

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  
PDS2022-VAC-22-003

Resolution No. \_\_\_\_\_  
Meeting Date: \_\_\_\_\_

A RESOLUTION OF THE  
BOARD OF SUPERVISORS OF THE  
COUNTY OF SAN DIEGO VACATING  
PUBLIC SERVICE EASEMENTS  
PDS2022-VAC-22-003

WHEREAS, subject property owner, Tom Newsom requested the vacation of the described public street, highway, or public service easement; and

WHEREAS, Streets and Highway Code section 8324 provides that the Board of Supervisors may, by Resolution, vacate any such easement; 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. It is hereby found that the Vacation of the subject easements and the use or development of the property facilitated thereby is in conformance with Policy I-103, subsection 1, which states the vacation shall be in conformance with the County General Plan, with respect to location, purpose and extent because the proposed project is subject to the Rural General Plan Regional Category, the Rural Lands (RI-40) General Plan Land Use Designation, and the Julian Community Plan. The Rural Lands Land Use Designation is consistent with the Limited Agriculture (A70) zone that permits the residential use type. In addition, the project would be consistent with General Land Use Element Policies LU-6.7 and LU-10.2 as a limited building zone and biological open space easement are proposed for rededication in a new configuration to avoid disturbance of sensitive environmental resources and unique natural features located within the project site. Furthermore, the project would comply with General Plan Conservation and Open Space Element Policy COS-2.2 because the potential impacts will be mitigated through the reconfigured and rededicated Biological Open Space Easement and Limited Building Zone area.
2. It is hereby found that the subject easements to be vacated is consistent with Policy I-103, subsection 2, requiring that the easement must be unnecessary as a present or prospective public use as a public service easement, because the easement was never intended for prospective public use.

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3. It is hereby found that the Vacation of the subject easements and the use or development of the property facilitated thereby is consistent with Policy I-103, subsection 3, which requires the project to comply with CEQA and State and County Guidelines, because 115162 CEQA findings and an Addendum were prepared, and a review of those findings indicate that there are no significant environmental impacts associated with this project.

BE IT FURTHER RESOLVED that the street, highway, or public service easement described below is hereby vacated pursuant to Streets and Highways Code Section 8324, 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  
EASEMENTS:

(See Attached Exhibit B)

cc: Tom Newsom 2630 Sausalito Avenue Carlsbad, CA 92010

email cc:

Cathleen Phan, Planning Manager, PDS  
Julian Community Planning Group