

**COUNTY OF SAN DIEGO, BORREGO SPRINGS COMMUNITY SPONSOR GROUP  
\*\*\* APPROVED MINUTES\*\*\***

**Thursday, March 7, 2024, 5:00 p.m.  
THE PUBLIC IS ALWAYS WELCOME TO OUR MEETINGS  
WE REPRESENT YOU WHEN ADVISING  
THE COUNTY OF SAN DIEGO ON LAND USE ISSUES**

**A. CALL TO ORDER/ROLL CALL @ 5:00**

John Peterson  
*Judy Haldeman not present*  
Nancy McRae  
Bill Berkeley  
*Jim Dax not physically present; attended via Zoom*  
Bruce Durbin  
Rebecca Falk  
Bill Haneline  
*Vacant Seat*

**B. APPROVAL OF MINUTES FOR THE MEETING of February 1, 2024**

Motion	Bill Haneline
Second	Bill Berkeley
Approved	Unanimously

C. (Omitted)

**D. PUBLIC COMMUNICATION (may be limited to 3 min): Opportunity for members of the public to speak to the Group on any subject matter within the Group's jurisdiction that is not on the posted agenda.**

Tammy Baker of "Revitalization/Environmental" subcommittee spoke about making progress against the invasive weed *Volutaria*. Volunteers are needed to pull weeds and to get permission to pull weeds from private property. Must get "right of entry" forms signed by property owner. Property owner can stipulate that they don't want the property to be sprayed.

Elizabeth Rodrigues - Wondered if we knew when DG Market is opening. Peterson responded that it is now targeted for mid-April, but no fixed date yet.

**E. ACTION ITEMS:**

**1. Review of the vacation of a public right of way in De Anza County Club.  
Presentation by Richard Chin, Department of Public Works, and Dan Weber,  
representative of the project applicant.**

Chin showed map of property in discussion - There is a county right of way easement @ 441 DeAnza spur, identified on county maps as public walkway. It is 10 feet wide. The county, property owner (Payne Family) and De Anza Country Club (DACC) would like to vacate the public right of way. Affected parcels would not be

landlocked, this action would not impede public services, walkway is not part of mobility plans, no utilities underneath, county of SD does not maintain it. County does not like to keep easements when they are not being maintained due to liability issues. Multiple county departments had no issue with the vacation. Goes to Board of Supervisors (BOS) for final approval.

Falk asked if there is a bridge on or near the walkway that was subject of litigation due to flood debris collection that caused flooding to nearby properties. Chin said he was not aware of a public bridge. Jim Dax said there was a bridge but it is gone now.

Durbin asked if the existing cart pathway near to the public walkway is dedicated which it is not. What is to stop it from being developed? Chin said that cart path is currently maintained by DACC. Durbin said that in future there is possibility for development that could then block access.

Weber said backstory to application is that the flood channel that is supposedly all on DACC property was mis-dug. Part of the Payne family property has the flood control channel that has been there for decades. The right of way that exists has never been used in its entire existence. The Paynes are concerned that if there were a drainage flood overflow issue, the liability might fall to them on this flood channel because it happens to have unintentionally encroached upon their property. Because the right of way dead ends in flood channel it is hazardous to use in event of flash flood. The DACC wants to take responsibility for flood control channel; by taking part of Payne property (where the channel has encroached) and give an equal amount of property adjacent (which is the dedicated right of way), the Payne Family would not lose any land. He said there is no potential for the cart path land to be developed. DACC wants people to be able to access country club via cart path.

Durbin said there are two different legal statuses. Cart path is not a legal right of way. The dedicated right of way is legally sound, whereas the concrete path isn't. They are both in the same flood path. He is concerned that if we vacate the walk that is there, the cart path could be eliminated in the future leaving no walkway, dedicated or otherwise.

Falk - DACC owns land on which cart path lies. Would DACC be willing to make a legal right of way? Weber can't speak for DACC, but the cart path has existed for decades so that members can get to the club efficiently. The DACC has no objections to vacating the right of way. Is it difficult for DeAnza to allow a right of way on cart path - Chin that it would not be difficult. If our recommendation was to vacate conditional upon cart path becoming public right of way, Chin thought the county could be supportive of it.

Durbin recommends that the SG not agree to recommending vacation until a new legally binding dedicated right of way is achieved.

Sondra Boddy - what are the boundaries of the Payne property? Why is Lot 3 marked both above and below the public walk? No good explanation, but showed a highlighted area that is definitely the Payne property and ends at the edge of the public right of way. How is the DACC land zoned where the cart path is? No positive answer for that - it appears to be part of the DACC and cannot be developed in the future (zoned same as golf course, so home could not be built on it).

Elena Thompson - She rides her bike and walks through there. It is not buildable for a house. De Anza spur is public. DACC having operated for 55 years, this could be a prescriptive easement (adverse possession). Avoid unnecessary regulation where it isn't needed. Clubhouse just burned down. Workers are suffering. To over-regulate them would be harsh right now.

Durbin - adjacent property was built onto what looks to be DACC property beyond parcel line. This is exactly his concern. Creep into dedicated open space.

Peterson - stay focused on issue at hand.

**Motion: by Falk that BSCSG recommend to deny vacation of legal County right of way until another another legal right of way is established on the cart path by DACC.**

**Second: Bruce Durbin**

Discussion: Peterson will not vote yes. We can request DeAnza to do something, but that would take a lot of time and money.

Chin - County would never have funds to build another right of way.

Berkeley - Approve vacation, but at some point in future DACC should give legal public right of way.

Falk - County needs to come back with another alternative. Falk requested that as a formal statement in comments.

**Motion: Vote ended in a tie, therefore the motion did not pass. No recommendation (either vacating or not vacating the public right of way) will be made.**

John Peterson - no

*Judy Haldeman not present*

Nancy McRae - no

Bill Berkeley -no

*Jim Dax not present, but was on Zoom*

Bruce Durbin - aye

Rebecca Falk - aye

Bill Haneline - aye

*Vacant Seat*

## **2. Letter of support for relocating the potential new firehouse next to the library on land donated by the Wright Family. Presentation by Bruce Kelley.**

Bruce Kelly - Presentation on firehouse/clinic campus was made two months ago to BSCSG. Desmond requested to get as many community organizations as possible to show support for the idea and process. The background for his request is that the County Property Manager is going to do a cost analysis on keeping current firehouse vs building a new one. Supervisor wants to expedite process so that the

study is given a higher priority and moves more quickly. Eight or nine community groups have already written or committed to write letters in support of plan.

Per Kelly, CalFire offered that they could put up firehouse clinic at same time as firehouse. So who is going to pay for what? County will pay about 1/2. CalFire will pay about 1/2. Kelly's committee will have to raise about \$1M.

Falk: how does fire station in that location fit with the idea of affordable housing?

Kelley: The rest of the property's approx 17 acres would be 64 units of affordable housing built on Club Circle model. The advantages of having affordable and senior housing close to clinic would be good for residents and paramedics. Could enable care after-hours. Falk: sirens from fire Dept would become part of neighborhood. Kelly: church and park not affected (because they are not in constant use). Fire engines go out in 3 directions away from proposed housing.

Haneline: will paramedics be in contact with doctors? Kelley: Community paramedicine. Paramedics go out to site and get online with emergency physician so the person doesn't have to be transported, but could be treated here.

Berkeley: What is total cost of firehouse and clinic? \$20 - 30 M

Durbin: Normally he would be concerned about firehouse being next to library, but this is a rural and not a urban firehouse getting constant use.

**Motion: by Haneline that BSCSG write a letter supporting the program of CalFire having fire department/clinic on donated property.**

**Second Durbin**

**Approved Unanimously**

**3. Schedule for our summer break. (All members please bring your calendars). Also, this action item will be discussed later in our meeting during the group business part of the meeting as item F.1.**

**Motion: by McRae to cancel July and August meetings and change date of September meeting to 9/18.**

**Second Berkeley**

**Approved Unanimously**

**4. To accommodate some personal time requirements is it possible to move our monthly meeting to Wednesday's at 4:30 versus the first Thursday at 5:00? Also to be discussed later under Item F.1**

**Motion: by Haneline to change to first Wednesday of month at 4:30 starting in May**

**Second: McRae**

**Discussion:** Falk: For the public and perhaps even future BSCSG members who are still employed, the 5:00 time might be better so keep an eye on 4:30 vs 5:00 re public attendance, etc.

**Approved: Unanimously**

## **5. Appointment of Jim Dax as the BSCSG representative to the Stewardship Committee.**

It was clarified that Dax is not representing the BSCSG at Stewardship committee meetings, but rather attending meetings to gather information that may be of interest to the BSCSG, therefore no vote was needed to approve appointment.

### **E. NON-ACTION ITEMS:**

#### **1. Discussion regarding code enforcement practices and procedures within our community. Presentation by Kenneth Melton PDS County of San Diego.**

Melton - Code Compliance Division jurisdiction is to enforce land use regulation on private property in the unincorporated parts of the county (3,500 sq. miles). 3000 cases per year handled by 20 staff members equals 150 cases/staff member. Cases are generated on a complaint basis when violations are reported to them. They are not proactive.

Codes enforced: Zoning Ordinance; Regulatory Ordinances. Division just deals with land use regulations.

What they don't enforce: unkempt houses. They don't not enforce condition of property unless it creates an unsafe state. Don't enforce design elements (no design regulations on private property).

What they do enforce:

- Un-permitted homes,
- inoperable vehicles - must be able to run on its own power if it is parked outside on private property. They can fix, store or remove. They must be able to show its inoperable but can't require owner to start it up. Must be obvious (no wheels, for ex.)
- Solid waste (lengthy list of what comprises solid waste).
- Deal with a lot of hoarder situations. "Junk" is defined as personal property stored outside. Cannot store personal items outside.
- Building violations - un-permitted construction. They don't decide whether it's built according to building code - that's up to the permit people.
- Conversions - For example, train cabooses, cargo containers, garage
- Occupied trailer coaches - on private property, can't be occupied (exceptions: family can visit up to 30 days per year, or a caregiver if providing healthcare to someone on the property). Also can only store one per property
- Unsecured or unsafe structures - for example, fire damaged property (building department makes the determination of unsafe). Can board up busted windows.
- Property use - for example, wedding venues would need a major use permit.
- Noise complaints - barking dogs, construction noise. Take decibel reading - limits depending on time of day

- Grading - movement of soil. For ex, permits are required to move 200 cubic yds or soil or to clear a vacant property. Dedicated grading officers deal with erosion.
- Homeless encampments - Only deal with situations on private properties. Property owners are responsible for cleaning up encampments. Do not allow an encampment to take hold and get out of control.

#### Enforcement Tools:

- Admin warning
- compliance schedule
- admin citations (limit \$10K total)
- civil penalties (if they're making money off it - can issue \$1K/day up to \$50K/year)
- abatement (for ex - graffiti on private property)

#### How to Contact:

Request for Investigation Hotline - 858.694.2705

Email - [PDS.CodeCompliance@sdcounty.ca.gov](mailto:PDS.CodeCompliance@sdcounty.ca.gov)

Tell Us Now app

Haneline - There are a lot of RVs being lived in. How to figure out where these properties are and who owns them? Response: Wide open areas don't have an address, but can describe location in reference to a close address that is known. Google maps will give you coordinates.

Haneline - Tell Us Now app - does the County look at those? Response: Staff gets notifications and reviews them, be sure to leave contact info.

Elena Thompson (ET) - In reporting through app or via email, which do they prefer? Response: email . ET - What do we do when we've reported code violations over the years and there is little to no action? Response: Communicate with the officer who is assigned to it. Officer should contact you within a week to two after submitting your complaint. ET - One case has been on-going for 4 years with no change, getting worse Response: Call or email and request to verify case has been opened and who the contact is/info for contact. One officer has been assigned to Borrego. Now moving towards a team approach.

Durbin - Are fences allowed to be built on vacant lot with no land use established? Response: He will find out and get back to us. Items can't be stored on vacant lot. Sometimes fences are built to keep out encampments.

Public Member - What happens when property has been abandoned and owner cannot be located or won't respond? Response: Being abandoned isn't a violation in itself. If issues arise from violation like safety, they deal with those separately. How does public check whether a permit has been issued for a property use? Response: there is no reliable way for a member of the public (the permit could have been issued years ago). Call the zoning department. Anything in the system recently - "accelcitizenaccess"

Falk - if property taxes not being paid, goes to tax sale through county treasurer.

Peterson - what role do you see SG having in compliance? Response: You are representatives of the community, so you can share reporting info with people who

come to you or report violations yourself. Code compliance used to update sponsor groups on a regular basis, but they don't have the staffing to do that now.

**2. Update on the progress of filling the vacated seat # 7.**

Peterson: 4 highly qualified candidates. Complex to go through the process. County link didn't work. Confusion over forms - now on 3rd form. Wants input on deadline - process takes months as it is. Peterson is hoping to bring candidates to group in May. March 15 recommended as close of application period.

**F. GROUP BUSINESS:**

1. Chair Report, including our schedule for the "summer break" see item E. 3 above and time and date for future BSCSG meetings, see item E. 4 above. See attachment AB 2449 checklist.

2. Topics for future discussion at BSCSG meetings: Ram Hill development plan, SDG&E service update on power grid, other? Add: Marsha Boring or Elizabeth Rodrigues re Revitalization committee . Nancy - get update from Bill Powers re: lawsuit. Falk - Assoc of Planning Groups update

3. Subcommittee Reports: None

4. Meeting Updates: None

5. Correspondence received: ABC permit has been issued for the DG Store, attached.  
Falk: Shade-way project - County got two bids, awarding bid in next 2 weeks. Construction to start by summer, done by fall

**G. ADJOURNMENT**

Motion	7:07 McRae
Second	Falk
Approved	Unanimous

**The next regular meeting is scheduled for April 4, 2024, 5 pm at the Borrego Springs Library Community Room, 2850 Country Club Rd, Borrego Springs, California and via Zoom.**