

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, OCTOBER 23, 2024**

MINUTE ORDER NO. 9

**SUBJECT: NOTICED PUBLIC HEARING:
TURNBULL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE
EASEMENT VACATION AND AN ADDENDUM TO A PREVIOUSLY
ADOPTED MITIGATED NEGATIVE DECLARATION, PDS2024-VAC-24-002;
PALA/PAUMA SUBREGIONAL PLAN AREA (9/25/2024 - SET HEARING;
10/23/2024 - HOLD HEARING) (DISTRICT: 5)**

OVERVIEW

On September 25, 2024 (02), the Board of Supervisors set a Hearing for October 23, 2024.

Planning & Development Services (PDS) is processing a request from Robert Sukup, the Applicant Contact on behalf of Susan Turnbull, the Owner, (Attachment G, Ownership Disclosure) to vacate a Biological Open Space Easement and Limited Building Zone Easement (Attachment C, Existing Open Space Easement and Limited Building Zone Easement to be Vacated) that is located on a privately owned parcel in the Pala/Pauma Subregional Plan Area, within unincorporated San Diego County (Attachment A, Vicinity Map). The Turnbull Open Space Easement and Limited Building Zone Vacation (Vacation) is proposed within a 22.63-acre parcel developed with one single-family home that is located near Cole Grade Road and Pauma Valley Drive, which ultimately connects to Temet Drive. The 9.43-acre Biological Open Space Easement and 1.75-acre Limited Building Zone Easement were recorded May 19, 2016 (Attachment C, Existing Open Space Easement and Limited Building Zone Easement to be Vacated), in accordance with the conditions of approval of Tentative Map Resolution 5545 (TM-5545) for a development known as Pauma Estates.

In 2007 the property owner at that time applied for a Tentative Map (TM-5545) for a development known as Pauma Estates that would divide the property into sixteen lots. On April 30, 2010, the County of San Diego Planning Commission approved the Pauma Estates project with conditions of approval that included dedication of a Biological Open Space Easement and a Limited Building Zone Easement. In 2017, a Tentative Map Time Extension to extend the expiration date of the Pauma Estates project was submitted and then withdrawn on May 17, 2021 due to investors not wanting to pursue the project. Today the applicant is requesting the vacation of the Open Space and Limited Building Zone Easements in order to remove easements that are no longer needed as the original Pauma Estates project is no longer being processed and the Tentative Map has expired (Attachment B, Planning Documentation).

Today's request requires two steps: September 25, 2024, it is requested that the Board set a date for a public hearing on October 23, 2024, and provide public notice of that hearing, which includes signage at the project site. If the Board takes the actions recommended on September 25, 2024, then on October 23, 2024, it is requested that the Board consider and adopt a resolution to vacate the referenced easements and record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2024-VAC-24-002.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt the environmental findings, which include findings in accordance with Section 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines that the Vacation can be found in conformance with CEQA through the processing of an Addendum to the previously adopted Mitigated Negative Declaration (MND), that there are no substantial changes in the project or in the circumstances under which it is undertaken that involve significant new environmental impacts which were not considered in the previously adopted MND dated November 12, 2009, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the MND was adopted (Attachment F).
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING BIOLOGICAL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2024-VAC-24-002 (Attachment D).
3. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325.

EQUITY IMPACT STATEMENT

The Turnbull Open Space Easement and Limited Building Zone Vacation (Vacation) will result in the removal of a 9.43-acre Biological Open Space Easement and 1.75-acre Limited Building Zone Easement which is no longer needed for an expired project. The resolution to remove an encumbrance from private land that is no longer needed for public purposes will provide an overall public benefit and improve the use of the land made available by the vacation. The proposed summary vacation is in a residentially zoned area and will allow the property owner to better use their property now that the original project is no longer moving forward.

SUSTAINABILITY IMPACT STATEMENT

The purpose of this Vacation is to remove the easements that were recorded for a map that was not finalized and has expired. The proposed action contributes to the County of San Diego Sustainability Goal No. 1 to engage the community to partner and participate in decisions that impact their lives and communities and Goal No. 2 to provide just and equitable access to develop their land. This action will impact the property owner directly by providing improved use of the property by unencumbering a portion the property for potential future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2024-25 Operational Plan in Planning & Development Services. If approved, this request will result in estimated costs and revenue of \$2,085 for the Open Space Easement and Limited Building Zone Easement Vacation and will cover the staff time involved with preparing the resolution, public notice, Board letter, and public hearing documents. The funding source for this project is provided by the applicant, Robert Sukup. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Montgomery Steppe, the Board of Supervisors closed the Hearing and took action as recommended, and adopted Resolution 24-129 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING BIOLOGICAL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2024-VAC-24-002 (Attachment D).

AYES: Vargas, Lawson-Remer, Montgomery Steppe, Desmond

ABSENT: Anderson

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.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter