

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, MAY 9, 2018, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. Roll Call
- 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 meetings of April 18, 2018 and April 25, 2018.
- 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.

Supporting documentation and attachments for items listed on this agenda can be viewed online at <http://www.sdcounty.ca.gov/cob/bosa/> or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101.

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|---|
| 1. | NOTICED PUBLIC HEARING:
YALDA OPEN SPACE VACATION, PDS2015-VAC-15-002; VALLE DE ORO COMMUNITY PLAN AREA (04/18/2018 - SET HEARING;
05/09/2018 - HOLD HEARING) |
| 2. | CONDUCT ASSESSMENT BALLOT PROCEEDINGS TO LEVY AN ASSESSMENT IN PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 133 - RANCH CREEK ROAD IN VALLEY CENTER |

3. AUTHORIZATION TO ADVERTISE AND AWARD A
CONSTRUCTION CONTRACT FOR CLEMMENS LANE PARK
IMPROVEMENTS
[FUNDING SOURCE: FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT]

4. 2017 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH
COUNTY SUBAREA PLAN ANNUAL REPORT

**1. SUBJECT: NOTICED PUBLIC HEARING:
YALDA OPEN SPACE VACATION, PDS2015-VAC-15-002; VALLE DE
ORO COMMUNITY PLAN AREA (04/18/2018 - SET HEARING;
05/09/2018 - HOLD HEARING) (DISTRICT: 2)**

OVERVIEW

On April 18, 2018 (10) the Board set a Hearing for May 9, 2018.

This is a request for the Board of Supervisors (Board) to consider the vacation of an open space easement (Vacation) and adopt the Environmental Findings for the project. The Vacation has been reviewed for conformance and complies with Board Policy I-103: Open Space Easement Vacations and the California Streets and Highways Code. The open space easement was originally recorded on December 24, 2003 in order to comply with the Valle de Oro Community Plan which requires properties with an average slope of over 25% to place 70% of the property in “natural open space” to preserve community character. The open space easement was not required for environmental mitigation.

The project site consists of 0.81-acres and is located at 1432 Fuerte Heights Lane within the Valle de Oro Community Plan Area. The Vacation will allow a 15,770-square foot open space easement to be replaced with a new 24,583-square foot open space easement via a subsequent dedication to be recorded concurrently. This Vacation and subsequent dedication will resolve a grading violation, increase the preserved open space by 8,813 square feet, and will demonstrate compliance with the Valle de Oro Community Plan.

Board Policy I-103 requires the Board take two actions: first on April 18, 2018, it is requested that the Board set a date for a public hearing on May 9, 2018, and provide public notice of that hearing. If the Board takes the actions recommended on April 18, 2018, then on May 9, 2018, it is requested that the Board consider and adopt a resolution to vacate the referenced open space easement, record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2015-VAC-15-002, and record the OPEN SPACE EASEMENT (Steep Slopes) concurrently.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt the environmental findings included in Attachment C, which includes findings in accordance with Sections 15061(b)(3) and 15304 of the California Environmental Quality Act (CEQA) Guidelines that the proposed vacation has been reviewed for compliance with CEQA. The project is exempt from CEQA because it consists of minor private alterations in the condition of land and vegetation which do not involve removal of healthy, mature, scenic trees. The open space in question has no biological or topographical sensitivity and is not subject to the Resource Protection Ordinance. The sole purpose of the open space dedication is to satisfy Valle de Oro’s Community Design Guidelines. This project is also exempt because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2015-VAC-15-002. (Attachment D).

3. Direct the Clerk to record the Resolution pursuant to the Streets and Highways Code Section 8325 and record the OPEN SPACE EASEMENT (Steep Slopes) (Attachment E) concurrently.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

2. **SUBJECT: CONDUCT ASSESSMENT BALLOT PROCEEDINGS TO LEVY AN ASSESSMENT IN PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 133 - RANCH CREEK ROAD IN VALLEY CENTER (DISTRICT: 5)**

OVERVIEW

A Permanent Road Division Zone (PRD Zone) is a district that provides property owners with a mechanism to assess their properties to pay the County to perform private road improvements or maintenance in a geographically defined area. There are currently 68 PRD Zones managed by the County within the unincorporated area that provide maintenance of approximately 94 miles of private roads. Permanent Road Division Zone No. 133 - Ranch Creek Road (PRD 133) includes 25 parcels and is located in the unincorporated community of Valley Center (2016 Thomas Guide Pages 1070-G3, H2 and H3).

The private roads within PRD 133 have deteriorated and require a higher level of maintenance than can be funded by current assessments. The property owners in PRD 133 filed a petition with the County requesting that assessment ballot proceedings be initiated to impose an increased assessment sufficient to perform needed road work and ongoing maintenance. The requested assessment would fully fund needed repairs and ongoing road maintenance and add additional portions of Ranch Creek Road to the portion of Ranch Creek Road already maintained by the PRD Zone. The property owners also have requested that the Board approve a loan up \$100,000 from the Permanent Road Division Revolving Loan Fund of the County of San Diego. A loan request will be brought to the Board when adequate funds have accrued to begin maintenance work.

Department of Public Works staff reviewed the petition requesting an increased assessment and determined that it meets the requirements established by State law for a valid petition. Upon the receipt of a valid petition for an assessment, the Board of Supervisors (Board) is required to call an election. An assessment may be imposed if 50% or more of the weighted ballots support the assessment. An assessment shall not be imposed if there is a majority protest. As described in the Engineer's Report, assessment ballots are weighted based on the proportionate benefit properties receive from the road maintenance services. Today's requested action is to accept the petition and Engineer's Report and order assessment ballot proceedings in PRD 133.

If the petition for assessment is approved by the property owners, the Board will be asked to adopt a resolution declaring the new portion of Ranch Creek Road to be maintained by the PRD Zone as a public road so that it can be maintained using assessments. The Board also will be asked to approve the Engineer's Report and adopt an ordinance imposing the assessment approved by the property owners. If the assessment is not approved by the property owners, the Board will be asked to dissolve PRD 133. Whether the increased assessment passes or not, the Board will be asked to take action to repeal the ordinance establishing assessments for PRD 133.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On May 9, 2018 take the following actions:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the State CEQA Guidelines because the activity involves establishment of a funding mechanism for the purpose of maintaining existing roads, involving negligible or no expansion of use.
2. Accept the petition, on file in the Department of Public Works, requesting authorization to proceed with assessment ballot proceedings that could result in an assessment being placed on Permanent Road Division 1000, Zone No. 133 - Ranch Creek Road property owners' tax bills for road maintenance.
3. Adopt the resolution which sets June 27, 2018, as the date of the public hearing, following which time assessment ballots shall be tabulated, entitled: **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACCEPTING THE ENGINEER'S REPORT, SETTING A PUBLIC HEARING AND CALLING FOR A SPECIAL LANDOWNER ELECTION WITHIN PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 133 - RANCH CREEK ROAD FOR THE PURPOSE OF IMPOSITION OF AN ASSESSMENT FOR ROAD MAINTENANCE SERVICES.**
4. Direct Department of Public Works staff to prepare and conduct a mailed ballot election in accordance with applicable law and the petition received from property owners for the purpose of obtaining consent for a new assessment to be imposed on the owners of property located within the boundaries of Permanent Road Division 1000, Zone No. 133 - Ranch Creek Road.
5. Approve the introduction of the Ordinance (first reading), read title and waive further reading of an Ordinance entitled: **AN ORDINANCE TO REPEAL ORDINANCE NO. 9224 (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. 133 - RANCH CREEK ROAD.**
6. Approve the introduction of the Ordinance (first reading), read title and waive further reading of an Ordinance entitled: **AN ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND COLLECTING CHARGES ON THE TAX ROLL FOR PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 133 - RANCH CREEK ROAD.**

If on May 9, 2018, the Board takes the actions recommended in Items 1-6, then on June 27, 2018 the following recommendations will be considered:

1. Conduct a public hearing on the proposed assessment.
2. Direct the Clerk of the Board at the conclusion of the public hearing to tabulate all valid ballots received and certify election results.

3. Adopt an Ordinance to repeal the existing ordinance to collect assessments within Permanent Road Division No. 1000, Zone No. 133 - Ranch Creek Road entitled: AN ORDINANCE TO REPEAL ORDINANCE NO. 9224 (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. 133 - RANCH CREEK ROAD.

If at the conclusion of the public hearing on June 27, 2018 there is not a majority protest, the following actions will be considered:

1. Adopt a Resolution entitled: RESOLUTION DECLARING ADDITIONAL PORTIONS OF RANCH CREEK ROAD TO BE A PUBLIC ROAD.
2. Adopt an Ordinance entitled: AN ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND COLLECTING CHARGES ON THE TAX ROLL FOR PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 133 - RANCH CREEK ROAD.

If at the conclusion of the hearing on June 27, 2018 there is a majority protest, the following actions will be considered:

3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ORDERING DISSOLUTION OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 133 - RANCH CREEK ROAD.
4. Authorize the Director, Department of Public Works and the Auditor & Controller, and their designees, to take any action necessary to fully dissolve Permanent Road Division No. 1000, Zone No. 133 - Ranch Creek Road; including, without limitation, closing out all residual funds and transferring funds to the General Fund as authorized by applicable law.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2017-18 Operational Plan in the Department of Public Works Permanent Road Division No. 1000, Zone No. 133 - Ranch Creek Road budget. If approved, this request will result in a current year cost to the Permanent Road Division No. 1000, Zone No. 133 - Ranch Creek Road of approximately \$30,000. If the assessment passes, this expense will be reimbursed by assessments collected from the property owners within Ranch Creek Road. If the assessment fails to pass, this expense will be funded by available funds in the PRD 133 Ranch Creek Road Fund. If approved, the costs of road maintenance and administration in future fiscal years will be funded by assessments of property owners within PRD Zone 133. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

3. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR CLEMMENS LANE PARK IMPROVEMENTS (DISTRICT: 5)**

OVERVIEW

Clemmens Lane Park is a 0.56 acre developed park in the unincorporated community of Fallbrook. The park offers a variety of recreational amenities including playgrounds, a picnic

area, small parking lot, practice soccer field and a sand volleyball court. The Clemmens Lane Park Improvements project will add a new single unit restroom, convert the existing sand volleyball court into a small artificial turf soccer field, and add cushion panels to the existing fencing around the existing soccer field. This project will supplement the park and provide needed amenities to enhance park visitor's experiences, supporting health and fitness.

The requested action will authorize the Director of Purchasing and Contracting to advertise and award a construction contract for Clemmens Lane Park Improvements estimated at \$200,000, including contingency. Remaining project funds in the amount of \$50,000 will be used for related project costs including in-house design, inspection services, construction management, and project administration. If approved, project construction is scheduled to begin in summer 2018 and be completed in fall 2018.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Clemmens Lane Park Improvements project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures).
2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Clemmens Lane Park Improvements project.
3. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for Clemmens Lane Park Improvements in accordance with Board Policy F-41 Public Works Construction Contracts.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2017-18 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs and revenue of \$250,000 for Capital Project 1021272, Clemmens Lane Park Improvements. The construction cost for the proposed improvements is estimated at \$200,000, including contingency. Remaining project funds of \$50,000 will be used for related project expenses including design, construction management, inspection and project administration. The funding source is a federal Community Development Block Grant.

Upon project completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

4. SUBJECT: 2017 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH COUNTY SUBAREA PLAN ANNUAL REPORT (DISTRICTS: ALL)

OVERVIEW

The Multiple Species Conservation Program (MSCP) is a cooperative federal, state, and local planning program that balances biodiversity protection with building and development, agriculture, and public nature-based recreation. On October 22, 1997 (1), the Board of Supervisors adopted the County of San Diego (County) MSCP South County Subarea Plan. The County and its public agency partners agreed to preserve habitat critical for the survival of sensitive species. In exchange, development may occur in areas with habitat less critical for sensitive species. The associated MSCP Implementing Agreement among the County, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Service (the Wildlife Agencies) became effective on March 17, 1998. The Implementing Agreement requires the County to prepare an annual accounting and report of all habitat gained through acquisitions or dedications of open space, and all habitat lost as a result of certain ministerial and discretionary project approvals.

The 2017 MSCP South County Subarea Plan Annual Report (Annual Report) summarizes habitat gains and losses within the South County Subarea for the period of January 1, 2017 through December 31, 2017. This report also includes a discussion of management and monitoring programs and funding sources used by the County to meet its obligations pursuant to the Implementing Agreement.

Today's requested action is to receive the 2017 Annual Report.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Board action is not a project as defined in Section 21065 of the California Environmental Quality Act (CEQA) and in accordance with Section 15378 of the CEQA Guidelines.
2. Receive the 2017 Multiple Species Conservation Program South County Subarea Plan Annual Report (Year 20) (Attachment A).

FISCAL IMPACT

There is no fiscal impact associated with the Board's acceptance of the 2017 MSCP South County Subarea Plan Annual Report. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A