

**November 14, 2018**

**STATEMENT OF PROCEEDINGS**

*The Minutes of the*

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

**COUNTY OF SAN DIEGO**

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, NOVEMBER 14, 2018, 9:00 AM**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

**Order of Business**

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

PRESENT: Supervisors Dianne Jacob, Vice-Chairwoman; Greg Cox; Ron Roberts; Bill Horn; also, Andrew Potter, Assistant Clerk of the Board of Supervisors.

ABSENT: Supervisor Kristin Gaspar, Chairwoman

B. Closed Session Report

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

D. Approval of the Statement of Proceedings/Minutes for the meeting of October 31, 2018.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Cox, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 31, 2018.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

E. Formation of Consent Calendar

F. Discussion Items

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

**Board of Supervisors' Agenda Items**

<b>Agenda #</b>	<b>Subject</b>
1.	OPTIONS FOR STRENGTHENING BUSINESS PARTNERSHIPS FOR COMMUNITY BASED AGRICULTURE EVENTS

2. NOTICED PUBLIC HEARING:  
AUTHORIZATION FOR THE COUNTY OF SAN DIEGO TO WITHDRAW FROM  
MANAGING THE SAN LUIS REY VALLEY GROUNDWATER BASIN AS A  
GROUNDWATER SUSTAINABILITY AGENCY
3. ESTABLISHING URBAN AGRICULTURE INCENTIVE ZONES WITHIN THE  
UNINCORPORATED AREAS OF SAN DIEGO COUNTY  
(4 VOTES)
4. ADOPT A RESOLUTION ORDERING DISSOLUTION OF SAN DIEGO COUNTY  
PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 100 - VIEJAS VIEW LANE  
IN ALPINE
5. PEUTZ VALLEY PRESERVE - ACQUISITION OF APPROXIMATELY 254 ACRES  
OF OPEN SPACE PRESERVE LAND (HELIX LAND COMPANY) - 11/14/2018 SET  
HEARING; 12/12/2018 HOLD HEARING  
[FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND BALANCE  
AND A GRANT FROM THE STATE OF CALIFORNIA HABITAT  
CONSERVATION FUND AND DEPARTMENT OF PARKS AND RECREATION  
GENERAL PURPOSE REVENUE]  
(4 VOTES)
6. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR RIVERSIDE  
DRIVE FLOOD CONTROL CHANNEL WATER QUALITY IMPROVEMENTS IN  
LAKESIDE  
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND  
BALANCE]
7. LAKESIDE LINKAGE PRESERVE - ACQUISITION OF APPROXIMATELY 76  
ACRES OF OPEN SPACE PRESERVE LAND (CENTEX HOMES) - 11/14/2018 SET  
HEARING; 12/12/2018 HOLD HEARING  
[FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND BALANCE  
AND DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE  
REVENUE]
8. RATIFY APPLICATION AND ADOPT RESOLUTION TO APPLY FOR AND  
ACCEPT GRANT FUNDS FROM THE HABITAT CONSERVATION FUND FOR  
THE NATURE EXPLORERS PROGRAM
9. SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES APPLICABLE TO  
THE LAND USE AND ENVIRONMENT GROUP
10. PUBLIC COMMUNICATION

1. **SUBJECT: OPTIONS FOR STRENGTHENING BUSINESS PARTNERSHIPS FOR COMMUNITY BASED AGRICULTURE EVENTS (DISTRICTS: ALL)**

**OVERVIEW**

Agriculture is a leading industry and economic driver in the San Diego region. According to the County Department of Agriculture, Weights and Measures' - 2017 Crop Statistics & Annual Report, agriculture production contributes \$1.7 billion to the San Diego county economy. Over the years, the Board has supported efforts that encourage and support agriculture production, agriculture tourism and local businesses in the region. To further promote farming and agricultural tourism, the Board of Supervisors (Board) adopted the County's Agriculture Promotion Program on March 15, 2017 (3).

Since adoption, agriculture-related business opportunities have expanded in rural communities. To further strengthen these communities, there are opportunities for other businesses to partner with an agricultural producer to enhance agricultural tourism experiences. Specifically, enabling food and goods vendors to operate at agricultural tourism events would enable producers to enhance community members' experiences on agricultural producing lands and further foster a sense of community.

Agricultural tourism experiences open to the public can involve a number of County departments and the Department of Environmental Health provides assistance to applicants navigating the review, approval and permit processes. However, state law does not allow food to be prepared and served from temporary facilities (the kinds of booths seen at street fairs) except at "community events" that the California Retail Food Code (CRFC) defines as "civic, political, public or educational in nature." Agricultural tourism experiences could meet this definition by amending the County Code to define and authorize "Agriculture Tourism Community Events." Additionally, the County's current Zoning Ordinance limits opportunities for business owners to expand their commercial activities in partnership with agricultural producers at agriculture tourism events, and could be amended in order to expand agricultural tourism experiences.

On May 16, 2018 (5), Vice Chairwoman Dianne Jacob recommended that the Board direct the Chief Administrative Officer to explore options that would make it easier for local, small-scale businesses to provide food and goods at community based events on agriculture producing properties in the unincorporated area. In response to the Board's direction, staff is returning with a range of options in four categories for the Board to consider that include: 1) allowing food and/or goods vendors in alignment with the state law, the CRFC, at community events on agricultural producing land; 2) expanding opportunities for commercial agriculture operations to build small agriculture stores; 3) holding certified farmers' markets on agricultural producing land; and 4) providing incentives to encourage food truck participation at agricultural tourism events.

There are multiple options among the four categories. Each option includes factors for consideration such as programmatic, environmental review, estimated costs for one time environmental analysis and possible permit fee waiver pilot programs, and anticipated implementation time frames.

To further expand opportunities for other businesses to partner with an agricultural producer to enhance agricultural tourism experiences, options among the four categories may be

combined. However, since the options within the Food and Goods Vendors and Certified Farmers' Market categories build upon each other, only one option from each of these two categories should be selected. Any proposed permit fee waiver pilot programs associated with programmatic changes that include environmental review, would not be implemented until after completion of the environmental analysis and a return to the Board for adoption or certification of an environmental document and approval of amendment to County Code and/or Zoning Ordinance.

Today's request is for the Board to provide direction to staff on what type of program the Board would like for strengthening business partnerships for community based agriculture events. There are two options that could be adopted by Resolution by the Board today. If the Board elects to proceed with any of the other options, staff will subsequently return to the Board with any necessary CEQA Findings, amendments to the County Code and/or Zoning Ordinance, resolutions for any permit fee waiver pilot programs, and a request for appropriations for Board consideration.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that today's actions, other than the adoption of the Resolutions (Attachment C.1, C.2, and D), are not subject to the California Environmental Quality Act (CEQA) because these actions are not a project pursuant to CEQA Guidelines sections 15378 and 15060(c)(3), and because the Board's actions are not "approval" of a project as defined in CEQA Guidelines sections 15004(a) and 15352.
2. Provide direction regarding *Food and Goods Vendors* by either selecting one of the following options, or declining these options:
  - Option 1A. One Food Vendor
  
  - Option 1B. Multiple Food Vendors
  
  - Option 1C. Multiple Food and Goods Vendors (2 Goods Vendors or 51% Sold Related to Agriculture or Food)
  
  - Option 1D. Multiple Food and Goods Vendors
3. Provide direction regarding *Small Agriculture Stores* by either selecting the following options, or declining these options:
  - Option 2A. Waive the Zoning Verification Permit Fee for Small Agriculture Stores
  
  - Option 2B. Eliminate the Zoning Verification Permit for Small Agriculture Stores
4. If Option 2A is selected, complete and adopt resolutions entitled:  
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES TO WAIVE FEES ON A TEMPORARY BASIS FOR SMALL AGRICULTURAL STORES ON AGRICULTURAL PRODUCTION LANDS THAT HOST AGRICULTURAL TOURISM EVENTS (Attachment C.1).

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE PLAN CHECK AND PERMIT FEES ON A TEMPORARY BASIS FOR SMALL AGRICULTURAL STORES ON AGRICULTURAL PRODUCTION LANDS THAT HOST AGRICULTURAL TOURISM EVENTS (Attachment C.2).

5. Provide direction regarding *Certified Farmers' Markets* on agricultural producing lands by either selecting one of the following options, or declining these options:
  - Option 3A. Certified Farmers' Market for Certified Producers Only
  - Option 3B. Certified Farmers' Market and Ancillary Market
6. Provide direction regarding a *Food Truck Participation Incentive Pilot Program* (Option 4) by either selecting or declining this option.
7. If Option 4 is selected, complete and adopt a resolution entitled:  
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO REBATE FEES ON A TEMPORARY BASIS TO FOOD TRUCKS THAT SIGNIFICANTLY PARTICIPATE IN AGRICULTURAL TOURISM EVENTS (Attachment D).

#### **FISCAL IMPACT**

If approved, today's actions may result in potential costs estimated between \$3,235 - \$625,000 to the County beginning as early as Fiscal Year 2018-19, depending on the direction of the Board. These estimated amounts are subject to change due to environmental analysis and public comments received while processing the option(s) selected in compliance with the California Environmental Quality Act (CEQA) process. All permit fee waiver pilot program cost estimates are based on a one year time period, for 5 to 25 events based on permits with the highest potential costs. The lower end of the cost estimate represents the food truck participation incentive pilot program. The higher end of the cost estimate represents one higher level CEQA review plus the combination of permit fee waiver pilot programs with the highest potential costs (Options 1D, 2A, 3B, and 4). Details on the calculation of the potential cost estimate range can be found in Attachment B. Following today's action, staff's return to the Board will include a fiscal analysis including current and future year costs, funding source(s) and a request for General Fund fund balance appropriations that may be necessary.

Today's action could include authorization of a permit fee waiver pilot program for Options 2A and/or Option 4 by way of adopting a Resolution. The Board could choose to establish a "not to exceed" cap for these permit fee waiver pilot programs based on a dollar threshold, or exclude permit fee waiver pilot programs completely. Funds are not included in Fiscal Year 2018-19 Operational Plan. Should the Board take action to adopt a Resolution for a permit fee waiver pilot program as described in Options 2A and/or Option 4, that action would result in potential cost estimates of up to \$70,000 in Fiscal Year 2018-19 and would be funded by available prior year Land Use and Environment Group General Fund fund balance. There will be no additional staff years required.

**BUSINESS IMPACT STATEMENT**

Implementation of one or more of the options presented would provide additional opportunities to businesses that desire to provide food and goods at community based events on agriculture producing properties in the unincorporated area.

**ACTION 1.1:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Roberts, the Board of Supervisors adopted Option 1C: Multiple Food and Goods Vendors (2 Goods Vendors or 51% Sold Related to Agriculture or Food); and, directed the Chief Administrative Officer to return to the Board to include proposed criteria for limiting vendor fee waivers to small local businesses using criteria such as annual revenue and/or the number of employees.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

**ACTION 1.2:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors adopted Option 2A: Waive the Zoning Verification Permit fee for Small Agriculture Stores, implementing a PDS Permit Fee Waiver Pilot Program with a financial cap of \$31,875 for one permit, and a DEH Permit Fee Waiver Pilot Program with a financial cap of \$21,950 for multiple permits; and, adopted the following:

Resolution No.18-167, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES TO WAIVE FEES ON A TEMPORARY BASIS FOR SMALL AGRICULTURAL STORES ON AGRICULTURAL PRODUCTION LANDS THAT HOST AGRICULTURAL TOURISM EVENTS (Attachment C.1);

Resolution No. 18-168, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE PLAN CHECK AND PERMIT FEES ON A TEMPORARY BASIS FOR SMALL AGRICULTURAL STORES ON AGRICULTURAL PRODUCTION LANDS THAT HOST AGRICULTURAL TOURISM EVENTS (Attachment C.2); and,

Adopted Option 2B: Eliminate the Zoning Verification Permit for Small Agriculture Stores.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

**ACTION 1.3:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Roberts, the Board of Supervisors adopted Option 4: Food Truck Participation Incentive Pilot Program implementing a DEH Permit Rebate Pilot Program with a financial cap of \$16,175 for one permit, and adopted Resolution No. 18-169, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO REBATE FEES ON A TEMPORARY BASIS TO FOOD TRUCKS THAT SIGNIFICANTLY PARTICIPATE IN AGRICULTURAL TOURISM EVENTS (Attachment D).

AYES: Cox, Jacob, Roberts, Horn  
ABSENT: Gaspar

**ACTION 1.4:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Roberts, the Board of Supervisors found that today's actions, other than the adoption of the Resolutions (Attachment C.1, C.2, and D), are not subject to the California Environmental Quality Act (CEQA) because these actions are not a project pursuant to CEQA Guidelines sections 15378 and 15060(c)(3), and because the Board's actions are not "approval" of a project as defined in CEQA Guidelines sections 15004(a) and 15352.

AYES: Cox, Jacob, Roberts, Horn  
ABSENT: Gaspar

**2. SUBJECT: NOTICED PUBLIC HEARING:  
AUTHORIZATION FOR THE COUNTY OF SAN DIEGO TO  
WITHDRAW FROM MANAGING THE SAN LUIS REY VALLEY  
GROUNDWATER BASIN AS A GROUNDWATER SUSTAINABILITY  
AGENCY (DISTRICT: 5)**

**OVERVIEW**

On June 21, 2017 (2), the Board of Supervisors (Board) entered into a Memorandum of Understanding (MOU) with the Pauma Valley Community Services District, Upper San Luis Rey Resource Conservation District, and Yuima Municipal Water District (MWD) to establish a Groundwater Sustainability Agency (GSA) over the San Luis Rey Valley Groundwater Basin (Basin) as required by the State of California's Sustainable Groundwater Management Act (SGMA). Under SGMA, counties are the default GSA if no local public agencies elect to become a GSA for a basin. The purpose of a GSA under SGMA is to develop a Groundwater Sustainability Plan (Plan) in the Basin to achieve long-term groundwater sustainability. If multiple agencies elect to become a GSA over the same basin area, SGMA requires that the agencies reach an agreement regarding how multiple GSAs will administer a single Plan or coordinated Plans for a basin. The MOU defined roles and responsibilities during Plan development and served to eliminate overlapping jurisdictions that arose when multiple local public agencies declared to become a GSA over the same basin area.

Since June 2017, representatives from the County of San Diego (County), local public agencies, Tribes, California Department of Water Resources and the State Water Resources Control Board held 13 coordination meetings. These meetings enabled greater collaboration within the Basin resulting in an expanded tribal role for SGMA implementation. Additional changes in circumstances include the availability of state grant funding, a renewed interest by local public agencies in leading Plan development, and recent legislation (Assembly Bill 1944) expanding the Basin boundaries. Local public agencies and tribal governments that overlie the Basin are now working together to prepare a Plan and sustainably manage groundwater in accordance with SGMA. Because of this collaboration and the involvement of water supply and management agencies necessary for Plan implementation, staff recommend the County withdraw from the GSA.

If the County were to withdraw from SGMA, its role in the Basin would transition from managing groundwater resources as a GSA to that of a stakeholder, or non-GSA agency, overseeing integration of the Plan with the County's land use and well permitting responsibilities. The County would continue to participate in working group meetings but would rely upon local public agencies with water supply and water management responsibilities to develop and implement as-needed projects such as providing imported water to groundwater users to sustainably manage groundwater resources.

This item is a request for the Board to consider withdrawal from the MOU with Pauma Valley Community Services District, Upper San Luis Rey Resource Conservation District, and Yuima MWD and to consider withdrawal of the County from being a GSA for the Basin.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Authorize the Director of Planning & Development Services (PDS), to submit written notice to the Pauma Valley Community Services District, the Upper San Luis Rey Resource Conservation District, and the Yuima Municipal Water District withdrawing from the *Memorandum of Understanding: Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin* (MOU) while continuing to participate as a stakeholder in accordance with Section X(1)(b) of the MOU.
3. Authorize the Director of PDS to withdraw from being a Groundwater Sustainability Agency for the San Luis Rey Valley Groundwater Basin by notifying the California Department of Water Resources in accordance with Section 10723.8(c) of the Sustainable Groundwater Management Act.

#### **FISCAL IMPACT**

Funds for developing a Groundwater Sustainability Plan (Plan) within San Luis Rey Valley Groundwater Basin (Basin) are included in the Fiscal Year 2018-19 Operational Plan in Planning & Development Services, as approved by the Board on June 21, 2017 (2). If withdrawal from the Memorandum of Understanding is approved by the Board, approximately \$2.6 million of remaining funds budgeted to complete the Basin's Plan will be reallocated to the SGMA program overall as well as provide continued staff resources in the Basin. Reallocating these funds will result in cost avoidance in future fiscal years, and when combined with leveraging grants and cost sharing agreements, will enable the County to complete and implement Plans for other basins. 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 Horn, seconded by Supervisor Roberts, the Board of Supervisors closed the Hearing and took action as recommended, adopting additional recommendations to read:

1. Authorize the PDS Director to negotiate a Cost Sharing Agreement for the purpose of developing the Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin for the benefit of the region and community. The County's Fiscal Year 2018-19 contribution, of up to \$150,000, is included in the Fiscal year 2018-19 Operational Plan in Planning & Development Services.
2. Approve and authorize execution of the Cost Sharing Agreement by the Clerk.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

**3. SUBJECT: ESTABLISHING URBAN AGRICULTURE INCENTIVE ZONES WITHIN THE UNINCORPORATED AREAS OF SAN DIEGO COUNTY (DISTRICTS: ALL)**

**OVERVIEW**

California Assembly Bill No. 551 (AB 551), the Urban Agriculture Incentive Zones Act, authorizes counties and/or cities to establish Urban Agriculture Incentive Zones whereby the county or city and a landowner can enter into a contract to restrict the use of vacant, unimproved or blighted lands for small-scale production of agricultural crops in exchange for a potential property tax benefit.

This enabling legislation promotes and protects agricultural uses and recognizes the public benefit of agriculture for ecological, public health, sociological and community benefits.

If approved, today's action would direct the Chief Administrative Officer to establish an Urban Agriculture Incentive Zone within the unincorporated areas of San Diego County through the preparation of a draft ordinance, a detailed assessment of blighted properties, analyzing the appropriate fee structure and to complete any associated analysis required by the California Environmental Quality Act.

**RECOMMENDATION(S)**

**VICE-CHAIRWOMAN JACOB AND SUPERVISOR ROBERTS**

1. Direct the Chief Administrative Officer to establish an Urban Agriculture Incentive Zone within the unincorporated areas of San Diego County.
2. Direct the Chief Administrative Officer to initiate this process through the preparation of a draft ordinance, a detailed assessment of blighted properties, analyzing the appropriate fee structure and to complete any associated analysis required by the California Environmental Quality Act.

3. Establish appropriations of \$135,000 in the Department of Planning and Development Services, Services & Supplies, to begin work in establishing an Urban Agriculture Incentive Zone in the unincorporated areas of San Diego County, based on available prior year General Fund fund balance. **(4 VOTES)**
4. Direct the Chief Administrative Officer to return back to the Board within 15 months for review and consideration of the completed program.

**FISCAL IMPACT**

The fiscal impact to the County of San Diego will depend on property eligibility and participation rate in the unincorporated areas of San Diego County. Through the memorandum provided to the Board on June 7, 2016, an initial analysis concluded that approximate 3,500 properties (or 3,000 acres) may meet the criteria. Based on an assumption of a maximum participation rate of 100% of all eligible parcels, which may or may not occur, the impact to the County’s property tax loss could potentially reach \$580,000 (excluding administrative costs).

The detailed assessment of blighted properties associated with today’s action would also provide more thorough information to the potential property tax loss and fiscal impact to the County.

Additionally, today’s recommendation to initiate the process of establishing an Urban Agriculture Incentive Zone by preparing a draft ordinance, assessing blighted properties, and analyzing the appropriate fee structure and any other associated and required considerations is estimated to cost \$135,000. Funds for this request are not included in the Fiscal Year 2018-19 Operational Plan in the Department of Planning and Development Services. If approved, this request will result in costs of \$135,000, funded by General Fund fund balance. There will be no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

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

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

4. **SUBJECT: ADOPT A RESOLUTION ORDERING DISSOLUTION OF SAN DIEGO COUNTY PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 100 - VIEJAS VIEW LANE IN ALPINE (DISTRICT: 2)**

**OVERVIEW**

A Permanent Road Division Zone (PRD Zone) is a district that provides landowners with a mechanism to assess their properties to pay the County of San Diego (County) to construct private road improvements or perform maintenance in a geographically defined area. There are currently 67 PRD Zones managed by the County within the unincorporated county which

provide maintenance of approximately 95 miles of roads. Permanent Road Division Zone No. 100 - Viejas View Lane (PRD 100) includes 19 taxable parcels located in the unincorporated community of Alpine.

PRD 100 was established in 1980 and the existing assessment is insufficient to fund the recommended road maintenance. Department of Public Works staff met with the landowners to discuss the funding options. After the meeting, the Department of Public Works received a petition from landowners requesting dissolution of PRD 100. This petition was signed by 58 percent of the landowners that own taxable parcels within the PRD 100 boundary. Department of Public Works staff reviewed the petition requesting the dissolution and determined that it meets the requirements of applicable law and Board policy. In the absence of an adequate funding mechanism, PRD 100 will be dissolved and road maintenance responsibility will revert to the landowners.

In accordance with Board of Supervisor Policy J-16 the dissolution process requires two steps. On November 14, 2018 the Board will introduce an ordinance to dissolve PRD 100. If the Board takes action at the first meeting, then on December 12, 2018, the Board will adopt a Resolution to dissolve PRD 100 and repeal Ordinance No. 9206 authorizing the collection of benefit charges within the boundaries of PRD 100.

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

On November 14, 2018 take the following actions:

1. Find that the proposed actions are exempt from California Environmental Quality Act (CEQA) as specified under Section 15060(c) (3) of the State CEQA Guidelines because the activity is not a project as defined by Section 15378 of the State CEQA Guidelines.
2. Accept the petition, on file in the Department of Public Works, requesting authorization to dissolve Permanent Road Division Zone No. 100 - Viejas View Lane.
3. Approve the introduction of the Ordinance (first reading), read title and waive further reading of an Ordinance to repeal the existing ordinance to collect assessments within Permanent Road Division No. 1000, Zone No. 100 - Viejas View Lane entitled: AN ORDINANCE TO REPEAL ORDINANCE NO. 9206 (NEW SERIES) PROVIDING A PROCEDURE FOR FIXING AND COLLECTING CHARGES ON THE TAX ROLL FOR SERVICES AND CONTINUING IN EFFECT THE PREVIOUSLY APPROVED MAXIMUM CHARGE WITHIN SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 100 - VIEJAS VIEW LANE.

If on November 14, 2018, the Board takes the actions recommended in Items 1-3, then, on December 12, 2018:

1. Adopt an Ordinance to repeal the existing ordinance to collect assessments within Permanent Road Division No. 1000, Zone No. 100 - Viejas View Lane entitled: AN ORDINANCE TO REPEAL ORDINANCE NO. 9206 (NEW SERIES) PROVIDING A PROCEDURE FOR FIXING AND COLLECTING CHARGES ON THE TAX ROLL FOR SERVICES AND CONTINUING IN EFFECT THE PREVIOUSLY APPROVED MAXIMUM CHARGE WITHIN SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 100 - VIEJAS VIEW LANE.

2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ORDERING DISSOLUTION OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 100 - VIEJAS VIEW LANE WITHOUT AN ELECTION.
3. Authorize the Director, Department of Public Works and the Auditor & Controller to take any action necessary to complete the dissolution process; by among other things, issuing refunds to landowners and transferring any remaining residual funds to the General Fund for Permanent Road Division Zone No. 100 - Viejas View Lane.

#### **FISCAL IMPACT**

Funds for this request is included in the Fiscal Year 2018-19 Operational Plan in the PRD 100 Viejas View Lane Fund. The PRD 100 Fund's current cash balance is approximately \$32,000. If approved, dissolution costs will be approximately \$5,000, leaving approximately \$27,000 to be refunded to the landowners. There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, introducing the Ordinance for further Board consideration and adoption on December 12, 2018.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

5. **SUBJECT: PEUTZ VALLEY PRESERVE - ACQUISITION OF APPROXIMATELY 254 ACRES OF OPEN SPACE PRESERVE LAND (HELIX LAND COMPANY) - 11/14/2018 SET HEARING; 12/12/2018 HOLD HEARING (DISTRICT: 2)**

#### **OVERVIEW**

Since 1998, the County of San Diego (County) has acquired more than 21,000 acres of open space land for the County's Multiple Species Conservation Program (MSCP) to ensure the long-term survival of sensitive plant and animal species and to balance the public need for development and open space.

The County has identified approximately 254 acres of vacant land available for purchase in Alpine. The property is in the South County MSCP and a majority of the subject property is designated as an area to be conserved. Acquisition would increase the amount of lands conserved by public agencies and non-profit organizations in the area, creating a larger protected habitat area to support sensitive species such as the coastal California gnatcatcher, which is listed as threatened under the federal Endangered Species Act. The San Diego River Park Foundation (Foundation) owns and manages 300 acres to the west of the property. The Foundation will manage the acquired property through an agreement with the County.

In June 2018, the County was awarded a State of California Habitat Conservation Fund (HCF) grant to acquire this property based on the value of habitat, wildlife, and the potential for trail connectivity. The grant will cover \$200,000 of the purchase price of the land. The HCF grant is competitive and requires a minimum dollar-for-dollar funding match.

Today's request requires two steps. On November 14, 2018, the Board of Supervisors (Board) is requested to set a hearing for December 12, 2018, to consider the purchase and to direct the Clerk of the Board of Supervisors to provide public notice of the hearing. If the Board accepts the recommended actions for November 14, 2018, then on December 12, 2018, after making the necessary findings, the Board is requested to authorize the purchase of Assessor's Parcel Numbers 402-261-01, 402-160-18, -19 and -20 from Helix Land Company at the appraised value of \$1,651,000 for a total project cost in Fiscal Year 2018-19 of \$2,020,000 based on budgeted appropriations of available prior year General Fund balance in the Capital MSCP Acquisitions Fund.

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

On November 14, 2018

1. Set a hearing for December 12, 2018, at which time the Board of Supervisors may authorize the Director, Department of General Services, to exercise the option to purchase Assessor's Parcel Numbers 402-261-01, 402-160-18, -19 and -20 from Helix Land Company at the appraised value of \$1,651,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on November 14, 2018, the Board takes the actions recommended in Items 1-2 above, then on December 12, 2018:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301, 15304 and 15325.
2. Establish appropriations of \$200,000 in the Multiple Species Conservation Program Acquisitions Fund for the acquisition of 254 acres of land for Open Space, based upon a grant award from the State of California Habitat Conservation Fund. **(4 VOTES)**
3. Authorize the Director, Department of General Services, to exercise the option to purchase Assessor's Parcel Numbers 402-261-01, 402-160-18, -19 and -20 from Helix Land Company at the appraised value of \$1,651,000.
4. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase.

**FISCAL IMPACT**

Funds for this request are partially included in the Fiscal Year 2018-19 Operational Plan for the Multiple Species Conservation Program (MSCP) Acquisition Fund in the amount of \$1,820,000. If approved, this request will result in current year one-time costs of \$2,020,000 itemized as follows: \$1,651,000 for property acquisition; \$47,000 for staff time and appraisal review to complete the transaction; \$4,000 for closing and title costs; and \$318,000 in one-time land protection costs, including initial stewardship that features signage, boundary

survey, access control measures and vegetation management (\$141,000), and the update of a Resource Management Plan including vegetation management (\$177,000). The funding source is available prior year General Fund balance (\$1,820,000) and a grant from the State of California Habitat Conservation Fund (\$200,000).

Total annual costs for oversight, land monitoring and adaptive management of the 254 acres are estimated at \$7,750. In addition, there will be an estimated annual cost of \$1,750 for fixed charge assessments including vector control and water standby charges included in total annual costs. If approved, total annual costs are estimated at \$9,500 and will be included in future Operational Plans. The funding source will be Department of Parks and Recreation General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for December 12, 2018.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

**6. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR RIVERSIDE DRIVE FLOOD CONTROL CHANNEL WATER QUALITY IMPROVEMENTS IN LAKESIDE (DISTRICT: 2)**

#### **OVERVIEW**

The Riverside Drive Flood Control Channel Water Quality Improvements Project will benefit the health of the community by reducing water runoff and bacteria levels in the San Diego River watershed. The project will modify an existing flood control channel to capture and infiltrate dry-weather urban runoff flow before it enters the San Diego River in the unincorporated community of Lakeside. The channel will continue to function as designed for flood control purposes and will improve downstream water quality. Improving downstream water quality will help ensure compliance with state and federal laws that require local governments to control pollution entering waterways through the Municipal Separate Storm Sewer System (MS4).

This is a request to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Riverside Drive Flood Control Channel Water Quality Improvements Project. Construction is scheduled to begin in early 2019 and be completed in summer 2019. The construction cost is estimated at \$275,000, including contingency, and the funding source is available prior year General Fund fund balance.

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

1. Find that the California Environmental Quality Act (CEQA) Mitigated Negative Declaration (MND) on file in the Department of Public Works for the Riverside Drive Flood Control Channel Water Quality Improvement Project, dated September 24, 2018, State Clearinghouse Number #2018071018, was adopted in compliance with CEQA and State and County Guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project; and:

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

2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the Construction Contract for Riverside Drive Flood Control Channel Water Quality Improvements Project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

**FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2018-19 Operational Plan in the Department of Public Works, Detailed Work Program. If approved, construction costs for the Riverside Drive Flood Control Channel Water Quality Improvements Project are estimated at \$275,000, including contingency. The funding source is available prior year General Fund fund balance. There will be no additional staff years.

**BUSINESS IMPACT STATEMENT**

County construction contracts are competitively bid and help stimulate the local economy.

**ACTION:**

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

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

**7. SUBJECT: LAKESIDE LINKAGE PRESERVE - ACQUISITION OF APPROXIMATELY 76 ACRES OF OPEN SPACE PRESERVE LAND (CENTEX HOMES) - 11/14/2018 SET HEARING; 12/12/2018 HOLD HEARING (DISTRICT: 2)**

**OVERVIEW**

Since 1998, the County of San Diego (County) has acquired more than 21,000 acres of open space land for the County's Multiple Species Conservation Program (MSCP) to ensure the long-term protection of sensitive plant and animal species with the balance of public need for development and open space.

The County has identified approximately 76 acres of vacant land available for purchase in Lakeside between Jackson Ridge Parkway and Jackson Hill Drive, west of Los Coches Road. The property is in the Pre-Approved Mitigation Area (PAMA) of South County MSCP. Acquisition would increase the size of the Lakeside Linkage Preserve from 135 acres to 211 acres, creating a larger protected area for sensitive species including coastal California gnatcatcher, coastal cactus wren, and orange-throated whiptail.

Today's request requires two steps. On November 14, 2018, the Board is requested to set a hearing for December 12, 2018 to consider the purchase and to direct the Clerk of the Board of Supervisors to provide public notice of the hearing. If the Board takes the actions recommended for November 14, 2018, then on December 12, 2018, after making the necessary findings, the Board is requested to authorize the purchase of a portion of Assessor's Parcel Number 397-180-13 from Centex Homes at the appraised value of \$2,250,000 for a total project cost in Fiscal Year 2018-19 of \$2,478,500 based on budgeted appropriations of available prior year General Fund balance in the Capital MSCP Acquisition Fund.

**RECOMMENDATIONS**

**CHIEF ADMINISTRATIVE OFFICER**

On November 14, 2018

1. Set a hearing for December 12, 2018 at which time the Board of Supervisors may authorize the Director, Department of General Services, to exercise the option to purchase approximately 76-acres of land in Lakeside, identified as a portion of Assessor Parcel Number 397-180-13 from Centex Homes for the appraised value of \$2,250,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on November 14, 2018, the Board takes the actions recommended in Items 1-2 above, then on December 12, 2018:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15301, 15304 and 15325.
2. Authorize the Director, Department of General Services, to exercise the option to purchase approximately 76-acres of land in Lakeside, identified as a portion of Assessor Parcel Number 397-180-13, from Centex Homes for the appraised value of \$2,250,000.

3. Authorize the Director, Department of General Services, to execute all escrow and related documents necessary to complete the purchase.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2018-19 Operational Plan for the Multiple Species Conservation Program (MSCP) Acquisition Fund. If approved, this request will result in current year one-time costs of \$2,478,500 itemized as follows: \$2,250,000 for property acquisition; \$46,500 for staff time and an appraisal to complete the transaction; \$4,000 for closing and title costs; and \$178,000 in one-time land protection costs, including initial stewardship that features signage, boundary survey, access control measures and vegetation management (\$80,000), and the update of a Resource Management Plan including vegetation management (\$98,000). The funding source is available prior year General Fund balance.

Total annual costs for land monitoring and adaptive management of the 74 acres are estimated at \$33,000. In addition, there will be an estimated annual cost of \$1,760 for fixed charge assessments including vector control and water standby charges. If approved, total annual costs are estimated at \$34,760 and will be included in future Operational Plans. The funding source will be Department of Parks and Recreation General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for December 12, 2018.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

8. **SUBJECT: RATIFY APPLICATION AND ADOPT RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE HABITAT CONSERVATION FUND FOR THE NATURE EXPLORERS PROGRAM (DISTRICTS: ALL)**

### **OVERVIEW**

The Habitat Conservation Fund (HCF) provides grant funds to local government agencies for land acquisition and nature interpretation programs, which bring urban residents into park and wildlife areas. The HCF grant is competitive and has a dollar-for-dollar funding match requirement. A project-specific resolution from the governing body must be included in the grant application.

If approved, today's requests will ratify the Department of Parks and Recreation's (DPR's) application for \$160,000 to fund the Nature Explorers Program which provides environmental education and outdoor excursions for youth.

This is also a request to adopt a resolution authorizing DPR to apply for and accept the HCF grant for up to a total of \$160,000 for the Nature Explorers Program. This request also authorizes the Director, Department of Parks and Recreation, to conduct all negotiations, to execute, and submit all documents that may be necessary to apply for and accept this grant. If grant funds are awarded, DPR will return to the Board for authorization to appropriate any funds as necessary.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed Nature Explorers Program is exempt from CEQA pursuant to CEQA Guidelines Section 15322, as it is an educational/recreational program that involves no physical alteration to the environment.
2. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE NATURE EXPLORERS PROGRAM.
3. 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 including, but not limited to, applications, contracts, payment requests and, if funds are awarded, to execute the grant agreement, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding level.

#### **FISCAL IMPACT**

Funds for these requests are not included in the Fiscal Year 2018-19 Operational Plan in the Department of Parks and Recreation. If approved, this request will ratify the grant application and authorize the Department of Parks and Recreation (DPR) to accept the Habitat Conservation Fund (HCF) grant for up to a total of \$160,000 for the Nature Explorers Program.

The HCF grant is competitive; therefore, it is unknown if grant funding will be awarded or what the amount of the award will be. The HCF grant program includes a dollar-for-dollar funding match requirement. If approved and grants are awarded, the matching funds requirement is proposed to be provided in the form of County of San Diego (County) staff time or in-kind services and/or staff time from environmental education partners (\$240,000) for the Nature Explorers Program. If approved and grant funds are awarded, DPR will return to the Board to appropriate funds as necessary. There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

NA

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 18-170, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE NATURE EXPLORERS PROGRAM.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

**9. SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP (DISTRICTS: ALL)**

**OVERVIEW**

In accordance with Board of Supervisors (Board) Policy A-76, Sunset Review Process, the Land Use and Environment Group periodically reviews Board policies and provisions of the County Administrative Code and County Regulatory Code to ensure obsolete policies and Code provisions are deleted and remaining requirements reflect current Board standards and practices.

The proposed actions include approval of amendments for six Board Policies (F-52, I-19, I-21, I-74, I-84, J-2), and the repealing of three Board Policies (I-036, I-56, J-7). The proposed action also includes approval of a new sunset review date for the policies reviewed by this letter.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with State CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Approve amendments to and establish the sunset review date of 12-31-2025 for the following Board Policies:
  - a. *F-52: Naming of County Park and Recreation Amenities*
  - b. *I-19: Subdivision of Land-Substitution of One Form of Improvement Security for Another - Reduction of Security*
  - c. *I-21: Minor Modifications and Time Extensions on Subdivision Agreements*
  - d. *I-74: Enforcement of Permitted and Non-Permitted Grading on Private Property*
  - e. *I-84: Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services*
  - f. *J-2: Relocation of Utility Facilities, Improvement of County Streets and Roads*
3. Repeal the following Board Policies:
  - a. *I-36: Prohibition of Sewer Extensions and Connections in Areas Not Annexed to the San Diego County Sanitation District*

- b. *I-56: Construction of Interim Offsite Flood Control and Drainage Facilities Provided by Private Developers and Subdivider*
- c. *J-7: Installation of Sidewalks and Parkways Improvements*

**FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. 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 Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

**10. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

**OVERVIEW**

Martha Welch spoke to the Board regarding the Registrar of Voters.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:00 a.m. in memory of Justin Meek.

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

Consent: Santiago

Discussion: Zurita

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

Approved by the Board of Supervisors, on Wednesday December 12, 2018.



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KRISTIN GASPAR  
Chairwoman

Attest:



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DAVID HALL  
Clerk of the Board

11/14/18