

**Attachment D – A RESOLUTION OF THE
BOARD OF SUPERVISORS OF THE
COUNTY OF SAN DIEGO VACATING
OPEN SPACE EASEMENT
PDS2021-VAC-21-001**

Resolution No.:

Meeting Date:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
VACATING OPEN SPACE EASEMENT PDS2021-VAC-21-001

WHEREAS, the Endangered Habitats Conservancy (EHC), a California non-profit corporation, requested the vacation of the described open space easement, as described in Exhibit "A", 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 Specific Planning Area. The Montecito Ranch development entitlements have been abandoned and the specific plan is no longer applicable; however, the proposed vacation would be consistent with the General Plan. The proposed vacation is consistent with General Plan Goal COS-1 Inter-Connected Preserve System and General Plan Goal COS-2 Sustainability of the Natural Environment as the vacation will result in long term preservation of biological resources within San Diego County. In addition, the open space easement dedication requirements associated with the Montecito Ranch development are no longer applicable, and therefore unnecessary for current or future public use as a public open space easement. The open space easement area will still be maintained by the Endangered Habitats Conservancy for the preservation of biological resources which is consistent with the original intent of the dedicated open space easement.
2. The Easement is unnecessary for present or prospective public use as a public service easement. The existing 220.5-acre biological open space easement dedicated to the County of San Diego was previously required to resolve unpermitted clearing which occurred while the Montecito Ranch Project application was in-process in the early 2000s. The previously approved Montecito Ranch Project entitlements for the property have been

abandoned, and the open space easement dedication for the Montecito Ranch Project is no longer required. The open space easement area will still be maintained by EHC for the preservation of biological resources, which is consistent with the original intent of the dedicated open space easement. The entire 935.2-acre property will be maintained, managed, and restored to preserve biological resources on the property in perpetuity through a habitat management plan, which has been prepared in coordination with the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS).

3. The vacation of the Easement complies with the California Environmental Quality Act (CEQA) because a Notice of Exemption was prepared, and a review of those findings indicate that there are no significant environmental impacts associated with this project.

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)

cc: Endangered Habitats Conservancy (Attn: Michael Beck), P.O. Box 22438, San Diego, CA 92192

email cc:
Denise Russell, Planning Manager, PDS
Ashley Smith, Chief, PDS
Mark Slovick, Deputy Director, PDS
Ramona Community Planning Group

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Randall Sjoblom, Senior Deputy County Counsel

EXHIBIT A

Open Space Vacation

All of that certain Grant of Conservation Easement, in the County of San Diego, State of California, recorded in the Office of the County Recorder of said San Diego County on September 10, 2009 as Document No. 2009-0506422 of Official Records.