



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

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**DATE:** July 17, 2024

**04**

**TO:** Board of Supervisors

### **SUBJECT**

**GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A PORTION OF ENGINEERS ROAD, IN THE CUYAMACA COMMUNITY OF THE CENTRAL MOUNTAIN SUBREGIONAL PLAN AREA AND CEQA EXEMPTION (VAC 2022-0160) (DISTRICT: 2)**

### **OVERVIEW**

The Asset Management Division of the Department of General Services is processing a request from the owner/applicant of Assessor's Parcel Number (APN) 290-141-42, to summarily vacate a portion of Engineers Road that bisects with the owner's property. A summary vacation is a streamlined process by which an excess public road, right-of-way, or a public service easement is abandoned. In this situation, the public road is not developed and is not currently being used because the road has been constructed in a different location.

A summary vacation may be requested by the County or the public if the easement interests are found to be excess to County needs and are not required for the purposes for which they were obtained. The property subject to the vacation is located within the Cuyamaca Community of the Central Mountain Subregional Plan Area. County Department of Public Works has determined that the portion of Engineers Road is excess and no longer needed for present or future public use because this portion was never constructed, is not County-maintained, and is not a part of the General Plan Mobility Element. The vacation was requested by the property owner and will remove an encumbrance that could allow for better use of the subject property and allow for the potential for future development at the owner's discretion.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate this portion of Engineers Road.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacations of a public highway easement that is not needed for public road purposes, and will not have a reasonably

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foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.

2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A PORTION OF ENGINEERS ROAD, IN THE CUYAMACA COMMUNITY OF THE CENTRAL MOUNTAIN SUBREGIONAL PLAN AREA (VAC 2022-0160) (DISTRICT: 2) (Attachment C, on file with the Clerk of the Board).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2022-0160 pursuant to State of California Streets and Highways Code Section 8336.

**EQUITY IMPACT STATEMENT**

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. The existing surrounding road system will continue to provide adequate access for the property and will not preclude future development.

**SUSTAINABILITY IMPACT STATEMENT**

The proposed action to summarily vacate a portion of Engineers Road 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 2024-25 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$5,000 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

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**BACKGROUND**

The owner of Assessor’s Parcel Number (APN) 290-141-42 has requested to summarily vacate a portion of Engineers Road, together with the rights granted therein to extend drainage facilities, excavation, and embankment slopes beyond the right-of-way, that is located within the owner’s property. The portion to be vacated was dedicated to the County of San Diego (County) as a 60-foot-wide public highway in the document recorded June 17, 1937, in Book 666, Page 129 of Official Records of San Diego County. The subject property is located in the unincorporated area of Cuyamaca in the Central Mountain Subregional Plan Area (Attachment A). The portion of the property that would be vacated consists of approximately 0.696 acres in total (Attachment B). This action would summarily vacate a portion of Engineers Road as described and depicted in Exhibits “A” and “B” of Attachment C, and no parcels would be land-locked by the proposed vacation. A summary vacation of an existing road, together with the rights granted therein to extend drainage facilities, excavation, and embankment slopes beyond the rights-of-way, may be requested by the public if it is found to be excess right-of-way not required for street or highway purposes. In many cases a road vacation can be a public benefit through improved use of the lands made available by the vacation.

The portion of Engineers Road subject to this vacation was originally acquired as part of Road Survey (RS) No. 531, which was ordered to be prepared by the Board of Supervisors (Board) on July 24, 1933, to provide a road from Cuyamaca Lake to Pine Hills. The portion of the Engineers Road right-of-way that has been determined to be excess is the portion that runs Northwesterly bisecting the applicant’s property. That portion is not currently being used as a public road because the road has been constructed in a different location running Southwesterly to where it intersects with Boulder Creek Road.

This request is to take the necessary actions to summarily vacate a portion of Engineers Road, together with the rights granted therein to extend drainage facilities, excavation, and embankment slopes beyond the right-of-way, pursuant to Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code Section 8300 et seq. (Act), which establish procedures where a legislative body may summarily vacate a public street, highway, or right-of-way that is not required for street or highway purposes. The summary vacation of a public highway can be completed by Board approval, adoption, and recordation of the RESOLUTION TO SUMMARILY VACATE A PORTION OF ENGINEERS ROAD, IN THE CUYAMACA COMMUNITY OF THE CENTRAL MOUNTAIN SUBREGIONAL PLAN AREA (VAC 2022-0160), attached as Attachment C.

Under the Act, the following findings must be made by the Board to approve the proposed summary vacation:

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1. The portion of Engineers Road, together with the rights granted therein to extend drainage facilities, excavation, and embankment slopes beyond the right-of-way, is considered excess right-of-way of a street or highway not required for street or highway purposes because this portion of road was never constructed, is not County-maintained, is not part of the General Plan Mobility Element. Therefore, the Board may find that the aforementioned right-of-way may be summarily vacated pursuant to California Streets and Highways Code section 8334.
2. Pursuant to California Streets and Highways Code section 8334.5, the Board is required to ensure that the vacation will not affect in-place public utility facilities. There are no in place public utility facilities will not be affected by the proposed vacation.
3. Pursuant to California Streets and Highways Code sections 892 and 8314, consideration of Engineers Road for non-motorized transportation use must be reviewed before the vacations can be approved. The County's Department of Parks and Recreation has determined that the portion of Engineers Road to be summarily vacated is not needed for trail purposes.
4. Pursuant to California Streets and Highways Code section 8313 and California Government Code section 65402, the Board shall consider the General Plan prior to vacating a right-of-way. Staff from the County's Department of Planning & Development Services has reviewed the proposed summary vacation and determined that it is in conformance with the County of San Diego General Plan because it does not conflict with the General Plan's Mobility Element.

The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of an encumbrance from private lands that is no longer needed for public road purposes. In this instance there would also be a public benefit through improved use of the lands made available by the vacation and would not preclude future development.

**ENVIRONMENTAL STATEMENT**

Find the proposed summary vacations are not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA section 15378. The proposed action would vacate a road easement that has not been constructed and is not needed for future road purposes. There is no known plan to develop the area subject to the vacation for other purposes. Since the proposed action would merely remove an encumbrance from title and not result in any physical change in the environment it is exempt from CEQA review pursuant to Section 15060(c)(2) and (c)(3) of the CEQA Guidelines.

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**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

The proposed action supports the Community Engagement Strategic Initiative in the County of San Diego’s 2024-2029 Strategic Plan by promoting opportunities for property owners to exercise their right to be civically engaged and find solutions to current and future challenges. The proposed action will summarily vacate a portion of Engineers Road, that is excess to the County’s needs and are unnecessary for public road purposes.

Respectfully submitted,



AMY HARBERT  
Interim Deputy Chief Administrative Officer

**ATTACHMENT(S)**

ATTACHMENT A - Location Map

ATTACHMENT B - Vacation Exhibit

ATTACHMENT C - RESOLUTION TO SUMMARILY VACATE A PORTION OF ENGINEERS ROAD, IN THE CUYAMACA COMMUNITY OF THE CENTRAL MOUNTAIN SUBREGIONAL PLAN AREA (VAC 2022-0160), including EXHIBITS “A” and “B”.