



Legislation Text

File #: 2022-0020, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Gary O'Connor, (707) 565-4448

Vote Requirement: Majority

Supervisorial District(s): Fifth

Title:

1:30 PM -Right-of-Way Vacation for a portion of Church Street in Monte Rio; RWV21-0002

Recommended Action:

After close of public hearing, adopt a resolution (1) finding that the project is exempt from the California Environmental Quality Act (CEQA); and (2) ordering vacation of a portion of Church Street as first shown on the map of Breen's Addition to Monte Rio, Book 25 of Maps, Page 3, Sonoma County Records. (Fifth District)

Executive Summary:

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

Discussion:

The Permit and Resource Management Department (Permit Sonoma) received petitioner Michael Crilly's petition for Vacation of Public Easement/Public Right-of-Way (Petition) on April 26, 2021. The Petition requests that the Board vacate a portion of Church Street (Vacation Petition Area) that is adjacent to two parcels, APN 094-121-0006, -018 and APN 094-130-014. Exhibits A and B respectively, are general and specific location maps of the Vacation Petition Area which is near Monte Rio. The subject portion of Church Street requested to be vacated was created on the map of Breen's Addition to Monte Rio, Book 25 of Maps, Page 3, Sonoma County Records; however, the Vacation Petition Area is not maintained by the County.

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, 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 Church Street (Vacation Petition Area) was not being used by the public and there is no prospective public use. The County abandoned maintenance of the subject portion of the right-of-way that is subject to be vacated by the

Board.

Permit Sonoma 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.

Survey Staff referred the Petition to all County Departments and Public Agencies with a potential interest in the Vacation Petition Area, including the Department of Transportation and Public Works, Emergency Services, Law Enforcement, and Sonoma Water. 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.

Staff determined that the proposed general vacation is exempt from the CEQA, pursuant to the "general rule" 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. 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.

Staff conclude that the Board may make all of the required findings to approve the Petition. The Vacation Petition Area has never been used as a public right-of-way and there is no intended plan to use the Vacation Petition Area 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 the land not needed for public use to private ownership, thereby eliminating any potential County liability related to the subject portion of Church Street right-of-way.

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

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

Not Applicable