

Notice of Exemption

To: County Clerk
County of Humboldt

From: (Public Agency): Humboldt County Public Works
1106 Second Street
Eureka, CA 95501

Lead Agency (if different from above):

Contact: Bob Bronkall, County Surveyor

Address:

Email: bbronkall@co.humboldt.ca.us

Phone: 707-445-7205

Assessor Parcel Number: APN 508-360-019

Record ID: N/A

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

Project Applicant: Humboldt County Public Works Department

Project Location - Specific: 1629 Kristen Way, McKinleyville, CA
Section 8, Township 6 North, Range 1 East, H.B.M.

Project Location – City: McKinleyville

Project Location - County: Humboldt

Description of Nature, Purpose and Beneficiaries of Project:

The Humboldt County Department of Public Works received a request from property Mervin Russell Jones Jr. to vacate a 5-foot-wide section of the existing 25-foot-wide public utility easement adjacent to Kristen Way in McKinleyville. Under Streets and Highways Code Section 8333, such action must be approved by the Board of Supervisors. If the proposed vacation is approved by the Board of Supervisors, Mr. Jones would then gain use of the area that was encumbered by the easement. The purpose of the request is to facilitate development on their property. The area proposed to be vacated was platted as Parcel "J" on Tract Map No. 388, filed on October 6, 1992, in Book 20 of Maps, pages 96-98, in the Office of the County Recorder.

Public Works contacted utility providers to find out which providers have facilities within the area proposed for vacation and if the utility companies support the proposed vacation. McKinleyville Community Services District (MCSD) has facilities within the existing 25-foot-wide easement, but not within the area proposed for vacation. McKinleyville Community Services District agreed to reduce 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. Pacific Gas and Electric (PG&E) and AT&T have no facilities in the easement. Public Works sent Optimum Communications a letter dated May 2, 2023, to confirm if an easement is requested. As of June 1, 2023, Public Works has not received a response and has deemed Optimum Communications as non-responsive. No easement reservations are necessary. 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.

Name of Public Agency Approving Project: Humboldt County

Name of Person or Agency Carrying out Project: Humboldt County Public Works Department

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: **15305**
- Statutory Exemptions. State code number:

Reasons why project is exempt:

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, Chapter 3, Section 15305.

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.

Lead Agency Contact Person: Bob Bronkall
Code/Telephone/Extension: (707) 445-7205

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____
Revised 2011