



## Private Property Rights Protection Notice

Adopted by San Dieguito River Park Joint Powers Authority Board of Directors.

May 19, 1995

**STATEMENT OF PRINCIPLE:** The San Dieguito River Valley Regional Open Space Park Joint Powers Authority, a government agency without land use authority, respects private property rights and has pledged not to infringe upon those rights to implement its goals and objectives. To ensure that private property rights are respected, the JPA has adopted the following specific guidelines for private property rights protection:

**Eminent Domain:** The JPA has never condemned property. The JPA will never recommend nor participate in a hostile condemnation. By law, when it acquires property the JPA must compensate property owners for the fair market value of their property. It is the desire of the JPA to retain 'friendly' condemnation for tax purposes, an important benefit to property owners desiring to sell their property.

**Acquisition of Property:** The JPA may not acquire property without the approval of the member agency within whose jurisdiction the property lies (page 4 of Joint Powers Agreement). When property is offered for sale to the JPA, that approval shall be made by a majority of the governing body of that jurisdiction. By law, the JPA must pay full fair market value as determined by a certified appraiser or as required by state law, unless the property owner offers the land at a below market price for tax purposes.

**Focused Planning Area:** The JPA is not an agency with land use authority and cannot regulate or impose restrictions on private property owners in the focused planning area of the San Dieguito River Park. The focused planning area for the San Dieguito River Park is a regional park planning boundary. Both private and public land is included within the focused planning area. Some of the private land may be acquired for the park in the future from willing property owners if the land is needed for park purposes.

**Design Standards:** The JPA has adopted design and development standards which apply ONLY to park-initiated projects on public land (page 100 of Concept Plan). The JPA cannot adopt design and development standards which are binding on private property owners. The adopted Concept Plan includes in an appendix a compilation of possible guidelines developed by other agencies which are not part of the Plan. These types of guidelines could only be adopted and implemented by the member agencies which have land use authority. The County of San Diego has not adopted design standards for the unincorporated area within the FPA.

**Project Review:** The JPA has the right only of advisory review and comment on private development proposals. The JPA cannot limit private property owners rights. The JPA is authorized to review and comment on private development proposals submitted to its member agencies which are within or have an impact on the San Dieguito River Park (pg 4 of Joint Powers Agreement). Such review and comment is advisory in nature only, similar to any planning group or private individuals exercising free speech. Decisions regarding land use, including zoning, discretionary and ministerial permits and other regulations are made by the JPA's member agencies, which have complete land use authority. The JPA will review and comment only on discretionary projects such as subdivision or use permits. The JPA will not review and comment on ministerial projects, remodels, single family home building permits, or other uses permitted by right such as agricultural uses.

**Trails:** Trail planning and implementation of park improvements will be focused on publicly owned land located west of Lake Sutherland. The Coast to Crest Trail will not be implemented on privately owned land without the property owner's consent; however, if the property owner seeks a discretionary permit (such as a major subdivision) to develop his/her property, the County or City may utilize its right to require a trail as a condition of approval. Trail alignments will be developed in cooperation with landowners and leaseholders in order to minimize impacts to existing uses, such as farming, cattle ranching and private residences (pg 37 of Concept Plan). When determining where a specific trail should be located, consideration shall be given to surrounding uses, both existing and planned for the area, in an adopted land use plan (pg 37 of Concept Plan). In order to minimize impacts to adjoining properties and uses, trails shall be adequately separated from existing uses through setbacks, significant elevational separation, and/or fencing (pg 37 of Concept Plan). Signage shall be provided along the trail to inform users to stay on the trail and respect adjoining private property (pg 37 of Concept Plan). The JPA will establish a volunteer patrol program supervised by a park ranger to ensure that park regulations are observed (pg 37 of Concept Plan). When a private property owner seeks a discretionary permit to develop his or her property, the JPA will work with member agency staff and the property owner to identify appropriate trail alignments and to support trail dedications ONLY when a land use agency under its own policies would normally require a trail dedication (such as a major subdivision) (pg 37 of Concept Plan). Segments of the Coast to Crest Trail may have to extend outside of the San Dieguito River Park focused planning area because of topographical constraints or to avoid property owner conflicts. Due to topographic, sensitive resource or other constraints, the bike path portion of the Coast to Crest Trail may in some places have to be located along existing streets (pg 36 of Concept Plan).

**Farming and Ranching:** The JPA strongly supports the continued use of private property for farming and ranching purposes. The adopted Concept Plan encourages agriculture as the predominant use in the San Pasqual Valley and continued ranching in the Santa Ysabel Valley (pages 63 and 73 of the Concept Plan). The JPA has not and will not interfere with a property owner's rights or ability to farm. However, there is nothing in the Concept Plan or in the powers of the JPA that would require a property owner to farm or ranch his property, if the underlying zoning of the land use agency permits other uses. The JPA will not put a trail across active grazing land.