

**Attachment D – 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**

RECORDING REQUESTED BY DEPARTMENT OF PLANNING
AND DEVELOPMENT SERVICES FOR THE BENEFIT OF THE
COUNTY OF SAN DIEGO
PER GOVERNMENT CODE SECTION 27383

**WHEN RECORDED, PLEASE RETURN
THIS INSTRUMENT TO:**

County of San Diego
Planning & Development Services
Mail Station O650
5510 Overland Avenue, Suite 110
San Diego, CA 92123

SPACE ABOVE FOR RECORDER'S USE ONLY

Assessor No.: 130-100-27-00

RESOLUTION No.:
Meeting Date: October 23, 2024

RESOLUTION TO VACATE OPEN SPACE EASEMENT PDS2024-VAC-24-002

On October 23, 2024, the County of San Diego Board of Supervisors approved an Open Space Easement Vacation by passing attached Resolution titled “A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT”. The attached Resolution consisting of four (4) sheets is required to be recorded in accordance with Streets and Highways Code Section 8320 et. seq.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: _____

Claudia Silva, County Counsel
Anne Beaumont, Senior Deputy County Counsel

Resolution No.:

Meeting Date: October 23, 2024

**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**

WHEREAS, the Owner, Susan J. Turnbull, requested the vacation of the described open space easement and limited building zone easement, as described in Exhibit “A” and Exhibit “B”, attached hereto (“Easement”); and

WHEREAS, pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code, Section 8300 et seq.) the Board of Supervisors may, by Resolution, vacate any street, highway or public service easement within its jurisdiction which is determined to be unnecessary for present or prospective public use; and

WHEREAS, pursuant to County of San Diego Board of Supervisors I-103, Open Space Easement Vacations, the Board of Supervisors may consider and vacate open space easements provided that certain findings can be made; and

WHEREAS, pursuant to notice duly published and posted in accordance with law, the Board held a public hearing on the proposed Vacation and received the testimony and reports of all interested persons and agencies.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Supervisors makes the following findings and determinations:

1. The vacation of the Easement is in conformance with Policy I-103, Finding 1, which states the vacation shall be in conformance with the County General Plan, with respect to location, purpose and extent. The areas covered by the easement proposed to be vacated are subject to the General Plan Land Use Designation Village Residential (VR-4.3). The vacation of the easements is consistent with the County General Plan because the vacation will not result in increased density or development beyond the County General Plan Designation of the property. The easements are not necessary for current or future public use as a public service easement since the easements were previously required for mitigation of impacts in accordance with the California Environmental Quality Act for a development that has expired and is not moving forward.
2. The Easement is unnecessary for present or prospective public use as a public service easement. The existing 9.43-acre Biological Open Space Easement and 1.75-acre Limited Building Zone Easement were recorded May 19, 2016 in accordance with the conditions of approval of Tentative Map Resolution (TM-5545) for a development known as Pauma Estates. The Biological Open Space Easement and Limited Building Zone Easement were required to mitigate impacts of the Pauma Estates project in accordance with the California Environmental Quality Act. The Tentative Map for Pauma Estates has expired and the applicant is no longer moving forward with the development.

3. The vacation of the easements comply with the California Environmental Quality Act (CEQA) because an Addendum to the previously adopted Mitigated Negative Declaration (MND) for the Pauma Estates project was prepared, and a review of those findings indicate that there are no significant environmental impacts associated with this project. 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. The easements are not necessary since the easements were previously required for mitigation of impacts in accordance with the CEQA for a development that has expired and is not moving forward.

IT IS FURTHER RESOLVED that the Easement, described below, is hereby vacated pursuant to Streets and Highways Code Section 8320 et. seq., and the Clerk of the Board shall cause a copy of this Resolution to be recorded pursuant to Streets and Highways Code Section 8325 at the close of the public hearing.

DESCRIPTION OF PUBLIC STREET, HIGHWAY, OR PUBLIC SERVICE EASEMENT:

(See Attached Exhibit A and Exhibit B)

cc: Susan J. Turnbull, 32979 Temet Drive, Pauma Valley, CA 92061

email cc:

Enrique Aponte, Land Use/Environmental Planner, PDS
Sean Oberbauer, Planning Manager, PDS
Ashley Smith, Chief, PDS
Mark Slovick, Deputy Director, PDS

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: _____

Claudia Silva, County Counsel
Anne Beaumont, Senior Deputy County Counsel

EXHIBIT A

Open Space Easement (Biological Resources) Vacation

All of that certain Open Space Easement (Biological Resources), in the County of San Diego, State of California, recorded in the Office of the County Recorder of said San Diego County on May 19, 2016 as Document No. 2016-0243472 of Official Records.

EXHIBIT B

Open Space Easement (Limited Building Zone) Vacation

All of that certain Open Space Easement (Limited Building Zone), in the County of San Diego, State of California, recorded in the Office of the County Recorder of said San Diego County on May 19, 2016 as Document No. 2016-0243473 of Official Records.