

SECTION
9

Program Implementation

Overview of Implementing the County Trails Program

The purpose of this section is to briefly cover the major topics that will be included in a trail implementation plan.

A separate, detailed plan implemented through the existing County budget process will determine how resources for trail development and the day to day operational activities, management and implementation are allocated and phased throughout the County of San Diego. The options and recommendations in that plan will help the County prioritize implementation issues, define a starting point, and to guide the County Trails Program (CTP) implementation over the next 20 plus years.

As previously stated, the major purpose of trails is to provide the recreation, transportation, health, and quality of life

benefits associated with walking, hiking, biking, and horseback riding throughout the County's varied environments. To ensure that this opportunity is provided and available in the future it is important that these trails be located, designed and maintained so that their impact to surrounding land uses and sensitive environmental resources is minimal.

Although the majority of trail connections and trail easements will be acquired through the discretionary permit application process (see Page 124), the County will look toward a variety of methods of trail easement acquisition options.

Countywide Implementation Strategy 1.6:
Consider shared-use of public utility easements if beneficial to the trail system.



Utilizing Utility Access Roads, Valle de Oro

County Policy 4.8

Establish and designate trails, whenever feasible, that correspond to existing (non-designated) trails, paths, or unpaved roadbeds that already have a disturbed tread

9.1 Acquisition Options

Trail routes will be identified that meet a public need while recognizing the concerns of private property owners, safety requirements, land use concerns and environmental protection goals. Designated CTMP trail alignments may fall on private, agricultural, industrial or County-owned lands, such as parks, open space preserves, lands within the MSCP, land proposed for public acquisition, or other lands already under public or semi-public ownership, such as San Diego Gas & Electric Company or San Diego County Water Authority lands.

Implementation of this CTMP will require using a variety of methods for acquisition, development, operation and maintenance. This program will look for opportunities to use both public and private lands for trail implementation. Some of the tools for obtaining trail routes could include:

- Constructing future trails on existing public land or County-owned lands such as parks, open space preserves and/or within the MSCP.
- Locating pathways within, or adjacent to public road rights-of-way.
- Exploring opportunities for Joint Use Agreements with public agencies other than parks and open space agencies (e.g. utility districts, school districts, Caltrans, water districts, etc.).
- Purchasing additional lands or trail easements from willing property owners.
- Obtaining gifts or voluntary dedication for trail easements from private property owners.
- Requiring dedication of trail easements on private land when discretionary approval by the County is being sought, and the proposed project impacts planned trail systems where there is the necessary rough proportionality between the required dedication and the impacts of and/or benefits to the proposed subdivision. This may be done for discretionary

approvals impacting regional trails shown in the General Plan, and community trails included in the CTMP.

- Developing incentives for developers to increase voluntary dedication of trails and/or easements.
- Establishing development fees or assessment districts for the acquisition and maintenance of trails on public or private lands.
- Continuing with volunteer efforts, non-profit organizations, and/or land trust involvement for trail implementation.
- Communities encouraging non-profit organizations to seek funding from government and foundation sources, by sponsoring and/or partnering with non-profits on grant proposals.
- Continuing to indemnify all persons granting an easement or other landowners immediately adjoining a regional or community trail.
- Establishing as many acquisitions and funding opportunities (both long-term and intermittent) for trail implementation, maintenance and operation as possible to insure economic viability for the CTP.
- Establishing a priority list for trail implementation based on needs and costs.
- Considering development of an “Adopt-a-Trail” program.

Purchases from individual landholders should be consensual and fair. Along with financial compensation for the landowner, the County will attempt to set up an incentive based system to further encourage easement sales and donations. Examples of incentive options include (subsequent to adoption) tax break incentives, or naming rights of trail section (with limitations).

Below is a brief discussion of some acquisition options that could be used when appropriate.

Cooperative or Joint Agreements

Countywide Policy 3.3:

Seek trail opportunities through easements, dedications, license agreements, or joint-use agreements with public and semi-public agencies including utility districts, school districts, water districts, transportation agencies, and parks and open space agencies.

The implementation of many proposed trails will involve the crossing of public and semi-public lands. These lands may be owned by state, federal, or local agencies, and may include utility districts or school districts. Some of these public lands have independent planning documents that include recreation and public access. The County will work with these public landowning agencies to encourage trail and staging area locations that are coordinated and appropriately connected. Where necessary and appropriate, the County will enter into joint agreements that provide public access and address issues of design and

maintenance to the satisfaction of all involved agencies. Some agreements will be in the form of a “License Agreement,” usually revocable by either party, granting public trail access while allowing considerable control by the landowning entity.

The County will also work with various utility companies to utilize existing utility roads and easements where appropriate. Since many of these utility easements correspond with existing roads or dirt paths, allowing joint-use of these facilities by incorporating public trails can be an efficient and effective implementation mechanism. Arrangements such as these will likely require cooperative agreements and be on a case-by-case basis. When the joint use involves vehicles using the same access easement as the trail, usually the utility company will be responsible for the maintenance. Utility companies will want to ensure incorporating a trail does not hinder their access and primary need for the easement. Such concerns can best be addressed in site-specific agreements between the County and the agency.

Fee Purchases

Countywide Policy 3.4:

Secure trail routes across private lands through purchase, easements, and dedication or by other means from a willing property owner/seller.

When trails are proposed in areas where housing and infrastructure development has

already occurred, the County will need to work with willing property owners to implement various segments. In some cases, property owners may voluntarily dedicate trail easements to the County. In other situations, the County will negotiate with willing property owners to purchase a trail easement or fee title land, or otherwise offer incentives to encourage their participation. Funds for such acquisition will be a component of the CTP budget.

Park Land Dedication Credit

When developers of minor and major subdivisions dedicate land for a public park, they receive PLDO credits, and by making minor modifications to the ordinance, dedicating public trails could also receive PLDO credits. Credit would be applied for public trails in the form of dedicated land (fee title or easements) or payment of fees, in lieu thereof, or a combination of both. Allowing PLDO credits for the provision of public trails is consistent with the enabling legislation (Quimby Act) that provides for parks and recreational facilities.

Park Land Development Ordinance (PLDO)

The County’s Park Land Dedication Ordinance (PLDO), authorized by the Quimby Act (Government Code Section 66477), applies to new minor and major subdivisions and provides a portion of the funding used for parks and recreational facilities. More specifically, the ordinance requires the

dedication of land or payment of fees, in lieu thereof, or a combination of both. Since trails can be considered recreational facilities, the PLDO would only need minor language modification to allow these funds to be used for the acquisition and improvement of trails. However, it should be noted that many question whether the current contribution rate ascribed by the PLDO is even adequate for existing regional and local park needs. Use of PLDO funds toward implementation of CTMP trails would place an additional burden on these funds and may necessitate an increase in the PLDO contribution rate. That being said, many communities support spending PLDO funds on trail acquisition and development. Especially those communities where PLDO fees have been accumulated, but no suitable park sites can be identified in their area.

Pathway Designation

Since many County roads have graded, soft-surfaced shoulders of varied widths, it is important to understand when such a road shoulder is considered an official pathway. “Proposed” pathways are those identified in the Board approved Regional Trails Map (County General Plan, Public Facilities Element) or Community Trails Master Plan (CTMP).

The County will coordinate capital improvement projects, community pathway projects, Bicycle Transportation Plan projects and requests for locating cellular facilities (i.e. towers, equipment boxes, vaults, etc.) and other utility facilities (i.e.

power poles, guy wires, transformers, pedestals, etc.) within the road right of way to avoid potential conflicts in the use of available right of way. The Trails Program Management Team (DPR, DPLU and DPW) will coordinate implementation of the County Trails Program, the Community Trails Master Plan and Regional Trails Plan, with the Bicycle Transportation Plan in order to accommodate both facilities in the public road right of way.

When development projects are conditioned to provide pathways, the pathways will be required to be shown on the approved grading and improvement plans. Once a proposed pathway is improved and constructed, the facility is considered “designated”. Designated pathways, because of their identified function as part of an overall trail system, have a higher degree of maintenance than non-designated road shoulders.

In some communities, pathways may compose a majority of the trail system. Communities typically propose these kinds of systems when opportunities for remote trails on public lands are extremely limited; and opportunities across private lands are also very limited, either because of development patterns or build-out conditions in the area, or because the community feels strongly that trails should not cross private lands.

However, it is important to recognize that pathways provide a different user experience compared to typical trails i.e. Type A-C that

are located away from the roadway - often wandering through scenic habitat or wilderness areas. When comparing the qualitative aspects and aesthetic appeal of these trails, with those offered by pathways, pathways offer a somewhat diminished experience and should not be considered an equivalent substitute for trails. They can provide critical links and supplement the overall trail system in areas that are constrained physically, subjectively, and financially. In the County of San Diego pathways will be a viable, integral and necessary part of the trail system.



Typical Pathway

Public Easements

Trails are frequently located within public tracts of land or easements that were dedicated for other public purposes such as open space, drainage, flood control, public utilities, etc. These lands or easements will be considered for utilization as a public trail

when appropriate. Locating trails in these areas can be an effective alternative that minimizes impacts.

Countywide Policy 3.7:

Development projects and other discretionary projects proposed on lands upon which a trail or pathway in the Regional Trail Plan or Community Trails Master Plan has been identified may be required to dedicate and improve land for trail or pathway purposes.

Required Trail Dedication

For certain discretionary projects, the County may require the dedication and improvement of trails. Dedication will be considered only if (1) the land for which the approval is sought includes some or all of a trail corridor as shown on the Regional Trails Map in the Public Facilities Element of the General Plan or on a community trail map in the CTMP; and (2) there is the necessary rough proportionality between the required dedication and the impacts of and/or benefits to the proposed development. The County may require the dedication of a trail easement and improvement of a trail on a case-by-case basis for the following projects:

- Grading Plans (L-Permits)
- Major Use Permits (*except those for Time Extensions*) and Major Use Permit Modifications
- Open Space Easements and Vacations
- Reclamation Plans

- Road Vacations
- Site Plans (*except those for Model Homes, Time Extensions and one Single-Family Residence*) and Site Plan Modifications
- Specific Plans and Specific Plan Amendments
- Tentative Maps/Major Subdivisions (*except those for Condominium Conversions and Time Extensions*), Revised Maps and Expired Maps
- Tentative Parcel Maps/Minor Subdivisions (*except those for Condominium Conversions and Time Extensions*), Revised Maps and Expired Maps

The County will apply the CTMP to discretionary applications determined by the Department of Planning and Land Use to be complete on or after March 4, 2005.

Trail dedication will not be required for ministerial (non-discretionary) permits, such as building permits.

Authority to require trail dedications is based on the established need for trails and findings relative to their public benefit and legitimate public function as delineated in the Public Facilities Element of the General Plan, and the CTMP. The nexus and rough proportionality issues are considered on a case-by-case, project-specific basis. If the nexus or rough proportionality cannot be adequately

demonstrated, alternatives can be considered. For example, the County may be able to move the trail alignment, or perhaps the applicant would be willing to dedicate a trail easement voluntarily or enter into negotiations to sell the County a trail easement.



Fallbrook Community Trail

Voluntary Offer of Dedication

Where trail easements are not required to be dedicated as a condition of a discretionary project, private landowners may voluntarily dedicate trail easements. These easements may provide vital connections and enhance the implementation of regional or community trails.

Prior to accepting offered trail easements, the County will verify that the offered easement serves to implement the general alignments indicated on trail maps in the RTP or CTMP, or will make a connection with such trails.

To facilitate voluntary trail dedication from landowners, the County will actively seek methods of streamlining the easement dedication process and, if resources are available, may offer to fund costs associated with surveying, document preparation, or easement recordation.

County trails, and their continued development, have the support of numerous nonprofit organizations that have a demonstrated ability to maintain and construct trails. These groups not only provide tools, equipment, and labor to supplement County efforts, but also help by organizing community events, conducting fund raising activities, participating in grant application preparation, and soliciting donations of money, land, or easements from property owners. Often, their trail building skills, volunteer labor and equipment can be utilized in grant applications. This is especially helpful with grants that require the County to provide matching funds. Also, in the past, land conservation groups have played a significant role in assisting the County in raising funds privately and publicly from grants.

As community members and trail advocates, they understand the issues and concerns of property owners. They serve as community “trail ambassadors” that can answer many property owner questions regarding liability, associated costs and potential tax reduction for their donation. Trail groups volunteer to assist property owners with the dedication process by obtaining and completing all the necessary paperwork from the County and, to not burden the property owner, often obtain the funds to

process the dedication. Trails organizations can help explain the community’s need and reassure property owners their generous donation will not only benefit the community today but will ensure future generations the same opportunity to enjoy their community trails system.

Countywide Policy 3.9:

Seek methods of offering incentives to private landowners that will encourage the voluntary dedication of trail easements and/or gifts of land for trails.

9.2 Incentives for Trail Easement Dedication

Incentives to encourage voluntary easements and dedication on private land can be provided in several ways, including the following:

Income Tax Deductions for Charitable Contributions

A federal income tax deduction is allowed for a gift of property or real property interests for conservation purposes. The deduction also applies to conservation land that contains trails. The amount of the tax deduction would be the fair market value of the property or the interest in the property conveyed to the charitable organization or public entity (the County). A permanent recorded restriction is required for tax deductions taken for the gift of a conservation easement. Here again, this kind of tax deduction can be used by the County

to negotiate with property owners for land that could be used for trails and/or habitat conservation.

Mills Act

In 1985, the California State Legislature passed a bill amending Article 12, Sections 50280 to 50290 of the California Government Code, which allows qualifying historical property owners to enter into historical property contracts with local jurisdictions to reduce their annual property tax by as much as 50 percent in return for preserving and improving historic structures and landmarks. Statewide, approximately 400 properties are under Historic Preservation Contracts. In 2002, the County enacted an ordinance granting Mills Act Historic Property Tax Relief for property owners (over 250 properties) in San Diego County's unincorporated communities. Once a Historic Preservation Contract is executed, the property owner can apply to the San Diego County Assessor for a new property tax valuation based on a formula contained in California Revenue and Taxation Code section 439.2. The initial term of the contract is for a minimum of ten years and is renewable annually after the initial contract term. The current ordinance only offers tax relief to property owners with qualified historical homes and structures. However, it may be possible to make necessary changes to the County's Mills Act ordinance – if enabled by the Government Code – to extend the offered tax relief to properties

containing trails (or unpaved roads) with historical significance.

Natural Heritage Preservation Tax Credit

The Natural Heritage Preservation Tax Credit Act allows landowners to donate property to state or local agencies or non-profit organizations for a partial state tax credit (55 percent of fair market value). Both land and conservation easements can be donated. Donated land must be open space, parkland, woodland, wildlife corridors, agricultural land, or archaeological sites. The State Wildlife Conservation Board (WCB) administers this \$100 million program. This tax credit process can be used by the County to negotiate with property owners for land that could be used for trails and/or habitat conservation.

Remainder Interest (Land Trust)

A remainder interest is a form of land trust where dedication of a remainder interest transfers full, or partial interest in a property to an appropriate grantee, such as the County, after the death of the landowner and of any subsequent titleholders whom the landowner names in the will. The right to use property that is transferred by the will can be split between different people based on the passage of time. The landowner can be given ownership of, or the right to use the property, while another person or group can be given the right to use the property at some future date. A landowner having the current use is said to have a present interest. Remainder interests are

the interests that follow the expiration of the present interests. The benefit of this is that the landowner retains full use (except uses that degrade natural resource values) and all rights to the property during their lifetime or during the specified period of time (IRS Taxpayer Education and Volunteer Assistance Program).

The person or group receiving remainder interests will ultimately own the property outright. With certain restrictions under the Internal Revenue Code, a remainder interest can be considered a charitable contribution (U.S. Internal Revenue Code, Title 26, Section 170). Donation of a remainder interest will qualify a landowner for a tax deduction, discounted in proportion to the anticipated length of time that will pass before the grantee takes over the interest. Whether sold or donated, dedication of a remainder interest can lessen the burden of estate taxes.

The remainder interest process can be used by the County to negotiate with property owners interested in taking advantage of the benefits it offers. This would enable the County to plan for future ownership and management of property that could be used for trails and/or habitat conservation.

Williamson Act

The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use such as recreational trail easements. In return, landowners receive property tax assessments, which are much lower than normal because they are based upon farming and open space

uses as opposed to full market value. The landowner enters into a contract with the County or City to restrict land uses to those compatible with agriculture, wildlife habitat, scenic corridors, recreational use, or open space.

Countywide Policy 3.8:

Seek to establish funding opportunities for trail acquisition, implementation, maintenance, and operation.

9.3 Funding Sources

The County Trails Program will aggressively seek as many funding opportunities for trail implementation, maintenance, and operation as possible to insure economic viability. Potential funding sources to be pursued include, but are not limited to:

- Benefit Zones/Development Impact Fees
- Community Service Districts (CSA)/Assessment Districts
- Corporate Sponsorships
- County General Fund
- Federal Grant Programs (including but not limited to):
 - ◆ Land and Water Conservation Fund
 - ◆ Surplus Real Estate Program,
 - ◆ Surface Transportation Improvement Program

- ◆ Transportation Equity Act for 21st Century (TEA-21)
- Forest Reserve Funds
- Park Land Development Ordinance Fund
- Park Land Dedication Credit
- State Grant Programs (including, but not limited to):
 - ◆ Environmental Enhancement and Mitigation Program
 - ◆ Land and Water Conservation Fund
 - ◆ Habitat Conservation Fund
 - ◆ Per Capita I Program
 - ◆ Recreational Trails Program (Non-Motorized Trails Grant Program)
 - ◆ Riparian and Riverine Habitats Grant Program

Pathway Funding Sources

Pathways are eligible for gas tax and other transportation related funds including TransNet. Programs offering funds for pathway improvements include the Safe Routes to Schools program, which is administered by California Department of Transportation (Caltrans). This program makes grants available to local government

agencies based on the level of need, potential for reducing child injuries, potential for encouraging increased walking and bicycling, and the identification of safety hazards.

There are several other potential funding mechanisms for pathway projects that involve local roadway and/or highway crossings, routes that parallel a roadway or highway, or routes that connect to a local or regional transportation network. In addition, any pathway projects that contribute to reducing congestion on the regional transportation network or to improving air quality are more likely to secure transportation-related funding. A description of the process for utilizing these funding sources is included in the County Trail System Assessment of July 2001.

9.4 Program Costs

The total cost of the County Trails Program is divided into development cost, land acquisition, and overall management of the trail system, which the TSA roughly estimated to be an additional 316 miles of trail over the next 20 years. Management cost includes planning, design, operation, maintenance, administration, and overhead costs.

Property acquisition is expected to be an ongoing process. The County does not expect to obtain all needed lands with “one fell swoop”, and in certain circumstances, a

parcel of desired land might be unattainable therefore changing the course of a planned trail. The County is responsible for identifying desirable lands for acquisition, and prioritizing their importance to the trails system. The properties so identified may be periodically amended in response to changing circumstances over time. The County will review possible acquisitions to determine the potential for targeting funding from sources such as state and federal grants, special funding legislation, mitigation opportunities, or private contributions. Properties can be purchased from willing property owners, gifted with a life estate, bequeathal or donation, and acquired through use of a scenic or conservation easement. Some lands may already be in public or semi-public ownership, making the acquisition of land unnecessary for certain trail segments.

Often it may be necessary to coordinate with other public agencies due to the necessity of crossing over lands not under County jurisdiction. During these instances, the County will convene with the influencing authority and collaborate on issues such as development, management, and maintenance. The leading agency should coordinate all elements of trail planning, acquisitions, development, and management with all of the jurisdictions within San Diego County. Establishing an inter-jurisdictional technical committee should be considered when coordination of specific trail connections is needed.