

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.51
(ID # 20087)

MEETING DATE:

Tuesday, January 10, 2023

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adoption of Resolution No. 2023-008, Summarily Vacating Public Utility Easement (Pioneer Court), together with the Right of Ingress and Egress for Emergency Vehicles, in the Winchester area, CEQA exempt per State CEQA Guidelines sections 15060(c) and 15061(b)(3), District 3. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that Vacation of Public Utility Easements (Pioneer Court) in the Winchester area is exempt from CEQA pursuant to Sections 15060 (c) (not a project under CEQA), and 15061 (b)(3) (Common Sense Exemption) of the State CEQA Guidelines;
2. Adopt Resolution No. 2023-008, Vacation of Public Utility Easement (Pioneer Court) in the Winchester area;
3. Direct the Clerk of the Board to deliver the Notice of Exemption to the Office of the County Clerk for filing within five (5) working days of this Board hearing; and
4. Direct the Clerk of the Board to cause a certified copy of this resolution to be recorded in the office of the Recorder of the County of Riverside, California.

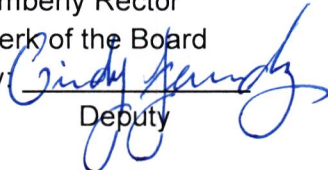
ACTION:Policy


Mark Lancaster, Director of Transportation 12/22/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: January 10, 2023
xc: Trans., Recorder

Kimberly Rector
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Applicant Fees 100% No General Fund will be used.			Budget Adjustment: N/A	
			For Fiscal Year: 2022/2023	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Pioneer Court is retained as a private street as well as dedicated for public use by easements for public utility purposes together with the right of ingress and egress for emergency vehicles, as shown on Parcel Map No. 35983 on file in Book 229, Pages 80 through 82, inclusive, of Parcel Maps, recorded September 22, 2009, records of the Recorder of the County of Riverside, California.

The applicant is requesting the Vacation of Public Utility Easement (Pioneer Court) together with the right of ingress and egress for the emergency vehicles, in the Winchester area. The applicant proposed to subdivide the 80-acre area into 168 lots. The applicant owns all property affected by this vacation.

Pioneer Court is a non-county, private street, and not part of the Circulation Element of the General Plan. This vacation will not eliminate access to any parcel. The applicant has provided Vacation/Abandonment Approval letters from the local utility companies. The Transportation Department has reviewed this vacation and has no objections.

Pursuant to California Streets and Highways Code Section 8334(a) et seq., the Board of Supervisors (BOARD) must determine whether Pioneer Court is excess right-of-way and is not required for public street or highway purposes, prior to vacation. If the BOARD finds, from all the evidence submitted, that Pioneer Court is in fact excess right-of-way, the BOARD may adopt the resolution to summarily vacate Pioneer Court.

As determined in the attached Notice of Exemption, the vacation is exempt from the provisions of CEQA pursuant to Sections 15060(c) and 15061(b)(3) of the State CEQA Guidelines. The vacation will not result in any specific or general exceptions to the use of the categorical exemption and will not cause any direct or indirect physical environmental impacts.

County Counsel has approved resolution Number 2023-008 as to form.

Impact on Residents and Businesses

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

The vacation of Pioneer Court will not impact residents or businesses.

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

Resolution No. 2023-008

Resolution Exhibits "A" & "B" (Legal Description and Plat)

Attachment "A" (Vicinity Map)

Notice of Exemption

Authorization to Bill



Jason Farin, Principal Management Analyst 1/4/2023



Aaron Gettis, Deputy County Counsel 12/28/2022

FILING REQUESTED BY AND WHEN FILED
RETURN TO: STOP NO. 1080
RIVERSIDE COUNTY SURVEYOR'S OFFICE
4080 LEMON STREET, 8TH FLOOR
RIVERSIDE, CA 92501

Original Negative Declaration/Notice of
Determination was routed to County
Clerks for posting on.

1/11/23
Date

B8
Initial

NOTICE OF EXEMPTION

Project Name: Resolution No. 2023-008, Summarily Vacating Public Utility Easement (Pioneer Court), together with the Right of Ingress and Egress for Emergency Vehicles, in the Winchester area

Project Number: ABS22003, SU14

Project Location: See Exhibits "A" & "B"

Description of Project: Resolution No. 2023-008, Summarily Vacating Public Utility Easement (Pioneer Court), together with the Right of Ingress and Egress for Emergency Vehicles, in the Winchester area

Name of Public Agency Approving Project: Riverside County Transportation Department, Survey Division, County of Riverside.

Name of Person or Agency Carrying Out Project: David L. McMillan, Riverside County Transportation Department, Survey Division, County of Riverside.

Exempt Status: California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), General Rule "Common Sense" Exemption. Not a "project" as defined under State CEQA Guidelines, Section 15060(c).

Reasons Why Project is Exempt: The vacation of the reserved public utility easement has been determined to not be a "project" as defined under State CEQA Guidelines section 15060(c). However, even if it was determined to be a project under CEQA for analysis purposes, the project is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The vacation of the reserved public utility easement will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact. The vacation of the reserved public utility easement will not have an effect on the environment; thus, the County has deemed this does not meet the definition of a "project" under CEQA and no environmental impacts are anticipated to occur.

- Section 15061(b)(3) - General Rule "Common Sense" Exemption. With certainty, there is no possibility that the proposed project may have a significant effect on the environment. Vacating the reserved public utility easement will not require any construction activities, change the use or intensity of the existing site to create a physical environmental impact, and would not lead to any direct or reasonably foreseeable

JAN 10 2023

3.51

indirect physical environmental impacts. Therefore, in no way would vacating the reserved public utility easement have the potential to cause a significant environmental impact and the vacation is exempt from further CEQA analysis.

- Section 15060(c) – for purposes of analysis under CEQA, Vacating the reserved public utility easement is not a “project” under CEQA pursuant to Section 15060(c). An action by a public agency is only a “project” subject to CEQA if the action might result in a physical change in the environment. Based upon a review of the whole action undertaken, supported, or authorized by the County, in no way will Vacating the reserved public utility easement increase the use of the site, result in increased development or construction impacts, or lead to any direct, indirect, or cumulative physical environmental impacts.

Based upon the identified exemptions above, the County of Riverside hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed: _____



Date: 9/9/2022

David L. McMillan, Riverside County Surveyor

Accounting String: ZABS22003, Task Code: SU14

RIVERSIDE COUNTY CLERK & RECORDER
AUTHORIZATION TO BILL BY JOURNAL VOUCHER
FOR CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CEQA ENVIRONMENTAL DOCUMENT FILING FEES

-TO BE FILLED IN BY SUBMITTING AGENCY-

AUTHORIZATION: W.O. ABS22003 SU14
Accounting String 537280-20260-3130200000 ZABS22003 ZSU14

AMOUNT: \$50.00

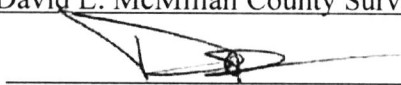
DATE: 09/08/2022

AGENCY: Riverside County Transportation Department - Survey Division

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE A VOUCHER FOR PAYMENT OF ALL FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1) –Notice of CEQA Exemption

AUTHORIZED BY: David L. McMillan County Surveyor

Signature:  _____

PRESENTED BY: Chris Trinidad

ACCOUNTING CONTACT PERSON: **Mayra Larmore 951-955-6785**

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: _____

DATE: _____

RECEIPT # (S) _____

FILING REQUESTED BY AND WHEN FILED
RETURN TO: STOP NO. 1080
RIVERSIDE COUNTY SURVEYOR'S OFFICE
4080 LEMON STREET, 8TH FLOOR
RIVERSIDE, CA 92501

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202300035
01/11/2023 03:17 PM Fee: \$ 50.00
Page 1 of 2

NOTICE OF EXEMPTION

Removed: By: Deputy

Project Name: Resolution No. 2023-008, Summarily Vacating Public Utility Easement (Pioneer Court), together with the Right of Ingress and Egress for Emergency Vehicles, in the Winchester area

Project Number: ABS22003, SU14

Project Location: See Exhibits "A" & "B"

Description of Project: Resolution No. 2023-008, Summarily Vacating Public Utility Easement (Pioneer Court), together with the Right of Ingress and Egress for Emergency Vehicles, in the Winchester area

Name of Public Agency Approving Project: Riverside County Transportation Department, Survey Division, County of Riverside.

Name of Person or Agency Carrying Out Project: David L. McMillan, Riverside County Transportation Department, Survey Division, County of Riverside.

Exempt Status: California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), General Rule "Common Sense" Exemption. Not a "project" as defined under State CEQA Guidelines, Section 15060(c).

Reasons Why Project is Exempt: The vacation of the reserved public utility easement has been determined to not be a "project" as defined under State CEQA Guidelines section 15060(c). However, even if it was determined to be a project under CEQA for analysis purposes, the project is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The vacation of the reserved public utility easement will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact. The vacation of the reserved public utility easement will not have an effect on the environment; thus, the County has deemed this does not meet the definition of a "project" under CEQA and no environmental impacts are anticipated to occur.

- Section 15061(b)(3) - General Rule "Common Sense" Exemption. With certainty, there is no possibility that the proposed project may have a significant effect on the environment. Vacating the reserved public utility easement will not require any construction activities, change the use or intensity of the existing site to create a physical environmental impact, and would not lead to any direct or reasonably foreseeable

JAN 10 2023

3.57

indirect physical environmental impacts. Therefore, in no way would vacating the reserved public utility easement have the potential to cause a significant environmental impact and the vacation is exempt from further CEQA analysis.

- Section 15060(c) – for purposes of analysis under CEQA, Vacating the reserved public utility easement is not a “project” under CEQA pursuant to Section 15060(c). An action by a public agency is only a “project” subject to CEQA if the action might result in a physical change in the environment. Based upon a review of the whole action undertaken, supported, or authorized by the County, in no way will Vacating the reserved public utility easement increase the use of the site, result in increased development or construction impacts, or lead to any direct, indirect, or cumulative physical environmental impacts.

Based upon the identified exemptions above, the County of Riverside hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed: _____



Date: 9/9/2022

David L. McMillan, Riverside County Surveyor

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KIMBERLY R. RECTOR, CLERK OF THE BOARD
RIVERSIDE CO. CLERK OF THE BOARD
4080 LEMON STREET, 1ST FLOOR CAC
P O BOX 1147 – RIVERSIDE, CA 92502

MAIL STOP # 1010

AND WHEN RECORDED MAIL TO:

RETURN TO: STOP #1010
RIVERSIDE COUNTY CLERK OF THE BOARD
P. O. BOX 1147 – RIVERSIDE, CA 92502

2023-0008333

01/11/2023 12:25 PM Fee: \$ 0.00

Page 1 of 7

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



927

THIS SPACE FOR RECORDERS USE ONLY

RESOLUTION NO. 2023-008

SUMMARILY VACATING EASEMENTS FOR PUBLIC UTILITY PURPOSES,
TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR EMERGENCY
VEHICLES, WITHIN PIONEER COURT (PRIVATE STREET) IN THE WINCHESTER
AREA
(ABS22003)
(THIRD SUPERVISORIAL DISTRICT)

(TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION ~ Item 3.51 of
01/10/2023)

FORM APPROVED COUNTY COUNSEL
BY: Stephanie K. Nelson 12/18/22
DATE
STEPHANIE K. NELSON

BOARD OF SUPERVISORS

COUNTY OF RIVERSIDE

RESOLUTION NO. 2023-008

SUMMARILY VACATING EASEMENTS FOR PUBLIC UTILITY PURPOSES,
TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR EMERGENCY
VEHICLES, WITHIN PIONEER COURT (PRIVATE STREET)
IN THE WINCHESTER AREA
(ABS22003)
(Third Supervisorial District)

WHEREAS, the hereinafter-described easement for "public utility purposes, together with the right of ingress and egress for emergency vehicles," was dedicated and accepted for public use within Pioneer Court (Private Street) on file in Book 229, Page 80 through 82, inclusive, of Parcel Maps, record of the Recorder of the County of Riverside, California, and;

WHEREAS, all of said easement for "public utility purposes, together with the right of ingress," within said Pioneer Court (Private Street), hereinafter described, is excess right-of-way, and is not required for public street or highway purposes, and;

WHEREAS, applicable procedures pertaining to vacations were followed pursuant to the County's adopted "Resolutions for Fixing Procedures to Vacate and Accept County Highways and Property Offered for Dedication," now, therefore;

BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on January 10th, 2023, as follows:

1 **RESOLUTION NO. 2023-008**

2
3 1. The vacation of the hereinafter described easement for "public utility
4 purposes, together with the right of ingress and egress," within Pioneer
5 Court (Private Street) is categorically exempt from CEQA pursuant to
6 Section 15060(c) and Section 15061(b)(3) of the State CEQA Guidelines.

7
8 2. Pursuant to Division 9, Part 3, Chapter 4, Section 8333(a) of the Streets and
9 Highways Code, the hereinafter-described easement for "public utility
10 purposes, together with the right of ingress and egress," within Pioneer
11 Court (Private Street) is determined to be excess by the easement holders,
12 and there are no other public facilities located within this easement, and it is
13 hereby summarily vacated.
14

15 SEE LEGAL DESCRIPTION AND PLAT ATTACHED HERETO
16 AS EXHIBITS "A" & "B" AND MADE A PART HEREOF
17

18 3. Pursuant to Division 9, Part 3, Chapter 4, Section 8335 (b)(5) of the Streets
19 and Highway Code, all entities having any right, title, or interest in the
20 described easement for public utility purposes, together with the right of
21 ingress and egress," within Pioneer Court (Private Street) have been
22 notified of this action.
23

24 4. From and after the date this resolution is recorded the hereinafter-described
25 easement for "public utility purposes, together with the right or ingress and
26 egress," within Pioneer Court (Private Street) is hereby vacated and no
27 longer constitutes a public easement.
28
29

1 **RESOLUTION NO. 2023-008**

2
3 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of
4 the Board is directed to file with the Office of the County Clerk the Notice of Exemption
5 within five (5) working days of the Board hearing date.
6

7 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of
8 the Board is directed to cause a certified copy of this resolution to be recorded in the office
9 of the Recorder of the County of Riverside, California.
10

11 **ROLL CALL:**

12
13 Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
14 Nays: None
15 Absent: None

16 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
17 Supervisors on the date therein set forth.

18 KIMBERLY R. RECTOR, Clerk of said Board

19 By: Marina Smith
20 Deputy

21
22 01.10.2023 3.51
23
24

25 CT W.O. # ABS22003


EXHIBIT "A"
VACATION OF PUBLIC UTILITY EASEMENTS
LEGAL DESCRIPTION

ALL OF LOTS "A" AND "B" (PIONEER COURT, PRIVATE STREET) DEDICATED FOR PUBLIC UTILITY PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR EMERGENCY VEHICLES AS SHOWN ON PARCEL MAP 35983 ON FILE IN BOOK 229 OF PARCEL MAPS AT PAGES 80 THROUGH 82, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, LYING WITHIN SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN.

CONTAINING 1.48 ACRES, MORE OR LESS.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION



Michael E. Johnson, L.S. 7673

06/02/22
Date



Prepared By: LB

Checked By: me

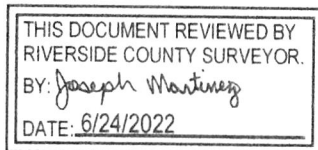
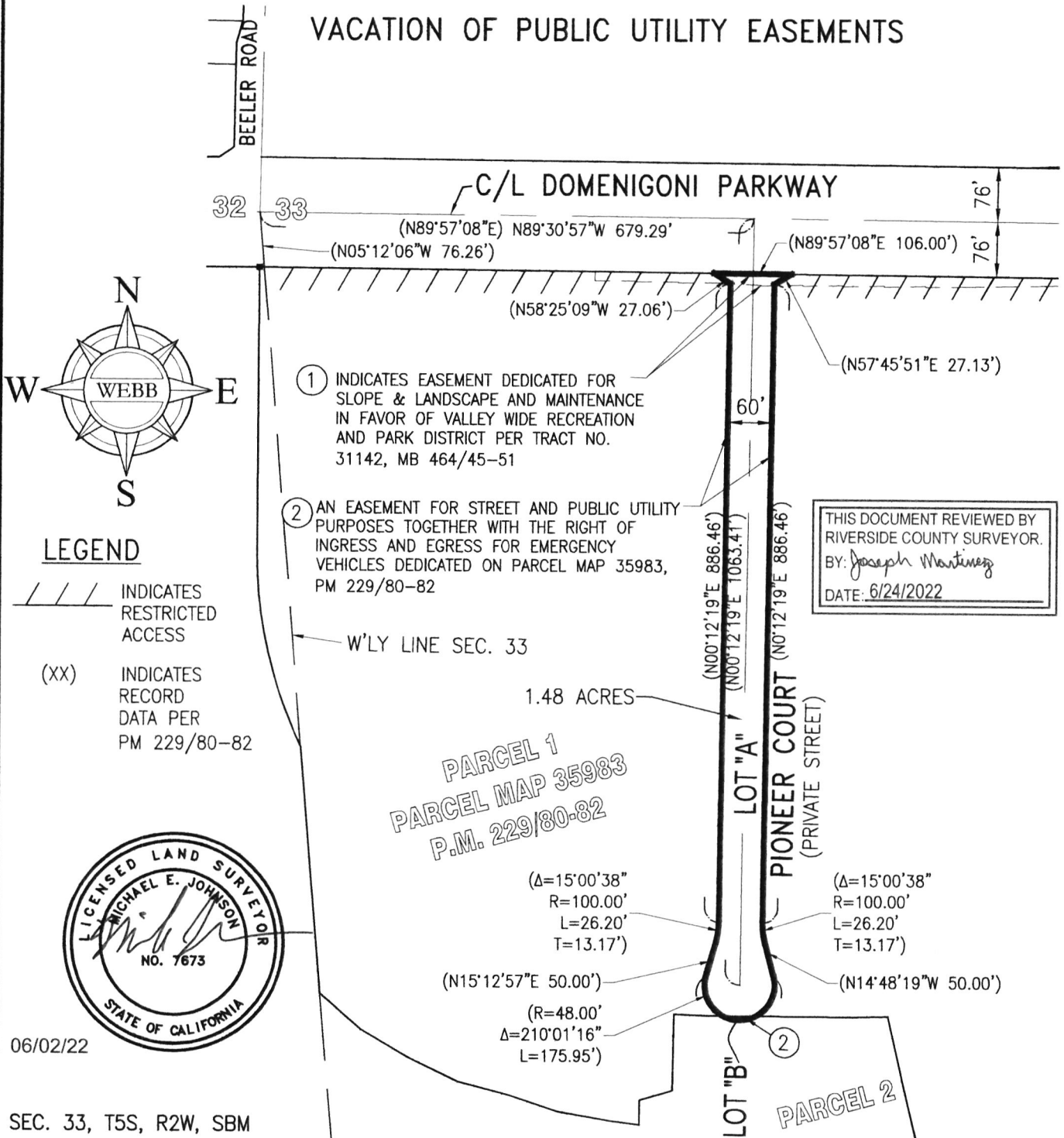


EXHIBIT "B"

VACATION OF PUBLIC UTILITY EASEMENTS



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *Joseph Martinez*
DATE: 6/24/2022



ALBERT A.
WEBB
ASSOCIATES

RIVERSIDE COUNTY

H:\2019\19-0172\Drawings\Mapping\Legals & Plats\19-172 PUBLIC UTIL VACATION.dwg 6/2/2022 1:00 AM

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 1

W.O.
19-0172

SCALE: 1"=200'

DRWN BY LB
CHKD BY MJ

DATE 2/16/22
DATE 6/02/22

SUBJECT: VACATION OF PUBLIC UTILITY EASEMENTS

PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Board of Supervisors
(EMBOSSSED ON DOCUMENT)



Date: 1/10/2023

Signature: Breanna Smith

Print Name: Breanna Smith, Board Assistant