



COUNTY OF SONOMA

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

SUMMARY REPORT

Agenda Date: 12/6/2022

To: Board of Directors, Sonoma Valley County Sanitation District
Department or Agency Name(s): Sonoma County Water Agency
Staff Name and Phone Number: Douglas Messenger / 547-1952
Vote Requirement: 2/3rd
Supervisory District(s): First

Title:

Summary Vacation of Unused Sewer Easement and Acceptance of New Easement for Low Barrier Navigation Center; 18820 Sonoma Hwy

Recommended Action:

A) Board of Directors Adopt a Resolution:

- i) Determining that vacating the sanitary sewer easement, located on Assessor's Parcel 056-611-082, will not have a significant adverse effect on the environment;
- ii) Authorizing the summary vacation of a sewer easement that is not required for purposes of the Sonoma Valley County Sanitation District (District) and has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and
- iii) Accepting an access easement from Homeless Action Sonoma to District and authorizing the General Manager to execute the easement agreement and the Certificate of Acceptance, in a form approved by County Counsel.

(2/3 Vote Required) (First District)

Executive Summary:

Homeless Action Sonoma (HAS) requested that the Sonoma Valley County Sanitation District (District) vacate a sanitary sewer easement on property located at 18820 Sonoma Highway in order for HAS to develop the property as a Low Barrier Navigation Center. There are no sewer facilities or other public utilities located within the easement, as the easement was granted for a proposed project that was never constructed. The vacation of property rights is being requested to allow development of the property. Additionally, an easement from HAS to District is required to grant District access to operate sewer diverter valves on an on-site detention tank in case of heavy rain to mitigate potential sanitary sewer overflows. □

Discussion:

Homeless Action Sonoma is developing a transitional facility (Low Barrier Navigation Center) and creating Home and Safe village, including 22 tiny homes, at 18820 Sonoma Highway. The existing sanitary sewer easement was dedicated and granted to the District on April 20, 2007, as Document Number 2007045634, Official Records of Sonoma County, California, for a proposed project located on Assessor Parcel Number 056-611-082; however, the project was not completed and no sewer was constructed within the easement. There are no other public utilities located within the easement. As the easement has not been used, Section 8333, Paragraph A, of the California Streets and Highways Code authorizes the Board of Directors (Board) to

summarily vacate a public service easement which has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. Sonoma County Water Agency (Sonoma Water) staff has determined that vacating the easement will have no adverse effect on the District. Section 4743 of the Health and Safety Code permits a county sanitation district to dispose of property interests when they are no longer required for the purposes of the District operations. The easement requires that the parcel owner “shall not erect or construct any building or reservoir within the Easement Area [and] shall not construct any other structure or construction within the Easement Area which will interfere with District's rights” as provided by the easement. Vacating this easement is required for HAS to move forward with the construction of 11 tiny homes and a community dining tent that are planned for construction within the existing easement.

In addition to the easement vacation, an easement from HAS to District is required by the District. The easement is related to the District requirement that the developer provide on-site detention to mitigate any increase to the risk of sanitary sewer overflows (SSOs) in a downstream area that has been identified by the District as having deficient capacity for existing or any new contributory flows. This risk occurs when peak winter rains contribute inflow and infiltration into the existing sanitary sewer flows. While there is a project in development to upsize the sewer in Fairview Lane that would greatly reduce the risk of SSOs in the area, the Low Barrier Navigation Facility is scheduled for occupancy prior to completion of the downstream sewer project. To prevent increase in risk of SSOs, the Low Barrier Navigation Center will construct an on-site detention tank to hold up to 2 days of sanitary sewage from the project during peak rainfall events. The District requires access to operate valves when significant rainfall is anticipated. The required easement will allow District staff to enter the property and operate the valves when necessary. It is anticipated that the detention tank will be temporary, only needed until completion of the sewer upsize project in Fairview Lane, at which time the easement could be vacated upon request.

Sonoma Water’s General Manager, on behalf of District, has determined that vacating the Easement to allow HAS to develop the property and the District to accept an easement for an on-site detention tank to mitigate any potential increase to the risk of sanitary sewer overflows is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) Review for Exemption because there is no potential for significant impacts 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.

In accordance with Section 65402 of the Government Code, the District requested the Sonoma County Permit and Resource Management Department determine whether the vacation of the easement would comply with the County’s General Plan and received a determination that the vacation of easement is in conformance with the General Plan.

Strategic Plan:

N/A

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses	\$12,000		
Additional Appropriation Requested			
Total Expenditures	\$12,000		
Funding Sources			
General Fund/WA GF	\$12,000		
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$12,000		

Narrative Explanation of Fiscal Impacts:

HAS requested that the District vacate a sanitary sewer easement. Funds for staff costs, estimated at \$12,000 were budgeted in the District Operations Fund. HAS will reimburse staff costs to process the easement vacation and grant of easement.

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Resolution
Draft Easement Agreement

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

None