



# COUNTY OF HUMBOLDT

For the meeting of: 1/30/2024

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File #: 24-87

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**Vote Requirement:** Majority

SUBJECT:

Resolution to Summarily Vacate a Portion of Undeveloped Knox Cove Road in McKinleyville

RECOMMENDATION(S):

That the Board of Supervisors:

1. Find that the proposed vacation is exempt from California Environmental Quality Act (CEQA) Guidelines pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15305 - "Minor Alterations in Land Use Limitations";
2. Adopt the attached resolution to summarily vacate a portion of Knox Cove Road in McKinleyville pursuant to California Streets and Highways Code Section 8331;
3. Direct the Clerk of the Board to record, via the Land Use Division of the Department of Public Works, a fully executed certified copy of the resolution in the Office of the County Recorder after APN 510-371-064 and APN 510-371-036 have been merged; and
4. Direct Public Works staff to file a Notice of Exemption finding that the Project is categorically exempt from environmental review pursuant California Environmental Quality Act (CEQA) Guidelines set forth in California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15305 - "Minor Alterations in Land Use Limitations" (Attachment 6).

SOURCE OF FUNDING:

Roads Division 1200-322 and 1200-331

DISCUSSION:

**SUMMARY**

The Humboldt County Department of Public Works ("Public Works") received a request from property owners Bob and Mary Bill to vacate a portion of undeveloped Knox Cove Road right of way in McKinleyville (Exhibits "A" and "B" in Attachment 1). If the proposed vacation is approved by the Board of Supervisors, the Bill's would then gain use of the area that was encumbered by the easement; subject to the reservation of a 10 foot wide Public Utility Easement for McKinleyville Community Services District.

The area proposed to be vacated was platted as Parcel "A" on Tract Map No. 254 for Knox Cove Unit No. 1, filed on May 14, 1986, in Book 18 of maps, pages 107 through 109, in the Office of the County Recorder. Parcel "A" was irrevocably dedicated to the County of Humboldt for future road purposes. The right of way was likely dedicated in anticipation that Kelly Avenue might one day connect to Bolier Avenue. This is no longer possible because the potential connection has been obstructed with the development of a house on APN 510-371-055. Due to the unlikelihood of the house being removed and a public road right of way acquired over APN 510-371-055, it is not likely that this connection would ever be constructed. In addition, due to the narrow nature of APN 510-371-055, establishment of a right of way through this parcel would likely eliminate any practical use of the property. Public Works does not believe that this connection is needed for circulation purposes. Therefore, Public Works supports the vacation as Parcel "A" serves no current purpose for the county, and there are no future plans to utilize this right of way.

The Bill's have recently obtained fee title to this unconstructed portion of right of way through a quiet title action. This has resulted in the assignment of a new Assessor Parcel Number, APN 510-371-064. Public Works has discussed this with the Planning & Building Department. Because of how the Bill's acquired underlying fee title interest in the right of way, it is necessary to merge the fee owned right of way (APN 510-371-064) with their adjacent property (APN 510-371-036). Otherwise, the vacation would result in the creation of a new parcel that could be independently developed. The properties have now been merged into a single parcel.

### **VACATION PROCEDURE**

The proposed vacation is being processed via the Summary Vacation Procedures authorized by California Streets and Highways Code Section 8331, which states that a legislative body of a local agency may summarily vacate an excess right of way of a street or highway if both of the following conditions exist:

- (a) for a period of five (5) consecutive years, the street or highway has been impassable for vehicular travel; and
- (b) no public money was expended for the maintenance of the street or highway during such period.

The Planning and Building Department has found the proposed vacation to be of a "minor" nature and therefore exempt from Resolution No. 72-69, which provides for the Planning Director to certify general plan conformance for acquisition, disposition and abandonment for street widening or alignment projects of a "minor" nature pursuant to Government Code Section 65402(a). The Planning and Building Department found that the vacation meets the exemption. (Attachment 2).

Public Works has notified the following entities regarding the vacation:

- Arcata Fire was notified due to potential effect on emergency response times should Arcata Fire have been anticipating that this connection would be made in the future. Arcata Fire does not object to the proposed vacation. (Attachment 3).

- The segment of Knox Cove Road right of way proposed for vacation is in the coastal zone. The California Coastal Commission has acknowledged the proposed vacation and has no conflict. (Attachment 4).
- Public Works notified Pacific Gas & Electric Company, Optimum (formerly Suddenlink), Verizon, McKinleyville Community Services District of the proposed vacation. The only utility to request other than a Public Utility Easement be reserved is McKinleyville Community Services District, which requested that an easement over the westerly ten (10) feet of the parcel be reserved. (Attachment 5).

No other public notification is required.

### **CEQA ANALYSIS**

The proposed vacation (project) extinguishes an existing easement. The vacation does not create a new parcel. The vacation restores rights to the underlying landowners, subject to any reservations made in the vacation. The restoration of rights to the underlying landowner changes where setbacks are measured from and allows for uses of the encumbered property that would otherwise be in conflict with the easement. Per CEQA, vacations and abandonments are classified as having a Class 5 Categorical Exemption pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15305. (Attachment 6).

#### **Section 15305 - Minor Alterations in Land Use Limitations**

Class 5 [categorical exemptions] consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

### **PUBLIC WORKS RECOMMENDATION**

Pursuant to Streets and Highways Code Section 8331, Public Works has reviewed the portion of Knox Cove Road right of way proposed for vacation and finds that it has been impassable for more than five (5) years; that no public money was expended for the maintenance on the said streets and alleys; and that the segment of Knox Cove Road is not in the County maintained road system. Additionally, Public Works finds that Arcata Fire and the California Coastal Commission do not object to the proposed vacation; that all Public Utility Easements requested by utility providers to be reserved have been reserved; and that pursuant to Resolution No. 72-69 the Planning & Building Department has determined that the proposed vacation qualifies for an Exemption from Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to GC 65402(a). Therefore, Public Works recommends that the Board of Supervisors approve the recommended action.

FINANCIAL IMPACT:

#### **Narrative Explanation of Financial Impact:**

All fees that cover the costs of staff time have been paid by the requesters. The funding to cover staff time related to the proposed vacation has been included in the approved fiscal year 2023-24 Road Fund Budget units 1200-322 and 1200-331.

**STAFFING IMPACT:**

**Narrative Explanation of Staffing Impact:**

This action will have no impact on staffing.

**STRATEGIC FRAMEWORK:**

This action supports the following areas of your Board's Strategic Framework.

Core Roles: Provide for and maintain infrastructure

New Initiatives: N/A

Strategic Plan: 2.1 - Improve transportation network to be properly-maintained, multi-modal and energy efficient (e.g. roads, trails, public transportation and commercial airline)

**OTHER AGENCY INVOLVEMENT:**

Planning and Building

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may choose not to adopt the attached resolution to summarily vacate a portion of Knox Cove Road that is not constructed. Not vacating the right of way preserves a non-county maintained public right of way. Abatement of nuisances on this right of way will continue to be the responsibility of County Code Enforcement pursuant to County Code Section 351-3.

**ATTACHMENTS:**

1. Resolution to Summarily Vacate
2. Exemption from Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to GC 65402(a)
3. Arcata Fire Correspondence
4. Coastal Commission Correspondence
5. Utility Company Correspondence
6. CEQA Notice of Exemption

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A

File No.: N/A