

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

February 9, 2021

FROM

BRENDON BIGGS, Director, Department of Public Works – Transportation

SUBJECT

Public Hearing to Terminate Road Maintenance and Schedule a Public Hearing to Consider a Vacation of Walnut Street, Bloomington Area

RECOMMENDATION(S)

1. Conduct a public hearing on the proposed termination of road maintenance on Walnut Street, from Slover Avenue southerly to Otilla Street, approximately 0.06 miles, hereinafter referred to as the “terminated limits.”
2. Find that the proposed termination of road maintenance on Walnut Street within the terminated limits and the potential vacation of a public road easement over the portion of Walnut Street immediately between Otilla Street and Slover Avenue are exempt actions under Sections 15060(c)(2) and 15305 of the California Environmental Quality Act Guidelines, and direct the Clerk of the Board to file and post the Notice of Exemption.
3. Adopt **Resolution No. 2021-14** terminating the road maintenance of Walnut Street within the terminated limits declaring that:
 - a. it is unnecessary for the public convenience based upon the fact that traffic is intermittent and of low volume and does not provide primary access to occupied properties;
 - b. it shall no longer be maintained by the County; and
 - c. is removed from the County Maintained Road System.
4. Direct the Clerk of the Board to forward a copy of the Resolution to the Department of Public Works to be recorded in the official records in the Office of the County Assessor-Recorder-County Clerk.
5. Schedule a public hearing for Tuesday, March 9, 2021, to consider vacating the terminated limits, pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code (commencing at Streets and Highways Code section 8300).
6. Direct the Clerk of the Board to cause the publishing and posting of the notices as required by Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code.

(Presenter: Brendon Biggs, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this action will not result in the use of Discretionary General Funding (Net County Cost). Minor administrative costs associated with updating the Department of Public Works

**Public Hearing to Terminate Road Maintenance and Schedule a Public Hearing to Consider a Vacation of Walnut Street, Bloomington Area
February 9, 2021**

(Department) records will be funded by Gas Tax revenue. Sufficient appropriation is available in the Department's 2020-21 Road Operations budget.

BACKGROUND INFORMATION

Adoption of this resolution will terminate the County's maintenance of Walnut Street within the terminated limits, as the road is not necessary for public convenience and the adjacent property owners are in support of the proposed termination of road maintenance and the future action to vacate the public road right-of-way.

The Highway Planning Technical Committee (HPTC) met on October 30, 2019 due to a request by Thienes Engineering, on behalf of Alere Property Group (Alere), to vacate Walnut Street from Slover Avenue to Otilla Street. Alere has a contract purchase agreement with one of the affected property owners and is in the permit approval process (CUP2017-00560) for the development of an approximately 258,000 square feet warehouse on 12.9 acres on the south side of Slover Avenue at Cactus Avenue. The HPTC recommended to approve the request to vacate the individual section of Walnut Street, as it is not a through street and has two other nearby existing north and south public through streets currently utilized by the public and accepted and maintained by the County (Spruce Avenue and Cactus Avenue). The portion of Walnut Street, just south of Slover Avenue to approximately 317 feet north of Otilla Street, is impassable and not serving the general public as a public roadway, and the portion from Otilla Street north approximately 317 feet north, is not a through street and only services two single family residences as secondary access to their properties.

In accordance with Section 954.5(a) of the Streets and Highways Code, County Policy No. 12-32 and County Standard Practice No. 12-32 SP1, the Board of Supervisors (Board) may terminate maintenance of any County roadway if it finds that the road is unnecessary for public convenience based upon the road having traffic that is intermittent and the of low volume and certain other facts, including, but not limited to, the fact that the County roadway does not provide the primary access to occupied properties. The Average Daily Traffic (ADT) threshold for low volume roads in the Manual on Uniform Traffic Control Devices is 400 or less daily vehicle trips.

Based on the Department's investigation of the subject maintenance limits of Walnut Street the Department found them to be unnecessary for public convenience due to the fact that traffic is intermittent and of low volume and it does not provide primary access to occupied properties. In addition, the adjacent property owners are in support of the proposed termination of road maintenance.

Pursuant to Section 954.5(b) of the Streets and Highways Code, a public hearing must be convened in order for the Board to consider the evidence submitted at the hearing and to make the above-described finding. Further, this section of the Streets and Highways Code requires that a notice of the hearing be mailed to the owner of any property served by the County highway subject to the termination of maintenance. Finally, this section of the Streets and Highways Code requires the posting of at least three notices of the public hearing at least two weeks before the hearing.

Notice of this public hearing was mailed by the Department to adjacent property owners. Also, at least two weeks before this hearing, the Department posted on the subject portion of Walnut

**Public Hearing to Terminate Road Maintenance and Schedule a Public Hearing to Consider a Vacation of Walnut Street, Bloomington Area
February 9, 2021**

Street three notices of the public hearing in compliance with Sections 954.5(b) and 8323 of the Streets and Highways Code.

If a determination is made that maintenance is no longer necessary, the Department will post a sign(s) that are clearly visible from the traveled highway for a period of one year that indicates the highway is no longer maintained by the County.

By removing roads from the County Maintained Road System (CMRS) that are not necessary for public convenience, the Department is able to focus resources on roads that are necessary for public convenience and thus operate in a fiscally-responsible and business-like manner.

Environmental staff of the Department has reviewed this project and has determined that a categorical exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Title 14 of the California Code of Regulations, Section 15305 is appropriate. This exemption allows for minor alterations in land use limitations which do not result in any changes in land use or density. In addition, the project is exempt from CEQA under CEQA Guidelines section 15060(c)(2) as the vacation will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Based on the Department's investigation of the terminated limits of Walnut Street, the Department is recommending that the Board also schedule a public hearing to consider vacating the public road easement for Walnut Street between Slover Avenue and Otilla Street pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code. The Department intends to present evidence at the public hearing to show that this public road easement for Walnut Street between Slover Avenue and Otilla Street is unnecessary for present or prospective public use.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on January 15, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on January 20, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on January 24, 2021.

**Public Hearing to Terminate Road Maintenance and Schedule a Public Hearing to Consider a Vacation of Walnut Street, Bloomington Area
February 9, 2021**

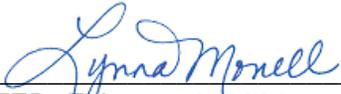
Record of Action of the Board of Supervisors
County of San Bernardino

Hearing Opened
Public Comment: None
Hearing Closed

APPROVED

Moved: Joe Baca, Jr. Seconded: Janice Rutherford
Ayes: Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Col. Paul Cook (Ret.)

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: February 9, 2021



cc: PW-Biggs w/ NOE, Rec. & Resolutions for recording
File - Transportation w/ attachments

JLL 02/10/2021