

Otay Ranch Open Space Preserve--Owner Manager Joint Exercise of Powers Agreement Between County of San Diego and City of Chula Vista, Preserve Financing Plan, Open Space Conveyance Plan, and Overall Otay Ranch Design Plan (Carryover Item from 2/21/96, Agenda No. 3)

(Supv. Dist: 1,2)

ISSUE/REFERENCE:

On February 21, 1996 (3), the Board of Supervisors continued the matter to March 6, 1996; directed County Counsel to advise the Board prior to March 6, 1996, on the legal issues pertaining to this issue; directed the Chief Administrative Officer to meet with all interested parties and property owners (in the same room, at the same time) to find an acceptable conveyance plan that works; and directed the Chief Administrative Officer to review the documents presented at the meeting, including the document questioning the consistency of the proposed Resource Management Plan, with the adopted General Development Plan and the original Resource Management Plan, and be prepared to report at the March 6, 1996, meeting.

On January 24, 1996 (4), your Board continued this item to February 21, 1996.

Should the County enter into a Joint Exercise of Powers Agreement (JEPA) with the City of Chula Vista for the ownership and management of the Otay Ranch Preserve, approve the Preserve Financing Plan, approve the Open Space Conveyance Plan, and approve the Otay Ranch Overall Design Plan?

FISCAL IMPACT:

There will be no fiscal impact as a result of executing the JEPA for ownership and management of the Otay Ranch Preserve. Preserve costs are the obligation of the current and future developers and owners of Otay Ranch properties. Performance of operations, maintenance and monitoring tasks are the responsibility of the Preserve Owner/Manager (POM). POM expenses will be funded by revenue from a Habitat Maintenance Assessment District to be formed for the SPA 1 development and future developments and by a direct contribution by the SPA 1 developer.

Since actual conveyance of land is not anticipated for at least three years, any current staff participation will be provided through existing budgeted resources. Additional staffing requirements will be determined as development and conveyance occurs in Otay Ranch and will be funded by revenue from the District.

Costs associated with formation of the Habitat Maintenance Assessment District are unknown at this time. Costs associated with forming the District will be reimbursed from District revenue. In the event that formation of the District is not accomplished, the County will bear the cost associated with forming the District. Exact costs are unknown but are estimated at \$10,000/\$30,000. The source of funding will be the General Fund. If the District is not formed another source of funding for the County's management responsibility with the JEPA must be found. The Board does have the ability to withdraw from the JEPA if necessary.

There will be no direct or indirect costs to the County for adoption of the Otay Ranch Overall Design Plan.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Find that there are no changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified Environmental Impact Report (EIR), dated December 1992, and that no new information of substantial importance has become available since said EIR was prepared; and review and reconsider the information contained therein.

Approve and authorize the Clerk of the Board of Supervisors to execute the JEPA between the County of San Diego and the City of Chula Vista for the

ownership and management of the Otay Ranch Preserve (Attachment A of the January 24, 1996 Report, attached as Exhibit 1).

Select and appoint one member and an alternate from the Board of Supervisors to serve on the JEP A Policy Committee.

Authorize the Director of Parks and Recreation to serve as Administrator to the JEP A.

Approve the Otay Ranch Preserve Financing Plan and direct the Chief Administrative Officer to take all required actions pursuant to Fish and Game Code Chapter 11, Section 2900 et seq., Habitat Maintenance Districts, to establish a Habitat Maintenance Assessment District pursuant to Government Code Sections 50060 - 50070 for the purpose of financing the maintenance of the Otay Ranch Preserve.

Approve the Conveyance Open Space Plan (as amended by Exhibit 2) for the Otay Ranch Open Space Preserve.

Approve the March 14, 1995 Otay Ranch Overall Design Plan (Attachment D of the January 24, 1996 report attached as Exhibit 1).

Direct staff to continue to work with the City of Chula Vista and affected property owners to refine the Conveyance Plan and Preserve Financing Plan to reflect change in ownership and other factors.

ACTION:

Commending and thanking the various parties for their involvement and participation in this proposal, ON MOTION of Supervisor Cox, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, appointing Supervisor Cox as member and Supervisor Jacob as alternate member to represent the Board on the JEP A Policy Committee, including the use of the developable acreage methodology for determining conveyance with the following additions:

Direct the Chief Administrative Officer to work with the City of Chula Vista to investigate, and if feasible, develop an in-lieu fee program to be included in the RMP II as an exaction alternative to conveyance of land.

Amend the Conveyance Plan to require the actual conveyance of open space in title free and clear of all encumbrances to the Preserve Owner Manager (POM) as a condition of the first and each subsequent final map.

Said Final Map shall also be subject to a condition that the subdivider shall execute a maintenance agreement with POM to the satisfaction of the jurisdiction approving the subdivision map, stating that is the legal and financial responsibility for the subdivider to maintain the conveyance parcel in its current and natural state until an agreed upon point, at which time there will be sufficient revenue from the Habitat Maintenance Assessment District for the POM to maintain conveyance lands.

The actual amount of conveyed land for each final map shall equal the amount necessary to mitigate the entitlement received in the final map, consistent with the conveyance methodology as recommended to the Conveyance Plan.

Approve the Conveyance Plan solely for the processing and conveyance of preserve lands associated with SPA 1; no other village or SPA can be approved until the Conveyance Plan is amended by the County of San Diego and City of Chula Vista to provide criteria for assuring that the conveyed open space shall be in contiguous, biologically viable, and economically feasible (for management purposes) configurations; and directed the Chief Administrative Officer to come back with amendments to the Conveyance Plan that address the issues raised by Board members.

AYES: Cox, Jacob, Slater, Roberts, Horn