

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY
Minutes of October 18, 2013**

MEMBERS PRESENT

Jim Cunningham - Chair
Lesa Heebner – Vice Chair
Don Mosier
Olga Diaz
Dave Roberts
Sherri Lightner
Mark Kersey
Tom Golich
Becky Bartling

REPRESENTING

City of Poway
City of Solana Beach
City of Del Mar
City of Escondido
County of San Diego
City of San Diego
City of San Diego
City of San Diego
Citizens Advisory Committee
22 District Agricultural Association

VISITORS/STAFF PRESENT

Wayne Brechtel	JPA Counsel
Dick Bobertz	San Dieguito River Park JPA
Susan Carter	San Dieguito River Park JPA
Shawna Anderson	San Dieguito River Park JPA
Jan Lines	San Dieguito River Park JPA
Jacqueline Winterer	Friends of San Dieguito River Valley
Jeff Barnouw	Friends of San Dieguito River Valley
Bill Michalski	Sierra Club
Dave Grubb	Sierra Club
Pam Slater-Price	Del Mar Resident
Cheryl Goddard	County Parks and Rec.

Introduction and Announcements

Vice-Chair Heebner convened the meeting at 9:38 a.m. in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101 as Chair Cunningham had not arrived.

Approval of Minutes of September 20, 2013

Boardmember Roberts made a motion to approve the minutes of September 20, 2013. Boardmember Mosier seconded the motion. All in favor

Executive Director's Report- The revised JPA agreement is going forward at the County of San Diego next Wednesday and will be going to the City of Poway on November 19 and Escondido November 20th. At the City of San Diego, the agreement will be reviewed by the Natural Resource & Culture Committee and has not been scheduled for action. Boardmember Mosier said that the City of Del Mar has approved the new JPA agreement by resolution but has not yet mailed the document to Mr. Bobertz.

Vice-Chair Heebner said that the Board would be considering the Supplemental Agenda Item first since Board members Sherri Lightner and Mark Kersey have to leave at 10:15.

Public Comment- None

ACTION AGENDA

S-1 **22nd District Agricultural Association Coastal Development Permit Application**

- a. Report on CCC Action on 10/11/13 and Consideration of Proposed Compromise Position

Recommendation: Provide direction to staff on compromise position for presentation at Coastal Commission November meeting; and authorize staff to amend FY 13/14 budget to transfer monies between funds to pay for additional consulting services.

Director Bobertz reported that the Coastal Commission held a hearing last week on the 22nd DAA's CDP application. Mr. Bobertz summarized the JPA position, which was that staff was directed to request that the southern 1/3 of the east overflow lot be preserved instead of developed. The rationale for decision was that the south overflow lot served as mitigation for the 40 years of violations incurred by the Ag District. The development on the delineated wetlands on the east overflow lot still needed to be mitigated. Mr. Bobertz said there were many letters presented at the Coastal Commission meeting on the issue and about 20 letters were in support of the CDP application being approved as proposed and 4 letters were submitted that were opposed to the CDP. There were 11 speakers against the CDP and 8 speakers supported the Ag District. The Coastal Commission took all information and was looking for the best solution when the Ag District representative offered a 4.5 acre parcel near Horsepark to be considered as mitigation for the EOL development. The CCC deferred the decision to the next meeting on November 13th. They asked the JPA and 22nd DAA to meet and try to come to an agreement.

Shawna Anderson said that staff researched the parcel near Horsepark. The CCC had issued a CDP in 2007 for Horsepark violations since permits were not obtained for the site. Per the approved CDP the Ag District was required to prepare an enhancement plan for both the north and south sides of the river at the Horsepark property, but they were only required to implement the plan on the north side, when they did, in fact they paid the JPA to restore the area on the north side of the river. They were not required to implement the plan on the south side of the river. The 4.5 acres on the south side of the river is the area that the Ag District brought up at the CCC meeting. The 4.5 acre parcel is riparian, vegetated wetlands. It does not have a conservation easement on it but the JPA staff feels that this is not comparable to the south overflow lot and does not consider it suitable as a compromise. Ms. Anderson noted that SANDAG has already approached the Ag District about using this area for future mitigation as part of their W19 project..

Chair Cunningham arrived and assumed chairing the meeting.

Becky Bartling said that the Horsepark property was purchased by the Ag District without knowing that the barns and other uses were not permitted. Ms. Bartling said that this property is not committed to SANDAG but she acknowledged that the Ag District was approached about the possibility of using it as mitigation for the I-5 expansion. Director Bobertz said that the JPA staff recommendation continues to be using Area 3 of the east overflow lot as mitigation for development on Lots 1 and 2 of the east overflow lot. Boardmember Mosier stated that the City of Del Mar would like to see an amicable resolution for both parties. He said he would like to know more about an idea to phase out use of Area 3.

Shawna Anderson responded that the current permit being reviewed states that the Ag District needs to look for alternative sites for parking offsite which needs to be vetted through the community so as to not impact

the Carmel Valley area. Ms. Anderson said that during the fair and racing times the lots could be used for parking while they are trying to find a permanent parking solution. This phasing time could take about 3 to 4 years.

Boardmember Roberts said that the issue is very complex and reported that the areas that are now being considered for paving were once wetlands. He did feel that a compromise was in order since the Fairgrounds needs to continue its business but he feels that an easement protecting the wetlands needs to be addressed immediately. Boardmember Roberts proposed a compromise that would require an environmental easement over Area 3 but give the fairgrounds from 3 to 5 years to find permanent parking. Mr. Roberts said the easement needs to be obtained now and he made a motion to work with the 22nd DAA on a compromise to forever protect Area 3 but give the 22nd DAA from 3 to 5 years time to work on replacing the parking that is currently placed on the EOL. He commented that if the Ag District cannot find alternative parking they could scale back their operation to keep within their parking needs.

Boardmember Lightner considered seconding the motion but asked the maker of the motion to extend the time frame from 3 to 10 years since 5 years may not be enough time to obtain alternative parking. Ms. Lightner asked the 22nd Ag District representative, Becky Bartling, to comment on the timeframe of obtaining offsite parking. Ms. Bartling said that the parking study was designed to address giving up the south lot, which they are doing by using many options including offsite parking and North County Transit busing. Fairground employees were required to park offsite. Ms. Bartling reminded the board that she has worked out many obstacles to keep the River Park moving forward on the trail system but she said that giving up 1/3 of the south lot is not feasible for the fairgrounds and is a non-starter.

Boardmember Lightner said she would second the motion

Speaker David Grubb from the Sierra Club . The Sierra club is concerned about a compromise with potential to have the wetland areas lost and we do not agree with the CCC staff analysis that we can justify this with balancing provisions. They feel that this is an extremely bad idea and we take this very seriously. He said that the Sierra Club supports Dave Roberts motion and he reminded the board that if the Coastal Act were strictly enforced there would not be any development on the EOL and no development on the golf driving range.

Speaker Pam Slater-Price said that the purpose of this organization is to protect and restore the San Dieguito River ecosystem. The fairgrounds is unfortunately located in the river mouth and if it were to happen today, it would not be permitted. When the fairgrounds started out it was simply an agricultural fair and horserace. It has grown over the years to a convention atmosphere. The wetlands have diminished to about 10% of their former size statewide and it is our mission to save as much of the wetlands as is possible, and that includes the 9 acres that have been filled in and used for parking. The fairground proposal is inconsistent with the Coastal Act and therefore it is imperative that we protect these areas with an environmental easement as Supervisor Roberts proposed.

Speaker Jeff Barnouw said that he supports Supervisor Roberts' motion, however he said he wanted to call to the Board's attention a provision in the Ag District's plans for a paved bus access route on the south overflow lot. He did not understand the need for this but was informed that this access would allow the buses to bring children to the fairgrounds. Mr. Barnouw said that this bus access should be done from the Solana Beach fairgrounds entrance. He requested that the JPA add removing the bus access ramp to their motion.

Boardmember Roberts said that in the conflict resolution originally proposed the CCC stated that this was one of the enhancements that overrode the conflict, partially because it the ramp would accommodate 20 parking spaces for trail users. He said he would be willing to amend his motion to have a conversation on this topic. He noted that the Fairboard's General Manager Tim Fennell said it is imperative that they have this access. Since the City of Del Mar is providing additional parking at the San Dieguito Road and Jimmy Durante maybe we don't need the proposed 20 parking spaces along the bus access ramp any longer.

Boardmember Mosier said that the City of Del Mar has entered into a lease with the NCTD to use the former recycling yard which would provide parking for 15 to 20 cars.

Speaker Jacqueline Winterer said that she would like to support Dave Roberts' motion and said that the fairgrounds has an agenda of permanent growth. They should have an agenda of sustainability. The CDP document showed that in 1976 when the Coastal Act was passed the attendance at the fair was 600,000 people over 14 days. It is now 1.5 million over 24 days. They have added many events and concerts over the years and advertise in LA and Mexico hoping to draw attendance from those areas. She felt that the fairgrounds needs to hold events such that they can accommodate the public with the parking that they have.

Speaker Bill Michalski, Del Mar resident and Sierra Club member, said he wants to support the motion by Dave Roberts and seconded by Sherri Lightner and he wants the JPA to address the bus access route and keep it where it always has been off Via De La Valle in Solana Beach. He asked the board to support the motion and allow the 22nd DAA to explore other avenues to find parking on or off site.

Boardmember Kersey said that he supports the original Coastal Commission staff recommendation because he feels that the CCC has the ability to scrutinize development for compliance with the Coastal Act and has set forth the conditions for the Ag District to follow. He feels that the Ag District has met and exceeded the conditions with this proposal of 4.5 acres of mitigation. Mr. Kersey did not feel that we should be debating among ourselves since the plan set up by the CCC made sense to him.

Boardmembers Kersey and Lightner left the board meeting at 10:15 a.m.

Boardmember Heebner asked our attorney if the 22nd DAA has the right to park on the East and South overflow lots during the traditional race and fair season. Ms. Heebner said that she does not want to lose wetlands and does not want the overflow parking to impact the adjoining cities. She asked Ms. Bartling if the 22nd DAA could construct adequate parking on their own site, would they give up the southern portion of the east overflow lot for wetlands.

Counsel Brechtel explained that there are vested rights to park on the south lot and part of the east lot. He said it is our understanding that the Consent Order reads that they are not required to restore the south overflow lot until they get a permit for the east overflow lot. He said there is some confusion as to the language concerning when the permit triggers the restoration.

Boardmember Roberts suggested that perhaps the 22nd DAA could use the I-5 widening project to get the wetlands restored and save their funding. He said that the 22nd DAA past president stated at the Coastal Commission meeting that they had no plans to pave the east overflow lot but it is clearly in the next application being heard in November. Mr. Roberts feels that if the 22nd DAA gets this permit the first thing they will do is pave over this east overflow lot. He said that if the CCC approves the full permit application he has heard that there is a very real possibility of a lawsuit because it would not comply with the Coastal Act.

Boardmember Mosier said that the litigation threats that Mr Roberts mentioned are not coming from the JPA but unknown parties. Mr. Mosier said that the City of Del Mar was pleased with the Consent Order and hopes that we can come to an agreement so that the south overflow lot is restored. He wanted to go on record saying that the fairgrounds plans to expand their fall race meet and that is important for economic viability for Del Mar and the fairgrounds. The Coastal Act and the Consent Order present a real conflict that needs to be resolved. He does not support a 5 year timeframe because he feels that it would take 10 years to replace the parking.

Becky Bartling stated that Boardmember Roberts is not correct in his interpretation of the Coastal Commission order. Ms. Bartling stated that they would not be paving the lot first thing because they do not have the money to do that project now. The second permit was a world of potential things that they wanted to do and this paving was included. The fair board has not approved that paving due to funding issues. She confirmed that they market to Los Angeles and Mexico as they are important areas to reach. She does not feel that this board should be asking them to stop growing as a facility because of the parking issue. Ms. Bartling said that she could not speak for her board but with the replacement of the exhibit halls they might consider giving up part of the east overflow lot.

Shawna Anderson stated that she has had many discussions with the Coastal Staff and read the Consent Order many times. She said that the Consent Order ties the requirement for restoration of the south overflow lot to the issuance of a permit for development of the east overflow lot. It is very clear that what is not permitted is the intensification of the level of use all year long. The language says that pre Coastal Act use shows that the south overflow and the western part of the east overflow lot were being used for parking in that timeframe. This Consent Order says that the change of intensity of use of the EOL, SOL and GDR from their pre Coastal use does not have a permit. The 22nd DAA is now applying for a permit to bring all that into compliance with the Coastal Act. The Consent Order says that any permit that is issued today must comply with the Coastal Act. She said that their application is for complete use of the east overflow lot and GDR for permanent year-round parking and events, as well as intermittent truck and trailer storage on entire EOL and GDR.

Director Bobertz stated that it is our interpretation that if the Coastal Commission approves development on areas 1 and 2 of the east overflow lot, that qualifies as a development permit on the east overflow lot and triggers restoration of the south overflow lot.

Olga Diaz said that she was recently appointed as an alternate to the Coastal Commission and attended the most recent meeting where it was noted that the CCC needs the most current information to make accurate decisions for projects. Ms. Diaz stated that the new wetland delineation shows that the southern part of the overflow lot is wetlands. She said that the fairgrounds is a great place to attend events and she really enjoys it, but we need to consider all environmental issues and impacts to the area. She does not want to see this parcel paved and hopes that the fairgrounds will recognize the benefits of restoring the wetlands. She said the San Diego County fairgrounds could be the showpiece for the state. She hopes that the 22nd DAA will work with the JPA to resolve this issue. This wetland restoration is critical to the JPA since there is so little wetland left to save.

Becky Bartling stated that the 22nd DAA has complied with the JPA's requests on many issues including the 100 ft buffer, giving up the south lot and will be implementing another 100ft buffer when they get the permit to complete the exhibit halls. Ms. Bartling said that the fairgrounds has been parking on this lot for 75 years

and they do listen to environmental comments but these parking areas are disturbed and not functioning as a wetland. These parking areas are essential for the flow of operations at the fairgrounds and not something that can easily be given up. With the replacement of the exhibit halls there might be parking underground for a large amount vehicles. Ms. Bartling said that if the JPA had a proposal that linked giving up a portion of that lot for parking spaces under the exhibit hall, she feels that the 22nd DAA might consider that as an alternative plan.

Chair Cunningham said that he appreciates the 22nd DAA trying to compromise but the meeting issue today is for the JPA to propose tools to reach an agreement to preserve wetlands that will work for all parties. Mr. Cunningham asked the maker of the motion, Boardmember Roberts, to comment on his motion and make any amendments if desired. Mr. Roberts said that he feels that his original motion seconded by Boardmember Lightner is a very fair compromise and we should meet with Coastal Commission staff and DAA staff on the parking study. The meeting might answer some of the questions as to why there is such a diverse interpretation of the study. He said he would like to leave his motion as is.

Director Bobertz suggested that the Wetland Advisory Committee could be authorized to negotiate on the Board's behalf. Boardmember Mosier was opposed to the suggestion since we do not have a clear consensus on the JPA Board and therefore did not feel that delegating authority to the Wetlands Committee on this issue would be appropriate. .

Boardmember Heebner proposed an alternative motion that the JPA would like to see the south portion of the east overflow lot preserved at a time when the DAA can replace the parking on their site.

Boardmember Roberts asked Ms. Bartling about the timeline of the restoration of the south overflow lot and it was stated that it would be after the races in 2015.

Boardmember Diaz asked if Mr. Roberts would accept a friendly amendment to his original motion but extend the time period from the original 3-5 years to 5-10 years for replacement of parking on the lower EOL.

Boardmember Roberts said he would accept that amendment provided that it included that a conservation easement must be put on Area 3 immediately so that the agreement cannot be changed. Board member Golich seconded. All in favor.

The next Coastal Commission meeting is in November and it was directed that members of the Wetlands Committee and staff provide the JPA position to Ag District staff and CCC staff.

b. Funding for Coastal Consultant Sara Wan

Director Bobertz said we first started working with consultant Sara Wan when we had the issue with the Coastal Conservancy regarding their letter that said we owed them almost \$600,000 and that issue was resolved due to her assistance. The funds to pay for her services came from the Professional Services account in the Operating Fund. We have no further money available but he recommends that the JPA keep Sara Wan as a consultant for approximately \$5000. Deputy Director Carter said that we have identified monies that could be used for this purpose, either from our reserve account that was set up for vacation payouts or in the trails fund, from monies set aside for repair/replacement of interpretive panels.

Boardmember Roberts said that Sara Wan has been instrumental in getting the JPA to the point that we are today. Her insight has been invaluable and he will offer funding from his NRP grant funds to reimburse the JPA for the interpretive panels.

Boardmember Roberts made a motion to approve the transfer from the trails fund and Boardmember Golich seconded. All in favor

1. Award Contract for Construction of Lagoon Open Air Classroom, Phase Two

Recommendation: Award contract to the lowest responsible bidder as reported at today's meeting.

Deputy Director Carter said that the bid deadline for the Lagoon Open Air Classroom was this past week, but all three bids received exceeded our funding. At this point we have decided to separate the seating area from the shade structure until further funding can be secured. Southwest General Contractors of Escondido was the lowest responsible bidder and will construct the bench seating and piles that will support the future shading structure. The award, which eliminates the shade structure component, would be \$175,000. Board member Golich inquired didn't the JPA have \$340,000 for construction? Ms. Carter confirmed that, but said that \$157,700 had already been spent on Phase One last spring, which was the rough grading, relocation of the trail, and creation of the arroyo. Boardmember Roberts asked how much more money we needed for the shade structure and Deputy Director Carter explained that it would be about \$150,000, based on the bids received. Boardmember Roberts asked the JPA to apply for a NRP Grant for that funding to complete the project. He said he had checked with his Chief of Staff who told him he had the money in that fund to make the award, noting that it would require approval by the Board of Supervisors. The Board applauded this generous gesture. Ms. Carter said that next week we will be having the ceremonial groundbreaking and pointed to a flyer about it in front of them. Boardmember Roberts made a motion to award the contract to Southwest General Contractors and Boardmember Heebner seconded. All in favor

2. Purchase of Old Santa Ysabel Barn and Agreement with Save Our Heritage Organisation

Recommendation: Approve attached agreement with Save Our Heritage Organisation (SOHO) and approve offer to purchase Old Santa Ysabel Barn from County of San Diego.

Deputy Director Carter said that the barn behind the Santa Ysabel General Store, which was purchased and newly renovated by Save Our Heritage Organisation (SOHO) has been listed as surplus property by the County of San Diego. Staff proposes that the JPA offer to acquire the barn from the County for the Fair Market Value price of \$24,900, and enter into an agreement with SOHO where SOHO would actually advance the funds to the JPA and the JPA would acquire the property and then transfer title to SOHO, in exchange for SOHO agreeing to let the JPA use the barn and property for various events at no charge. The purpose of this action is to keep the facility available for public benefit purposes. Boardmember Roberts made a motion to approve the agreement and Boardmember Mosier seconded. All in favor.

Chair Cunningham adjourned the meeting at 11:20 a.m.

These minutes approved by Board Action

Date

Executive Director

DRAFT