



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 12/12/2023

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Jonathan R. Olin (707) 565-7385

Vote Requirement: Majority

Supervisorial District(s): Fifth

Title:

1:45 P.M. Right-Of-Way Vacation of a portion of unnamed streets located at 18072 and 18084 Highway 116, Guerneville; RWV23-0002

Recommended Action:

Hold a public hearing. After closing the hearing adopt a resolution (1) finding that the project is exempt from the California Environmental Quality Act (CEQA) under Health & Safety Code Section 50675.1.4 (Homekey) and CEQA Guidelines Sections 15301 (Existing Facilities) and 15061(b)(3) (common sense); and (2) ordering vacation of unnamed streets as first shown on the map of Subdivision A of Russian River Heights, recorded June 12, 1903, in Book 15 of Maps, Page 14, Sonoma County Records. (Fifth District)

Executive Summary:

The application is a petition to vacate (permanently abandon) said unnamed streets. Approval of the resolution would authorize the vacation. The vacation would be complete when County staff records the attached resolution.

Discussion:

On April 3, 2023, Permit and Resource Management Department (Permit Sonoma) received a petition from the Sonoma County Community Development Commission (Petitioner), for Vacation of Public Right-of-Way (Petition). The Petition requests that the Board vacate the unnamed streets (Vacation Petition Area) that lie between Block 23, (APN 02-220-027 & APN 075-240-029) and Block 24 (APN 072-220-026), of said map of Subdivision A of Russian River Heights. Exhibits A and B respectively are general and specific location maps of the Vacation Petition Area which is near Monte Rio. The subject unnamed street requested to be vacated was created on the map of Subdivision A of Russian River Heights, recorded June 12, 1903, in Book 15 of Maps, Page 14, Sonoma County Records and the streets, roads, alleys and highways offered on the map were accepted by the Board of Supervisors on the map. However, the Vacation Petition Area does not contain any physical street and is not maintained by the County. The purpose of the application is to generally clear title of unneeded rights-of-way as part of a contemplated permanent supportive housing project under the California Department of Housing and Community Development Homekey Program.

Vacation is the complete or partial abandonment of the public right to use a street or public service easement. Under State Statute and applicable case law, the Board may vacate any public street, highway, lane or public service easement within its jurisdiction provided the Board makes the following findings:

- (1) the interest proposed to be vacated is unnecessary for present or prospective public use;
- (2) the proposed vacation is in the public interest;
- (3) the proposed vacation is consistent with the General Plan; and
- (4) the road proposed for vacation is not useful as a non-motorized transportation facility (bike trail).

County survey staff reviewed public records and the materials submitted on behalf of petitioner to determine the nature of the County's interest in the Vacation Petition Area. Staff verified that the County has a public right-of-way interest in the Vacation Petition Area. Staff determined that the relevant segment of the unnamed street, (Vacation Petition Area), was not being used by the public and there is no prospective public use.

Permit Sonoma Planning Division staff conducted a field review to verify the facts presented in the petition. Staff did not observe any present public use of the Vacation Petition Area.

Planning Division staff also prepared a General Plan Consistency Analysis, as required by Streets and Highways Code Section 8313 and Government Code Section 65402 and determined that the proposed vacation is consistent with the General Plan and with the County's Complete Streets Policy.

Survey Staff referred the Petition to all County Departments and Public Agencies with a potential interest in the Vacation Petition Area, including Sonoma Public Infrastructure (SPI), Emergency Services, Law Enforcement, Regional Parks, and Sonoma Water. Staff did not receive any objections.

Sonoma County Regional Parks has stated, "The Vacation Petition Area is located in a small canyon adjacent and perpendicular to Highway 116. Several feet of the Vacation Petition Area may be needed to support planned bikeways where the Vacation Petition Area intersects State right-of-way. " If the area is needed, that need would be addressed in the future.

Staff notified all public and private utilities with potential interest in the Vacation Petition Area. Staff did not receive any objections.

Notice was given to all owners of neighboring parcels located within 300 feet of the parcels containing the Vacation Petition Area. Staff did not receive any objections. On May 6, 2023, staff did receive an email from Harry Smith, who owns property at 18105 Highway 116 near Guerneville. Mr. Smith stated: *"It seems apparent that when the subdivision was laid out, the need for the residents to pass between Old Monte Road and Highway 116 was recognized and provided for. Easements were provided through the center of the property and also on both the North and South sides. Though never improved, all the easements have been used. If the center easement is to be given up it would be a benefit to the current and future residents of the neighborhood to improve either or both the North and South walking easements."*

County staff observed on a site visit that it would be difficult for anyone to know whether they were walking within the unnamed streets if they were to cross the property from Old Monte Rio Road to Highway 116 because there is no physical indication of the street's rights-of-way. Given the steep topography and dense trees, it would be impracticable to improve the "North and South walking easements" which are only 10 feet wide on the map of Subdivision A of Russian River Heights. This petition does not affect the "North and South walking easements".

Staff determined that the proposed general vacation is exempt from CEQA pursuant to Health & Safety Code Section and 50675.1.4 because it involves activities funded by the Homekey program (and meets all statutory requirements for that exemption) and 14 CCR Section 15301 Class -1 Existing Facilities which provides for minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features. The proposed general vacation is also exempt pursuant to the “common sense exemption” of CEQA Guidelines Section 15061 (b)(3), which provides that CEQA applies only to projects that have potential for causing a significant effect on the environment. The proposed vacation would merely terminate a “paper street” that was never used by the public..

Staff concludes that the Board may make all of the required findings to approve the Petition.

- (1) The Vacation Petition Area is unnecessary for present or prospective public use.
- (2) Granting the vacation will serve the public interest by returning land not needed for public use to private ownership, thereby eliminating any potential County liability related to the unused right-of-way.
- (3) The requested vacation is consistent with the General Plan. □
- (4) The Vacation Petition Area is not useful as a non-motorized transportation facility (bike trail).

Based on these factors, staff recommends the Board adopt the Resolution ordering the vacation.

Racial Equity:

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

No

Prior Board Actions:

Not Applicable

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Attachment 1: Exhibit A

Attachment 2: Exhibit B

Attachment 3: Board Resolution

Attachment 4: Resolution Exhibit A

Attachment 5: Resolution Exhibit B

Attachment 6: Staff PowerPoint

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

Not Applicable