

**EXEMPTION FROM PLANNING COMMISSION REPORT FOR ACQUISITIONS,  
DISPOSITIONS AND ABANDONMENTS PURSUANT TO G.C. §65402(a)**

DESCRIPTION: Vacation of 1-foot non-vehicular access easement along Edeline Avenue in McKinleyville. The easement is located along the eastern boundaries of APN 508-042-001 and 508-402-018. The non-vehicular access easement was created by Tract Map No. 0651 (Central Estates Phase 2D).

DATE OF REFERRAL: September 24, 2019

Resolution #72-69 provides for the Planning Director to certify general plan conformance for acquisition, disposition or abandonment for street widening or alignment projects of a "minor" nature. Projects subject to the provisions of Resolution #72-69 would not need to be submitted to the Planning Commission for report pursuant to Government Code Section 65402(a).

Factors to be considered when determining if the abandonment qualifies for an exemption:

- | Yes                                 | No                                  |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Was the right of way or property acquired for a use other than street widening or alignment?<br><i>Yes. To restrict vehicular access. A review of the subdivision file reveals that the easement was added in error and was not a requirement of subdivision approval (see attached).</i> |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Is the street or alley open on the ground (i.e., constructed)?<br><i>N/A. The easement is 1-foot wide and restricts vehicular access to Lots 1 and 18 from Edeline Avenue</i>   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Is the street or alley identified in the circulation element of the General Plan?<br><i>N/A. The easement is 1-foot wide and restricts vehicular access to lot</i>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Is the street or alley used, or intended to be used, or adaptable for use as a part of the trails system?<br><i>N/A. The easement is 1-foot wide and restricts vehicular access to lot</i>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | If the street or alley provides the principal access to a parcel, would the parcel be without legal access once the abandonment is complete (e.g., via easement or private right of way)?<br><i>N/A. The easement is 1-foot wide and restricts vehicular access to lot</i>                |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (If coastal) Would vacation have an effect or potential effect on public access to the shoreline or other coastal resources, or create a division of land meeting the definition of development under the Coastal Act?  |

*If all the answers to the above questions are "no", then the abandonment may be handled as an exemption. Projects which include "yes" responses will be evaluated by the Director on a case by case basis and may be referred to the Planning Commission.*

**RECOMMENDATION**

I have reviewed the above vacation request and find that it  meets  does not meet the criteria for an exemption pursuant to Resolution No. 72-69.

By: *Steven P. Werner*  
Steven P. Werner  
Supervising Planner

*9-25-2019*  
Date

**DETERMINATION**

- Vacation qualifies for the exemption pursuant to Resolution No. 72-69  
 Vacation does not qualify for exemption and is subject to review and report pursuant to C.G.C. Section 65402(a); the vacation request will be scheduled for Planning Commission review

By: *John H. Ford*  
John H. Ford  
Director of Planning and Building

*9/26/2019*  
Date

ATTACHMENT  
see highlighted sections

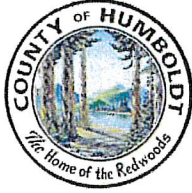


EXHIBIT A  
DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707 / FAX 445-7409

ARCATA-EUREKA AIRPORT TERMINAL McKINLEYVILLE		PUBLIC WORKS BUILDING SECOND & L ST., EUREKA		CLARK COMPLEX HARRIS & H ST., EUREKA	
AVIATION	839-5401	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
		BUSINESS	445-7652	PARKS	445-7651
		ENGINEERING	445-7377	ROADS & EQUIP MAINT.	445-7421
		FACILITY MANAGEMENT	445-7493		
				LAND USE	445-7205

**TO: Michael Wheeler, Senior Planner**

**FROM: Robert W. Bronkall, Associate Engineer**

**RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE APPLICATION OF CENTRAL ESTATES SUBDIVISION PHASE 2, APN 508-252-001, FMS 07-08, PUD 07-04, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 33.3 ACRES INTO 165 LOTS**

**DATE: 09/16/2009**

*The following requirements and standards are applicable to this project and must be completed to the specifications and satisfaction of the Department of Public Works (Department) before the subdivision map may be filed with the County Recorder. If there has been a substantial change in the project since the last date shown above, an amended report must be obtained and used in lieu of this report. Prior to commencing the improvements indicated below, please contact the Subdivision Inspector at 445-7205 to schedule a pre-construction conference.*

**These recommendations are based on the tentative map prepared by Edward Schillinger Engineering and Surveying dated 01/06/2009, and dated as received by the Humboldt County Planning Commission on 01/15/2009.**

NOTE: All correspondence (letters, memos, faxes, construction drawings, reports, studies, etc.) with this Department must include the Assessor Parcel Number (APN) shown above.

**READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT**

**1.0 MAPPING**

**1.1 EXPIRATION OF TENTATIVE MAP:** Applicant is advised to contact Community Development Services to determine the expiration date of the tentative map and what time extension(s), if any, are applicable to the project. Applicant is responsible for the timely filing of time extension requests to Community Development Services.

This road will be brought into the County maintained road system without a permanent road division.

**Sidewalk:** Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt a 10 foot wide easement for public sidewalk purposes lying adjacent to the right of way of the County road. Applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision. This easement may overlap a public utility easement.

**PUE:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the access roads, or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

**Non-vehicular access:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1 foot wide non-vehicular access strip adjacent to Heartwood Drive, except for the proposed access road/driveway at Lots 34/25 and Lots 22/39. The location shall be as shown on the tentative map, or as otherwise approved by this Department. Said easement shall be dedicated in manner and location as approved by this Department.

(b) **MCKINLEYVILLE AVENUE AND WASHINGTON AVENUE:**

**Public Road:** Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the County road. Applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

**Sidewalk:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide easement for public sidewalk purposes lying adjacent to the right of way of the County road. Applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision. This easement may overlap a public utility easement.

**PUE:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the access roads, or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

**Non-vehicular access:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1 foot wide non-vehicular access strip adjacent to McKinleyville Avenue and Washington Avenue. The location shall be as shown on the tentative map, or as otherwise approved by this Department. Said easement shall be dedicated in manner and location as approved by this Department.

**Curb Returns:** At the northeast corner of the intersection of McKinleyville Avenue and Washington Avenue, applicant shall caused to be dedicated to the County of Humboldt on the subdivision map a public road easement for the curb return and handicap ramp.

Applicant is responsible for completing all of the subdivision requirements prior to expiration of the tentative map. Applicant is advised to promptly address all of the subdivision requirements in order to avoid the tentative map expiring prior to completion of the subdivision requirements. Applicants are encouraged to contact a land development professional for advice on developing a realistic schedule for the processing of the project.

- 1.2 **MAP TYPE:** Applicant must cause to be filed a final map showing monumentation of all property corners to the satisfaction of this Department in compliance with Section 326-15 of the Humboldt County Code. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

All Department charges associated with this project must be paid in full prior to the subdivision map being submitted to the County Recorder for filing.

Applicant shall submit to this Department four (4) full-size copies of the subdivision map as filed by the County Recorder.

Prior to submitting the subdivision map to the County Surveyor for map check, applicant shall submit the subdivision map to the utility providers to provide input on necessary public utility easements. Copies of the responses from the utility providers shall be included with the first submittal of the subdivision map to the County Surveyor.

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Section 326-13, Improvement Review and Inspection Fees, of the Humboldt County Code prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.5 **DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:

(a) **HEARTWOOD DRIVE:**

**Public Road:** Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 30 feet of the center line of the County road. Applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Additional areas may be needed for curb returns.