



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 23-1024 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 7/11/2023 **In control:** Public Works
On agenda: 8/8/2023 **Final action:** 8/8/2023

Title: Resolution to Summarily Vacate a Portion of the Public Utility Easement Adjacent to Kristen Way in McKinleyville

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1 - Resolution to Summarily Vacate Public Utility Easement Kristen Way [1.0 MB], 3. Attachment 2 - Utility Letters [1.0 MB], 4. Attachment 3 - Planning and Building [1.0 MB], 5. Attachment 4 - Parcel L [1.0 MB], 6. Attachment 5 - CEQA Notice of Exemption [1.0 MB], 7. Resolution No. 23-115.pdf

Date	Ver.	Action By	Action	Result
8/8/2023	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Resolution to Summarily Vacate a Portion of the Public Utility Easement Adjacent to Kristen Way 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, Division 6, Chapter 3, Section 15305 - "Minor Alterations in Land Use Limitations";
2. Adopt the attached resolution to summarily vacate a portion of a public utility easement adjacent to Kristen Way in McKinleyville pursuant to California Streets and Highways Code Section 8333(c) (Attachment 1);
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 Humboldt County

Recorder; 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 5).

SOURCE OF FUNDING:

Roads Division 1200-322 and 1200-331

DISCUSSION:

The Humboldt County Department of Public Works ("Public Works") received a request from property owner Mervin Russel Jones Jr. to vacate a portion of an existing public utility easement fronting Kristen Way in McKinleyville to facilitate development on their property. The area proposed to be vacated is a five-foot (5) wide portion of the twenty-five (25) foot Public Utility Easement, shown as Parcel "J" on Tract No. 388, filed in Book 20 of Maps, pages 96-98.

This vacation is being processed under Section 8333(c) of the California Streets and Highways Code. The code states a legislative body of a local agency may summarily vacate a public service easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

Public Works notified the following entities regarding the vacation:

- McKinleyville Community Services District (MCSD) has facilities within the existing 25-foot-wide easement, but not within the area proposed for vacation. MCSD agreed to reduce the easement to the requested 20-foot width as that width is sufficient for their needs. In November 2022, MCSD Quitclaimed Parcel "J" and re-recorded a 20-foot easement (Attachment 2).
- Pacific Gas and Electric (PG&E) has no facilities in the easement (Attachment 2).
- Public Works sent Optimum Communications a letter dated May 2, 2023, to confirm if an easement is needed. As of June 1, 2023, Public Works has not received a response and has deemed Optimum Communications as non-responsive.
- AT&T has no facilities in the easement (Attachment 2).

No easement reservations are necessary. No other public notification is required.

The Planning and Building Department has found the proposed vacation does not conflict with the requirements of the subdivision map and the summary vacation is in conformance with the Humboldt County General Plan. (Attachment 3)

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. Vacations and abandonments are properly classified as having a Class 5 Categorical Exemption pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15305. (Attachment 5).

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 8333(c), Public Works has reviewed the portion of the public utility easement proposed for vacation and finds that easement is in excess and that no public facilities are located within the area proposed for vacation. Additionally, Public Works finds that MCSD, PG&E and AT&T do not object to the proposed vacation; that there is no public utility infrastructure in the area to be vacated; that no public utility easements need to be reserved for utility providers; and the Planning and Building Department has found that the vacation does not conflict with the requirements of the subdivision map and the vacation is in conformance with the Humboldt County General Plan. Therefore, Public Works recommends that the Board of Supervisors approve the recommended action.

FINANCIAL IMPACT:

Expenditures (Fund, Budget Unit)	FY22-23 Adopted
Budgeted Expenses	\$ 3,347
Total Expenditures	\$3,347
Funding Sources (Fund, Budget Unit)	FY22-23 Adopted
Fees/Other	\$3,347
Total Funding Sources	\$3,347

**Projected amounts are estimates and are subject to change.*

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 was included in the approved fiscal year 2022-23 Road Fund Budget unit 1200-322 and 1200-331. As a result, the recommended actions will not impact the

Humboldt County General Fund.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

No staffing impact is expected.

STRATEGIC FRAMEWORK:

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

Core Roles: Provide for and maintain infrastructure

New Initiatives: Provide community-appropriate levels of service

Strategic Plan: N/A

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to adopt the attached resolution to summarily vacate 5-foot portion of the 25-foot public utility easement. However, this alternative is not recommended since not vacating would hinder the landowners' ability to further develop their property.

ATTACHMENTS:

1. Resolution to Summarily Vacate a portion of the Public Utility Easement adjacent to Kristen Way in McKinleyville
2. Utilities verification letters
3. Planning and Building verification letter
4. Parcel "L"
5. CEQA Notice of Exemption

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A