



## Legislation Details (With Text)

**File #:** 2022-0278  
**Type:** Regular Calendar Item      **Status:** Passed  
**File created:** 3/11/2022      **In control:** Transportation and Public Works  
**On agenda:** 8/2/2022      **Final action:** 8/2/2022  
**Title:** 1:30 P.M. Vacation of public road right-of-way of a segment of Hillcrest Avenue and Brevis Avenue between Hillcrest Avenue and Fair View Avenue.  
**Sponsors:** Transportation and Public Works  
**Indexes:**  
**Attachments:** 1. Summary Report, 2. Resolution, 3. Exhibit A - LEGAL DESC-Abandonment-signed, 4. Exhibit B - Parcel Map, 5. Notice of Hearing-Land of Sheets, 6. Attachment C, 7. Attachment D, 8. Letter from Neighbors Contesting Vacation, 9. Lands of Curtis Email\_ Contesting Vacation

Date	Ver.	Action By	Action	Result
8/2/2022	1	Board of Supervisors	Approved as recommended	Pass

**To:** Board of Supervisors  
**Department or Agency Name(s):** Transportation and Public Works  
**Staff Name and Phone Number:** Johannes J. Hoevertsz, 707-565-2231  
**Vote Requirement:** Majority  
**Supervisorial District(s):** Fifth

**Title:**  
**1:30 P.M.** Vacation of public road right-of-way of a segment of Hillcrest Avenue and Brevis Avenue between Hillcrest Avenue and Fair View Avenue.

### Recommended Action:

Conduct public hearing, and after close of the public hearing, adopt a resolution (1) finding that the action is exempt from CEQA and (2) ordering vacation of a segment of Hillcrest Avenue and Brevis Avenue between Hillcrest Avenue and Fair View Avenue as shown on Subdivision Map titled Cazadero Town Site Subdivision No. 2 filed in Book 20 of Maps, Page 19, of Sonoma County Records. (Fifth District)

### Executive Summary:

The Department of Transportation and Public Works is requesting that the Board adopt a Resolution to vacate (permanently abandon) the public right-of-way in a portion of Hillcrest Avenue and Brevis Avenue between Hillcrest Avenue and Fair View Avenue in Cazadero. The term "vacation" is used to describe the complete or partial abandonment of the public right to use a road or public service easement. These segments of public right-of-way were dedicated and accepted in 1907, on the face of the Cazadero Town Site Subdivision No. 2 map. However, roads were never constructed within the rights-of-way, and the County does not maintain them. The vacation would include the reservation of easements for utilities with existing facilities within the vacation area.

### Discussion:

An abutting property owner, Lands of Sheets, was referred to the Department of Transportation and Public Works (TPW) regarding options to restrict the public from entering her property via the public right-of-way by

the Office of District 5. The public right-of-way in question is an approximately 0.27 acre segment of Hillcrest Avenue and Brevis Avenue between Hillcrest Avenue and Fair View Avenue (the “Proposed Vacation Area”) serving as primary access to the property. The Proposed Vacation Area is adjacent to Lands of Sheets’ parcels at 17970 Hillcrest Avenue (APNs 106-080-001, 106-080-006, 106-080-035). The vacation would remedy an issue of access to a dead-end road segment accessed exclusively by Lands of Sheet’s driveway. Please see Exhibit B - Parcel Map.

The Proposed Vacation Area was dedicated and accepted as a public right-of-way in 1907 on the face of the Cazadero Town Site Subdivision No. 2 map. However, roads were never constructed, and the County does not maintain them. Hillcrest Avenue at this location serves as a driveway to access the Lands of Sheets’ property and dead ends. Brevis Avenue is an unimproved, unpaved area serving as front yard for the Lands of Curtis’ primary residence.

The term “vacation” is used to describe the complete or partial abandonment of the public right to use a street or public service easement. Under the California Streets and Highways Code Sections 8300 et seq., the Board may vacate any public street, highway, or public service easement within its jurisdiction, provided that the Board makes the following findings:

- The public right-of-way proposed to be vacated is unnecessary for present or prospective public use;
- The proposed vacation is in the public interest;
- The proposed vacation is consistent with the General Plan;
- The public right-of-way proposed to be vacated is not useful as a nonmotorized transportation facility (bike trail).

### **Analysis**

TPW staff reviewed relevant public records and the materials to determine the nature of the County’s interest in the Proposed Vacation Area. TPW staff verified that the County has a public right-of-way interest in the Proposed Vacation Area pursuant to the Cazadero Town Site Subdivision No. 2 map.

Comprehensive Planning Division staff has 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.

TPW staff referred the proposed vacation materials to all pertinent County departments, utilities, and public agencies with a potential interest in the Vacation Petition Area, including Permit Sonoma, Regional Parks, Emergency Services, law enforcement, Cazadero Fire Department, Cazadero Water Company, Inc., and the Sonoma County Water Agency. Staff did not receive any objections.

Requests for easements were received from Comcast, PG&E, Frontier Communications, and Cazadero Water Company, Inc., which have existing public utility facilities in the Proposed Vacation Area, and will be reserved from the vacation accordingly.

Staff also posted notices of the public hearing, as required, and mailed the materials to neighboring property owners as a courtesy. Staff received inquiries and objections to the vacation from some neighbors. Please see

attached 'Letter from neighbors contesting vacation' and 'Lands of Curtis Email Contesting Vacation'. Staff worked and met on site with the opposing neighbors to answer questions and to understand their concerns. After careful review of the facts and multiple site visits no issues were identified to warrant an alternate course of action to the vacation of road right-of-way. The proposed vacation meets statutory requirements and is in the public's interest.

Notice of this public hearing has been published and posted in accordance with Streets and Highways Code Section 8322 and 8323.

### **CEQA Determination**

Staff determined that the proposed general vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the "general rule" of CEQA Guidelines section 15061(b)(3), which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed vacation would merely terminate a "paper street" that was never constructed or used by the public. No change in the existing use of the Proposed Vacation Area is proposed. There is no possibility that the proposed vacation may have a significant effect on the environment, and therefore the project is exempt from CEQA.

### **Conclusions and Recommendation**

Staff concludes that the Board may make all of the required findings to approve the vacation. The effected portion of Hillcrest Avenue and Brevis Avenue between Hillcrest Avenue and Fair View Avenue were never constructed or used as a public roadway. The requested vacation is consistent with the General Plan. It does not traverse or adjoin an existing or future Class I bikeway and does not serve as a link for pedestrians and bicyclists, meaning that it is not useful as a nonmotorized transportation facility (bike trail). It is not part of a street grid, does not connect to arterial streets and is not near parks, schools, or other public uses. Granting the vacation would serve the public interest by returning land not needed for public use to private ownership, and by eliminating any potential County liability related to the effected portion of Hillcrest Avenue and Brevis Avenue between Hillcrest Avenue and Fair View Avenue.

Based on these factors, and in light of the recommended utility reservations, staff recommends that the Board approve the vacation.

### **Strategic Plan:**

N/A

### **Prior Board Actions:**

None.

### **FISCAL SUMMARY**

#### **Narrative Explanation of Fiscal Impacts:**

There is no direct fiscal impact associated with this Board Action.

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

None.

### **Attachments:**

Resolution, Exhibit A - ROW Abandonment, Exhibit B - Parcel Map, Notice of Hearing, Attachment C- General Plan Consistency Determination, Attachment D - Easements Request, Letter from neighbors contesting vacation, Lands of Curtis Email Contesting Vacation

**Related Items “On File” with the Clerk of the Board:**

None