

ATTACHMENT 4:
GOVERNMENT CODE SECTION
No. 65402 FINDING



PLANNING COMMISSION STAFF REPORT

CITY OF YORBA LINDA

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JUNE 23, 2021

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

BY: GREG REHMER, SENIOR PLANNER

SUBJECT: GOVERNMENT CODE SECTION NO. 65402 FINDING RE: VACATION OF DRAINAGE EASEMENTS ON PROPERTY ADDRESSED AS 6022 SHORT STREET BY THE CITY OF YORBA LINDA

APPLICANT: CITY OF YORBA LINDA
4845 Casa Loma Avenue
Yorba Linda, CA 92886

CEQA STATUS: Not a "project" per Title 14 CCR §15387(b)(3); CEQA is not applicable per Title 14 CCR §15061(b)(1)

RELATED ITEMS: None

LOCATION: Residential property addressed as 6022 Short Street, located on the northeast side of Short Street, northwest of Kellogg Drive, within the RS (Residential Suburban) zone.

REQUEST: General Plan Conformity Finding

PROJECT DATA

APNs: 343-522-10
General Plan: Medium Residential
Zoning: RS (Residential Suburban)

BACKGROUND

The City Council is considering adoption of a resolution to vacate an existing easement along the north and east side of the property addressed as 6022 Short Street. This

easement serves to convey runoff from the private slope associated with this property to an abandoned v-ditch (see attached vicinity map and aerial photograph for specific locations). The easement has been identified by the Engineering Division as having no use for the originally intended easement for storm drain purposes.

State Government Code 65402 stipulates that prior to the disposal of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the disposition is in conformance with the adopted General Plan of the local jurisdiction. Therefore, the proposed vacation of the aforementioned drainage easements is being submitted to the Planning Commission for determination as to the conformity of said real property disposition with the City of Yorba Linda General Plan, prior to final City Council action to vacate the easements.

FINDINGS

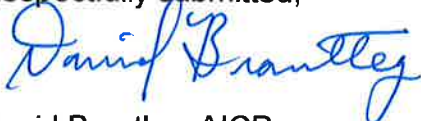
The Yorba Linda General Plan includes policy guidance aimed at ensuring adequate public infrastructure is provided for stormwater conveyance purposes, among other public utilities and services, through required dedications of rights-of-way and/or easements for public utility purposes (refer to Goal LU-5 and Policies 5.1 and 5.2 of the Land Use Element of the General Plan). The subject drainage easement has been determined by the City Engineer to reflect characteristics of an easement/facility that is typically maintained by the private property owner, not the City. Relinquishment of this easement from public ownership, therefore, would return full ownership, maintenance, and administrative responsibility to the private property owner(s) of the underlying fee simple property interest for their sole benefit. The proposed abandonment of public ownership of the subject drainage easements would be consistent with the typical configuration for facilities of this type, i.e., private ownership and administrative responsibility.

Therefore, the proposed vacation of the subject drainage easements will conform to the Yorba Linda General Plan, as required by State Government Code Section No. 65402.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution finding that the proposed vacation of the subject drainage easements conforms to the Yorba Linda General Plan, as required by State Government Code Section No. 65402.

Respectfully submitted,



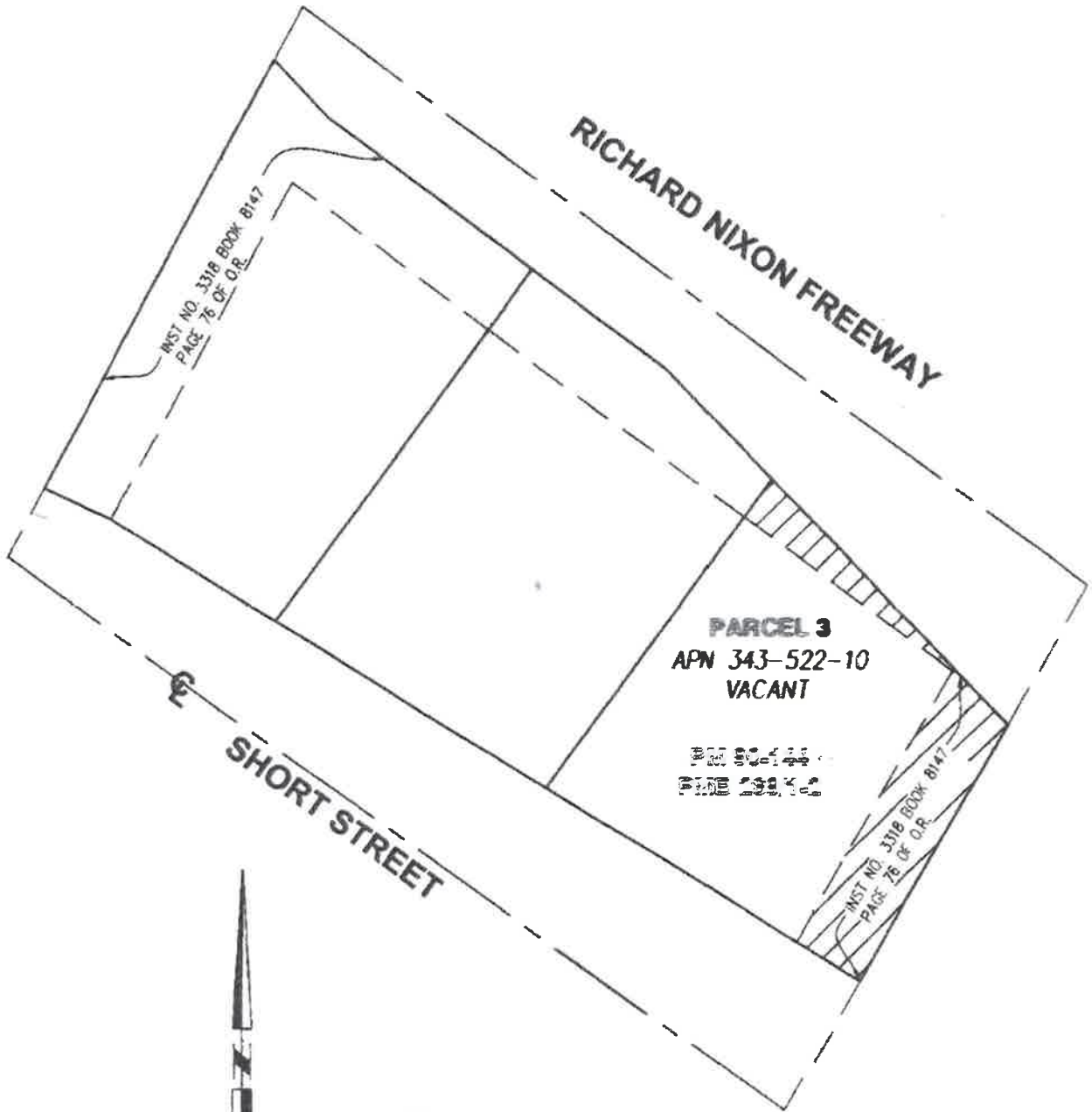
David Brantley, AICP
Director of Community Development

Planning Commission Staff Report
65402 Finding – Short Street Drainage Easement Vacation
June 23, 2021
Page -3-

Attachments:

- 1) Vicinity map and aerial photograph
- 2) Resolution

Property Exhibit





Google Earth

Short St

BUS / BUS

HEAD AHEAD

© 2021 Europa Technologies
© 2021 Google

100 ft



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA DETERMINING GENERAL PLAN CONFORMITY PURSUANT TO REQUIREMENTS OF STATE GOVERNMENT CODE SECTION 65402 FOR VACATION OF DRAINAGE EASEMENT ON PROPERTY ADDRESSED AS 6022 SHORT STREET.

WHEREAS, the City of Yorba Linda is proposing to vacate an existing drainage easement within a residential property addressed as 6022 Short Street, located on the northeast side of Short Street, northwest of Kellogg Drive, within the RS (Residential Suburban) zone; and,

WHEREAS, State Government Code Section 65402 stipulates that prior to the disposition of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the disposition of said real property is in conformance with the adopted General Plan of the local jurisdiction; and,

WHEREAS, this matter is not considered a "project" pursuant to the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, as this project involves no repeal, amendment, or adoption of all or any part of the land use planning policy documents as specified in Section 18.01.020 of the Yorba Linda Municipal Code, this project is exempt from the provisions of Chapter 18.01 of the Yorba Linda Municipal Code, also known as the "Yorba Linda Right-to-Vote Amendment;" and,

WHEREAS, this matter was considered by the Yorba Linda Planning Commission at a regular meeting on June 23, 2021; and,

WHEREAS, after consideration of the staff report and all of the information, testimony, and evidence presented at the Planning Commission meeting, the Yorba Linda Planning Commission DOES HEREBY FIND as follows:

- A. The purpose of the proposed disposition of the subject property by the City of Yorba Linda is to accommodate the property owner's desire to utilize the easement area in order to better enjoy their property, while also eliminating City responsibility for maintenance of the easement area that is no longer used as originally intended, consistent with current City policy.
- B. The Yorba Linda General Plan includes policy guidance aimed at ensuring adequate public infrastructure is provided for stormwater conveyance purposes, among other public utilities and services, through required dedications of rights-of-way and/or easements for public utility purposes (refer to Goal 5 and Policies 5.1 and 5.2 of the Land Use Element of the General Plan). The subject drainage

easement has been determined by the City Engineer to be unnecessary for its intended purpose. Therefore, abandonment of the subject easement would not be inconsistent with the Yorba Linda General Plan. Upon vacation of the easement area, responsibility for maintaining the area would transfer to the private property owner.

NOW THEREFORE BE IT RESOLVED that the Yorba Linda Planning Commission does hereby determine that the proposed vacation of the subject drainage easement area would be in conformance with the Yorba Linda General Plan, as required by State Government Code Section No. 65402.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Yorba Linda on June 23, 2021.

MICHAEL MASTERSON
CHAIRMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a special meeting of the Yorba Linda Planning Commission on June 23, 2021, and carried by the following roll call vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

STEVEN K. HARRIS, AICP
SECRETARY TO THE PLANNING COMMISSION