



## Legislation Text

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**File #:** 2019-1895, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Leonard "Gabe" Gabrielson, (707)565-3711

**Vote Requirement:** Majority

**Supervisory District(s):** Fifth

**Title:**

Coleman Valley Road Right of Way Vacation RWV18-0002

**Recommended Action:**

Adopt a resolution (1) finding that the project is exempt from CEQA, and (2) ordering vacation of a portion of a right-of-way easement adjacent to Third Street, Oak Street, Washington Street and Spring Street as shown on the map entitled "Plan of the Town of Occidental" filed for record in Book 5 of Maps at Page 18, Official Records, Sonoma County Records (Fifth District)

**Executive Summary:**

The application is a petition to summarily vacate (permanently abandon), a portion of a public right-of-way easement adjacent to Third Street, Oak Street, Washington Street and Spring Street. Approval of the resolution would authorize the vacation. The vacation would be complete when County staff records the attached resolution.

**Discussion:**

The County may use a summary procedure for vacating a portion of a street, under certain circumstances. Those circumstances include when the street or highway has been impassable for vehicular travel for five years, and no public money has been expended for maintenance during that time. (See California Streets & Highways Section 8300 et seq. generally, and Section 8331 specifically.) Additional requirements include that the vacation is consistent with the General Plan.

The County owns several right-of-way easements over, across and adjacent to Third Street, Oak Street, Washington Street and Spring Street near Occidental, in the unincorporated County. A homeowner with property burdened by a right-of-way easement on their property requested the County vacate a portion of the right-of-way easement on their property, which dates to 1877. The existing fee interests of the affected landowner's property would be unencumbered by the ROW easement once it is vacated, effectively adding usable square footage to those private parcels.

County survey staff reviewed public records and the materials submitted on behalf of the petitioners to determine the nature of the County's interest in the right-of-way easement requested to be vacated, which is near of Third Street, Oak Street, Washington Street and Spring Street over and across Travinsky and Lavery's, APN 074-311-011, 074-300-003, and 074-300-004, lands as shown on the 1877 Plan of the Town of Occidental filed for record in Book 5 of Maps at Page 18, Official Records, Sonoma County Records (Vacation Petition Area). Staff verified that the County has a public right-of-way interest in the Vacation Petition Area. Following

a site visit to view the Vacation Petition Area and review of public records and application materials, staff determined that the Vacation Petition Area has been impassable for vehicular travel for a period of five (5) or more consecutive years. Staff also determined that no public money was expended for maintenance of this easement for a period of more than five (5) consecutive years because no road exists to have been maintained. Staff determined that the Vacation Petition Area does not contain in-place public facilities that are in use and would be affected by the vacation. The County no longer requires the Vacation Petition Area for public use. Additionally the proposed vacation of the right of way easement is consistent with the County's General Plan under Government Code Section 65402. Staff has determined it meets all required criteria under the Streets & Highways Code Section 8331.

**General Plan Consistency:**

The requested vacation is consistent with the General Plan, including its Land Use and Circulation and Transit Elements, because is not part of a street grid, does not connect to arterial streets and is not near parks, schools, or other public uses.

**CEQA Determination:**

Staff determined that the proposed 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 a potential for causing a significant effect on the environment. The proposed vacation would terminate a road easement that has not been used by the public for decades. 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. The Vacation Petition Area not been used as a public right-of-way for decades, there is no road there, and there is no prospective public use for the area, and no public utilities will be affected. 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 right-of-way easement. Staff recommends the Board approve the Petition.

The attached resolution will authorize the vacation of the Vacation Petition and be recorded with the County Recorder's office.

**Prior Board Actions:**

None

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 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

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:**

Att 1 RWV18-0002 Third Street, Oak Street, Washington Street and Spring Street Resolution

Att 2 RWV18-0002 Third Street, Oak Street, Washington Street and Spring Street Legal Description

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

N/A