

**SEPTEMBER 24,  
2024**

# **Public Hearing**

**Proposed Resolution of  
Necessity – CR 28H Utility  
Easements**

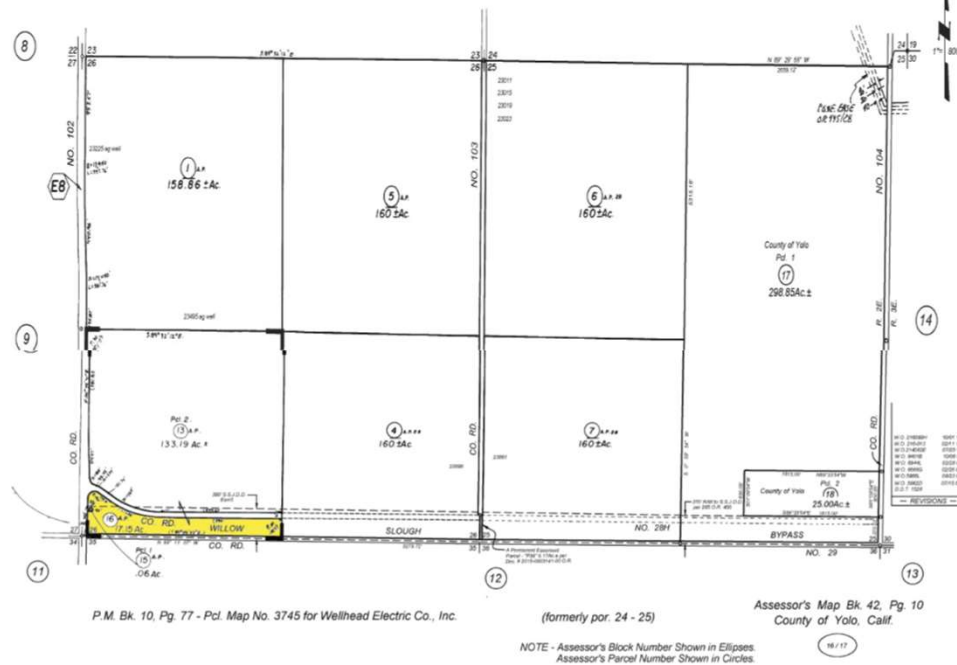
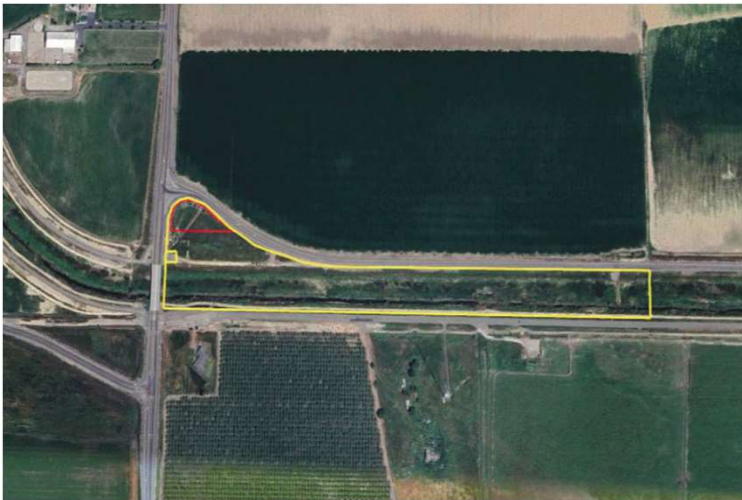
**Department of Community  
Services, Division of Integrated  
Waste Management**



# The Subject Properties

APNs 042-100-015 and 042-100-016 (42057 CR 29, Davis)

The County is seeking to acquire permanent utility and access easement interests in a portion of APNs 042-100-015 and 042-100-016 owned by James F. Kelly and T. Ross Kelly.



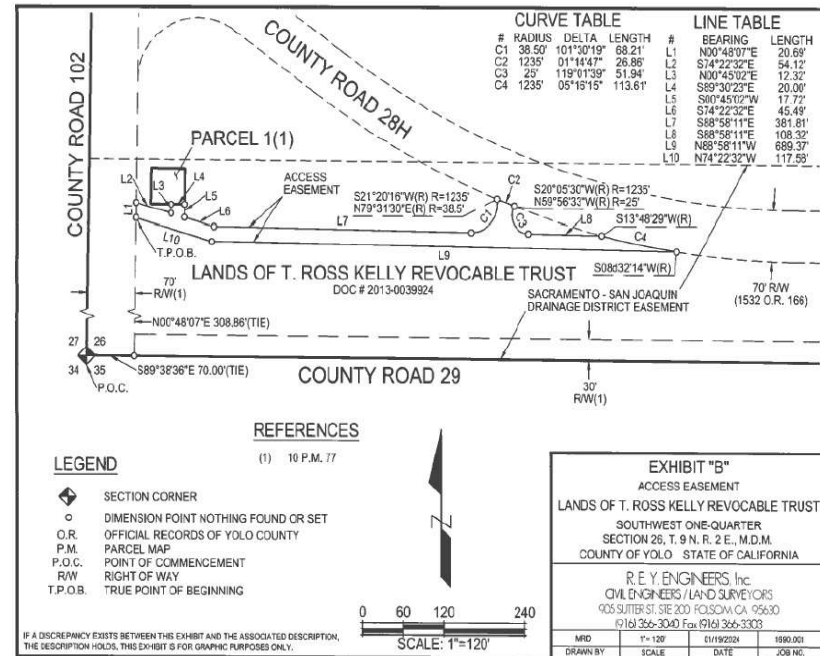
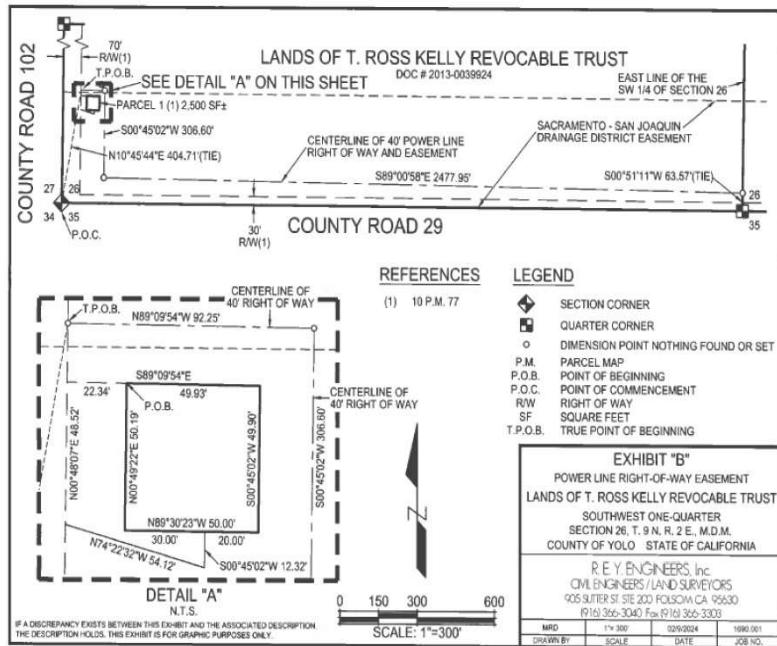
# Permanent Easements to be Acquired

Permanent Utility Easement, including existing overhead power lines (2.731 acres)

EXHIBIT B

Permanent Utility Access Easement (0.381 acres)

EXHIBIT B



# Procedure for Public Hearing

## Resolution of Necessity

- Property owner notified of the hearing – notices mailed to owners
- Staff provides presentation:
  - Legal requirements
  - Project overview
  - Property details
- Board Question and Answer Period
- Comments by Owners
- Board Votes on Proposed Resolution
- Affirmative votes of at least 4/5 of all Board Members required for adoption



# REQUIRED FINDINGS

Resolution of Necessity

1

The Public Interest and Necessity Require the Project and Proposed Easements.

2

The Proposed Project is Planned or Located in the Manner That Will Be Most Compatible With the Greatest Public Good and the Least Private Injury.

3

The Property Interests are Necessary for the Proposed Project.

4

The Offer Required by Government Code Section 7267.2 Has Been Made to the Owner or Owners of Record of the Property.



# Finding 1 – The Project is Necessary

The Easements to be acquired are necessary for the continued access to and maintenance of the utility facilities (power lines and substation) used for conveyance of electricity generated at the Yolo County Central Landfill for the County Road 28H Public Utility Easement Project, which is part of the Landfill's Gas-to-Energy Facilities.

The Landfill's gas-to-energy electric facilities along CR 28H supply renewable power and reduce the global warming potential of the Landfill's methane gas emissions.

- Generates approximately 20,000 kWh per year and eliminates more than 90% of methane emissions generated by the Landfill.
- Without the required easements, the County cannot continue the operation and maintenance of the Project for its gas-to-energy facilities.



## Finding 2 – Compatible with Greatest Public Good and Least Private Injury

The proposed Easements simply continue the existing easements on vacant parcels largely encumbered by an existing drainage easement and used as a drainage area for the Willow Slough Bypass.

The drainage easement and slough will not be impacted, nor will the Easements impact the Owners' agricultural parcel to the north of CR 28H.

The Easements are limited in scope to what is necessary for the long-term operation and maintenance of the Landfill's gas-to-energy facilities.



# Finding 3 – Proposed Easements are Necessary for the Project

Permanent utility and access easements are necessary for the project because:

- Electricity generated and distributed using the facilities within the easement area is part of the Landfill's beneficial gas-to-energy facilities.
- Methane gas is generated at the Landfill as part of the anaerobic (without oxygen) decomposition of solid waste; methane is approximately 23 times more potent as a greenhouse gas than carbon dioxide.
- The Landfill mitigates the gas emissions by generating renewable energy from the Landfill-generated gas.
- As publicly-owned landfill, electricity sales also help lower the disposal cost per ton to all constituents in Davis, West Sacramento, Winters, Woodland, and the unincorporated areas of the County.



## **Finding 4 – Offer Required by Gov. Code 7267.2 has been Made**

- Offer required by Government Code has been made to the property owners based on an independent appraisal prepared by certified, MAI-designated appraisers with Integra Realty Resources.
- Negotiations/discussions have occurred.
- However, the County has been unable to reach an agreement to purchase the necessary property interests from the owners to date and the current easement agreement expires December 31, 2024.



# Recommend Action

1. Hold a public hearing;
2. Find that the County Road 28H Public Utility Easement Project is exempt from the California Environmental Quality Act (CEQA) and authorize filing a Notice of Exemption; and
3. Adopt a Resolution of Necessity to acquire permanent easement interests in a portion of two properties (APN 042-100-015 and APN 042-100-016) by eminent domain for the continued access to and maintenance of the utility facilities (power lines and substation) used for conveyance of electricity generated at the Yolo County Central Landfill for the County Road 28H Public Utility Easement Project, which is part of the Landfill's Gas-to-Energy Facilities.

