



# COUNTY OF HUMBOLDT

For the meeting of: 4/23/2024

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File #: 24-704

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**

Resolution to Summarily Vacate the Northerly 100 Feet of the Unnamed Alley lying West of Block 1 and South of Sydney Court (formerly Sea Avenue) as Shown on the Map of Argyle Park Recorded at Book 8 of Maps, Page 42 Humboldt County Records, Situated in the Southeast Quarter of the Southeast Quarter of Section 33, Township 5 North, Range 1 West, Humboldt Meridian

**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);
2. Adopt the attached resolution to summarily vacate a portion of the unnamed alley pursuant to California Streets and Highways Code Section 8333(c) (Attachment 1); 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.

**SOURCE OF FUNDING:**

Road Fund (1200-322)

**DISCUSSION:**

The Humboldt County Department of Public Works ("Public Works") received a request from property owner Robert Lima to vacate a portion of the unnamed alley shown on Exhibit B to allow property owner to obtain the setback that is required by the County of Humboldt and thereby enable the building of the planned Accessory Dwelling Unit (ADU). The area proposed to be vacated is a ten-foot (10) wide portion of the unnamed alley, shown in Exhibit "B", filed in Book 8 of Maps, page 42 Section 33 township 5 north, range 1 west, Humboldt Meridian.

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 The Code states a legislative body of a local agency may summarily vacate a public service easement that has been superseded by relocation, or determined to be excess by the easement holder, and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:

- AT&T has no request or objections to the proposed Alley vacation (Attachment 2).
- Humboldt Bay Fire has no request or objections to the proposed Alley vacation (Attachment 2).
- Humboldt County Sheriff has no request or objections to the proposed Alley vacation (Attachment 2).
- Optimum has no request or objections to the proposed Alley vacation (Attachment 2).
- Pacific Gas and Electric (PG&E) has no request or objections to the proposed Alley vacation (Attachment 2).
- Humboldt Community Services District (HCSD) has utility infrastructure within the portion of the right of way to be vacated. HCSD requests reserving an easement for sanitary sewer purposes, and all uses and appurtenances incidental thereto in, over, under, on, upon, and across the area described in Exhibit "A" (legal description) and shown on Exhibit "B" (plat).

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. 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 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, with the exception of HCSD, no public facilities are located within the area proposed for vacation. Public Works finds that AT&T, Humboldt Bay Fire, Humboldt County Sheriff, Optimum and PG&E do not object to the proposed vacation; HCSD has public utility infrastructure in the area to be vacated and asks for reservations; 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:**

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 2023-2024 Road Fund budget unit, 1200-322.

**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:**

Planning & Building Department

County Recorder

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may choose not to adopt the attached resolution to summarily vacate 10-foot public utility easement. However, this alternative is not recommended since not vacating would hinder the landowner’s ability to further develop their property.

**ATTACHMENTS:**

1. Resolution to Summarily Vacate a portion of the unnamed alley
2. Utilities letters
3. Exemption From Planning Commission Report
4. Exhibits “A” (legal description) and “B” (plat)
5. CEQA Notice of Exemption

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A

File No.: N/A