

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JUNE 29, 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 9:01 a.m.

PRESENT: Supervisors Nathan Fletcher, Chair; Nora Vargas, Vice-Chair; Joel Anderson; Jim Desmond; also, Ryan Sharp, Assistant Clerk of the Board of Supervisors.

ABSENT: Supervisor Terra Lawson-Remer

(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. 22-072, adopted June 14, 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 June 15, 2022.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of June 15, 2022.

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

- 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

- | Agenda # | Subject |
|-----------------|--|
| 1. | COUNTY OF SAN DIEGO TRACT NO. 4823-1 (FINAL MAP NO. 14462): APPROVAL OF SECOND AMENDMENT TO AGREEMENT TO IMPROVE MAJOR SUBDIVISION AND LIEN CONTRACT (INCREASE AMOUNT OF SECURITY AND EXTENSION OF TIME) FOR LIVE OAK RANCH LOCATED IN THE FALLBROOK COMMUNITY PLANNING GROUP AREA |
| 2. | COUNTY OF SAN DIEGO TRACT NO. 5535-1 (FINAL MAP NO. 16173): APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND EXTENSION OF TIME) FOR VILLAGE WALK TOWN HOMES LOCATED IN THE RAMONA COMMUNITY PLAN AREA |
| 3. | AUTHORITY TO ADVERTISE AND AWARD CONTRACTS FOR THE COMPREHENSIVE TREE PROGRAM
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE] |
| 4. | ADOPT RESOLUTIONS TO APPLY FOR AND ACCEPT GRANT FUNDS FROM HABITAT CONSERVATION FUND FOR THE MOUNT OLYMPUS COUNTY PRESERVE EXPANSION ACQUISITION AND KUMEYAAY VALLEY COUNTY PARK RIPARIAN ENHANCEMENT |
| 5. | ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL FOR THE TRANSFORMATIVE CLIMATE COMMUNITIES PLANNING GRANT |
| 6. | ADOPT A RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS RELATED TO THE BIPARTISAN INFRASTRUCTURE LAW |
| 7. | EXPLORING OPTIONS TO ENHANCE COMMUNITY RESILIENCY TO ENERGY EMERGENCIES THROUGHOUT SAN DIEGO COUNTY |
| 8. | ADOPT MITIGATED NEGATIVE DECLARATION AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR LIVE OAK SPRINGS WATER SYSTEM IMPROVEMENTS - WELL NO. 6
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE FOR THE WATER SYSTEM, AS PREVIOUSLY APPROVED BY THE BOARD] |

9. NOTICED PUBLIC HEARING:
PUBLIC HEARING AND CONFIRMATION OF LEVIES FOR
MOSQUITO, VECTOR, AND DISEASE CONTROL BENEFIT
ASSESSMENT AND MOSQUITO ABATEMENT AND VECTOR
CONTROL SERVICE CHARGE FOR FISCAL YEAR 2022-23
[FUNDING SOURCES: MOSQUITO, VECTOR AND DISEASE
CONTROL BENEFIT ASSESSMENT, MOSQUITO ABATEMENT
AND VECTOR CONTROL SERVICE CHARGE, AVAILABLE
VECTOR CONTROL DISTRICT TRUST FUND FUND BALANCE,
AND INCOME FROM INTEREST AND OTHER SERVICE CONTRACTS]

10. NOTICED PUBLIC HEARING:
ORDINANCE AMENDMENTS TO THE GRADING, CLEARING AND
WATERCOURSES ORDINANCE TO STREAMLINE THE
AGRICULTURAL CLEARING PERMIT PROCESS
[FUNDING SOURCE: PRIOR YEAR GENERAL FUND FUND BALANCE]

11. PUBLIC COMMUNICATION

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1. SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4823-1 (FINAL MAP NO. 14462): APPROVAL OF SECOND AMENDMENT TO AGREEMENT TO IMPROVE MAJOR SUBDIVISION AND LIEN CONTRACT (INCREASE AMOUNT OF SECURITY AND EXTENSION OF TIME) FOR LIVE OAK RANCH LOCATED IN THE FALLBROOK COMMUNITY PLANNING GROUP AREA (DISTRICT: 5)

OVERVIEW

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on private development projects. As conditions of their permits, applicants are often required to construct specific improvements that benefit the public, such as roads and stormwater drainage systems. In many cases, these improvements are accepted by the County of San Diego (County) into the County-maintained system to be owned, operated, and maintained by the Department of Public Works (DPW). Subdivision Improvement Agreements and their financial security requirements protect the County by ensuring any required improvements are constructed. In the event of a default by the applicant, the financial security can be used by the County to complete the required improvements. However, under certain circumstances, the County can grant time extensions to allow an applicant additional time to complete the improvements, while simultaneously preserving the County's rights to have the public improvements constructed by the applicant.

The Live Oak Ranch project includes nineteen (19) lots and is located in the Fallbrook Community Plan Area. On September 18, 2002 (20), the Board of Supervisors (Board) approved the Subdivision Map, Improvement Agreement, Lien Contract, and Holding Agreement No. 8131526, which includes public and private improvements such as street and drainage improvements and water facilities. On June 21, 2017 (9), the Board approved a "First Amendment to Agreement to Improve Major Subdivision, County of San Diego Tract No. 4823-1 and Lien Contract" ("First Amendment") to extend the performance completion date to June 21, 2021. The subdivision owner has requested an additional two-year extension to construct the public improvements. To date, no improvements or construction has begun.

This is a request for the Board of Supervisors (Board) to approve the Second Amendment to Agreement to Improve Major Subdivision and Lien Contract (Second Amendment to Agreement) which includes a two-year extension of performance completion date for County Tract No. 4823-1 (Final Map No. 14462), also known as Live Oak Ranch Subdivision.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Second Amendment to Agreement (Attachment A) and associated actions for County Tract No. 4823-1 is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines because administrative activities of governments will not result in a direct or indirect physical change in the environment.

2. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the Second Amendment to Agreement, including Increase of Security and Extension of Time. This agreement extends the time to construct improvements to two (2) years after the execution of this Second Amendment to Agreement.

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) ensures that public improvements are constructed as part of new housing developments, such as roads and stormwater drainage systems. PDS ensures the completion of the public improvements through agreements and financial security, which ensures communities are safe. This extension to the improvement agreement will allow the applicant additional time to complete the required public improvements, which will help provide housing for unincorporated communities.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the requested time extension as presented today. Any costs incurred to continue this project, at such time the owner wishes to move forward, will be paid for by the applicant (owner/developer). There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

2. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5535-1 (FINAL MAP NO. 16173): APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND EXTENSION OF TIME) FOR VILLAGE WALK TOWN HOMES LOCATED IN THE RAMONA COMMUNITY PLAN AREA (DISTRICT: 2)**

OVERVIEW

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on private development projects. As conditions of their permits, applicants are often required to construct specific improvements that benefit the public, such as roads and stormwater drainage systems. In many cases, these improvements are accepted by the County of San Diego (County) into the County-maintained system to be owned, operated, and maintained by the Department of Public Works (DPW). Subdivision Improvement Agreements and their financial security requirements protect the County by ensuring any required improvements are constructed. In the event of a default by

the applicant, the financial security can be used by the County to complete the required improvements. However, under certain circumstances, the County can grant time extensions to allow an applicant additional time to complete the improvements, while simultaneously preserving the County's rights to have the public improvements constructed by the applicant.

The Village Walk Town Homes project includes one (1) condominium lot with 14 town homes on 1.47 acres and is located in the Ramona Community Plan Area. On February 15, 2017 (10), the Board of Supervisors (Board) approved the Subdivision Map and Improvement Agreement, which includes street and drainage improvements, and water and sewer facilities. The Director of Planning & Development Services (PDS) approved an extension to the Improvement Agreement on March 26, 2019. The subdivision owner has requested an additional two-year extension to construct the public improvements. To date, no improvements or construction has begun.

This is a request for the Board of Supervisors (Board) to approve the First Amendment to Agreement to Improve Major Subdivision (First Amendment to Agreement) which includes a two-year extension of performance completion date for County Tract No. 5535-1 (Final Map No. 16173), also known as Village Walk Town Homes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the First Amendment to Agreement (Attachment B) and associated actions for County Tract No. 5535-1 is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines because administrative activities of governments will not result in a direct or indirect physical change in the environment.
2. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the First Amendment to Agreement, including Endorsement for Increase of Security and Extension of Time. This agreement extends the time to construct improvements to two (2) years after the execution of this First Amendment to Agreement.

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) ensures that public improvements are constructed as part of new housing developments, such as roads and stormwater drainage systems. PDS ensures the completion of the public improvements through agreements and financial security, which ensures communities are safe. This extension to the improvement agreement will allow the applicant additional time to complete the required public improvements, which will help provide housing for unincorporated communities.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the requested time extension as presented today. Any costs incurred to continue this project, at such time the owner wishes to move forward, will be paid for by the applicant (or owner/developer). There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

3. SUBJECT: AUTHORITY TO ADVERTISE AND AWARD CONTRACTS FOR THE COMPREHENSIVE TREE PROGRAM (DISTRICTS: ALL)

OVERVIEW

The Department of Parks and Recreation (DPR) manages 156 facilities across 56,000 acres of land, and over 380 miles of multi-use trails. A valuable part of each park is the natural shade offered by trees for the benefit of park users and the environment. Trees are valuable assets to the park system, as they increase the usability of parks, contribute to biodiversity, and serve as important climate buffers that moderate temperature and moisture and make parks more desirable for the public.

Through the Comprehensive Tree Program, DPR plants at least 3,500 trees per year throughout the County of San Diego (County) system of 156 parks, installs temporary watering systems to enhance the trees' natural ability to absorb oxygen, water, and nutrients, and strengthens fire resilience by providing services to remove and replace dead and diseased trees. DPR is planting a variety of native and climate ready species and sizes of trees to parks devastated by tree loss caused by years of drought and infestation by wood boring insects throughout the County park system. DPR partners with local non-profit, service and volunteer groups to plant trees and connect people with nature.

DPR uses the California Healthy Places Index (HPI) provided through the Public Health Alliance of Southern California to identify parks in underserved communities that are also lacking access to tree canopies. In addition, DPR identifies areas where trees are needed based on where trees have been lost due to the impacts of drought, invasive pests (mainly Goldspotted Oak Borer and Invasive Shot Hole Borer), age of the existing trees, and the environmental fit for the trees. More trees help clean the air, provide shade, and cool the air temperatures in the surrounding environment, which benefits all residents and visitors, including underserved communities that lack sufficient residential tree canopies. DPR will plant trees based on these needs in order to create diverse tree populations in terms of species and age to help support a healthy tree canopy system in the County of San Diego.

Through the Comprehensive Tree Program, DPR supports the County's 2018 Climate Action Plan goal of reducing greenhouse gases by 1,796,692 metric tons of carbon dioxide equivalent (MTCO₂) by 2030. Since 2016, the program has planted over 27,000 trees in County parks and provide a healthier environment for all San Diego County residents by removing approximately 956 MTCO₂ annually, which is equivalent of the greenhouse gases created by a gasoline-powered passenger vehicle being driven over two million miles (EPA.GOV). DPR will coordinate with the Department of Planning & Development Services in Fiscal Year

22/23 to consider options to expand the existing tree program after completing a tree canopy evaluation and with a focus on prioritizing new tree plantings in underserved and environmental justice communities.

Today's proposed actions will authorize the Director of the Department of Purchasing and Contracting to advertise and award contracts estimated at \$2,000,000 including contingency, for the purchase of approximately 3,500 trees through multiple vendors, the installation of watering systems, removal of dead and diseased trees, and the equipment needed to plant and maintain the trees through the Comprehensive Tree Program. Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in DPR. If approved, the trees purchased through this action will be planted beginning in July 2022 and be completed in winter 2022.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15304.
2. Authorize the Director of Department of Purchasing and Contracting to advertise and award contracts and take any action authorized by Section 401 et seq. of the Administrative Code, with respect to contracting for the Comprehensive Tree Program
3. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer responsible for administering the contracts, in accordance with Board Policy.

EQUITY IMPACT STATEMENT

The planting of trees makes a positive health impact on all demographics in the region by removing carbon dioxide from the atmosphere, reducing erosion, and lowering the temperature of the air and ground under trees on hot days. Healthy tree canopies in parks ensure that parks have available and accessible shaded areas that can be enjoyed by the public during the hottest times of the year and reduce UV exposure. DPR uses the California Healthy Places Index (HPI) provided through the Public Health Alliance of Southern California to identify parks in underserved communities that are also lacking access to tree canopies. Tree plantings will include Tijuana River Valley Regional Park with a HPI tree rating of 9.1%, Lindo Lake Park with a HPI tree canopy rating of 23% and Rancho Guajome Adobe Park with a tree canopy rating of 25.8%. Volunteer tree plantings are used by DPR to connect people to their parks and improve environmental education. When you plant a tree, it can provide a lifetime connection to that tree and park.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan in the Department of Parks and Recreation. If approved, this request will result in costs of \$2,000,000 in FY 2021-22. The funding source is available prior year General Fund fund balance. Upon completion, annual maintenance of trees planted through the Comprehensive Tree Program will be provided by existing DPR staff. 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 Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent.

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

4. **SUBJECT: ADOPT RESOLUTIONS TO APPLY FOR AND ACCEPT GRANT FUNDS FROM HABITAT CONSERVATION FUND FOR THE MOUNT OLYMPUS COUNTY PRESERVE EXPANSION ACQUISITION AND KUMEYAAY VALLEY COUNTY PARK RIPARIAN ENHANCEMENT (DISTRICTS: 2, 5)**

OVERVIEW

The State of California, through the Habitat Conservation Fund (HCF) grant program, provides funds to local governments to purchase land to protect wildlife corridors, develop trails, and create nature education programs to bring urban residents into park and wildlife areas. The grant program is competitive and requires matching funds from grant applicants. The grant application must include a project specific resolution from the governing body that identifies the project that is to be pursued with grant funds. The Department of Parks and Recreation (DPR) was previously awarded grants from Habitat Conservation Fund for several past acquisitions, including San Vicente Connection, Iron Mountain Connection, Peutz Creek Preserve, and Sierra Verde/Hellhole Canyon. The Nature Explorers Program has also received past funding from the Habitat Conservation Fund.

DPR proposes to apply for up to \$700,000 of HCF grant funds in two separate grant applications. One application is for \$200,000 for the acquisition of a property connecting to the existing Mount Olympus Preserve to expand the preserve by 460 acres. Mount Olympus Preserve is located in the unincorporated community of Pala-Pauma. Specifically, the preserve is located east of Rice Canyon Road, west of Pala Temecula Road and north of SR-76. The other application is for \$500,000 for the Kumeyaay Valley Park Riparian Enhancement project. Kumeyaay Valley Park is located in the unincorporated community of Lakeside.

The proposed HCF Acquisition Project is to acquire approximately 460 acres to conserve mountain lion and mule deer habitat, protect wildlife corridors, and expand the existing Mount Olympus Preserve footprint from approximately 840 to 1,300 acres. The proposed acquisition would contribute to the draft North County Multiple Species Conservation Program (MSCP) preserve lands and will support regional conservation efforts with its high-quality oak woodland, Diegan coastal sage scrub, and chaparral habitat suitable for mule deer and known sightings of mountain lions. If awarded, matching funds will be provided by available funds in the MSCP Acquisitions Capital Project.

The proposed HCF Riparian Enhancement Project is to remove invasive species from Kumeyaay Valley Park. Enhancement of the riverbed is the initial action necessary to fulfill the goal of formal trail access through the property. Any time that DPR is performing work near cultural resources, an archaeologist and a Native American Monitor are onsite during ground disturbance. This ensures that staff is respectful of any artifacts or cultural resources that are found and that tribes are notified so that they can provide direction on how best to proceed.

The project would contribute to regional conservation efforts by increasing habitat quality for sensitive species, including least Bell's vireo and California gnatcatcher, as well as improving flow, water quality and groundwater recharge in this portion of the San Diego River. If awarded, \$500,000 in matching funds will be provided from the El Monte River Valley Capital Project funding (1024372).

Today's proposed action will authorize DPR to apply for and accept grant funds from the HCF grant program. It will also authorize the Director, Department of Parks and Recreation, to conduct all negotiations and to execute and submit all documents that may be necessary to apply for and accept these grants. If grant funds are awarded, DPR will return to the Board of Supervisors to request appropriations as needed.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Mount Olympus County Preserve Expansion Acquisition is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15313 and 15325 of the State CEQA Guidelines.
2. Find that the proposed Kumeyaay Valley County Park Riparian Enhancement is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 of the State CEQA Guidelines.
3. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND (HCF) PROGRAM FOR THE MOUNT OLYMPUS COUNTY PRESERVE EXPANSION ACQUISITION.
4. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND (HCF) PROGRAM FOR THE KUMEYAAY VALLEY COUNTY PARK RIPARIAN ENHANCEMENT.
5. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to apply for and accept grant funds, if awarded, including but not limited to, applications, grant contracts, payment requests, and if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant programs or funding levels.

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 for the Mount Olympus Preserve will contribute acreage to multiple sustainability efforts, including expanding the draft North County MSCP Plan preserve area by 460 acres and reducing greenhouse gas emissions by 586 metric tons of carbon dioxide equivalents per year. Removal of invasive plant species within the San Diego River and enhancement of natural habitat in Kumeyaay Valley County Park will improve the quality of the native habitat within the river corridor. Higher quality habitat is anticipated to result in positive public health impacts by improving water and air quality for all residents. Additionally, enhancement of the riverbed within the Kumeyaay Valley County Park will allow for future potential trail connections which are anticipated to result in positive health impacts by providing passive recreation opportunities for all residents.

FISCAL IMPACT

There is no fiscal impact associated with today's proposed actions. If approved, the Department of Parks and Recreation (DPR) will submit grant applications to the Habitat Conservation Fund (HCF) for a total of \$700,000 for the Mount Olympus Preserve Expansion Acquisition (\$200,000) and Kumeyaay Valley Park Riparian Enhancement (\$500,000).

The Board approved a waiver of Board Policy B-29 for LUEG grants on June 24, 2020 (12), therefore a waiver is not requested as part of this action. If a grant is awarded, any unrecovered cost per Board Policy B-29 would be funded by existing General Purpose Revenue in the Department of Parks and Recreation as determined by the nature of the project(s) or program(s).

The HCF grant is competitive; therefore, it is unknown if grant funding will be awarded or the final amount of the award. The HCF grant program requires a dollar-for-dollar funding match. If awarded, matching funds for Mount Olympus Preserve Expansion Acquisition (\$200,000) will be provided in Fiscal Year 2022-23 by available funds in the Multiple Species Conservation Program Acquisitions Fund. If awarded, matching funds for the Kumeyaay Valley Park Riparian Enhancement (\$500,000) will be provided in Fiscal Year 2022-23 by available funds in the El Monte River Valley Capital Project (1024372) based on County General Fund. If approved and grant funds are awarded, DPR will return to the Board to request appropriation of funds as necessary.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-108, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND (HCF) PROGRAM FOR THE MOUNT OLYMPUS COUNTY PRESERVE EXPANSION ACQUISITION, and

Resolution No. 22-109, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND (HCF) PROGRAM FOR THE KUMEYAAY VALLEY COUNTY PARK RIPARIAN ENHANCEMENT.

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

5. SUBJECT: ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL FOR THE TRANSFORMATIVE CLIMATE COMMUNITIES PLANNING GRANT (DISTRICTS: 1 AND 4)

OVERVIEW

On February 9, 2022 (5) the Board of Supervisors directed County staff in the Land Use and Environment Group to prepare an application to the State of California for the Transformative Climate Communities (TCC) grant, in this current open round. TCC grant funds will help support the development of thoughtful and holistic community outreach to a diverse range of stakeholders, including community-based organizations, to ensure sustainability efforts such as the Regional Decarbonization Framework are informed by the experiences of communities that are exposed to environmental and health hazards, both inside the home and in the neighborhood. The TCC is a program of the California Strategic Growth Council (SGC) that empowers the communities most impacted by pollution to choose their own goals, strategies, and projects to reduce greenhouse gas emissions and local air pollution.

TCC provides both planning and implementation grants. To date, TCC has awarded over \$230 million since 2017, through 8 Implementation Grants and 18 Planning Grants. TCC Implementation Grants support an integrated set of projects within a neighborhood project area of approximately five square miles. Projects must reduce greenhouse gas emissions significantly over time, leverage additional funding sources, and provide health, environmental and economic benefits to the community. TCC Planning Grants are for a 3-year period and support planning activities to advance community-led goals and projects.

A unique aspect of this round of the TCC grant program is that the SGC is accepting Planning Grants for unincorporated areas. Based upon feedback received from unincorporated communities through outreach workshops, the SGC have allowed the use of “self-identified disadvantaged unincorporated communities” as eligibility criteria for an application. SGC defines this as a designation with localized data that identifies population characteristics and density defined by a neighborhood-level assessment. An example of a neighborhood-level assessment is a county’s Environmental Justice Element of the General Plan.

In order to utilize this new opportunity for our unincorporated environmental justice communities, the County will apply for a \$300,000 TCC Planning Grant to help develop a more formal structure for community engagement through its Office of Sustainability and Environmental Justice. This formal structure will explore 1) an understanding of the

environmental health hazards and existing land use incompatibilities between community residential and commercial/industrial areas, 2) elevate community infrastructure needs, lack of active transportation planning, and lack of access to fresh food and adjacent natural resources, such as parks and open spaces, and 3) advance the goals of the Regional Decarbonization Framework in environmental justice communities.

The planning efforts are intended to build community capacity for transformational change that would occur if projects were implemented. These planning efforts will be focused on the underserved unincorporated areas generally located in the Spring Valley community within the San Diego region, which is one of the communities identified in the County's Environmental Justice Element of the General Plan.

This is a request for the Board of Supervisors to adopt a Resolution that includes an authorization for the County to apply for and accept a TCC Planning Grant. If the County is selected for an award, it also authorizes staff in the Land Use and Environment Group to execute all related documents.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the State of California Environmental Quality Act Guidelines that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and is, therefore, not subject to the California Environmental Quality Act.
2. Authorize the Land Use and Environment Group Deputy Chief Administrative Officer, or their designee, as agent of the County, to conduct all negotiations and submit all documents necessary to secure and apply for grant funds related to a TCC Planning Grant, including, but not limited to, applications, contracts, payment requests; to execute grant agreements upon award of grant funds, including any extensions or amendments thereof that do not materially impact or alter the grant programs or funding levels; and to enter into a memorandum of understanding with eligible co-applicants as described in the TCC program guidelines, including any extensions or amendments thereof that do not materially impact or alter the grant programs or funding levels.
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL FOR THE TRANSFORMATIVE CLIMATE COMMUNITIES PLANNING GRANT.

EQUITY IMPACT STATEMENT

The Transformative Climate Communities (TCC) Program funds development and infrastructure projects that achieve major environmental, health, and economic benefits in California's most underserved communities. The County is leading a regional effort to focus on environmental justice, through the establishment of the Office of Sustainability and Environmental Justice, which will ensure that regional efforts advance and address equity, and environmental and climate justice. The Office will focus on communities regionwide and in

the unincorporated area that are disproportionately impacted by environmental burdens and related health problems and lead efforts to reduce greenhouse gas emissions, ensure access to healthy food options, transportation equity, and protect civil rights in emergency planning and response.

FISCAL IMPACT

There is no fiscal impact associated with today's actions to apply for and accept grant funds from the California Strategic Growth Council. If approved, today's actions would authorize the Land Use and Environment Group (LUEG) Deputy Chief Administrative Officer to submit a Planning Grant application for \$300,000. Matching funds are not a requirement for this grant. LUEG will return to the Board of Supervisors at a later date to appropriate any grant funds received. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

NA

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-110, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL FOR THE TRANSFORMATIVE CLIMATE COMMUNITIES PLANNING GRANT.

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

6. **SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS RELATED TO THE BIPARTISAN INFRASTRUCTURE LAW (DISTRICTS: ALL)**

OVERVIEW

The Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (IIJA), was approved by Congress on November 5, 2021, and signed by President Biden on November 15, 2021. This historic infrastructure law seeks to help ease inflationary pressures; strengthen supply chains by making long overdue improvements for our nation's ports, airports, rail, and roads; drive the creation of good-paying union jobs with high labor standards that can be accessed by all workers, especially those from underserved communities; and grow the economy sustainably and equitably for decades to come. This \$1.2 trillion law provides spending over ten years, including \$550 billion in new federal spending to be allocated over the next five years.

In January 2022, the White House introduced a website and Guidebook for State, local, tribal, and territorial leaders. This guidebook is a roadmap to the funding available under the law, as well as an explanatory document that shows, in as much detail as currently available, program-by-program information. The BIL is broken down into four categories: 1) Transportation, 2) Climate, Energy and the Environment, 3) Broadband, and 4) Other Programs, and further categorized into subcategories ranging from roads and bridges infrastructure to climate resilience.

The White House released additional resources in April and May of 2022 including the Rural Playbook, the Tribal Playbook, and the Technical Assistance Guide. These playbooks, guides, and resources are available at <https://www.whitehouse.gov/build>. The Rural Playbook is a crucial part of the disbursement of infrastructure funding focused on rural communities in the U.S. The playbook lays out specific funding and initiatives for rural areas on project efforts relating to the provision of affordable, high-speed internet, safe roads and bridges, modern wastewater systems, clean drinking water, reliable and affordable electricity, and good paying jobs in every rural community. The Tribal Playbook identifies the programs and sources of funds specifically set aside for Tribal communities in the BIL, as well as provides a guide to eligibility for other programs. The Technical Assistance Guide highlights programs that help communities navigate programs and resources that can help them deliver infrastructure projects through hands-on and intensive planning and webinars, as 90% of the BIL funding will be distributed by non-federal partners.

The County's Office of Strategy and Intergovernmental Affairs (OSIA) worked closely with the County's departments and the County's federal representatives in Washington, D.C. to identify a list of the top priority projects for the County to pursue all available BIL funding opportunities. Advocacy for these projects was authorized by the Board of Supervisors' approval of the 2022 Legislative Program Priority Issues and followed by the OSIA memorandum titled Federal Infrastructure Investment and Jobs Act, issued on February 17, 2022 (Attachment A), calling for the County of San Diego to actively pursue all available funding to lift and invest in our communities. In addition, OSIA agreed to prepare correspondence as appropriate to communicate the County's status on funding for these project priorities.

The County has also introduced a BIL website: <https://www.sandiegocounty.gov/build/> which provides general information about the BIL, how funding is allocated, and where one can learn more. This website also includes sub-pages for the categories of grant programs in which the County is monitoring funding opportunities, specifically in the areas of Transportation, Clean Energy & Power, Broadband, and Resilience and Other Programs. This website will be updated regularly on what grants we are monitoring and applying for, as well as any new information that is released on the federal grant programs.

The County seeks to utilize grant funding, prioritized based on categories laid out in the BIL, and to enhance the implementation of programs and provision of services for the community. In order to apply for and accept grants in excess of \$250,000, County departments are required to request authorization from the Board of Supervisors. To ensure that County departments are prepared to react quickly to opportunities for funds, this is a request for approval to apply for and accept upcoming funding for programs related to the Bipartisan Infrastructure Law.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines that delegating authority to allow application for and acceptance of possible grant funding is not a project under CEQA review because it is fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
2. Authorize the Land Use and Environment Group (LUEG) Deputy Chief Administrative Officer or designee, and all LUEG Department Directors for Agriculture, Weights and Measures; the Department of Environmental Health and Quality; the Department of Parks and Recreation; the Department of Public Works; Planning & Development Services; and San Diego County Library, or their designees, to submit, negotiate, and execute all documents necessary to secure and apply for grant funds related to the Bipartisan Infrastructure Law for their respective projects until December 30, 2030. This includes, but is not limited to, applications, grant contracts, payment requests, and if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or fund levels.
3. Adopt a resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING LAND USE AND ENVIRONMENT GROUP DEPARTMENT DIRECTORS AND/OR DESIGNEE(S), TO SUBMIT GRANT APPLICATIONS AND ACCEPT GRANT FUNDS FOR THE IMPLEMENTATION OF PROJECTS AND PROGRAMMATIC ACTIVITIES IN SUPPORT OF THE COUNTY'S VISION AND STRATEGIC INITIATIVES FOR THE BIPARTISAN INFRASTRUCTURE LAW.
4. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for services provided under grants.

EQUITY IMPACT STATEMENT

Grant funding supports the development of infrastructure improvements and services for community members. Modern infrastructure can aid environmental justice concerns and achieve environmental goals as well as economic development by improving the conditions of the San Diego region. In parallel with the Bipartisan Infrastructure Law (BIL), the Council of Environmental Quality (CEQ) developed the Climate and Economic Justice Screening Tool, or Justice40 tool, to aid President Biden's Executive Order 14008. Order 14008 directed the federal Office of Management and Budget to work with the CEQ, and White House Environmental Justice Advisory Council, to jointly publish guidelines on how 40% of federal investments can be channeled toward disadvantaged communities. This is known as the Justice40 Initiative. From this initiative came the new Justice40 tool, which is similar to CalEnviroScreen but uses census data to allow agencies to identify disadvantaged communities: those that are in census tract areas at or above thresholds in one of eight environmental justice categories. This also includes those found to be marginalized, underserved, and overburdened by pollution. The County will utilize the Justice40 tool when preparing applications for grants within the BIL.

FISCAL IMPACT

There is no fiscal impact associated with the approval of today's resolution authorizing applications for and acceptance of Bipartisan Infrastructure Law funding. The respective Land Use and Environment Group Department Directors will return to the Board of Supervisors at a later date to appropriate any grant funds received, as they become available and if needed. If a grant requires matching funds, the departments will only apply for the grant if the matching funds can be provided by available funds managed by the department.

A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts-Department Responsibility for Cost Recovery, is requested because the proposed grant funding may not offset all administrative costs. If approved and a grant is awarded, the awarded department will return to the Board for final approval and appropriation of any unrecovered cost per Board Policy B-29. 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 Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-111, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING LAND USE AND ENVIRONMENT GROUP DEPARTMENT DIRECTORS AND/OR THEIR DESIGNEE(S), TO SUBMIT GRANT APPLICATIONS AND ACCEPT GRANT FUNDS FOR THE IMPLEMENTATION OF PROJECTS AND PROGRAMMATIC ACTIVITIES IN SUPPORT OF THE COUNTY'S VISION AND STRATEGIC INITIATIVES FOR THE BIPARTISAN INFRASTRUCTURE LAW.

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

7. **SUBJECT: EXPLORING OPTIONS TO ENHANCE COMMUNITY RESILIENCY TO ENERGY EMERGENCIES THROUGHOUT SAN DIEGO COUNTY (DISTRICTS: ALL)**

OVERVIEW

San Diego County, like many other counties throughout California, is facing a threat to the reliability and resiliency of its existing power grid, especially now as we begin to enter the summer months. Part of the threat is due to the local impacts that climate change is causing, such as an increase in the frequency of heat waves, higher-than-average temperatures, severe drought, and unrelenting wildfires. Rises in demand for electricity use, particularly for air conditioning and electric vehicles, are only expected to increase as the effects of climate change continue to be felt, and as regulatory efforts to address its impacts are implemented (for example, the proposal for a ban on sales of new gasoline-fueled vehicles that could take effect in 2035, the transition to renewable energy sources, etc.). Droughts tend to make

hydroelectric power less reliable, and wildfires can destroy critical power infrastructure such as transmission lines. In addition, another part of the threat to the reliability of our power grid is the accelerating transition away from traditional sources of energy, such as the burning of fossil fuels, toward alternative sources of energy. This poses its own unique sets of challenges that must be preempted and overcome. For example, solar and wind power do not always consistently produce electricity; only when the sun is shining, and when the wind is blowing. The County must be prepared for both the short- and long-term impacts that increases in demand for electricity, as well as the potentially disruptive transition toward renewable sources of energy, will have on our resiliency and ability to adapt to energy emergencies such as power outages and grid failures.

Today's action will direct the Chief Administrative Officer to explore options aimed at enhancing community resiliency to energy emergencies in the unincorporated areas of the County.

RECOMMENDATION(S)
SUPERVISOR JIM DESMOND

1. Find in accordance with Section 15262 of the California Environmental Quality Act Guidelines that this action is exempt from environmental review because it directs the Chief Administrative Officer to explore options aimed at enhancing community resiliency to energy emergencies throughout the unincorporated areas of the County, which options have not been approved, adopted, or funded.
2. Direct the Chief Administrative Officer to explore options aimed at enhancing community resiliency to energy emergencies throughout the unincorporated areas of the County and report back to the Board of Supervisors within 180 days with options, generally, but not strictly focusing on:
 - a. Exploring options to partner with San Diego Gas & Electric (SDG&E) to expand or augment their "Generator Assistance Program" to increase eligibility and availability for the unincorporated areas of the County, with the intent to make obtaining back-up power generators easier and more broadly available for our communities. In addition, explore options to increase public education and awareness of SDG&E's "Generator Assistance Program."
 - b. Researching benefits and potential drawbacks of establishing a County program, separate from SDG&E's, that would offer rebates or other incentives for personal/commercial back-up generators purchased by County residents and local businesses.
 - c. Researching the need and opportunity for microgrids within the unincorporated communities of the County (community microgrids). To enhance this research effort, conduct stakeholder outreach to gather feedback on the areas and types of facilities that should be included in potential, future community microgrids. In this case, community microgrids are meant to be defined as the interlinking of onsite renewable energy generation, battery storage, demand response systems and electric vehicle charging stations that can power certain, usually critical facilities such as schools, hospitals, police stations and fire stations, independent of the existing power grid.

EQUITY IMPACT STATEMENT

Taking the appropriate steps to make our communities more resilient to energy emergencies such as power outages and grid failures would benefit every demographic in San Diego County. The ability to access electricity reliably and consistently is essential for the quality of life and safety for residents throughout the region.

FISCAL IMPACT

There is no fiscal impact associated with the recommendation to explore options aimed at making our communities more resilient to energy emergencies. There may be fiscal impacts associated with future related recommendations for which staff would return to the Board for consideration and approval. 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 Desmond, seconded by Supervisor Vargas, the Board of Supervisors took the following actions:

1. Found in accordance with Section 15262 of the California Environmental Quality Act Guidelines that this action is exempt from environmental review because it directs the Chief Administrative Officer to explore options aimed at enhancing community resiliency to energy emergencies throughout the unincorporated areas of the County, which options have not been approved, adopted, or funded.
2. Directed the Chief Administrative Officer to explore options aimed at enhancing community resiliency to energy emergencies throughout the unincorporated areas of the County, including through partnerships with both SDG&E and San Diego Community Power and other Community Choice Aggregators in the region, and report back to the Board of Supervisors within 180 days with options, generally, but not strictly focusing on:
 - a. Exploring options to partner with San Diego Gas & Electric (SDG&E) to expand or augment their "Generator Assistance Program" to increase eligibility and availability for the unincorporated areas of the County, with the intent to make obtaining back-up power generators easier and more broadly available for our communities. In addition, explore options to increase public education and awareness of SDG&E's "Generator Assistance Program."
 - b. Researching benefits and potential drawbacks of establishing a County program, separate from SDG&E's, that would offer rebates or other incentives for personal/commercial back-up generators purchased by County residents and local businesses.

- c. Researching the need and opportunity for microgrids within the unincorporated communities of the County (community microgrids). To enhance this research effort, conduct stakeholder outreach to gather feedback on the areas and types of facilities that should be included in potential, future community microgrids. In this case, community microgrids are meant to be defined as the interlinking of onsite renewable energy generation, battery storage, demand response systems and electric vehicle charging stations that can power certain, usually critical facilities such as schools, hospitals, police stations and fire stations, independent of the existing power grid.
- d. Including other energy providers like San Diego Community Power and Clean Energy Alliance and their community resilience programs.
- e. Requesting emissions data for list of qualified generators to be included when options return to the Board in 180 days.
- f. As part of research, coordinate with the analysis that is being prepared with the County Office of Sustainability and Environmental Justice and USD's Energy Policy Initiatives Center (EPIC) on emissions from sources like this including opportunities through the Regional Decarbonization Framework's coordination across local, state and federal levels.
- g. The County should also include other green and zero emission alternatives like Solar Powered Generators and battery storage systems.

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

8. SUBJECT: ADOPT MITIGATED NEGATIVE DECLARATION AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR LIVE OAK SPRINGS WATER SYSTEM IMPROVEMENTS - WELL NO. 6 (DISTRICT: 2)

OVERVIEW

The County of San Diego (County) owns and operates the Live Oak Springs Water System (Water System), a small water system in the unincorporated community of Boulevard, located off Old Hwy 80 approximately 1.5 miles south of the Interstate 8 Freeway. The Water System currently serves approximately 300 people in the subcommunity of Live Oak Springs (Community), which includes 87 residential connections and two commercial connections. The existing Water System consists of one groundwater well and pump, two 20,000-gallon water storage tanks, various distribution pumps and appurtenances, and approximately two miles of underground water mains that run throughout the community.

The Water Company's owner filed for bankruptcy in 2013, and the bankruptcy court assigned a Trustee to oversee the operation and sale of the Water System. On September 19, 2019, the County entered into an agreement with the Trustee to take over as the Water System's operator and assume water service responsibilities for the affected landowners and/or residents. The agreement included the County's intent to purchase the Water System, contingent on a full assessment of the Water System components. The Department of Public Works (DPW) began operating the Water System and completing minor improvements to repair broken and critical infrastructure. Through general operation and a series of technical studies, DPW assessed the Water System and developed a comprehensive, multi-phase improvement plan (Improvement Plan) to upgrade the Water System to meet all regulatory standards and ensure the Community would have a safe and reliable source of water.

On January 11, 2021, the County purchased the Water System from the Bankruptcy Court and began the environmental analysis of the Improvement Plan, as well as the design of the first phase. The first phase of the Improvement Plan is known as the Live Oak Springs Water System Improvements - Well No. 6 Phase 1 (Phase 1). Phase 1 will construct a secondary potable water well that will help the Water System meet State regulations, which require a primary and secondary well to make the Water System more reliable for the Community. The secondary well will serve as redundancy, or backup, for the primary well, so that water can continue to be provided to the Community if one of the wells were to become inoperable. Phase 1 will also install an emergency generator to ensure the Water System can provide water to the Community during power outages. The proposed improvements will increase the reliability of the Water System and protect public health and safety for the Community.

As part of the operational tests to develop Phase 1, a test well was drilled in April 2020 approximately 75 feet away from the primary well to confirm that the location would support a new well capable of supplying the same water quality and rate of flow as the primary well. The new secondary well will be in the same location as the test well and will be widened to 8 inches in diameter to become the permanent well. The depth of the well will be approximately 250 feet below the surface. Recommendation on the location of the well was determined by Dudek Environmental Services, as, described in the groundwater analysis report.

The engineering plans and specifications for Phase 1 are complete and is ready to be advertised for construction. Prior to the start of construction, signs will be placed notifying the public of the locations and approximate dates of construction. In addition, information on Phase 1 will be posted on social media for the public, and notifications such as mailers, will be provided in English and Spanish (the two primary languages spoken in this Community) to surrounding residences and businesses. All construction will occur off the road on County-owned property, so traffic impacts to the community and traveling public are not expected. Phase 1 is anticipated to take less than six months to complete with no disruption to water service for the Community during construction. The remaining phases of the Improvement Plan will be designed and constructed over the next three to four years and each phase will be brought to the Board of Supervisors for approval to advertise and award when the design is complete.

This is a request to adopt the analysis of the environmental impacts, known as the Mitigated Negative Declaration (MND) for the multi-phase Improvement Plan and approve the public advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for Phase 1. If approved, construction is scheduled to begin in fall 2022 and be completed by the end of 2022. The construction cost for Phase 1 is estimated at \$700,000, including 15% contingency based on risk evaluation for unforeseen conditions during construction. The funding source is available from prior year General Fund fund balance for the Water System, as previously approved by the Board.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, based on the whole record, that there is no substantial evidence that the Live Oak Springs Water System Improvements - Well No. 6 Phase 1 (Phase 1) and subsequent phases of the Improvement Plan will have a significant effect on the environment. Consider the California Environmental Quality Act (CEQA) Mitigated Negative Declaration, on file with the Department of Public Works and dated June 29, 2022, State Clearinghouse #2022020717 (Attachment B), together with comments received during public review (Attachment C), and adopt it in compliance with CEQA, finding that it reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Mitigation Monitoring and Reporting Program (MMRP) (Attachment D) prepared in accordance with Public Resources Code Section 21081.6 and authorize the Director of the Department of Public Works to ensure compliance with the MMRP.
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract for Live Oak Springs Water System Improvements-Well No. 6, and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the Construction Contract for Phase 1.
4. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The San Diego County Department of Public Works (DPW) strives to preserve, enhance, and promote quality of life and environmental resources through the implementation of programs and projects that improve regional community health and environmental quality while simultaneously complying with mandatory federal and State regulations governing water service. DPW utilizes a variety of tools to build infrastructure improvement projects, including, but not limited to, infrastructure condition assessments, direct community feedback, and comprehensive system analysis. Additionally, DPW considers data from the Healthy Places Index (HPI) and CalEnviroScreen, as well as other relevant data sources. This community has an HPI percentile rank of 28.5% that indicates 71.5% of other California census tracts have healthier community conditions than this tract. The infrastructure enhancements of the Water System will benefit the Live Oak Springs community by improving access to quality water and firefighting capabilities and reducing the risk of interruptions to water service.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the CSA 137 Live Oak Springs Water System. If approved, construction costs for the Live Oak Springs Water System Improvements - Well No. 6 Phase 1 is estimated to be \$700,000, including contingency. The funding source is available prior year General Fund fund balance for the Water System, as previously approved by the Board. There will be no net General Fund impact and no additional staff years.

BUSINESS IMPACT STATEMENT

When approved by the Board of Supervisors for advertising and award, County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction related employment opportunities. All workers employed on public works projects must be paid the prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ACTION:

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

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

9. **SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING AND CONFIRMATION OF LEVIES FOR
MOSQUITO, VECTOR, AND DISEASE CONTROL BENEFIT
ASSESSMENT AND MOSQUITO ABATEMENT AND VECTOR
CONTROL SERVICE CHARGE FOR FISCAL YEAR 2022-23
(DISTRICTS: ALL)**

OVERVIEW

The Department of Environmental Health and Quality's (DEHQ) Vector Control Program (VCP) protects residents and visitors from health risks associated with vectors, such as mosquitoes, rodents and ticks that can transmit vector-borne diseases including West Nile virus, Zika, dengue, plague, hantavirus, Lyme disease and tularemia. Title 6, Division 4, Chapter 2, of the San Diego County Code of Regulatory Ordinances defines "vector" to mean an animal capable of transmitting the causative agent of human disease. "Vector" also includes eye gnats. VCP conducts mosquito abatement throughout the San Diego region, performs surveillance and testing of vectors that can cause human disease, and educates the public on actions to prevent vectors, protect themselves from vectors, and report breeding sources. Each year DEHQ has a goal to ensure the incidence of locally-acquired West Nile virus remains below 1 case per 100,000 persons, and in calendar year 2021 there were zero known locally-acquired cases.

The services performed by VCP are supported through the Mosquito, Vector, and Disease Control Benefit Assessment and the Mosquito Abatement and Vector Control Service Charge. The benefit assessment rate is evaluated annually and must be approved by the Board of Supervisors (Board).

On June 30, 2021 (3), the Board approved the Engineer's Report, confirming the assessment diagram and assessment and ordering the continuation of assessments for the Mosquito, Vector, and Disease Control Benefit Assessment for Fiscal Year (FY) 2021-22. According to Article XIID of the State Constitution (Proposition 218), approved by the California voters in November 1996, property owners may approve a benefit assessment through a mail ballot measure and in subsequent years, the governing body (i.e., the Board) may continue or adjust the levy on properties within the limitations set by the ballot measure.

The Engineer's Report defines the proposed benefit assessment by outlining program components, costs, and assessment required based on the program size. The benefit assessment would provide funding for mosquito, vector, and disease surveillance and control services throughout the San Diego region. The benefit can be measured, in part, by the number of people who live on, work at, visit or otherwise use the property, because the people ultimately determine the value of the benefits by choosing to live, work, and/or recreate in the area.

DEHQ has determined no changes will be required in the Mosquito, Vector, and Disease Control Benefit Assessment amount for FY 2022-23. DEHQ was able to contain costs associated with prescribed increases for salary and benefits, retirement, central support, and facilities by applying savings and through efforts to maximize efficiencies and streamline operations. Although there are no proposed changes to the rate, the Board must still approve the current rate for the benefit assessment for FY 2022-23.

This is a request to adopt a resolution to approve the Engineer's Report, confirm the assessment diagram and assessment, and order the levy of assessments for the Mosquito, Vector, and Disease Control Benefit Assessment for FY 2022-23. The proposed single-family equivalent dwelling rate is \$8.37, which is the same as the adopted rate of \$8.37 for FY 2019-20, FY 2020-21 and FY 2021-22.

The Board is also being asked to approve a resolution adopting service charges and confirming reports regarding levies for Mosquito Abatement and Vector Control Service Charge, which was adopted by the Board prior to Proposition 218. The existing service charge for FY 2021-22 would be levied within the authorized rate structure with no change in the rates of \$3.00 (Coastal Subregion), \$2.28 (Inland Suburban Subregion), and \$2.28 (Inland Rural Subregion).

Upon adoption, the Mosquito, Vector, and Disease Control Benefit Assessment and the Mosquito Abatement and Vector Control Service Charge will be placed on the tax roll for FY 2022-23. If the benefit assessment and service charge are not approved, the VCP would not be able to provide existing levels of service or maintain activities to reduce the risk to public health from vector-borne diseases, which includes reduced outreach, education and

community engagement efforts including translation services, delayed responses to requests for VCP services, and potentially less timely investigations of complaints and referrals from County Public Health Services. These delays would increase the possibility for local transmission of mosquito-borne diseases and would result in a higher abundance of mosquitoes in the San Diego region.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 21080(b)(8) of the Public Resources Code and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt from CEQA, because it modifies and approves a charge to meet the operating expenses and necessary financial reserves for an existing program, specifically the County Vector Control Program as described herein and in the Engineer's Report.
2. Adopt a Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING ENGINEER'S REPORT, CONFIRMING ASSESSMENT DIAGRAM AND ASSESSMENT AND ORDERING THE CONTINUATION OF ASSESSMENTS FOR FISCAL YEAR 2022-23 FOR THE SAN DIEGO COUNTY VECTOR CONTROL PROGRAM'S MOSQUITO, VECTOR AND DISEASE CONTROL BENEFIT ASSESSMENT
3. Adopt a Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS EXERCISING THE POWERS OF THE MOSQUITO ABATEMENT AND VECTOR SURVEILLANCE AND CONTROL DISTRICT ADOPTING SERVICE CHARGES AND CONFIRMING REPORTS REGARDING LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23

EQUITY IMPACT STATEMENT

The Department of Environmental Health and Quality (DEHQ) anticipates that the confirmation of levies for Mosquito, Vector, and Disease Control Benefit Assessment and Mosquito Abatement and Vector Control Service Charge for Fiscal Year (FY) 2022-23 to result in continued protection of public health from the risks of vector borne diseases throughout the San Diego region. Available data from the Engineer's Report and DEHQ Vector Control Program surveillance and control activities indicate the program is effective in reducing the transmission of vector borne diseases. DEHQ proposes to continue the implementation of an integrated vector management approach, which incorporates the most effective strategies to reduce mosquitoes and protect public health with the least negative impact to the environment. This approach also empowers the public to take preventive measures to protect themselves, their family, and their community through educational community engagement and outreach, which includes multi-lingual media campaigns with a focus on underserved communities.

FISCAL IMPACT

Funds for these recommendations are included in the Fiscal Year (FY) 2022-23 Operational Plan in the Department of Environmental Health and Quality (DEHQ). If approved, the proposed actions will result in costs and revenue of \$12.3 million. The funding sources are the Mosquito, Vector and Disease Control Benefit Assessment (\$7.8 million), Mosquito Abatement and Vector Control Service Charge (\$2.5 million), available Vector Control District Trust Fund fund balance (\$1.9 million), and income from interest and other service contracts (\$0.1 million). Subsequent years' assessments will be based on the Vector Control Program budget, approved annually by the Board of Supervisors (Board), and included in future years Operational Plans.

If the Board does not approve the Engineer's Report, the proposed Benefit Assessment and Service Charges cannot be placed on the tax roll for FY 2022-23. Without the funds generated by the assessment and service charges, DEHQ would need to use available Vector Control District Trust Fund fund balance of \$7.4 million and would need to identify an additional source of revenue to cover the remaining gap of \$4.9 million to be included in a future quarterly adjustment. Trust Fund monies are generally reserved for funding the hiring of vector-related temporary staff and purchasing supplies to mitigate a public health threat, responding to catastrophic events that require additional monitoring and control efforts for vectors, and abatement when direct action by the County is necessary. If these services are not funded, there would be a reduction or elimination of education, outreach and community engagement, reduction of complaint investigations and request for services, and reduction of vector surveillance and mosquito treatment, and delays in testing. The reduction in services and education, and the increased turnaround time for test results could result in an increased risk of vector-borne diseases, complaints, and mosquito activity in the region.

Today's actions will result in no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Mosquitoes and other vectors hinder, annoy, and harm residents, businesses, and visitors. A vector-borne disease outbreak and other related public health risks would have a negative effect on agriculture, business, tourism, and residential activities in the region.

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. 22-112, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING ENGINEER'S REPORT, CONFIRMING ASSESSMENT DIAGRAM AND ASSESSMENT AND ORDERING THE CONTINUATION OF ASSESSMENTS FOR FISCAL YEAR 2022-23 FOR THE SAN DIEGO COUNTY VECTOR CONTROL PROGRAM'S MOSQUITO, VECTOR AND DISEASE CONTROL BENEFIT ASSESSMENT; and,

Resolution No. 22-113, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS EXERCISING THE POWERS OF THE MOSQUITO ABATEMENT AND VECTOR SURVEILLANCE AND CONTROL DISTRICT ADOPTING SERVICE CHARGES AND CONFIRMING REPORTS REGARDING LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2022-23.

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

**10. SUBJECT: NOTICED PUBLIC HEARING:
ORDINANCE AMENDMENTS TO THE GRADING, CLEARING AND
WATERCOURSES ORDINANCE TO STREAMLINE THE
AGRICULTURAL CLEARING PERMIT PROCESS
(DISTRICTS: ALL)**

OVERVIEW

On October 10, 2018 (2), as part of the Options to Improve Housing Affordability in the Unincorporated Area, the Board of Supervisors (Board) directed staff to streamline grading permits related to housing and additionally to update the Grading, Clearing and Watercourses Ordinance (Ordinance) to decrease time and costs associated with processing Agricultural Clearing permits. Agricultural clearing is when natural vegetation is removed from land to allow for agricultural use, such as planting of crops for cultivation. Farmers are required to apply for Agricultural Clearing permits prior to the clearing of vegetation from their land, and the permits are subject to environmental review. The Board directed staff to comprehensively update the Ordinance in two phases. The first phase was to update the Ordinance for common projects like clearing associated with the installation of a groundwater well or landscaping, followed by a comprehensive update to all the grading standards.

In response to Board direction, staff reviewed other jurisdictions' practices, legal requirements, stakeholder comments, and fiscal implications of various approaches to streamline the Agricultural Clearing process. On May 19, 2021 (6), staff presented to the Board a three-part approach to streamline the process for Agricultural Clearing Permits and address stakeholder comments that revised the options previously directed in 2018. The Board directed staff to amend the Agricultural Clearing Permits Process pursuant to Board Direction on October 10, 2018, selecting Option 1A - Direct staff to pursue a two-part agricultural clearing ordinance update approach. This approach, referred to as the Ordinance Update for Agricultural Clearing, includes (Part I) consolidating the agricultural regulations into a single chapter within the Ordinance and adding clarifying language and missing definitions, and (Part II) exploring agricultural permit streamlining in conjunction with the draft North County Multiple Species Conservation Plan (North County Plan) currently underway and the future draft East County Multiple Species Conservation Plan (East County Plan), which is expected to move forward after the North County Plan is complete. The Multiple Species Conservation Plan (MSCP) provides a framework that balances regional conservation efforts with streamlined building regulations and permit processes. By exploring agricultural permit streamlining in conjunction with the MSCP, the County can provide streamlining

opportunities for applicants while ensuring protection of native habitats and wildlife for future generations. Environmental review has begun in Fiscal Year 2021-2022 for Part II and will take approximately three to four years to complete. This phased Ordinance update revised the previous 2018 Board direction by consolidating the comprehensive update under Part II and focusing Part I on making the Ordinance easier to understand by combining the agricultural requirements into one section and providing clarifications and missing definitions.

Today's action addresses Part I of the Board's request to amend the Ordinance to address stakeholder requests to reorganize the agricultural clearing and grading regulations into one chapter. This amendment will clarify definitions while maintaining the current discretionary permit requirements and preserving existing environmental protections for stormwater, erosion, and water quality. Since Board direction on May 19, 2021, staff has worked with stakeholders to consolidate the new chapter and clarify agricultural definitions, including grazing, grubbing, tilling, and trenching. Definitions are provided in the background section under Project Analysis, Part I.

The Ordinance contains regulations for development involving grading, clearing, and watercourses. It is comprised of eight chapters containing information related to thresholds for permit requirements, permit fees, regulations, and design standards for applicable development and contains related definitions.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that amending the Grading, Clearing and Watercourses Ordinance to streamline the Agricultural Clearing Permit process is exempt from review under the California Environmental Quality Act (CEQA) and State and CEQA Guidelines because the Ordinance Amendments: (1) are subject to the minor alterations in land use limitations exemption under CEQA Regulations Section 15305; and (2) are subject to the common sense exemption, because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines) (Attachment C).
2. Approve the introduction of the Ordinance (first reading), read the titles, and waive further readings of the Ordinance, titled:
AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO CONSOLIDATE THE REGULATIONS RELATED TO AGRICULTURAL CLEARING AND GRADING, DATED MAY 20, 2022 (Clean Copy) (Attachment A).

If, on June 29, 2022, the Board of Supervisors takes action as recommended, then on August 17, 2022:

Consider and adopt the Ordinance (second reading) titled:
AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO CONSOLIDATE THE REGULATIONS RELATED TO AGRICULTURAL CLEARING AND GRADING, DATED MAY 20, 2022 (Clean Copy)(Attachment A).

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) is guided by several Regulatory Codes, Administrative Codes, and Board Policies to serve the region and customers consistently and equitably. The recommendation to amend the Grading, Clearing, and Watercourses Ordinance (Ordinance) will provide clarifying language and continue to guide departmental project processing practices. Improved clarity will result in a greater understanding of the regulations by the public, more efficient administration by staff, and the potential for reduced project review cycles, which saves cost and time for applicants. Amending the Ordinance supports the local economy by working with the public, the agricultural industry, and environmental stakeholders to clarify and improve permit processing and regulations.

FISCAL IMPACT

There is no fiscal impact associated with the ordinance amendments to the grading, clearing and watercourses ordinance as presented today. Funds for amending the Grading, Clearing, and Watercourses Ordinance (Ordinance) are included in the Fiscal Year 2021-22 Operational Plan in Planning & Development Services. The Part I Ordinance amendment will result in costs of \$100,000, and the funding source is from the prior year General Fund fund balance. Approximately \$135,000 of budgeted funds were allocated for project management, meetings, stakeholder engagement and outreach, research, and analysis. The staff recommendation for the Ordinance Update for Agricultural Clearing could be prepared using this existing budget. The total cost of the Ordinance Part I and II is \$1,220,000. There will be no change in net General Fund costs 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, to further consider and adopt the Ordinance on August 17, 2022.

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

11. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Audra spoke to the Board regarding the World Economic Forum.

Mark Dorian spoke to the Board regarding the homeless population and low-income housing.

Consuelo spoke to the Board regarding Government rules, conflict of interest, and taxes.

Becky Rapp spoke to the Board regarding illegal transactions on the sale of marijuana and the effects on youth.

Nancy Logan spoke to the Board regarding high potency marijuana products and youth's mental health.

Barbara Gordon spoke to the Board regarding mental health challenges from use of marijuana.

Shaunna Jengo spoke to the Board regarding a written complaint letter.

Peggy Walker spoke to the Board regarding concerns about marijuana use and emergency room visits.

Kathleen Lippitt spoke to the Board regarding information and research on harms of marijuana use.

Truth spoke to the Board regarding vaccines.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:25 a.m. in memory of Maria L. Navarro-Holmes and Benedicto Antonio Esparza Jr.

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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