

AMENDED IN ASSEMBLY JULY 1, 2010

AMENDED IN SENATE JUNE 1, 2010

SENATE BILL

No. 1177

Introduced by Senator Kehoe

February 18, 2010

An act to add Section 4158 to the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1177, as amended, Kehoe. Agriculture: 22nd District Agricultural Association: greenway zone.

Existing law provides that the state is divided into agricultural districts in which 50 or more persons, who are residents of a district, may form a district agricultural association for the purpose of holding fairs for exhibiting all of the industries and industrial enterprises, resources, and products of the state and constructing, maintaining, and operating recreational and cultural facilities.

This bill would require the 22nd District Agricultural Association (district) to develop, manage, and maintain a minimum 100-foot wide greenway zone at a specified location, a specified section of which would be required to be completed by January 1, 2012, as specified, for the purpose of protecting, enhancing, and restoring the overall environmental quality of the San Dieguito River and adjacent wetlands. The district also would be required to develop a public access trail in the greenway zone, as specified. The district would be required to submit its plan for implementation of the greenway zone to the California Coastal Commission at any time prior to, but no later than, the date the district applies for a coastal development permit, *if required*, for the replacement of an existing exhibit hall. Construction of certain sections

of the greenway zone would be required to be completed prior to a certificate of occupancy being issued for a new exhibit hall, except that the maintenance period may still be incomplete.

The bill would require the San Dieguito River Park Joint Powers Authority to maintain and manage the section of the Coast to Crest Trail located in the greenway zone. Because this bill would ~~impose~~ *require* a higher level of service from a local governmental entity, the bill would create a state-mandated local program.

The bill would require the greenway zone to be permanently dedicated to the use and enjoyment of the public, so that if the district ceases to exist or sells the property, the greenway zone and public access trail remain as a condition of the sale to a local municipal government, or by transferring title of the greenway zone to the San Dieguito River Park Joint Powers Authority or to the Department of Fish and Game.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4158 is added to the Food and
2 Agricultural Code, to read:
3 4158. (a) The 22nd District Agricultural Association shall
4 develop, manage, and maintain a minimum 100-foot wide
5 greenway zone along the north bank of the San Dieguito River
6 from Interstate 5 to Jimmy Durante Boulevard and the Jimmy
7 Durante Boulevard Bridge, to include the existing San Dieguito
8 River Park Joint Powers Authority (JPA) educational boardwalk
9 and the Coast to Crest Trail. This section of the greenway zone is
10 to be completed by January 1, 2012, subject to the issuance of a
11 coastal development permit by the California Coastal Commission,
12 if required.
13 (1) The greenway zone shall be designed in consultation with
14 the JPA, the Department of Fish and Game, and the Department

1 of Parks and Recreation. ~~Existing agreements~~ *Agreements* for
2 construction, management, and maintenance of the Coast to Crest
3 Trail *in force on the effective date of this section* shall remain in
4 force, subject to mutually agreed upon modifications by the district
5 and the JPA.

6 (2) Development of the greenway zone shall be implemented
7 as required by state agencies, including the California Coastal
8 Commission through coastal development permits issued in
9 conjunction with the implementation of the near-term and
10 long-term projects in the 2008 Master Plan and Final
11 Environmental Impact Report adopted and certified by the district.

12 (3) Maintenance and management of this section of the Coast
13 to Crest Trail shall continue to be the responsibility of the JPA.

14 (b) The district shall develop a minimum 100-foot wide
15 greenway zone along the north bank of the San Dieguito River
16 from Jimmy Durante Boulevard and the Jimmy Durante Boulevard
17 Bridge west to the San Diego Northern Railway right-of-way prior
18 to or contemporaneous with the construction of a replacement
19 exhibit hall as detailed in the district's adopted master plan, subject
20 to the issuance of a coastal development permit by the California
21 Coastal Commission. This greenway zone shall accommodate an
22 extension of the Coast to Crest Trail.

23 (1) The greenway zone and trail shall be designed in consultation
24 with the JPA, the Department of Fish and Game, and the
25 Department of Parks and Recreation.

26 (2) Maintenance and management of this section of the Coast
27 to Crest Trail shall be the responsibility of the JPA.

28 (c) In the interim, prior to the implementation of any near-term
29 or long-term projects within the 2008 Master Plan, the district shall
30 remove equipment, potting soil, fill dirt, construction materials,
31 and other materials stored between the northern edge of the San
32 Dieguito River to the existing southern access road except for the
33 existing recycling center which is proposed to be relocated as a
34 near-term project in the 2008 Master Plan. The district shall not
35 interfere with the extension of the Coast to Crest Trail on the west
36 side of Jimmy Durante Boulevard and the Jimmy Durante
37 Boulevard Bridge to the San Diego Northern Railroad right-of-way
38 and shall issue an easement to the JPA for the design, construction,
39 maintenance, and monitoring of an extension of the Coast to Crest
40 Trail. The district shall work with the JPA and San Dieguito River

1 Conservancy to facilitate the cleanup and restoration of the area
2 between the river and the southern access road until such time as
3 a regulatory agency, including the California Coastal Commission,
4 requires the development of the buffer area.

5 (d) (1) Each section of the greenway zone is to be developed
6 for the purpose of protecting, enhancing, and restoring the overall
7 environmental quality of the San Dieguito River and adjacent
8 wetlands. The greenway zone shall be planted and maintained with
9 native vegetation. The extension of the Coast to Crest Trail through
10 the Del Mar Fairgrounds is not limited to the design, width, or
11 building materials in use in other sections of the Coast to Crest
12 Trail.

13 (2) The greenway zone does not include Jimmy Durante
14 Boulevard or the Jimmy Durante Boulevard Bridge. Establishment
15 of the greenway zone does not preclude an appropriate public
16 entity from modifying the course of the roadway or the structure
17 of the bridge.

18 (e) The district shall develop a public access trail as an extension
19 of the Coast to Crest Trail in the greenway zone between Jimmy
20 Durante Boulevard and the San Diego Northern Railroad
21 right-of-way in a manner that is consistent with the trails of the
22 San Dieguito River Park. ~~The recreational~~ trail shall be situated
23 and constructed so as to provide safe and convenient means for
24 persons, including bicyclists and hikers, to travel in the greenway
25 zone, understanding that approximately 3,000,000 people a year
26 routinely visit lands managed by the district. ~~The recreational~~ trail
27 shall be designed in consultation with the JPA, the Department of
28 Fish and Game, and the Department of Parks and Recreation. The
29 district shall be responsible for acquiring all necessary permits for
30 construction of the trail, including any permits from regulatory
31 agencies, including the California Coastal Commission.

32 (f) (1) The district shall submit its plan for implementation of
33 subdivisions (a) and (b) to the California Coastal Commission at
34 any time prior to, but no later than, the date the district applies for
35 a coastal development permit, *if required*, for the replacement of
36 an existing exhibit hall.

37 (2) Construction of the greenway zone between the Jimmy
38 Durante Boulevard Bridge and the San Diego Northern Railroad
39 right-of-way shall be completed prior to a certificate of occupancy

1 being issued for a new exhibit hall, except that the maintenance
2 period may still be incomplete.

3 (g) At no time shall the area of the greenway zone be used for
4 development or parking.

5 (h) The greenway zone shall be permanently dedicated to the
6 use and enjoyment of the ~~public~~, ~~so that if~~ *public*. *If* the 22nd
7 District Agricultural Association ceases to exist or sells the
8 property, the greenway zone and public access trail shall remain
9 as a condition of the sale to a local municipal government, or ~~by~~
10 ~~transferring~~ *the association shall transfer* title of the greenway
11 zone to the JPA or to the Department of Fish and Game.

12 (i) Until the time that a regulatory agency, including the
13 California Coastal Commission, directs otherwise, the use of truck
14 trailers located adjacent to Interstate 5 or elsewhere in the San
15 Dieguito River Valley viewshed as storage units shall be limited
16 to the annual fair season when the San Diego County Fair is open
17 to the public, and during the annual period when live horse racing
18 is open to the public. No signage shall be allowed on the trailers
19 at any time.

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.