KERN COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Board of Supervisors

STAFF REPORT

Date: September 1, 2015

FILE: 151-35 3 098
Streets and Highways
S.D.: #2 - Scriver

TITLE: Streets and Highways - Nonsummary Vacation - Map No. 151

PROPOSAL: A nonsummary vacation of a portion of Katrina Street as it exists between Phillips Road and Rose Avenue in the Mojave area

APPLICANT: Los Angeles Department of Water and Power

LOCATION: Between Phillips Road and Rose Avenue, approximately one mile west of State Route 14 in the Mojave area

PROJECT ANALYSIS: The Kern County Planning and Community Development Department has been petitioned by the Los Angeles Department of Water and Power to vacate a portion of Katrina Street in the Mojave area. Surrounding properties are zoned A-1 (Limited Agriculture) and are undeveloped with the exception of the Los Angeles Department of Water and Power transmission lines to the west.

Proposed Project
The applicant is requesting approval of a nonsummary vacation of a portion of Katrina Street as it exists between Phillips Road and Rose Avenue in the Mojave area. Katrina Street is an unpaved local street that has not been accepted or incorporated into the County road system. The street was created with the recodation of Parcel Map 6145, which recorded on the 31st day of October 1985, in Book 32 of Parcel Maps at Page 122.

The applicant asserts they are in the process of developing a new 230 kV double-circuit transmission line from the Los Angeles Department of Water and Power's Barren Ridge Switching Station to the Haskell Canyon Switching Station. The applicant states steel lattice towers will be constructed on the existing alignment of Katrina Street within a 310-foot-wide transmission line right-of-way. This portion of Katrina Street was granted to the Los Angeles Department of Water and Power per Document No. 021531478, which recorded on March 19, 2015, for the purpose of developing the new transmission line.

Comments Received
During the processing of this request, Staff notified local agencies, County departments, utility companies, and property owners who could be affected by the applicant’s request. As of this writing, Staff has received one comment letter.

- Comments were received from the Kern County Public Works Department/Development – Development Review recommending that a private access easement will be recorded to ensure legal access is maintained for all parcels along the subject alignment.

Staff concurs with the Public Works Department of the need to ensure continued access to all affected properties. Should your Board approve the request, Staff is recommending approval be subject to the recommended stipulations. In doing so, assurances will be provided that the
affected properties will not lose their means of legal access and affirm the request complies with the applicable provisions of the California Streets and Highways Code.

Environmental Review
In reviewing the proposal, Staff considered the applicable provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Pursuant to Section 15061(b)(3) of the CEQA Guidelines, a project is exempt from CEQA if the activity is covered by the general rule that CEQA only applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Based upon the information contained in the record to date, evaluation of the project does not require the preparation and review of an environmental document.

Conclusion
The California State Streets and Highways Code defines a vacation as the complete or partial abandonment or termination of the public right to use a street, highway, or easement. Properly conditioned, that portion of Katrina Street proposed to be vacated would not eliminate access to any affected parcels. Staff notes this segment of Katrina Street is not maintained by the County and based upon the lack of comments to the contrary, it would also appear the referenced easement is not necessary for use by pedestrians, bicycles, or equestrian uses. Consequently, approval of the vacation request would be in conformance with Section 892 of the California Streets and Highways Code and Section 8324 of that Code which states your Board may adopt a resolution to vacate an easement that has been found to be unnecessary for present or prospective public use.

Based on the foregoing evaluation, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends approval of the vacation request, subject to:

(a) Ex specting and reserving public utility easements for any existing utilities.
(b) Recordation of a private access easement for the benefit of Assessor’s Parcel Numbers 461-200-06, 461-200-07, 461-200-10, 461-200-11, 461-200-12, and 461-200-13.

Reserving and excepting necessary public utility easements for any existing utilities from this vacation action is consistent with Section 8340 of the Streets and Highways Code and will assure utility agencies adequate access to existing facilities will be retained. Providing a private access easement will ensure the present means of access to Assessor’s Parcel Numbers 461-200-06, 461-200-07, 461-200-10, 461-200-11, 461-200-12, and 461-200-13 is maintained.

PUBLIC INQUIRY OR CORRESPONDENCE: Kern County Public Works Department/Development – Development Review

CEQA ACTION: Environmental Review: General Rule, Section 15061(b)(3)

DEPARTMENT RECOMMENDATION: Adopt resolution and recommended findings approving nonsummary vacation, excepting and reserving an easement for existing utilities, to be recorded upon written verification from the Kern County Planning and Community Development Department to the Clerk of the Board which states that an acceptable private access easement has been recorded for the benefit of Assessor’s Parcel Numbers 461-200-06, 461-200-07, 461-200-10, 461-200-11, 461-200-12, and 461-200-13, with the form and content of the easement document approved by the County Surveyor.
BASIS FOR APPROVAL AND RECOMMENDED FINDINGS:

(1) Pursuant to Section 8324 of the California Streets and Highways Code, this Board hereby determines that this portion of Katrina Street is unnecessary for present or prospective public use.

(2) This Board hereby determines that this portion of Katrina Street is not necessary for use by pedestrians, bicycles, or equestrians; therefore, the vacation is in accordance with Section 892 of the California Streets and Highways Code.

(3) Approval of the requested vacation as recommended is consistent with the Circulation Element of the Kern County General Plan.

(4) Recordation of acceptable private access rights established for the benefit of Assessor's Parcel Numbers 461-200-06, 461-200-07, 461-200-10, 461-200-11, 461-200-12, and 461-200-13 will ensure that legal access to the referenced properties is maintained.

(5) Reserving and excepting necessary public utility easements for any existing utilities for this vacation action pursuant to Section 8340 of the Streets and Highways Code will assure utility agencies that adequate access to existing utilities will be retained.

(6) With recordation of acceptable private access rights established for the benefit of Assessor's Parcel Numbers 461-200-06, 461-200-07, 461-200-10, 461-200-11, 461-200-12, and 461-200-13, approval of the requested vacation as recommended will not adversely affect adjacent properties.

(7) Under General Rule, Section 15061(b)(3) of the State CEQA Guidelines, there is no possibility that the activity in question may have a significant effect on the environment and, therefore, is not covered by the requirements set forth in the California Environmental Quality Act and the State CEQA Guidelines concerning the evaluation of projects and the preparation and review of environmental documents.

SFD:PT:sc

Attachments
Nonsummary Vacation, Map 151
To: Lorelei Oviatt, Director  
Planning and Community Development Department  
Attn: Patricia Thomsen, Planner 2  

From: Warren D. Maxwell, Transportation Development Engineer  
Public Works Department  

Subject: 7-3.5 Non-Summary Vacation - Map 151 (Between Phillips Road and Rose Avenue, approximately one mile west of State Highway 14, Mojave area)  

This Department has reviewed the subject project and is recommending approval with the condition that a private access easement will be recorded to ensure that legal access is maintained for all parcels along this alignment.  

Thank you for the opportunity to comment on this project. If you have any questions or comment, please contact Bruce Gray of this Department.