



## SUMMARY REPORT

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**Agenda Date:** 7/22/2025

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**To:** Board of Directors, Sonoma County Water Agency, Occidental County Sanitation District, Russian River County Sanitation District, Sonoma Valley County Sanitation District, South Park County Sanitation District  
**Department or Agency Name(s):** Sonoma County Water Agency, Occidental County Sanitation District, Russian River County Sanitation District, South Park Sanitation District, and Sonoma Valley County Sanitation District  
**Staff Name and Phone Number:** Grant Davis (707) 547-1911; Dan Mason 707-547-1967  
**Vote Requirement:** Majority  
**Supervisory District(s):** All

**Title:**

Summary Vacation of an unused sewer easement and delegation of authority to the General Manager for the Sonoma County Water Agency to process future Summary Vacations.

**Recommended Action:**

- A) Adopt a Resolution by the Board of Directors of Sonoma Valley County Sanitation District
  - i. Determining that the sanitary sewer easement granted to the Sonoma Valley County Sanitation District in 2021, located on Assessor's Parcel Numbers 128-181-030, 128-181-031, 128-181-032, and 128-181-033, is no longer required for the purposes of the District, and that vacating the easement will not adversely affect the District, and will not have a significant adverse effect on the environment; and
  - ii. Authorizing the Summary Vacation of said sanitary sewer easement pursuant to Section 8333 (b) of the Streets and Highways Code: finding that, the date of dedication is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date. (First District) (Majority Vote Required)
- B) Adopt a Concurrent Resolution by the Boards of Directors of the Sonoma County Water Agency and its associated Sanitation Districts (Occidental, Russian River, South Park, and Sonoma Valley County Sanitation District) (Districts)
  - i. Delegating authority to the General Manager of Sonoma County Water Agency (Sonoma Water), or a qualified designated employee representative, to implement the procedures for Summary Vacations pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highway Code, Chapter 4. Summary Vacation Sections 8330-8336), provided that the vacation is subject to an exemption from the California Environmental Quality Act.
  - ii. Authorizing modifications to the proposed administrative resolution of vacation form from time to time, in a form approved by County Counsel, to remain compliant with the Streets and Highways Code or to meet other needs consistent with the findings and intent of this Board action.

**Executive Summary:**

Resolution 1 will allow for vacating the easement rights associated with a Sewer Dedication and Easement Agreement granted to Sonoma Valley County Sanitation District in 2021. The vacation of a public service easement by Summary Vacation is allowed pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highway Code, Chapter 4. Summary Vacation Sections 8330-8336).

Resolution 2 will provide delegated authority for vacating easements to the General Manager of Sonoma Water, or a qualified designated employee representative, to implement the procedures for Summary Vacations pursuant to the Streets and Highway Code Section 8335 (a)(2). Granting this authority will allow Sonoma Water and the Districts to more quickly and efficiently process Summary Vacations of easements in the future.

**Discussion:**

The request to vacate an easement is usually initiated by a property owner when an easement being held by Sonoma Water, or one of the Districts, is no longer needed for the use and purposes for which it was initially granted. Property owners typically request an easement vacation to unencumber their property and regain the property rights being restricted by the easement. In addition, Sonoma Water and Districts have the need to vacate easements when they are no longer needed or desired to alleviate the cost of maintenance and liability associated with retaining an easement.

Adobe Associates, Inc., on behalf of the property owner, Shahram Bijan, requested the Sonoma Valley County Sanitation District vacate a sanitary sewer easement located on his property at 1211 Broadway in Sonoma. The owner entered into a Sewer Dedication and Easement Agreement with the Sonoma Valley County Sanitation District, as required by the Sonoma Valley County Sanitation District Sanitation Code Ordinance (Section 4.03 - Subdivisions), before developing the property for a multiple housing project. While constructing the sanitation system for the project, it was discovered that the system could not be installed as planned and would need to be redesigned. The redesign of the sanitation system provided connection to the Sonoma Valley County Sanitation District's sewer main, but the system could not comply with Sonoma Water's Design and Construction Standards for Sanitation Facilities (Section 4.2 subsection F, paragraph 1) which precluded the Sonoma Valley County Sanitation District from accepting ownership and maintenance responsibilities as outlined in the Sewer Dedication and Easement Agreement. Ownership and maintenance responsibility of each parcel's individual sewer improvements will remain with the individual property owners of the new housing development. The request by Adobe Associates, Inc. to vacate the existing sanitary easement granted by Shahram Bijan to the Sonoma Valley County Sanitation District in 2021 was made to unencumber the property of the easement and clear title for the sale of the new housing units. The request to vacate this sanitary sewer easement is being made pursuant to Section 8333 (b) of the Streets and Highways Code.

In accordance with Section 65402 of California Government Code, Sonoma Water requested the City of Sonoma Community Development - Planning Division determine whether the vacation of the easement would comply with their General Plan. The vacation of the sanitary sewer easement is deemed to be in compliance with their General Plan and has met the requirements of Section 65402 for General Plan consistency.

In a previous Summary Vacation approved by the Board for an unrelated project, Sonoma Water received a request from a local housing developer to vacate flood control easements located within the property being developed with new housing. The existing flood control storm drain system was being replaced as part of the new housing development, but the underlying easements held by Sonoma Water for the old system hindered the issuing of building permits by the City of Santa Rosa. The developer had to delay the building of the new homes located within the easement area until the easements could be vacated and then the City could issue the building permits. Time was of the essence in this situation, and Sonoma Water did its best to accommodate the developer, but most jurisdictions have code requirements that preclude issuance of building

permits over an existing easement. Eventually, the easements in this situation were summarily vacated pursuant to Section 8333 (c) of the Streets and Highways Code because the easements were superseded by relocation. The added costs and delays associated with the housing developer's need for Sonoma Water to vacate the flood control easements through Board approval could have been mitigated through the delegated authority being requested now in Resolution 2. This delegated authority would enable Sonoma Water to more quickly and efficiently process the vacation of easements in the future.

For a Summary Vacation of an easement, Sonoma Water staff currently prepares a Board item for approval and a resolution of vacation for adoption by the Board, and either the Clerk of the Board or Sonoma Water records the adopted resolution at the Clerk-Recorder's Office authorizing the Summary Vacation of the easement. The time required for preparing, reviewing, and scheduling a Summary Vacation Board item can take from four to six months until the time the resolution of vacation is recorded, and the easement is vacated. In addition, the administrative costs of obtaining the approval of the Board item and the adoption of the resolution of vacation is approximately \$10,000 to \$15,000. In certain situations, this cost can be offset by collecting an administrative fee from the requesting property owner as is the situation with this Board item under Resolution 1 and was also the case with the housing developer in the scenario described above. However, in other situations, Sonoma Water needs to expend the administrative cost for preparing a Board item when it wishes to vacate an existing easement it deems no longer necessary for its use and purposes. The reason for vacating an unnecessary easement is to reduce the cost of maintenance and liability associated with holding the easement.

Sonoma Water is requesting delegated authority to process future Summary Vacations by means of an administrative resolution of vacation as outlined in Resolution 2. This will reduce the administrative cost and the time associated with preparing a Board item and a resolution of vacation for approval and adoption by the Boards of Directors.

The California Streets and Highways Code Section 8335 (a)(2) states: "The legislative body may delegate the authority to vacate a public service easement to any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps as defined in Title 7 of Division 2 of the Government Code, pursuant to the authority provided in this chapter by recordation of a document containing the information in subdivision (b)."

In Resolution 2, Sonoma Water staff has outlined the procedures required by the Streets and Highways Code Section 8335 (a)(2) subdivision (b) which would be followed by Sonoma Water in preparing an administrative resolution of vacation for future Summary Vacations of easements. Sonoma Water has also prepared a template version of an administrative resolution of vacation attached to Resolution 2 for reference as Exhibit A; the template would serve as a guideline for future Summary Vacations. If your Board adopts Resolution 2 delegating general authority to Sonoma Water's General Manager to prepare and record future Summary Vacations by means of the authority allowed by the Streets and Highways Code Section 8335 (a)(2), this template administrative resolution of vacation would be used. This abbreviated procedure would change the need to come to the Board for approval for the simple process of vacating easements no longer needed for the use and purposes of Sonoma Water. This would reduce the number of non-essential Board items and help increase flexibility and efficiency for Sonoma Water and decrease administrative burdens on the Board.

Previously, the Boards delegated authority to Sonoma Water's General Manager for the implementation and compliance under the California Environmental Quality Act (CEQA). If a proposed Summary Vacation of an

easement does not meet the requirements for an exemption under CEQA pursuant to Section 15061(b)(3), the abbreviated procedure described above and in Resolution 2 would not be implemented by Sonoma Water, and the Summary Vacation of an easement would come to the respective Board for approval and adoption.

**California Environmental Quality Act**

The City of Sonoma (City), as lead agency, completed environmental documentation in accordance with CEQA for the 1211 Broadway Workforce Housing Development. The City prepared an analysis pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, which concluded that the 1211 Broadway Workforce Housing Development met all criteria for a Class 32 Exemption. Additionally, none of the exceptions to the Categorical Exemption listed in CEQA Guidelines Section 15300.2 applied. The City Council approved the 1211 Broadway Workforce Housing Development on December 12, 2019.

Sonoma Water's General Manager, on behalf of the District, has determined that vacating the easement is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, and Section 15332, In-Fill Development Projects, because the project involves the vacation of property rights by the District to unencumber the property for the sale of the housing units located at 1211 Broadway. The development met the requirements pursuant to Section 15332, In-Fill Development Projects. The easement is no longer needed by the District and the Summary Vacation is covered by the commonsense exemption, where it can be seen with certainty that vacating the easement does not have the potential for significant effects on the environment. Sonoma Water staff, on behalf of the District, has prepared a Notice of Exemption in accordance with CEQA, the State CEQA Guidelines, and Sonoma Water's Procedures for the Implementation of CEQA.

Sonoma Water staff recommends that the Board adopt Resolution 1, determining that the sanitary sewer easement located on Assessor's Parcel Numbers 128-181-030, 128-181-031, 128-181-032, and 128-181-033, is no longer required for the purposes of the Sonoma Valley County Sanitation District, and that vacating the easement will not adversely affect the Sonoma Valley County Sanitation District, and will not have a significant adverse effect on the environment, and authorize and direct Sonoma Water to record a certified copy of Resolution 1 at the Clerk-Recorder's Office to complete the Summary Vacation of the easement.

Sonoma Water staff further recommends that the Board adopt concurrent Resolution 2, delegating authority to the General Manager of Sonoma Water, or a qualified designated employee representative to implement the procedures for future Summary Vacations pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highway Code, Chapter 4. Summary Vacation Sections 8330-8336).

**County of Sonoma Strategic Plan:**

N/A

**Sonoma Water Strategic Plan Alignment:**

N/A

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

N/A

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY25-26 Adopted</b>	<b>FY26-27 Projected</b>	<b>FY27-28 Projected</b>
Budgeted Expenses	\$800		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$800</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$800		
Use of Fund Balance			
General Fund Contingencies			
<b>Total Sources</b>	<b>\$800</b>		

**Narrative Explanation of Fiscal Impacts:**

Budgeted amount of \$800 is available from FY 2025/26 appropriations for the Sonoma Valley County Sanitation District Fund. The property owner deposited payment of \$15,000 to offset staff time and related administrative costs incurred in both FY 2024/25 (\$14,200) and FY 2025/26 (\$800) to process the easement vacation and related Board agenda item. No additional appropriation is required.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Resolution 1

Resolution 2 with Exhibit A

**Related Items "On File" with the Clerk of the Board:**

None.