



## Legislation Details (With Text)

**File #:** 2019-0592  
**Type:** Regular Calendar Item **Status:** Passed  
**File created:** 4/18/2019 **In control:** Permit and Resource Management  
**On agenda:** 5/14/2019 **Final action:** 5/14/2019  
**Title:** 2:00 PM - RWV17-0001 Fulton Rd Vacation Right-of-Way  
**Sponsors:** Permit and Resource Management  
**Indexes:**  
**Attachments:** 1. Att 2 RWV17-0001 Fulton Rd Assessor's Map.pdf, 2. Att 3 RWV17-0001 Fulton Rd General Plan Consistency Determination.pdf, 3. Att 4 RWV17-0001 Fulton Rd Power Point Presentation.pdf, 4. Att 5 RWV17-0001 Fulton Rd Resolution.pdf, 5. Att 6 RWV17-0001 Fulton Rd Resolution Exhibit A.pdf, 6. Att 7 RWV17-0001 Fulton Rd Resolution Exhibit B.pdf, 7. Att 8 RWV17-0001 Fulton Rd Summary Report.pdf

Date	Ver.	Action By	Action	Result
5/14/2019	1	Board of Supervisors	Approved as recommended	Pass

**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** Permit and Resources Management Department, Permit Sonoma

**Staff Name and Phone Number:** Leonard Gabrielson, 707-565-3711

**Vote Requirement:** Majority

**Supervisory District(s):** Fourth

**Title:**

**2:00 PM - RWV17-0001 Fulton Rd Vacation Right-of-Way**

### Recommended Actions:

After close of public hearing, adopt a resolution (1) finding that the project is exempt from CEQA, (2) ordering vacation of a portion of Fulton Road as described that that certain deed recorded on January 22, 1988 in document number 1988-005100, Sonoma County Records, (3) reserving from the vacation easements from PG&E and Sonoma County Regional Parks Department

### Executive Summary:

The application is a petition to vacate (permanently abandon), the public right-of-way in a portion of Fulton Road. Approval of the resolution would authorize the vacation subject to specified conditions including reserving an easement to Sonoma County Regional Parks. The vacation would be complete when the conditions are satisfied and County staff records the Resolution.

### Discussion:

#### Background:

Petitioner Jackson Family Wines, Inc. submitted a Petition for Vacation of Public Easement/Public Right-of-Way ("Petition") on July 20, 2017. The Petition requests that the Board vacate a portion of the Fulton Road public right-of-way (the "Vacation Petition Area") adjacent to CALTRANS Highway 101 and Assessor Parcel Numbers

059-170-035 and 059-170-037. The Vacation Petition Area was created on January 22, 1988 by a Grant Deed, However the Vacation Petition Area is not maintained by the County and not accessible to the public.

The frontage of the subject portion of Fulton Road was built in 1960 by CALTRANS when highway 101 was constructed to serve three parcels which were cut off from Fulton Road during construction. Jackson Family Wines, Inc. now owns the three parcels. Subsequently the County abandoned maintenance on that subject portion of Fulton Road. Jackson Family Wines Inc. has also agreed to an easement for the County Parks Department to construct and maintain a bike trail along the westerly part of the Vacation Petition Area along the creek that is in the area.

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

The interested 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; and  
The road proposed for vacation is not useful as a non-motorized transportation facility (bike trail).

#### **Analysis:**

County survey staff reviewed public records and the materials submitted on behalf of petitioners 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 Fulton Road (Vacation Petition Area) was not being used by the public. As well, staff confirmed the County abandoned the maintenance of the subject portion of the right-of-way adjoining CALTRANS highway 101.

Comprehensive 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.

Comprehensive 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.

Staff referred the Petition to all County Departments and Public Agencies with a potential interest in the Vacation Petition Area, including Transportation and Public Works (TPW), Emergency Services, Law Enforcement, and the Water Agency. Staff did not receive any objections.

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 350 feet of the parcels containing the Vacation Petition Area. Staff did not receive any objections.

The County of Sonoma owns Assessor Parcel Number 059-230-082 which is bordered by private properties on the north and by Jackson Family properties on the south. The County parcel is the location of the planned Mark West Creek Trail which is identified as a Class I bike path in the 2010 County Bicycle and Pedestrian Plan. The planned 3-mile long Mark West Creek Trail will provide an important east-west transportation network linking Old Redwood Highway, SMART Trail, and Sonoma County Airport.

The Vacation Petition Area provides the only access to the County owned parcel. The County parcel would be landlocked if an access easement is not reserved within the existing public right of way. Thus, the reason for reserving a permanent access easement starting at the Fulton Road right of way, continuing northwest past the Jackson Family properties, and ending at the County owned Assessor Parcel Number 059-230-082. With assistance from County Counsel, Regional Parks has negotiated the easement language which has been accepted by Jackson Family Wines. The permanent access easement is needed for the planning, construction, operation, and maintenance of the Mark West Creek Trail.

**CEQA Determination:**

Staff determined that the proposed general vacation is exempt from 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 used by the public. No change in the existing use of the Vacation Petition 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 Petition and reserve the easement in favor of the County. The Vacation Petition Area has never been used as a public right-of-way. The requested vacation is consistent with the General Plan 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 will 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 subject portion of Fulton Road right-of-way. Reserving the easement for the County will avoid the County owned parcel from being landlocked.

Based on these factors and in light of the recommended condition that petitioners grant a private easement to allow for continued use of existing driveway segments in the Vacation Petition Area, staff recommends the Board approve the Petition and reserve the easement in favor of the County.

**Prior Board Actions:**

None

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 18-19 Adopted</b>	<b>FY19-20 Projected</b>	<b>FY 20-21 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

N/A

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll)</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:**

- 1.) Att 1 RWV17-0001 Fulton Rd Application
- 2.) Att 2 RWV17-0001 Fulton Rd Assessor's Map
- 3.) Att 3 RWV17-0001 Fulton Rd General Plan Consistency Determination
- 4.) Att 4 RWV17-0001 Fulton Rd Power Point Presentation
- 5.) Att 5 RWV17-0001 Fulton Rd Resolution
- 6.) Att 6 RWV17-0001 Fulton Rd Resolution Exhibit A
- 7.) Att 7 RWV17-0001 Fulton Rd Resolution Exhibit B
- 8.) Att 8 RWV17-0001 Fulton Rd Summary Report

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

N/A