



Legislation Text

File #: 2022-0021, **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

Supervisory District(s): Fifth

Title:

1:35 PM -Right-of-Way Vacation for portions of Terrace and Rio Vista Roads in Monte Rio; RWV21-0001

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 a right-of-way easement adjacent to lots 3, 4, 6, 7, 8 and 9 of the Lands of Pharo as shown on the map entitled "Site Map". (Fifth District)

Executive Summary:

The application is a petition to vacate (permanently abandon) a portion of a public right-of-way easement adjacent to lots 3, 4, 5, 6, 7, 8 and 9 of the Lands of Pharo. Approval of the resolution would authorize the vacation. The vacation would be complete when County staff records the attached resolution

Discussion:

Permit Sonoma received Petitioner, Thomas Pharo's application (Petition) on January 29, 2021 for Vacation of Public Easement/Right-of-Way. The petition requests that the Board vacate the right-of-way (Vacation Petition Area). Exhibits A and B respectively, are general and specific maps of the Vacation Petition Area.

The subject right-of-way was dedicated on the map of River View Addition to Monte Rio, filed in Book 23 of Maps, Page 6, on April 10, 1907 and accepted by the Board of Supervisors.

The County owns several right-of-way easements adjacent to lots owned privately by the requestor, in the unincorporated County. A homeowner with property burdened by a right-of-way easement on their property has requested the County vacate a portion of the right-of-way easement on their property. The right-of-way vacation would add square footage to the adjacent parcels.

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: (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 the petitioner to determine the nature of the County's interest in the Vacation Petition Area, which is a landlocked portion of

land adjacent to lots 3, 4, 6, 7, 8 and 9 of the Lands of Pharo. Staff verified that the County has a public right-of-way interest in the Vacation Petition Area. Staff determined that the Vacation Petition Area has been impassable for vehicular travel for many years, and that no public money was expended for maintenance of this easement for a period of more than five (5) consecutive years, thus allowing for "Summary Vacation" as provided for in the California Streets and Highways Code. Additionally, and the County no longer requires the Vacation Petition Area for public use.

Permit Sonoma Comprehensive Planning Division staff conducted a field review to verify the facts presented in the petition.

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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 and there is no prospective public use.

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 vacation is exempt from 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.

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. 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, thereby eliminating any potential County liability related to the subject portion of right-of-way easement.

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: 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