

Attachment 2

Exemption from Planning Commission Report for Acquisitions, Dispositions, and Abandonments Pursuant to Government Code Section 65402(a)

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

DESCRIPTION: Vacation of the portion of Thomas Drive (6B105) and Redwood Drive (6B150) right of way, also known as the Jim Demulling Veterans Memorial Grove. Lands were relinquished to the County by CalTrans in 1970 upon completion of the new Highway 101 alignment through Garberville. Right of way portion to be vacated was last utilized by the Veterans of Foreign Wars Post 6354 (VFW) under an encroachment agreement with the County executed in 1995. This agreement has since been terminated at the request of the VFW and County wishes to place the former memorial park under non-right of way status such that more appropriate on-going oversight and management of the area may be provided (e.g., regulated as a park space). An adjacent portion of the same right of way relinquished by CalTrans was abandoned by the County in 1985.

DATE OF REFERRAL: March 26, 2013

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

- Was the right of way or property acquired for a use other than street widening or alignment?
Relinquishment of former US 101 and frontage roads by Caltrans in 1970; area proposed for vacation lies between the improved road sections of Thomas Dr. and Redwood Dr.
- Is the street or alley open on the ground (i.e., constructed)?
Land is currently devoted to Jim Demulling Veterans Memorial Grove
- Is the street or alley identified in the circulation element of the General Plan?
- Is the street or alley used, or intended to be used, or adaptable for use as a part of the trails system?
- 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)?

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

3-26-2013
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: Kevin R. Hamblin
Kevin R. Hamblin
Director of Planning and Building

3/26/13
Date