

**AGENDA**  
**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK**  
**JOINT POWERS AUTHORITY**

**9:30 a.m. – 11:30 a.m.**  
**Friday, June 20, 2003**  
**County Administrative Center**  
**1600 Pacific Highway, Room 302/303**  
**San Diego**

Speaker slips will be available. Please fill out a slip and give it to the Chair prior to the meeting if you wish to speak to an item on the agenda. The Board may take action on any item listed on the Consent or Action agenda.

Introductions and Announcements.

Approval of the Minutes of May 16, 2003

Executive Directors Report

Public Comment

This portion of the agenda provides an opportunity for members of the public to address the Board on items of interest within the jurisdiction of the Board and not appearing on today's agenda. Comments relating to items on today's agenda are to be taken at the time the item is heard. Pursuant to the Brown Act, no action shall be taken by the Board on public comment items.

CONSENT

1. Bernardo Mountain Management Agreement (page 9)
2. Sale of Donated Cayman Island Time-Share (page 19)

ACTION

3. Pamo Valley – Presentation on Proposed Open Space Preserve in Memory of Emily Durbin (page 23)
4. Fairbanks Ranch Country Club Golf Course (page 25)

5. RS 2477 – County Rights of Way on Federal Land (page 29)
6. Camp Hope at Lake Sutherland (page 61)
7. Property Acquisition Report and Recommendations
  - a. Public Hearing – Acquisition of the 47-acre Penn Parcels located on Sycamore Creek Road in the City of Poway (APN Nos. 272-150-29 and 272-150-35) (page 88)
  - b. Derbas – Additional Contribution to County Purchase (page 92)

#### INFORMATION

8. Status Reports (Oral)
  - a. Coastal Wetlands Restoration Project
  - b. Sikes Adobe Farmhouse Restoration
  - c. Lake Hodges Bicycle/Pedestrian Bridge
  - d. Property Acquisition
9. Jurisdictional Status Reports

An opportunity for the Board members to report on actions taken within their jurisdictions to further the park planning process, or problems which have arisen.
10. Communications

#### CLOSED SESSION:

11. The JPA Board will meet in closed session pursuant to Government Code Section 54957, for the purpose of conducting the annual performance and salary review of Executive Director Dick Bobertz.

Adjournment

Chair

THE NEXT JPA MEETING IS SCHEDULED FOR FRIDAY, AUGUST 15, 2003.

If you have any questions, please call Dick Bobertz at (858) 674-2270.

\*\*\*\*Due to the high cost of printing and mailing the JPA and CAC agendas, the full packets are only mailed free of charge to the JPA and CAC members. For others, the cost of the full agenda, with backup material, is \$45 per year, and the cost of the agenda without backup material is \$10 per year. **The agenda and minutes are available at no cost on the San Dieguito River Park web site at [www.sdrp.org](http://www.sdrp.org).**

**Agenda Item 1**  
**June 20, 2003**

**TO:** JPA Board  
**FROM:** Staff  
**SUBJECT:** Bernardo Mountain Management Agreement

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**RECOMMENDATION:**

Authorize the Executive Director to enter into an agreement with the San Dieguito River Valley Conservancy to manage the Bernardo Mountain Conservation Area.

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**SITUATION:**

A. Background

The acquisition of the 232-acre Bernardo Mountain was completed in September 2002, with the JPA taking title to the 50 acres on the northern slope and the San Dieguito River Valley Conservancy taking title to the 182 acres on the southern and eastern slopes. Subsequently, the Conservancy sold mitigation credits to JRMC Real Estate for 130 acres of the Conservancy's portion. JRMC Real Estate was required to prepare a management plan and a property analysis record (PAR) for the property, and was required to fund the long-term management and monitoring of the 130-acre mitigation area. The PAR is the tool that was used to calculate what the cost of long-term management and monitoring would be. The PAR identified an ongoing management/monitoring cost of \$15,000 per year, and an initial start-up cost of \$37,000. JRMC Real Estate's agreement with the Conservancy stipulates that JRMC will provide the Conservancy with the initial start-up cost and an amount sufficient to produce \$15,000 each year for a management/monitoring endowment. The Conservancy wishes to contract with the JPA for the JPA to manage and monitor the property under the terms of the management plan, and would transfer the initial start-up funds to the JPA upon execution of the agreement and \$15,000 annually from the endowment income.

JPA staff worked closely with the San Dieguito River Valley Conservancy and biologists from the Conservation Biology Institute to assess the management needs at Bernardo Mountain. In addition to the criteria for successful habitat management, the management plan reflects practical input from the JPA's ranger staff for fencing, trail construction and signage.

**CAC RECOMMENDATION**

This item was not considered by the CAC.

**ENVIRONMENTAL REVIEW**

This action is categorically exempt from CEQA.

**FISCAL IMPACT**

Management costs will be reimbursed through the agreement.

**ALTERNATIVES**

1. Approve entering into agreement for management of Bernardo Mountain.
2. Do not approve entering into agreement for management of Bernardo Mountain.

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**RECOMMENDATION**

Authorize the Executive Director to enter into an agreement with the San Dieguito River Valley Conservancy to manage the Bernardo Mountain Conservation Area.

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Respectfully submitted,

Dick Bobertz  
Executive Director

Attachment: Property Analysis Record

**Agenda Item 2**  
**June 20, 2003**

**TO:** JPA Board  
**FROM:** Staff  
**SUBJECT:** Sale of Donated Cayman Island Timeshare

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**RECOMMENDATION:**

Direct staff to take all necessary action to sell the donated Cayman Island Timeshare

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**SITUATION:**

In August, 1998 the Board accepted donation of a timeshare interest in a Cayman Island property which consisted of a “floating” membership interest for one week per year of use in the hotel, Indies Suites. A legal analysis of the purchase was done at the time and is attached.

Although attempts were made to utilize the timeshare as an incentive to promote fundraising, it was not effective because the airfare to access the hotel in the Cayman Islands was too costly. Winning a free week at a hotel in the Cayman Islands was not particularly attractive to potential fund raisers when they had to pay to get there. Consequently, in January, 2000 the membership was listed for sale with a real estate agent that specialized in timeshare sales.

The original listing price of \$4,000 was reduced to \$3,500 when no offers were received in the first year of listing. To date, after more than three years of listing, no offers have been received as a result of the listing.

This year the River Park Office Administrator visited the timeshare unit and subsequently offered to purchase the membership for \$2,500. Staff recommends sale of the timeshare membership for the current offer.

**FISCAL IMPACT**

The timeshare membership includes an annual maintenance fee that is currently \$365. The River Park has incurred \$1400 in maintenance fees to date. Taking into account a transfer fee of approximately \$50, the River Park would benefit by approximately \$1,000 if the timeshare is sold for \$2,500.

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**ALTERNATIVES**

1. Direct staff to take actions necessary to sell the timeshare membership for the offered price of \$2,500.
2. Do not accept the offered price of \$2,500.
3. Direct staff to do additional research of specified topics

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**RECOMMENDATION:**

Direct staff to take all necessary action to sell the donated Cayman Island Timeshare

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Respectfully submitted,

Dick Bobertz  
Executive Director

**Agenda Item 3**  
**June 20, 2003**

**TO:** JPA Board  
**FROM:** Staff  
**SUBJECT:** Pamo Valley

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**RECOMMENDATION:**

Request the City of San Diego to initiate a management plan for Pamo Valley with the participation of the JPA that includes the dedication of a significant natural open space preserve in the memory of Emily Durbin.

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**SITUATION:**

A. Background

The Center for Biological Diversity has proposed that a natural open space preserve at Pamo Valley be dedicated in the memory of the late Sierra Club community activist Emily Durbin. This is not a new idea. It was Emily's tireless efforts that led to the preservation of Pamo Valley, at a time when it was slated for use as an emergency storage water reservoir. Former Mayor Susan Golding proposed that Pamo Valley be preserved as the Emily Durbin Open Space Preserve.

The JPA's adopted Work Program for FY 2003/04 includes the following objective (5.9): "Work with other agencies on planning management responsibility for lands within the River Valley." Under that objective was the specific task "Explore future planning of Pamo Valley with City of San Diego to identify areas that should be preserved as open space." Therefore the recommendation before you today is consistent with your adopted Work Program.

**CAC RECOMMENDATION**

The CAC considered this item at their June 6, 2003 meeting. They voted 17 in favor, 3 opposed and 3 abstaining to request that a management plan be prepared for Pamo Valley that includes an Emily Durbin preserve.

**ENVIRONMENTAL REVIEW**

This action is categorically exempt from CEQA.

**FISCAL IMPACT**

None.

**ALTERNATIVES**

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1. Support initiation of a management plan for Pamo Valley that dedicates natural open space preserve in memory of Emily Durbin.
2. Do not support a management plan for Pamo Valley that dedicates natural open space preserve in memory of Emily Durbin.

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**RECOMMENDATION**

Request the City of San Diego to initiate a management plan for Pamo Valley with the participation of the JPA that dedicates a significant natural open space preserve in the memory of Emily Durbin.

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Respectfully submitted,

Dick Bobertz  
Executive Director

**Agenda Item 4**  
**June 20, 2003**

**TO:** JPA Board

**FROM:** Staff

**SUBJECT:** Fairbanks Ranch Country Club

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**RECOMMENDATION:**

Direct staff to file a Code Compliance Action to determine if trail and river channel maintenance requirements of the Fairbanks Ranch Country Club permit are being carried out as intended.

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**SITUATION:**

Summary - The Fairbanks Ranch Country Club 75-acre lease area between El Camino Real and the existing golf course is currently under construction for a golf course addition. All required permits have been issued by the City of San Diego. Jurisdiction over a small portion of the site has been claimed by the Regional Water Quality Control Board because of wetland issues and they are in consultation with the Fairbanks Ranch Country Club. Our review of permit documents revealed that the project was originally conditioned to build and maintain the segment of River Park trail along the north bank of the river adjacent to the property and maintain the river bed including removal of weeds; neither of which has been done. The legal status of those conditions today is uncertain and because the City's Development Services Department is an enterprise fund, City staff maintain they are not authorized to research those issues and advised that the River Park should file a code compliance request. The trail issue was noted in the River Park's 3/24/2003 letter to the City Council, but no response has been received (Attached).

Analysis - A goal of the San Dieguito River Valley Park Concept Plan is "... that the natural character of the river valley be maintained, and where that natural character has been altered that it be restored, particularly along the riparian corridor." (p.22, Concept Plan) The riparian corridor was rerouted for the Fairbanks Ranch Golf Club project in the 1980's and, because maintenance has apparently not occurred since then, the river channel is now densely infested with Tamarisk, an invasive plant specie.

**CAC RECOMMENDATION:**

The CAC reviewed this project February 7, 2003 and voted to recommend to the JPA Board to request consideration of alternatives that would preserve the habitat existing on the site.

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**FISCAL IMPACT:**

None identified.

**ALTERNATIVES:**

1. Direct staff to file a code compliance request concerning trail and river maintenance..
2. Direct staff to develop additional information on specific issues.
3. No action.

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**RECOMMENDATION:**

Direct staff to file a Code Compliance Action to determine if trail and river channel maintenance requirements of the Fairbanks Ranch Country Club permit are being carried out as intended.

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Respectfully Submitted,

Dick Bobertz  
Executive Director

**Agenda Item 5**  
**June 20, 2003**

**TO:** JPA Board  
**FROM:** Staff  
**SUBJECT:** RS 2477

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**RECOMMENDATION:**

Direct staff to send letter to County of San Diego asking that they clarify how the County plans to use RS 2477 and that JPA supports County efforts for non-motorized trails but opposes motorized use of trails in FPA.

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**SITUATION:**

A. Background

RS 2477 is a federal law passed in 1866 that granted rights-of-way (ROW) over public lands to counties for construction of highways. This rule was repealed in 1976, by the Federal Land Policy and Management Act, giving title of all roads constructed after 1976 that cross public lands to the federal government. Since then there have been disputes over ROW ownership. Recently, these disputes have come to a head and federal rules have changed that allow counties to take advantage of claiming new roads for various purposes.

B. Issues

In January 2003, the U.S. Department of Interior amended federal regulations removing some limitations for claiming ROWs under RS 2477. Several states and counties across the U.S. have recently used the reduced regulations to claim routes across public lands including the State of Utah in 2000 claiming more than 10,000 individual routes. This new ability to claim travel routes has been extremely controversial between environmental groups and off-road interests (Attachment 1). In April 2003, the State of Utah and the DOI signed a memorandum of understanding that attempts to resolve RS 2477 ROW claims in response to a legal dispute. However, this MOU is also controversial and may prompt more legal challenges as it is administered. Language within the Utah MOU defining routes is vague and open to interpretation and may include old jeep trails, wash bottoms, or off-road vehicle tracks. It has been reported that counties in California have used RS 2477 to claim ROW land administered by the Bureau of Land Management and other federal agencies.

The San Diego County Board of Supervisors adopted a resolution in July 2002 “Asserting Road Rights-of-Way Created Under United States Revised Statute 2477 Throughout San Diego County” (Attachment 2). The County has not formally claimed any ROWs under RS 2477, but the resolution finds that any roads that fall under the conditions allowed by RS 2477 are County ROWs and the County “expects all federal agency actions to be consistent with this assertion”. This essentially

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reserves the right to claim routes in the future under the provisions included in the resolution.

There is federally-owned land within and immediately adjacent to the San Dieguito River Park FPA, most notably Cleveland National Forest land between Boden Canyon and Pamo Valley and Anza-Borrego east of Volcan Mountain. According to County staff, the County is not currently claiming routes through these areas.

**CAC RECOMMENDATION**

The CAC at their June 6, 2003 meeting voted to recommend that the JPA Board send a letter to the County asking for clarification of how the County plans to use RS 2477 and how they would not use it and that the JPA supports County efforts for non-motorized trails but opposes motorized use of trails in the River Park FPA (17 yes, 7 no, 0 abstain).

**ALTERNATIVES**

1. Approve CAC's recommendation to write letter to County asking for clarification on use of RS 2477.
2. Give staff other direction.

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**RECOMMENDATION**

Direct staff to send letter to County of San Diego asking that they clarify how the County plans to use RS 2477 and that JPA supports County efforts for non-motorized trails but opposes motorized use of trails in FPA.

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Respectfully submitted,

Shawna Anderson  
Principal Environmental Planner

Attachments:

1. Wilderness Society background information
2. County Resolution and background information

**Agenda Item 6**  
**June 20, 2003**

**TO:** JPA Board

**FROM:** Staff

**SUBJECT:** Camp Hope

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**RECOMMENDATION:**

Notify the San Diego City Council that although the JPA supports camping at Lake Sutherland and other areas within the FPA, and therefore does not find the temporary Camp Hope project in conflict with River Park goals and objectives, the permanent project could have adverse impacts on the River Park if not designed according to the goals and objectives and design guidelines of the River Park.

Also send a letter to all jurisdictions within the FPA reminding them that the JPA should be notified of any project, lease, or environmental notice within the FPA.

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**SITUATION:**

A. Background

At your May 16, 2003 meeting, a member of the public requested that your Board take a position on a project called Camp Hope proposed at Lake Sutherland. JPA staff explained that the CAC had received information about the project at their May meeting but would be reviewing it again at their June meeting in order to hear a presentation from the project proponent. Your Board directed the staff to bring this project back as an action item to your June meeting.

It came to JPA staff's attention early this year that a 12.83-acre area adjacent to Lake Sutherland in the River Park Focused Planning Area (FPA) had been leased by the City of San Diego to the San Diego Family Justice Center for operation of a temporary summer camp retreat for victims of domestic violence as well as for planning a permanent facility (Attachments 1 and 2). The lease was approved by the San Diego City Council in July 2002 for this project, which is known as Camp Hope. The project site is owned by the City of San Diego Water Department but is located within unincorporated land in the County. The project proponent is the San Diego Family Justice Center and San Diego City Attorney Casey Gwinn. Although located in the FPA, the JPA was not notified about this project when the lease was considered by the City Council. JPA staff learned of this project from the former concessionaire at Lake Sutherland (Mr. Jeff DeMeester) after the lease was approved, and subsequently met with Mr. Gwinn in March 2003 to learn more about the project and determine whether it would have any impacts on the River Park. A letter summarizing the issues discussed at the meeting was sent to Mr. Gwinn (Attachment 3).

Specifically, the lease between the City of San Diego and the San Diego Family Justice Center has two main components:

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- The establishment of a 12-acre site as a temporary camp. The lease provides no details regarding the temporary camp. According to the project proponent the site will be used two days per week (on days the lake is closed to the public) for approximately 6 weeks starting in mid-July to the end of August 2003. The camp will accommodate approximately 15 campers with counselors (approximately 20 total) in “nationals” (similar to “tee-pees”) adjacent to the existing concessionaire stand, which would be used as a food preparation and dining area. Existing chemical toilets and rest rooms would be used. The lake itself would also be used for boating and fishing.
- Planning for a permanent facility over a five-year period. Planning would consist of preparation of plans and compliance with state and federal permits and laws including the California Environmental Quality Act (CEQA). Within the initial five-year period, the lessee would “study and analyze the feasibility of development, constructing and operating the Camp, and to obtain any necessary entitlements for such development, construction or operation”. The lease may be extended to 30 years with an option to renew for another 20 years. Other facilities that may be allowed during the full term lease, in addition to a permanent camp, include a well and boat dock subject to permits. The lease also gives the City Manager the authority to take any action regarding the lease including the development of the permanent camp (i.e., approvals will not occur within a public process).

According to the project proponent, a permanent Camp Hope facility would consist of a lodge, parking lot, septic tanks and leach fields, and wake boarding and water skiing activities. It is anticipated that a CEQA document would be available in Fall/Winter 2003.

According to the County Department of Planning and Land Use, the City of San Diego is exempt from local zoning regulations and is not subject to the regulations contained in the County zoning code (Attachment 4). Ordinarily, a Major Use Permit would be required for a facility of this nature.

#### **B. Issues**

As part of JPA staff’s investigation, the following issues were identified:

1. The temporary facility would have little impact on the River Park. The River Park’s Concept Plan supports the establishment of overnight camping in the FPA. In fact, a park proposal in the Landscape Unit for Lake Sutherland is to “develop facilities for tent camping”. However, the intent of the park proposal is that a camp site would be open to the public. Camp Hope would be a private operation.
2. The JPA should carefully review and respond to the plans for a permanent facility. Site plans have not yet been prepared and it has not been determined what type of CEQA documentation will be required. However, it is assumed that an EIR would be required for a project of this magnitude. Several potential issues should be evaluated and detailed in any plans that are presented. Some of these issues include:

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- Assurance that the project will not interfere with the alignment and operation of the Coast to Crest Trail which exists adjacent to the site. The operation of the camp or use of trails should not interfere with public access and the public's use and enjoyment of the Coast to Crest Trail or the lake itself.
- The size and scale of all proposed buildings should be compatible with the surrounding natural environment.
- Development and operation should not significantly impact the environment including biological resources, cultural resources, water quality, and other issues.
- Use of a septic system adjacent to the lake is of concern regarding its potential impact to the lake's water quality.
- Increased use of motorized boats in the lake, which may create noise impacts to the sensitive species in this area and negatively impact the tranquility and rural character of the surroundings.

### **CAC RECOMMENDATION**

The CAC voted to recommend that the JPA Board oppose the temporary and permanent Camp Hope project until project plans and a scoping letter are presented to the CAC for review (22 in favor, 1 opposed, and 1 abstained).

The issues that were discussed at two CAC meetings included:

There are several potential environmental issues that are of concern and need to be evaluated. No development plans have been made available. Even temporary uses can be environmentally impactful, and plans should be provided by the project proponent.

The project applicant does not have to undergo development review through the County of San Diego even though the project site is located in the County and is within the planning jurisdiction of the Ramona Planning Group. The Ramona Planning Group has voted to oppose the project until project plans are provided. No written assurances are provided that commit the applicant to minimize impacts on the environment.

The CAC was also concerned that the JPA was not notified about this lease when it was considered by the City Council in July 2002. City Policy 700-14 (adopted in 1983) requires that the City distribute development and lease proposals to the JPA. At your Board's direction, JPA staff sent a letter to the City Manager in August 2002 referencing City Policy 700-14 as a reminder to notify the JPA on projects/issues that affect the San Dieguito River Park. Therefore, the CAC voted unanimously in favor of recommending that your Board write another letter to the City and all other jurisdictions in the FPA, that the JPA be notified of any project or lease proposed within the FPA. This would also include environmental notices (such as Notices of Exemption from CEQA) for

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projects within the FPA.

**ALTERNATIVES**

1. Notify the City Council of JPA's support for temporary Camp Hope project but concerns over a permanent facility.
2. Give staff other direction.

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**RECOMMENDATION**

Notify the San Diego City Council that although the JPA supports camping at Lake Sutherland and other areas within the FPA, and therefore does not find the temporary Camp Hope project in conflict with River Park goals and objectives, the permanent project could have adverse impacts on the River Park if not designed according to the goals and objectives and design guidelines of the River Park.

Also send a letter to all jurisdictions within the FPA reminding them that the JPA should be notified of any project, lease, or environmental notice within the FPA.

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Respectfully submitted,

Shawna Anderson  
Principal Environmental Planner

Attachments:

1. Project Location Map
2. Camp Hope Lease
3. Letter from JPA staff to Casey Gwinn dated April 8, 2003.
4. Letter to Casey Gwinn from County of San Diego dated May 20, 2003.

**Agenda Item 7a**  
**May 16, 2003**

**TO:** JPA Board

**FROM:** Staff

**SUBJECT:** Noticed Public Hearing for Acquisition of Penn Parcels

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**RECOMMENDATION:**

Adopt the attached resolution approving the purchase of the Penn parcels as described below and in the publication notice, and authorizing the Executive Director to execute all related documents to complete the transaction.

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**SITUATION:**

A. Background

At your May 16 meeting, your Board set a hearing date of Friday, June 20, 2003 to consider the approval of the purchase of approximately 47 acres in the Sycamore Creek area in the jurisdiction of the City of Poway and to authorize the Executive Director to execute all related documents to complete the transaction, and you directed staff to publish the Notice of Intention to Purchase in accordance with Government Code Section 25350 and 6063 prior to the hearing date (certificate of publication attached). At the May 16 meeting, your Board also adopted a Resolution of Necessity to Acquire the Penn parcels. The purchase price is \$491,000.

The subject property consists of two parcels totaling approximately 47 acres (APN Nos. 272-150-29 and 272-150-35) contiguous to the 86 acres that the JPA owns on Sycamore Creek Road. The parcels are within the Poway Sub-Area Habitat Conservation Plan and on the Priority List of Acquisition Parcels and the State-approved Conceptual Area Protection Plan for the San Dieguito River Valley.

The funding source for this purchase is the \$5 million in Proposition 12 Park Bond Act funds allocated by the State Wildlife Conservation Board for land acquisition in the San Dieguito River Corridor at their February 2003 meeting.

The Penn parcels contain oak woodland forest and very high quality coastal sage scrub habitat and are part of the designated high-priority acquisition and preservation area in the adopted City of Poway Sub-Area Habitat Conservation Plan. The parcels lie adjacent and contiguous with other parcels owned by the JPA in the Sycamore Creek area.

You will find attached the appraisal summary. Your staff and attorney, as well as staff of the Wildlife Conservation Board, have reviewed and responded to the preliminary title report and the Escrow Instructions, and have determined that the terms are appropriate and in the public interest.

**CAC RECOMMENDATION**

This item was not considered by the CAC.

**ENVIRONMENTAL REVIEW**

This action is categorically exempt from CEQA pursuant to State CEQA Guidelines: Transfer of Ownership of Interest in Land to Preserve Open Space, Class 25, Section 21084:15325(a).

**FISCAL IMPACT**

The purchase price of the property will be provided by the State.

**ALTERNATIVES**

1. Approve purchase of the Penn parcels.
2. Do not approve purchase of the Penn parcels and give staff other direction.

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**RECOMMENDATION**

Adopt the attached resolution approving the purchase of the Penn parcels, and authorizing the Executive Director to execute all related documents to complete the transaction.

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Respectfully submitted,

Dick Bobertz  
Executive Director

Attachments:

1. Legal Notice of Intention to Purchase
2. Draft Resolution

**RESOLUTION NO. 03-**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER  
VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY  
APPROVING A PURCHASE AND SALE AGREEMENT REGARDING ACQUISITION  
OF PROPERTY IN THE SYCAMORE CREEK AREA FOR PARK AND OPEN SPACE  
PURPOSES**

WHEREAS, the acquisition for park and open space purposes of certain property now owned by xx, is a high priority of the San Dieguito River Park Joint Powers Authority (JPA) because of the important wildlife and habitat resources on the property, and for watershed protection purposes; and

WHEREAS, the JPA received funds for the purchase of high priority parcels in the San Dieguito River Corridor, including \$491,000 in funds administered by the State Wildlife Conservation Board;

WHEREAS, the property proposed to be acquired as set forth in the ESCROW INSTRUCTIONS is essential to the JPA's park planning and implementation efforts; and

WHEREAS, the subject property has been appraised by a qualified appraiser; and

WHEREAS, the Board of Directors of the San Dieguito River Park Joint Powers Authority has adopted a Resolution of Necessity to Institute Eminent Domain to acquire said parcels; and

WHEREAS, terms and conditions for the acquisition of the subject property have been negotiated with the property owner; and

WHEREAS, the seller has approved the terms of the ESCROW INSTRUCTIONS and has authorized its agent to execute the same on its behalf; and

WHEREAS, this action is categorically exempt from CEQA pursuant to State CEQA Guidelines: Transfer of Ownership of Interest in Land to Preserve Open Space, Class 25, Section 21084:15325(a); and

WHEREAS, the JPA Board finds and determines that acquisition of the property as set forth in said ESCROW INSTRUCTIONS on the terms and conditions set forth therein are appropriate and in the public interest;

NOW, THEREFORE, be it hereby resolved as follows:

1. The foregoing recitals are true and correct.
2. The Board of Directors of the San Dieguito River Park JPA hereby approves the ESCROW INSTRUCTIONS including the price and terms set forth therein, subject only

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- to the funding thereof by the State of California.
3. The Board of the JPA recommends to the State of California that they expeditiously comply with all administrative requirements of the grants and fund the purchase, so as to ensure an escrow closing within the time limits specified, recognizing the importance of this acquisition and that time is of the essence.
  4. The Board of the JPA authorizes its Executive Director, Dick Bobertz, to execute the ESCROW on behalf of the JPA and fully empowers Dick Bobertz as its agent to take any and all such further actions, including the execution and approval of further documents, which may be required to carry out the ESCROW without the need for further approval of this Board. It is the express intent of this Board in adopting this Resolution that no further action of this Board is required and that the JPA's Executive Director is fully authorized to implement the ESCROW INSTRUCTIONS in conformance with its terms on behalf of this Board.

Passed and Adopted this Twentieth Day of June, 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Tom Golich, Chair

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ATTEST:     Jan Lines, Clerk

**Agenda Item 7b**  
**May 16, 2003**

**TO:** JPA Board

**FROM:** Staff

**SUBJECT:** Additional Contribution to County Purchase of the Derbas Property

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**RECOMMENDATION:**

Approve the Transfer of \$900,000 in Proposition 12 Funds to the County to be used for the Acquisition of the Next Phase of the Derbas Property.

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**SITUATION:**

A. Background

At your meetings of July and September 2002, your Board approved a contribution that totaled \$775,000 to the County for the purchase of the Derbas property. The Derbas property is a 346-acre property located in the jurisdiction of Escondido, northwest of Lake Hodges. The property is on your Board's "San Dieguito River Valley Parcels Desirable for Acquisition by Public Agencies from Willing Sellers" list. The County completed the first phase of acquisition and agreed to purchase additional portions of the property as funds were assembled, provided that certain milestones were met. The second phase is supposed to be funded by August 2003. County staff has requested an additional contribution from the JPA of \$900,000 to make this deadline.

The funding source for this allocation would be the \$5 million in Proposition 12 funds that the State Wildlife Conservation Board granted to the JPA in February 2003. These funds can only be spent for properties that meet certain eligibility criteria specific to the State's Natural Communities Conservation Program (NCCP). The Derbas property does meet these criteria.

**CAC RECOMMENDATION**

This item was not considered by the CAC.

**ENVIRONMENTAL REVIEW**

This action is categorically exempt from CEQA pursuant to State CEQA Guidelines: Transfer of Ownership of Interest in Land to Preserve Open Space, Class 25, Section 21084:15325(a).

**FISCAL IMPACT**

The purchase price of the property will be provided by the State.

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**June 20, 2003**

**ALTERNATIVES**

1. Approve the Transfer of \$900,000 in Proposition 12 Funds to the County for the Derbas acquisition.
2. Do not approve.

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**RECOMMENDATION**

Approve the Transfer of \$900,000 in Proposition 12 Funds to the County to be used for the Acquisition of the Next Phase of the Derbas Property.

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Respectfully submitted,

Dick Bobertz  
Executive Director

