs, including \$300,000 for the preparation of a preserve specific Resource Management Plan and initial species monitoring, and \$59,000 to conduct initial stewardship that features signage, access control, and vegetation management, land surveying, and other supplies and services and ongoing management. The funding source is available prior year General Fund fund balance (\$1,034,711).

Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$64,759, itemized as follows: approximately \$17,000 for adaptive management and biological monitoring and \$47,759 for annual total operating costs for managing the site. Ongoing costs, and funding sources will be included in the FY 2022-23 CAO Recommended Operational Plan in the Department of Parks and Recreation. The funding source is 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 Fletcher, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended.

AYES: Anderson, Lawson-Remer, Fletcher, Desmond

ABSENT: Vargas

**3. SUBJECT: EXPANDING ACCESS TO AFFORDABLE BROADBAND INTERNET SERVICE TO LOW-INCOME AND TRIBAL CUSTOMERS (DISTRICTS: ALL)**

**OVERVIEW**

Federal, state and local governments have recognized the importance of bridging the nation’s digital divide, recently committing unprecedented levels of funding to improve broadband internet access. Last year, the State of California launched a \$6 billion program to fund broadband internet infrastructure and programs. The federal government is providing \$65 billion for broadband programs through the Infrastructure Investment and Jobs Act approved in November. County staff are currently working with consultants on the development of a comprehensive broadband plan, expected to be completed this summer.

The U.S. Department of Commerce launched its “Internet for All” initiative, committing more than \$42.5 billion for the new Broadband Equity, Access and Deployment (BEAD) program and setting aside \$14.2 billion for internet subsidies through the Affordable Connectivity Program (ACP). The BEAD program will expand high-speed internet access by funding planning, infrastructure deployment and adoption programs throughout the nation. To access the minimum \$100 million level of BEAD funds, each state must first submit a letter of intent and a budget to the U.S. Department of Commerce’s National Telecommunications and Information Administration. The State of California has already submitted its letter of intent necessary to unlock these funds.

Twenty broadband internet providers recently committed to participating in the ACP which will provide monthly subsidies to low-income residents and households on tribal lands. The County provided funding to support and partner with the San Diego Association of Governments (SANDAG) and 211 San Diego on the “Get Connected” campaign, an outreach effort to make residents aware of the discounts available through the ACP. The campaign began on June 1, 2022, with the introduction of a landing page and social media to direct interested residents to resources and 211 for more information. There is an opportunity for the County to expand its role by proactively notifying and educating additional eligible San Diego residents about the discounted internet service program through our frequent and varied interactions with community members.

**RECOMMENDATION(S)**  
**SUPERVISOR JOEL ANDERSON**

1. Direct the Chief Administrative Officer to identify the most effective methods and County staff that should be involved in notifying our region’s residents about the discounted broadband internet service opportunities available to them via the Affordable Connectivity Program.
2. Determine any additional costs related to the activities identified in Recommendation #1 and report back to the Board within 60 days with a plan to implement and fund the additional staff actions.

**EQUITY IMPACT STATEMENT**

The digital divide between those in our communities who have reliable access to internet service and the underserved or unserved who cannot afford this service has a direct impact on the ability of individuals to have a meaningful level of participation in the 21st century economy. The results of this gap became more evident during the COVID-19 pandemic as remote communications required for employment, education, telehealth and other aspects of our daily lives were not available for a significant percentage of our region’s residents, particularly for those with low-income levels and living in rural communities. County efforts to increase awareness about the availability of discounted broadband internet access will help to close the current gap and improve the lives of all San Diego residents.

**FISCAL IMPACT**

There is no fiscal impact associated with today’s actions. Additional appropriations or staff years will be requested in future Board meetings if needed based on any recommendations resulting from the recommendations included in this Board letter. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

San Diego businesses continue to struggle to fill vacant positions. Helping to connect more of our region’s residents with affordable internet service could provide additional opportunities for potential employees to become aware of employment opportunities posted online, to allow them to participate in virtual job interviews both locally or for remote positions outside of our region, and to perform work virtually. Local internet service providers will be afforded an opportunity to introduce new customers to the services they offer and expand upon their current customer base.

**ACTION:**

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

AYES: Anderson, Lawson-Remer, Fletcher, Desmond  
ABSENT: Vargas

4. **SUBJECT: NOTICED PUBLIC HEARING:  
PUBLIC HEARING TO APPROVE FEES AND CHARGES FOR  
FISCAL YEAR 2022-23 TAX ROLL OF SAN DIEGO COUNTY  
SANITATION DISTRICT, CAMPO WATER MAINTENANCE  
DISTRICT, AND COUNTY SERVICE AREA NO. 137 - LIVE OAK  
SPRINGS WATER SYSTEM (DISTRICTS: 1, 2, & 4)**

**OVERVIEW**

The San Diego County Sanitation District (Sanitation District) provides sanitary sewer service to several unincorporated communities including Spring Valley, Lakeside, Alpine, Winter Gardens, East Otay Mesa, Campo, Julian, and Pine Valley. The County of San Diego (County) Board of Supervisors serves as the Sanitation District's Board of Directors. The Campo Water Maintenance District (Water District) provides water service to the unincorporated community of Campo. The County Service Area No. 137 - Live Oak Springs Water System (CSA 137) is County special district that provides water service to the unincorporated community of Boulevard. Sanitation District annual sewer service charges and annual water service charges for both the Campo Hills zone of the Water District and CSA 137 are collected on the property tax roll. Service charges for the Rancho del Campo zone of the Campo Water District are billed directly to customers.

On April 12, 2017 (SA1), the Board of Directors of the Sanitation District approved a five-year sewer rate package through Fiscal Year (FY) 2021-22. Today's recommended action is to place the annual sewer service charges on the tax roll for FY 2022-23. This action does not change the previously approved annual sewer rates, and the annual sewer service charges for FY 2022-23 will remain unchanged from FY 2021-22. Single-family residential customers will be assessed an annual sewer charge of \$516.95 per equivalent dwelling unit (EDU). An EDU is a standard unit of measure based on the average volume of wastewater flow generated by a typical single-family residential dwelling.

On April 6, 2011 (1), the Board of Supervisors approved water rates for customers of the Campo Hills zone of the Campo Water District. Today's recommended action is to place the annual water rate charges on the tax roll for FY 2022-23. This action does not change the previously approved annual water rates for Campo Hills, and the annual water rate for FY 2022-23 will remain unchanged from FY 2021-22 at \$1,320 per year for residential and commercial customers. On November 18, 2020 (3), the Board of Supervisors approved a three-year water rate package for Live Oak Springs Water System (CSA 137) through FY 2022-23. Today's recommended action is to place these previously approved charges on the tax roll for FY 2022-23. This action does not change the previously approved three-year water rate package for Live Oak Springs, which included a schedule of water rates to achieve full-cost recovery of operational costs during this three-year period. Water charges are comprised of two components, a fixed base charge and a variable consumption charge. The approved three-year water rates include a base charge and a consumption charge. The base charge for FY 2022-23 will increase from \$96.48 to \$99.86. The variable consumption charge includes a two-tiered rate structure based on the amount of water a customer uses measured in hundred cubic feet (HCF), where one HCF is equal to approximately 748 gallons. For Tier 1 (up to 4 HCF per month), the rate will increase from \$10.64 to \$11.01 per HCF. Tier 1

represents typical indoor water usage for a household with two occupants as defined by the California Water Board. For Tier 2 (over 4 HCF per month), the rate will increase from \$13.24 to \$13.70 per HCF. Tier 2 represents a higher water usage for a household that may include more than two occupants and landscape irrigation demand. A table summarizing the charges is provided below:

<b>Table of Approved Charges - Sanitary Sewer Service &amp; Water Service - Fiscal Year 2022-23</b>				
<b>Special District</b>	<b>Approximate No. of Customers</b>	<b>Current Service Rate</b>	<b>FY 2022-23 Service Rate</b>	<b>District</b>
San Diego County Sanitation District	37,000	\$516.95/EDU* per year	\$516.95/EDU per year	1, 2, & 4
Campo Water Maintenance District				-
Campo Hills Zone	222	\$1,320 per year	\$1,320 per year	2
Rancho Del Campo	39	Billed Directly to Customers		2
Live Oak Springs Water System	89	See below	See below	2
<i>Base Rate</i>	-	\$96.48 per month	\$99.86 per month	-
<i>Tier 1 (up to 4 HCF)</i>	-	\$10.64 per HCF** per month	\$11.01 per HCF per month	-
<i>Tier 2 (over 4 HCF)</i>	-	\$13.24 per HCF per month	\$13.70 per HCF per month	-

*\*Equivalent Dwelling Unit*

*\*\* Hundred Cubic Feet*

No action is requested today to approve or revise the associated rate packages. Service charges for the Sanitation District, the Campo Hills zone of the Campo Water District, and Live Oak Springs Water System (CSA 137) have historically been collected on the tax roll. Placing annual service charges on the tax roll minimizes administrative costs by eliminating the need for monthly billing and payment collection, and those savings are passed along to the customers when the annual fee is established.

A public hearing is required to levy sewer and water service charges on the property tax rolls. This is a request to conduct a public hearing on the San Diego County Sanitation District, Campo Water Maintenance District, and County Service Area No. 137 - Live Oak Springs Water System tax roll reports, and to adopt resolutions approving collection of sewer and water service charges on the FY 2022-23 tax rolls. If the Board of Directors and/or Board of Supervisors does not adopt the resolutions, the sewer and water service charges cannot be placed on the tax rolls for FY 2022-23. Without the funds generated by assessments, services for sewer and water could not be provided, and capital improvements and maintenance would be deferred. If deferred, administrative costs to collect funds, set up accounts and handle arrearages would be incurred and passed on to rate payers.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

Acting as Board of Supervisors:

1. Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) as specified under Section 15060 (c)(3) of the state CEQA Guidelines because levying sewer and water service charges on the property tax roll is administrative in nature and is not a project as defined in CEQA Guidelines Section 15378.
2. Adopt a Resolution titled: RESOLUTION AUTHORIZING WATER SERVICE CHARGES FOR FISCAL YEAR 2022-23 TO BE COLLECTED ON THE TAX ROLL (Attachment C).

Acting as the Board of Directors of the San Diego County Sanitation District:

3. Adopt a Resolution titled RESOLUTION AUTHORIZING SEWER SERVICE CHARGES FOR FISCAL YEAR 2022-23 TO BE COLLECTED ON THE TAX ROLL (Attachment D).

**EQUITY IMPACT STATEMENT**

The San Diego County Sanitation District, Campo Water Maintenance District, and County Service Area No. 137-Live Oak Springs Water System strive to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources through the implementation of programs and projects that improve community safety and environmental quality while services that enhance the community by increasing the well-being of our residents and our environments while simultaneously complying with mandatory federal, state, and local regulations.

**FISCAL IMPACT**

Funds for the proposed action are included in the Fiscal Year 2022-23 CAO Recommended Operational Plan in the Department of Public Works San Diego County Sanitation District (Sanitation District), Campo Water Maintenance District, and County Service Area No. 137 – Live Oak Springs Water System (CSA 137). The annual sewer and water service charges from customers will generate approximately \$27.35 million in revenue for the Sanitation District, \$0.3 million for the Campo Water Maintenance District, and \$0.2 million for Live Oak Springs Water System-CSA 137. Effective July 1, 2022, the sewer rate will reflect the increase approved by the Board of Directors of the Sanitation District on April 12, 2017 (SA1); the CSA 137 water rate will reflect the increase approved by the Board of Supervisors on November 11, 2020 (03); the water rate will reflect no increase for Campo Water Maintenance District per the Board of Supervisors adopted ordinance on April 6, 2011 (01). There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

(RELATES TO SANITATION DISTRICT AGENDA NO. SA03)

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution No. 22-077, entitled: RESOLUTION AUTHORIZING WATER SERVICE CHARGES FOR FISCAL YEAR 2022-23 TO BE COLLECTED ON THE TAX ROLL.

AYES: Anderson, Lawson-Remer, Fletcher, Desmond

ABSENT: Vargas

**5. SUBJECT: CONFIRM FISCAL YEAR 2022-23 LEVIES FOR COMMUNITY FACILITIES DISTRICTS (DISTRICTS: ALL)**

**OVERVIEW**

In accordance with Board Policy I-136, Comprehensive Goals and Policies for *Community Facilities Districts*, the County of San Diego manages eight Community Facilities Districts (CFD) throughout the region. In addition, the San Diego County Fire Protection District manages two CFDs. A CFD is established to create a funding mechanism for public facilities and services such as streets, sewer facilities, stormwater facilities, fire protection, parks, and libraries. Through this funding mechanism, these public facilities and services are paid for by those property owners within the boundaries of the district since they benefit the most from the services and are typically established as part of the development process for new or infill housing to support the residents of those housing developments.

The method for calculating the levies for CFDs can be based on a variety of factors, including parcel acreage or use type (single-family or multi-family). The rate is established in each district Rate and Method of Apportionment (RMA) as adopted by the Board of Supervisors at the time each CFD is formed. The RMA provides the methodology to determine the maximum annual special tax allowable for each district. Any changes to an RMA require voter approval. CFDs are levied annually on each parcel's tax bill, reducing the cost to the ratepayer by eliminating the administrative costs that arise from annual billing and payment collection. The annual adoption of a resolution is required to provide for the levies of a special tax for CFDs on the tax rolls.

Today's request is for the County of San Diego Board of Supervisors and San Diego County Fire Protection District Board of Directors, acting as the Governing Body of the CFDs, to adopt resolutions to authorize the Fiscal Year (FY) 2022-23 levies for eight CFDs: CFD No. 2008-01 (Harmony Grove Village), CFD No. 2013-01 (Horse Creek Ridge Maintenance), CFD No. 2019-02 (Sweetwater Place Maintenance), CFD No. 2019-01 (Meadowood Maintenance), CFD No. 2019-03 (Park Circle Maintenance), CFD no. 2022-01 (Piper Otay Preserve Maintenance), CFD No. 04-1 (Lake Morena, Jacumba, Jamul, and Lyons Valley), and CFD No. 09-1 (East Otay Mesa). Upon approval, the annual levies will be placed on the tax roll so that the property owners can continue to pay the levy through their property tax bills.



If today's actions are approved, levies will be adopted for eight CFDs. All proposed levies are within approved maximum rates in accordance with the RMAs for each district and would not require voter approval. RMAs are established as part of the CFD creation and any amendments to an RMA, such as changes to rates or services provided, require voter approval. If today's proposed actions to levy on the tax bill are not approved, the previously approved FY 2021-22 rates will be levied. There would be no reduction in revenue from not placing the collection of the service fees on the tax roll, but administrative expenses would increase for annual billing and payment collection if the payments are collected separately instead of on the tax roll. If the rates are not increased as proposed, maintenance would be impacted, and available fund balance would be used to mitigate any shortfalls for FY 2022-23.

Board of Supervisors Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Staff reviewed each district's budget to determine if revenues were adequate for services or if rates should be increased or decreased based on the budget. Staff determined that the proposed rates for Fiscal Year 2022-23 are needed to fund costs for services, and available fund balance is needed for working capital, future services, or facility repair, improvements, or replacement, and to ensure compliance with Board Policy B-29.

The following is the summary of proposed levies for FY 2022-23:

**Community Facilities District 2008-01 (Harmony Grove Village).** The Harmony Grove Village subdivision is located within the San Dieguito Community Plan area in District 3. The site is approximately 418 acres and includes 736 residential dwelling units and three public park sites. The proposed maximum annual Special Tax A will increase from \$1,362,972.40 to \$1,382,820.86 for Improvement Area No. 1 and will increase from \$1,136,804.46 to \$1,153,504.14 for Improvement Area No. 2 to fund costs related to construction of public facilities including parks, roads, wastewater, and flood control facilities built by the developer, through a bond series approved by the Board on December 5, 2017 (23) and December 10, 2019 (25). Special Tax B will increase in both Improvement Areas from \$836,625.92 to \$886,821.12 in accordance with the RMA, adopted June 25, 2008 (9) to fund increasing costs for CFD administration, maintenance, and operating costs of storm drain structures, public parks/recreation facilities/open space, street lighting, and emergency response facilities and services provided by Rancho Santa Fe Fire Protection District.

**Community Facilities District 2013-01 (Horse Creek Ridge Maintenance).** The Horse Creek Ridge subdivision is located within the Fallbrook Community Plan area in District 5. The site is approximately 416-acres and approved for 741 single-family and multi-family dwelling units and a public sports park and staging area site. Special Tax A funds costs related to open space, trails, park, recreational facility maintenance, and CFD administration. Special Tax B funds storm drainage and detention basin facilities maintenance. Special Tax C funds fire protection, suppression, and emergency medical services provided by North County Fire Protection District. The proposed maximum special tax will increase from \$514,936.64 to \$526,000.10 for Special Tax A, from \$210,111.70 to \$214,629.20 for Special Tax B, and from \$158,224.14 to 161,626.54 for Special Tax C, all in accordance with the RMA, adopted

January 29, 2014 (1). This increase is needed to fund increased costs to operate and maintain a regional sports park complex, staging area and park trails, onsite and offsite open space, fire services, and detention basins within the CFD.

**Community Facilities District 2019-02 (Sweetwater Place Maintenance).** The Sweetwater Place subdivision is located within the Spring Valley Community Plan area in District 4. The site is approximately 18-acres and approved for 122 single-family and multi-family dwelling units and a two-acre public park. This CFD was established to finance ongoing operations and maintenance of the park within the CFD. The proposed maximum special tax will increase from \$125,317.16 to \$131,842.96 in accordance with the RMA, adopted May 1, 2019 (2). This increase is needed to fund increased costs to operate and maintain a two-acre public park within the CFD.

**Community Facilities District 2019-01 (Meadowood Maintenance).** The Meadowood subdivision is located within the Fallbrook Community Plan area in District 5. The site is approximately 389-acres and approved for 844 single-family and multi-family dwelling units and a park. The Meadowood subdivision is still being built out, and the number of parcels increased from 2 to 190 between FY 2021-22 and FY 2022-23. This increase in parcels paying into the CFD has resulted in a larger than usual increase in the special tax. Special Tax A funds costs related to open space, trails, a park, recreational facility maintenance, and CFD administration. Special Tax B funds storm drainage and detention basin facilities maintenance. Special Tax C funds fire protection, suppression, and emergency medical services provided by North County Fire Protection District. The proposed maximum special tax will increase from \$11,573.94 to \$120,656.90 for Special Tax A, from \$6,668.76 to \$69,528.00 for Special Tax B and \$4,905.18 to \$52,911.60 for Special Tax C in accordance with the amended RMA, adopted May 6, 2020 (3). The increases are needed to fund the cost to operate and maintain a park, park trails, fire services, and stormwater drainage and treatment facilities within the CFD.

**Community Facilities District 2019-03 (Park Circle Maintenance).** The Park Circle subdivision is located within the Valley Center Community Plan area in District 5. The site is approximately 74-acres and approved for 322 single-family dwelling units and a 2.6-acre public park. This CFD was established to finance ongoing operations and maintenance of the park within the CFD. The proposed maximum special tax will increase from \$58,762.08 to \$202,639.04 due to FY 2021-22 to FY 2022-23 having an increase from 72 to 236 total parcels to be levied in accordance with the RMA, adopted June 5, 2019 (1). These increases are needed to fund the cost of operations and maintenance of a public park within the CFD.

**Community Facilities District 2022-01 (Piper Otay Preserve Maintenance).** The Piper Otay subdivision is located within the East Otay Mesa Business Park Specific Plan in District 1. The proposed maximum special tax will be \$37,828 in accordance with the RMA, adopted April 27, 2022 (07). FY 22-23 is the first year the special tax will be levied, and the tax is needed to fund the cost of operations and maintenance of a public park within the CFD.

**Community Facilities District 04-1 (CFD 04-1)** Located in southeast San Diego county in District 2, CFD 04-01 and encompasses approximately 4,549 acres of land (851 acres classified as developed property with 41 residential parcels and 3 non-residential parcels, and 3,584 undeveloped acres) within the communities of Lake Morena, Jacumba, Jamul, and Lyons Valley. This CFD was formed to fund fire protection, suppression, and paramedic services, as well as the construction or acquisition of fire stations, fire training facilities, fire dispatch centers, fire communication systems, and fire equipment with a useful life of five years or more. The special tax was established to fund fire protection expenses through the collection of Special Tax A and Special Tax B. The Special Tax A Requirement is applied to all eligible properties as an ongoing, annual assessment. In FY 22-23, the proposed maximum Special Tax A Requirement will increase from \$18,442.42 to \$19,973.00. Special Tax B is a one-time special tax levied on a property the first year following development, and will increase from \$676.06 to \$1,456.06 in FY 22-23 due to an increase in the amount of parcels eligible for the one-time assessment. The proposed special tax increases for both Special Tax A and Special Tax B are in accordance with the RMA, adopted January 6, 2004. The increase is needed to fund fire protection operations, equipment, facilities, and staffing.

**Community Facilities District 09-1 (East Otay Mesa) (CFD 09-1)** Located in the southwestern portion of San Diego county in District 1, CFD 09-1 is between the Otay River Valley to the north, the international border with Mexico to the south, the San Ysidro Mountains to the east, and the City of San Diego to the west, encompassing approximately 3,068 acres of land. The special Tax was established by the former Rural Fire Protection District to fund authorized facilities (Temporary Sheriff's Substation, Fire Station, and Permanent Sheriff's Substation) through the issuance of bonds secured by the levy of Special Tax A. The RMA, adopted September 22, 2009, identifies specific expenses that are eligible for funding under the Special Tax A Requirements before and after the issuance of bonds. For example, prior to the issuance of bonds, the Special Tax A funds can only be used to pay lease payments for the Temporary Sheriff's Station and administrative expenses. In contrast, the requirements for Special Tax B are not affected by the issuance of bonds, and were established to pay for the ongoing cost of operations and maintenance of fire facilities. In FY 22-23, the collection of Special Tax A will be discontinued as the temporary lease for the Sheriff's substation is no longer needed and there are no current plans to proceed with the issuance of bonds. The proposed maximum special tax rate for Special Tax B will increase in accordance with the RMA from \$1,283,919.50 to \$1,610,814.82. The increase is needed to fund the operation and maintenance of fire facilities that serve the approximately 134 parcels within the boundaries of the CFD, 26 of which are currently developed.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the adoption of eight resolutions to authorize levies during Fiscal Year 2022-23 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3), 15378(b)(4), (b)(5) and 15273(b) of the State CEQA Guidelines and incorporate the findings attached hereto as Attachment Q.

2. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23.
3. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23.
4. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23.
5. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23.
6. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23.
7. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23

**Acting as the Board of Directors, San Diego County Fire Protection District:**

1. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 04-1 AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23.
2. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 09-1 AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23.

## **EQUITY IMPACT STATEMENT**

Levying special taxes that fund special districts would result in additional community services and resources that improve the health, safety, and economic interests of local communities. Based on available data from community feedback received at public meetings and daily interactions with residents which indicate residents support continued funding for services through special districts, services provided through the levying charges on the FY 2022-23 tax rolls will have a positive impact on communities throughout the unincorporated areas of the county, including providing fire protection, flood control protection, parks, and paramedic services to residents of approximately 1,614 parcels.

## **FISCAL IMPACT**

The proposed special tax levies are included in the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan for the Department of Public Works, Department of Parks and Recreation, and San Diego County Fire Protection District. If approved, the proposed rate increases will result in additional estimated revenue of \$86,743.34 in the Department of Public Works for CFD No. 2008-01 Harmony Grove Village: and \$427,162.74 in the Department of Parks and Recreation for CFD No. 2013-01 Horse Creek Ridge Maintenance (\$18,983.36), CFD No. 2019-02 Sweetwater Place Maintenance (\$6,525.80), CFD No. 2019-01 Meadowood Maintenance (\$219,948.62), CFD No. 2019-03 Park Circle Maintenance (\$143,876.96) and CFD 2022-01 Piper Otay Preserve Maintenance (\$37,828.00). If approved, the proposed rates for the San Diego County Fire Protection District will result in estimated additional revenue of \$2,310.58 for CFD No. 04-01 and \$164,737.40 for CFD 09-1. If approved, the cumulative proposed rate increases will result in additional estimated total revenue of \$680,954.06 to the County. The funding sources are special tax levies from CFD No. 2008-01, CFD No. 2013-01, CFD No. 2019-02, CFD No. 2019-01, CFD No. 2019-03, CFD No. 04-1 and CFD 09-1 and are paid by property owners. There will be no change in net General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. FP01)

### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended, adopting the following: Resolution No. 22-078 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23;

Resolution No. 22-079 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23;

Resolution No. 22-080 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23;

Resolution No. 22-081 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23;

Resolution No. 22-082 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23; and,

Resolution No. 22-083 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2022-23.

AYES: Anderson, Lawson-Remer, Fletcher, Desmond  
ABSENT: Vargas

**6. SUBJECT: NOTICED PUBLIC HEARING:  
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2022-23 LEVIES  
FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE  
AREAS AND ZONES, SAN DIEGO COUNTY FIRE PROTECTION  
DISTRICT ZONES, AND STORMWATER MAINTENANCE ZONES  
(DISTRICTS: ALL)**

**OVERVIEW**

Special districts are created by residents of a community to deliver specialized services the local county or city do not provide. There are a variety of special districts, and each type is governed under different State laws. The County of San Diego (County), San Diego County Flood Control District (Flood Control District), and San Diego County Fire Protection District (Fire District) use special districts as a funding mechanism to provide services, such as fire protection, flood control protection, private road, and landscape maintenance, parks, emergency communication, and paramedic services, across the unincorporated areas and in six cities (Del Mar, Solana Beach, Encinitas, Santee, and portions of Poway and San Diego) in San Diego county.

Services are primarily funded by property owners through assessments or special taxes that are collected through annual property tax bills, reducing the cost to ratepayers by eliminating the administrative costs from annual billing and payment collection. District boundaries were established by voters at the time of formation or as a condition of development. Services are primarily funded by parcels within each district's boundaries. The method for calculating how much each parcel pays varies based on the type of district and ordinances adopted when the districts were formed. The most common method for calculating the rate per parcel is based on a variety of factors, including land use, parcel acreage, or use type (single-family or multi-family). The assessments or special taxes cannot exceed the maximum amount in the adopted ordinance without an additional vote of the affected community. At the time of formation, some of the ordinances included cost escalators, tied to a specific cost index, to allow special districts to increase the maximum rate each year to keep pace with inflation. The most commonly used cost indices are the Consumer Price Index (CPI) which measures the cost of consumer goods, and the Construction Cost Index (CCI) which measures the cost of construction materials and labor.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Staff reviewed each district to determine if revenues were adequate for services or if rates should be increased or decreased based on the budget. Staff determined that the proposed rates for Fiscal Year (FY) 2022-23 are needed to fund services and to ensure compliance with Board Policy B-29. Rates are also necessary to maintain financial reserves to fund future services, facility repairs, improvements, or replacements. All proposed rates are in accordance with Articles XIII A-D of the California Constitution, (Proposition 218) as amended to date and are within maximum rates set forth in each district's adopted ordinance; and therefore, do not require voter approval from affected property owners. Under Proposition 218, voters must approve special district formations and the maximum amount that can be collected from property owners.

### **Permanent Road Division Zones (County District)**

There are 68 Permanent Road Division (PRD) Zones managed by the County Department of Public Works (DPW). 50 of the 68 PRD Zones levy property owner assessments or special taxes. Private road maintenance services funded by these PRD Zones are provided in multiple unincorporated communities. The amount each parcel is charged is determined by factors such as the type of land use, parcel size, and the number of dwelling units, which is represented by "benefit units". Benefit units are used to quantify the specific level of benefit each parcel receives from the services. Rates will remain the same in 44 of the 50 PRD Zones that levy property owner assessments or special taxes. Six rate increases are being proposed to fund multi-year maintenance plans for road resurfacing, culvert repairs, and future road replacements. Three PRD Zones will have rate increases based on their approved cost escalators, and three PRD Zones will have rate increases based on voter approval. The approved cost escalator for the three PRD Zones is the Los Angeles Construction Cost Index (CCI), which measures construction labor and materials costs and is frequently used to account for inflation for construction projects in the San Diego region, as Los Angeles is the closest region to have a CCI for these zones. The six proposed annual rate increases for this upcoming FY are:

1. PRD Zone 30-Royal Oaks Drive/Carroll Lane is located in the unincorporated community of North County Metro (District 2). The proposed rate will increase from \$0 to \$100 based on a property owner approved rate increase, with a single-family residence assigned one benefit unit, or \$100 annually. Additional revenue will provide funding for planned road and culvert maintenance.
2. PRD Zone 99-Via Allondra/Via Del Corvo is located in the unincorporated community of North County Metro (District 5). The proposed rate will increase from \$105 to \$140 based on a property owner approved rate increase, with a single-family residence assigned four benefit units, or \$560 annually. Additional revenue will provide funding for planned road and culvert maintenance.
3. PRD Zone 101A-High Ridge Road is located in the unincorporated community of Lakeside (District 2). The proposed rate will increase from \$300 to \$400 based on a property owner approved rate increase, with a single-family residence assigned two benefit units, or \$800 annually. Additional revenue will provide funding for planned road maintenance.
4. PRD Zone 117-Legend Rock is located in the unincorporated community of Hidden Meadows (District 5). The proposed special tax will increase from \$1,411.59 to \$1,508.84 per parcel, based on the voter approved cost escalator. The increase is due to rising inflation, based on a 6.89% escalation in the Los Angeles CCI for 2021. Additional revenue will provide funding for planned road and culvert maintenance.
5. PRD Zone 133-Ranch Creek Road is located in the unincorporated community of Valley Center (District 5). The proposed rate will increase from \$1,419.69 to \$1,517.50 based on the voter approved cost escalator, with a single-family residence assigned one and a quarter benefit unit, for a total of \$1,896.88 annually. The increase is due to rising inflation, based on a 6.89% escalation in the Los Angeles CCI for 2021. Additional revenue will provide funding for planned road and culvert maintenance.
6. PRD Zone 1017-Kalbaugh/Haley/Toub Streets is located in the unincorporated community of Ramona (District 2). The proposed rate will increase from \$246.76 to \$263.76 based on a voter approved cost escalator, with a single-family residence assigned two benefit units, for a total of \$527.52 annually. The increase is due to rising inflation, based on a 6.89% escalation in the Los Angeles CCI for 2021. Additional revenue will provide funding for ongoing road maintenance.

#### **County Services Areas (County District)**

There are eleven County Services Areas (CSA) funded by assessments that are managed by multiple County departments based on the services provided. CSAs provide maintenance and operations for parks, landscaping, flood control, open space management, and emergency medical/paramedic services in multiple unincorporated communities and six incorporated cities (Del Mar, Solana Beach, Encinitas, Santee, and portions of Poway and the City of San Diego). Rates will remain the same in six of the eleven CSAs that levy assessments because revenues can fully fund planned services. The approved cost escalator for CSAs is the San



Diego Consumer Price Index (CPI), which is based on a broad range of labor costs, goods, and services. Five rate increases are being proposed, which are based on the voter-approved San Diego CPI increase of 5.21%:

1. CSA 83A-San Dieguito Local Parks District is managed by the Department of Parks and Recreation and provides park amenities and services in the unincorporated community of 4S Ranch (District 2). The proposed rate will increase from \$135.00 to \$141.75 per single-family residence. The increase is due to rising inflation, based on a 5.21% escalation in the San Diego CPI for 2021, with a voter approved maximum cost escalator of 5%. It is anticipated that the additional revenue will be sufficient to fund increased costs for park maintenance and operations for FY 2022-23.
2. CSA 17-San Dieguito Emergency Medical Services is managed by San Diego County Fire and provides services to the cities of Del Mar, Solana Beach, Encinitas, and the City of San Diego communities of Del Mar Heights, and Del Mar Terrace, the unincorporated communities of Rancho Santa Fe, 4S Ranch, and a portion of Elfin Forest. (Districts 2 & 3). The proposed maximum annual special tax will increase from \$32.76 to \$34.47 per single family residence. The increase is due to rising inflation, based on a 5.21% escalation in the San Diego CPI for 2021. The additional revenue will ensure the CSA has adequate working capital.
3. CSA 69-Heartland Paramedic Services is managed by San Diego County Fire and provides services to the unincorporated community of Lakeside and the City of Santee (District 2). The proposed maximum annual special tax will increase from \$59.49 to \$62.59 per single-family residence. The increase is due to rising inflation, based on a 5.21% escalation in the San Diego CPI for 2021. The additional revenue will ensure the CSA has adequate working capital.
4. CSA 26 Zone A-Cottonwood Village is managed by DPW and provides open space fire-fuel management and landscape maintenance services in the unincorporated community of Rancho San Diego (District 4). The proposed rate will increase from \$100.00 to \$105.20, with the average a single-family residence assigned one benefit unit, for a total of \$105.20 annually. The rate increase is due to rising inflation, based on a 5.21% escalation in the San Diego CPI for 2021. The increase will ensure the CSA can fund annual fire-break services and maintain adequate working capital.
5. CSA 26 Zone B-Monte Vista is managed by DPW and provides landscape maintenance services in the unincorporated community of Rancho San Diego (District 4). The proposed rate will increase from \$178.09 to \$187.36 per single-family residence. The rate increase is due to rising inflation, based on a 5.21% escalation in the San Diego CPI for 2021. The increase will ensure the CSA can fund routine landscape maintenance services and maintain adequate working capital.

### **San Diego County Fire Protection District (Fire District)**

There are ten zones in the San Diego County Fire Protection District funded by assessments or special taxes managed by San Diego County Fire that provide funds to supplement the cost of fire protection and emergency medical services across multiple unincorporated communities. Rates will remain the same in nine of the ten zones that levy assessments or special taxes because revenues are adequate to fully fund services; in addition, there is no voter approved cost price escalator for these nine zones. One rate increase is being proposed:

1. Fire District-Palomar Mountain provides services within the unincorporated community of Palomar Mountain (District 5). The proposed maximum annual special tax will increase from \$165.53 to \$170.50 per single-family residence. The increase is due to rising inflation, based on a 5.21% escalation in the San Diego CPI for 2021, with a voter approved maximum cost escalator of 3%. The additional revenue will be used to fund firefighting personnel and fire protection equipment and apparatus.

### **Flood Control District Stormwater Maintenance Zones (Flood Control District)**

There are three Stormwater Maintenance Zones (SMZ) funded by assessments managed by the Flood Control District in DPW that provide maintenance of flood control facilities in multiple unincorporated communities. Rates will remain the same in two of the three zones that levy assessments because revenues can fully fund planned services. One rate increase is being proposed:

1. SMZ No. 4-4249-3-Lake Rancho Viejo is located in the unincorporated community of Fallbrook (District 5). The proposed rate will increase from \$320.57 to \$351.12 per single-family residence. The increase is due to rising inflation, based on a 9.53% escalation in the Los Angeles CCI from September 2020 to September 2021. The additional revenue will be used to fund increased costs for stormwater facility maintenance and operations.

This is a request for the Board to adopt resolutions to confirm assessments and special taxes and authorize levies for the 74 special districts administered by the County, the Fire District, or the Flood Control District. Upon adoption, the assessments and special taxes will be placed on the tax roll for FY 2022-23. These actions are discretionary after consideration of public testimony.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed activity is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) because the activity is the establishment of government funding mechanisms without a commitment to any particular project which may result in a significant impact on the environment.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES, ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.

3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS CSA 26A-COTTONWOOD VILLAGE AND CSA 26B-MONTE VISTA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.
4. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136-SUNDANCE DETENTION BASIN, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.
5. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 26-RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128-SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A-SAN DIEGUITO LOCAL PARK DISTRICT 4S RANCH, ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.
6. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B-DEL MAR, H-SOLANA BEACH, AND F-POWAY, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.
7. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS NO. 17-SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT AND NO. 69-HEARTLAND PARAMEDIC SERVICES DISTRICT, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.

**Acting as the Board of Directors, San Diego County Fire Protection District:**

Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ACTING AS THE GOVERNING BODY OF THE SPECIAL ASSESSMENT SERVICE ZONES, ADOPTING SPECIAL ASSESSMENTS AND CONFIRMING REPORTS RE: SPECIAL ASSESSMENTS TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.

**Acting as the Board of Directors, San Diego County Flood Control District:**

Adopt a Resolution entitled RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ACTING AS THE GOVERNING BODY OF STORMWATER MAINTENANCE ZONES 3-4978-1 BLACKWOLF, 4-4249-3 LAKE RANCHO VIEJO, AND 3-5142-1 PONDEROSA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.

**EQUITY IMPACT STATEMENT**

Today’s action continues the County’s commitment to providing programs and services that enhance our communities. Assessments and special taxes fund services that include fire protection, flood control protection, private road maintenance, landscaping, parks, emergency communication, and paramedic services which improve the health and safety of our local communities.

**FISCAL IMPACT**

The proposed assessment revenues are included in Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan for the Departments of Public Works (DPW), Department of Parks and Recreation (DPR), Sheriff, San Diego County Fire (County Fire), San Diego County Flood Control District (Flood Control District), and the San Diego County Fire Protection District (Fire District). The proposed rate increases for 13 special districts will result in increases in revenue from property owner assessments of \$52,687.54 in total for DPW, \$283,135.92 in total for County Fire, \$30,579 for DPR, \$2,022 in total for the Fire District, and \$8,676.20 in total for the Flood Control District. There is no proposed change in rates for 61 special districts. There will be no change in net General Fund cost and no additional staff years.

The proposed assessment levies are estimated annually in an amount sufficient to recover full cost as required by Board Policy B-29: *Fees, Grants, Revenue Contracts-Department Responsibility for Cost Recovery*. Accordingly, there is no projected unrecovered cost, and a waiver of Board Policy B-29 is not needed. The funding source is assessment levies on property owners within the identified districts.

If the Board of Supervisors, acting on behalf of the County and other independent districts, does not adopt the resolutions, the proposed assessments and special taxes cannot be placed on the tax rolls for FY 2022-23. Without the funds generated by assessments, services for flood control protection, private road maintenance, parks, and landscape services would be reduced, and maintenance would be deferred. Fund balance would be leveraged to fill the gap for public safety communications systems, structural fire protection, and emergency medical services, which would impact the funding available for working capital.

**BUSINESS IMPACT STATEMENT**

N/A

(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. FP02; AND, FLOOD CONTROL DISTRICT AGENDA NO. FL01)

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following:

Resolution No. 22-084 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES, ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23;

Resolution No. 22-085 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS CSA 26A COTTONWOOD VILLAGE AND CSA 26B MONTE VISTA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23;

Resolution No. 22-086 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136 SUNDANCE DETENTION BASIN, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23;

Resolution No. 22-087 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 26 RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128 SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A SAN DIEGUITO LOCAL PARK DISTRICT 4S RANCH, ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23;

Resolution No. 22-088 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B DEL MAR, H SOLANA BEACH, AND F POWAY, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.; and,

Resolution No. 22-089 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS NO. 17 SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT AND NO. 69 HEARTLAND PARAMEDIC SERVICES DISTRICT, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.

AYES: Anderson, Lawson-Remer, Fletcher, Desmond  
ABSENT: Vargas

7. **SUBJECT: CANNABIS PROGRAM ENHANCEMENT MEASURES: INCREASING SAFETY, PROVIDING EDUCATION, AND IMPROVING EQUITY WITHIN THE UNINCORPORATED COMMUNITIES (DISTRICTS: ALL)**

**OVERVIEW**

On January 27, 2021 (4), the Board of Supervisors (Board) voted to approve the development of a Cannabis Permitting Program that includes numerous elements to prioritize social equity, access, and business opportunities. My board letter today expands on those elements to comprehensively address concerns raised by the communities I represent, including the children throughout the unincorporated communities.

Although I have never supported the legalization of cannabis, the California voters made their voice heard when Proposition 64 was passed in 2016. In that spirit, I have not opposed any of the Board votes related to implementation of legal recreational cannabis over the past year and a half that I have been in office. After listening to my constituents, however, it is paramount to broaden the discussion surrounding cannabis facilities and equity.

The County's Socially Equitable Cannabis Program must include programs to address disproportionate impacts to the underserved unincorporated communities. These communities already lack equity with regards to public safety, infrastructure, transit options, health, education, and economic opportunity compared to incorporated residents. The underserved unincorporated residents will most greatly feel the impacts of the proliferation of legal cannabis operations in their communities. As we move forward with the Socially Equitable Cannabis Program, the needs of the communities impacted by the facilities deserve equal consideration as all other stakeholders.

I am requesting 16 measures to be included within the Cannabis Permitting Program Environmental Impact Report (EIR) and Socially Equitable Cannabis Program that will, broadly: enhance the safety of our residents, improve the character and vibrancy of our communities, and develop a youth cannabis prevention curriculum. Some of these measures will be enshrined within the program, some require staff research and a return back to the Board, while others will require outreach to our valued community members. These measures will ensure that our unincorporated communities will flourish along with the legal cannabis industry.

**RECOMMENDATION(S)  
SUPERVISOR JOEL ANDERSON**

**PROGRAM DESIGN FEATURES FOR THE CANNABIS PERMITTING PROGRAM  
EIR**

The following measures shall be included as part of the project to be analyzed within the Cannabis Permitting Program EIR and alternatives, in addition to considering the recommendations within the Socially Equitable Cannabis Program:

1. Expand the definition of “sensitive” uses to include the following (as defined by the General Plan and/or Zoning Ordinance that can also be further refined by staff):
  - a. regional parks, local parks, trails, recreation facilities, and preserves (if preserve has visitor-serving amenities)
  - b. places of worship (churches, temples, etc.)
  - c. childcare centers
  - d. public libraries operated by the County and/or other cities
  - e. residential care facilities
  - f. schools (including public, private, and charter)
  - g. other cannabis facilities
2. Increase the setback of any cannabis facility from “sensitive” land uses from 600 feet to 1,000 feet (measured at the property line)
3. Expand existing County billboard regulations to prohibit advertising of cannabis on a billboard within 1,000 feet of a “sensitive” use

#### **PROGRAM CONSIDERATIONS THAT REQUIRE RESEARCH AND RETURN TO BOARD**

The intent of these measures is to provide Planning & Development Services (PDS) staff the time to research and collaborate with the community and to return to the Board within one year to provide options. These measures would direct the CAO to report back on the following:

4. For each type of cannabis facility, develop a ministerial objective design guideline checklist, similar to existing design guidelines in unincorporated communities, that will generally serve to detract those under 21 from seeking to visit the facility. These criteria could prohibit such designs that include, but are not limited to, bright colors and misleading facility names. The design guideline criteria shall be included as a checklist. If any of the criteria cannot be met, the applicant shall be required to submit justification.
5. Propose options for each community planning area that includes a limit on each type of cannabis facility based on the following criteria (including criteria set forth within Measure 1), along with a cumulative limit on indoor consumption lounges in the unincorporated area:
  - a. Geographic and population size of each community
  - b. Facility type related to land use designations and zoning
  - c. Consider previous Board direction related to VMT and sustainability

6. Develop a definition for a “cannabis event” and provide guidance that could include geographic restrictions and limit frequency of cannabis events that could include consideration of VMT, noise compatibility, and road safety.
7. Provide options to enhance restrictions set forth within State law (California Code of Regulations, Title 4, Section 15017) to include the same requirements set forth by the Alcohol Beverage Control (ABC) licensing process.
8. Determine the legality and return to the Board with options of prohibiting, limiting, or restricting employment using the same criteria set forth by the ABC licensing process.
9. Establish a Community Equity Contribution Program, to be funded by the County, that will be integrated within the Socially Equitable Cannabis Program. This would include a report with data-driven recommendations combined with a community-led input process to determine the needs of each unique community. The Program should explore the potential of permit fee waivers or other incentives that will instead provide direct benefits to the community where these facilities and operations will be located. The intent of the Program, which could be similar to work currently being researched by County staff for Community Benefit Agreements, would be specific to cannabis facilities and could include funding for education, community beautification, and other community-related benefits, as part of the Socially Equitable Cannabis Program.
10. With the Code Compliance division of PDS leading the effort, develop recommendations to combat the illicit cannabis market and public safety concerns, in consultation with Sheriff and other regional law enforcement stakeholders, that would include (but not limited to):
  - a. Parameters on deliveries (must come from a facility with a valid license and building, geographical restrictions, and limits on hours of deliveries)
  - b. Enhanced enforcement options (shoulder tap/minor decoy)
  - c. Other possible restrictions related to onsite consumption lounges, temporary cannabis events, and cultivation practices

**PROGRAM CONSIDERATIONS THAT REQUIRE FURTHER COST RESEARCH**

These measures would direct the CAO to report back on resources needed within 180 days to determine the need for future budgets (and to determine potential alignment on efforts being worked on by the Office of Equality and Racial Justice) to accomplish the following:

11. Explore how to incentivize local ownership of cannabis facilities and explore guidelines on the transfer of business licenses
12. Determine exposure-related health risks to workers at indoor consumption lounges, and, if protective measures are necessary, create requirements that shall be followed through licensing requirements.



13. Determine if code enforcement penalties can be specific to cannabis facilities, and if so, develop a set of criteria that will result in possible penalties for cannabis facilities that have documented code violations that escalate quickly if not actively resolved. This should include, in order: financial fines, forced temporary closure, and permit revocation.
14. Work collaboratively with research partners engaged through the Marijuana Prevention Initiative to develop recommendations that include a comprehensive, evidence-based marijuana prevention curriculum to be available for schools throughout the San Diego region.
15. The curriculum should also include, but not be limited to, the following:
  - a. Require education to cannabis retail staff not to provide medical advice
  - b. Conduct education with public health nurses, school nurses, and programs serving pregnant women about the adverse impacts of marijuana use.
  - c. Require warning signs in cannabis shops about contraindications and negative health impacts when using cannabis with prescribed medications.
  - d. Establish a framework for updating educational materials as medical research documented within medical journals progresses
16. Develop a Board Policy that includes minimum funding requirements for code and law enforcement against illegal dispensaries.

### **EQUITY IMPACT STATEMENT**

The unincorporated area of San Diego County is the size of the state of Connecticut and has a wide array of communities—from the somewhat densely urbanized areas to the sparsely populated rural areas. These communities rely on the County for almost all of their government services. Equity should inherently be all inclusive. The 16 measures proposed here will ensure that the unincorporated area will co-exist with this new industry while sharing the benefits, remaining a safe place to live, and to provide expanded educational opportunities. This action intends to build upon the existing work of the Socially Equitable Cannabis Program to include underserved unincorporated communities as equal stakeholders.

### **FISCAL IMPACT**

Funds associated with the measures 1 through 10 are included in the Fiscal Year 2022-23 Chief Administrative Officer's recommended budget in the Department of Planning and Development Services. If approved, the recommendations will result in costs of approximately \$500,000. The funding source is unassigned General Fund Balance there will be no additional staff years and no change in General Fund net cost. Measures 11 through 16 direct County staff to research the cost that would be necessary to develop the specifics of each measure and return back to the Board.

## **BUSINESS IMPACT STATEMENT**

The proposed actions will ultimately help cannabis facility operators as well as the communities affected by providing a programmatic mechanism to benefit communities, provide limitations on some types of facilities so that one community is not overconcentrated (likely leading to failure for inexperienced business operators), and will provide adequate protections for workers. The measures also intend to incentivize the local operations of these facilities to the extent feasible.

### **ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended.

AYES: Anderson, Lawson-Remer, Fletcher, Desmond

ABSENT: Vargas

## **8. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

### **OVERVIEW**

Robert Germann spoke to the Board regarding airports.

Shaunna Jenkins spoke to the Board regarding potential corruption.

Mark Dorion spoke to the Board regarding CDC statistics.

Consuelo spoke to the Board regarding quality of water.

Audra spoke to the Board regarding people's rights.

Oliver Twist spoke to the Board regarding equitable treatment of speakers.

Truth spoke to the Board regarding transparency at Board meetings.

Mark Wilcox spoke to the Board regarding drug use amongst youth.

Paul Henkin spoke to the Board regarding the Revenue Anticipation Note Program.

Kathleen Lippitt spoke to the Board regarding the interest of the people.

### **ACTION:**

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 2:28 p.m. in memory of Camp Pendleton Marines: Capt. John J. Sax, Capt. Nicholas P. Losapio, Cpl. Nathan E. Carlson, Cpl. Seth D. Rasmuson Lance, and Cpl. Evan A. Strickland.

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

Consent: Vizcarra

Discussion: Zurita

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

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