



COUNTY OF HUMBOLDT

For the meeting of: 6/2/2026

File #: 26-404

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Resolution to Summarily Vacate the Easterly Portion of 1st Avenue in West Haven

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" and direct Public Works staff to sign the Notice of Exemption finding that the Project is categorically exempt from environmental review (Attachment 5); and
2. Adopt the attached resolution to summarily vacate a portion of 1st Avenue in West Haven pursuant to California Streets and Highways Code Section 8331(a) and (b); and
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.

STRATEGIC PLAN:

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

Area of Focus: Core Services/Other

Strategic Plan Category: 9999 - Core Services/Other

DISCUSSION:

SUMMARY

The Humboldt County Department of Public Works received a request from property owners Michael and Debra Berry to vacate an undeveloped portion of 1st avenue in West Haven, California shown on Exhibit B. The Berry's own all of the lots surrounding that portion of 1st Avenue to be vacated (Attachment 6). Under Streets and Highways Code Section 8331(a) and (b), such action must be approved by the Board of Supervisors. If the proposed vacation is approved by the Board of Supervisors, Mr. Berry would then gain the setback that is required by the County of Humboldt in order to install a leach field and septic system. The purpose of the request is to facilitate development on their property. The area proposed to be vacated is approximately the easterly 240 feet of 1st avenue in West Haven illustrated on the map of West Haven, in Section 31, Township 8 North, Range 1 East, Humboldt Meridian, filed in Book 11 of Maps, pages 19 through 21, in the Office of the Humboldt County Recorder. While the right of way proposed for vacation connects to APN 514-101-005, this property also fronts other undeveloped roads (Spruce Avenue and Cedar Avenue) from which access could be developed. It is the Berry's responsibility to ensure that APN 514-101-005 has adequate access; either by taking

access from Spruce Avenue/Cedar Avenue, or through an easement to be created across one of their other properties.

VACATION PROCEDURE

This vacation is being processed under Section 8331 of the California Streets and Highways Code. The Code states a legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist:

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

Public Works notified the following entities regarding the vacation:

- AT&T has no request or objections to the proposed vacation (Attachment 2).
- West Haven Community Services District has no request or objections to the proposed vacation (Attachment 2).
- Humboldt County Sheriff has no request or objections to the proposed vacation (Attachment 2).
- Optimum has no request or objections to the proposed vacation (Attachment 2).
- Pacific Gas and Electric (PG&E) has no request or objections to the proposed vacation (Attachment 2).
- West Haven Fire Department has no request or objections to the proposed vacation (Attachment 2).
- The California Coastal Commission has acknowledged the proposed vacation and has no conflict (Attachment 2).

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 Act 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. 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 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 8331, Public Works has reviewed the portion of 1st Avenue 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 highways; and that the segment of 1st Avenue is not in the County maintained road system. Additionally, Public Works finds that AT&T, West Haven Community Services District, West Haven Fire Department, Humboldt County Sheriff, Optimum, PG&E, and the California Coastal Commission do not object to the proposed vacation; 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.

SOURCE OF FUNDING:

Roads Division 1200-322

FINANCIAL IMPACT:

Narrative Explanation of Financial Impact:

All fees that cover the costs of staff time have been paid by the requesters.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

No staffing impact is expected.

OTHER AGENCY INVOLVEMENT:

None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The board may choose not to adopt the attached resolution to summarily vacate the 240 foot public road easement. However, this is not recommended since the right of way serves only properties that are owned by the applicant, and prohibits the applicant from best utilizing their properties. The right of way proposed for vacation is not part of a general plan circulation route. Public Works does not foresee that any road infrastructure within the area proposed for vacation would be needed to the serve the general public. Retention of an unnecessary and undeveloped public road easement may contribute towards illegal dumping and illegal camping.

ATTACHMENTS:

1. Resolution to Summarily Vacate a portion of 1st Avenue in West Haven
2. Utilities letters
3. Exemption From Planning Commission Report
4. Exhibits "A" (legal description) and "B" (plat)
5. CEQA Notice of Exemption
6. Property Diagram

PREVIOUS ACTION/REFERRAL:

Meeting of: N/A

File No.: N/A