

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, JUNE 19, 2013**

MINUTE ORDER NO. 1

**SUBJECT: CONTINUED ITEM FROM 5/15/13 AGENDA NO. 2:
PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT
(PACE) PROGRAM - PURCHASE OF FIVE AGRICULTURAL
EASEMENTS IN WARNER SPRINGS, POTRERO, FALLBROOK AND
CAMPO (6/19/13 - SET HEARING; 7/17/13 - HOLD HEARING)
(DISTRICTS: 2 AND 5)**

OVERVIEW:

On May 15, 2013 (2), the Board of Supervisors continued the item to June 19, 2013.

The County of San Diego has initiated an agricultural conservation pilot program known as the Purchase of Agricultural Conservation Easement (PACE) program. The PACE program is intended to promote the long term preservation of agricultural land in the county. Under the PACE program, willing property owners are compensated for placing a perpetual irrevocable easement on their agricultural property which limits future uses and extinguishes future development potential.

County staff has identified property owners that are eligible to participate in the PACE program and by use of a ranking system, made offers to five with the highest rankings. Staff worked with these five property owners to negotiate contracts for the purchase of agricultural conservation easements over a total of 738-acres in Warner Springs, Potrero, Fallbrook and Campo at a cost of \$1,709,000.

Today's request requires two steps. On June 19, 2013, it is requested that the Board set a hearing for July 17, 2013, and provide public notice of the hearing. If the Board takes the actions recommended for June 19, 2013, then on July 17, 2013, after making the necessary findings, the Board is requested to approve the purchases of the agricultural easements of the above five properties.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2012-13 Operational Plan for the Department of Planning & Development Services. If approved, this request will result in current year cost of \$1,694,000 for the purchase of the easements, and \$15,000 for related title and escrow costs for a total of \$1,709,000. The funding source is General Fund fund balance. There is no change in net current year General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

On June 19, 2013:

1. Find that the proposed action to set a hearing to consider approving the purchase of agricultural conservation easements over APNs 114-070-07, 114-070-27, 28, 34, 114-080-13, 14, 114-120-24, 42, 101-562-06, 14, 652-061-01, 102-580-06 and 655-100-33 is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the CEQA Guidelines, as it is not a project as defined under Section 15378 of the CEQA Guidelines.
2. Direct the Clerk of the Board to publish the required Notice of Intention to Purchase in accordance with Government Code Sections 25350 and 6063.
3. Set a hearing for July 17, 2013, at which time the Board of Supervisors may consider approving the purchase of agricultural conservation easements over APNs 114-070-07, 114-070-27, 28, 34, 114-080-13, 14, 114-120-24, 42, 101-562-06, 14, 652-061-01, 102-580-06 and 655-100-33.

If, on June 19, 2013, the Board takes the actions recommended in Items 1-3 above then, on July 17, 2013:

1. Find in accordance with Section 15317 of the CEQA Guidelines, that the purchase of agricultural conservation easements over APNs 114-070-07, 114-070-27, 28, 34, 114-080-13, 14, 114-120-24, 42, 101-562-06, 14, 652-061-01, 102-580-06 and 655-100-33 is categorically exempt from the provisions of the CEQA guidelines, as it involves the purchase of easements interests to preserve agricultural and natural conditions.
2. Approve the Real Property Contract (Agreement) for the purchase of an agricultural conservation easement over APNs 114-070-07, 114-070-27, 28, 34, 114-080-13, 14, 114-120-24, and 42 from the Lovingier Family Trust for \$1,047,000 and authorize the Director of General Services to execute two copies of the Agreement.
3. Approve the Real Property Contract for the purchase of an agricultural conservation easement over APNs 101-562-06 and 14 from Joseph and Joyce Edwards for \$300,000 and authorize the Director of General Services to execute two copies of the Agreement.
4. Approve the Real Property Contract for the purchase of an agricultural conservation easement over APN 652-061-01 from The Carson Family Revocable Trust for \$80,000 and authorize the Director of General Services to execute two copies of the Agreement.
5. Approve the Real Property Contract for the purchase of an agricultural conservation easement over APN 102-580-06 from Marquis Vawter and Karen Harvey for \$75,000 and authorize the Director of General Services to execute two copies of the Agreement.

6. Approve the Real Property Contract for the purchase of an agricultural conservation easement over APN 655-100-33 from Johnson Family Trust for \$192,000 and authorize the Director of General Services to execute two copies of the Agreement.
7. Authorize the Director of the Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase.
8. Direct the Chief Administrative Officer to report back to the Board within 120 days of all easement acquisitions completing escrow. The report will detail the opportunities and challenges realized during the program's implementation, provide an analysis of program demand and property characteristics of interested program participants, discuss outside funding opportunities and provide options for future County PACE program efforts.

ACTION:

Noting for the record that an Errata Sheet was submitted deleting the community of Ranchita from the Subject line, ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board took action as recommended, revising recommendation number 8 for the July 17, 2013 action to read, "Direct the Chief Administrative Officer to return to the Board within 120 days with a report that will detail the opportunities and challenges realized during the program's implementation, provide an analysis of program demand and property characteristics of interested program participants, and identify the appropriate funding to continue the County PACE program for the 16 remaining top ranked properties," and setting a Hearing for July 17, 2013.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors



By *Andrew Potter*
Andrew Potter, Chief Deputy