



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

DESCRIPTION: Proposed summary vacation of a portion of a one foot (1') wide non-vehicular easement at the east end of Nancy Court in Eureka. The easement is located along the westerly boundary of APN 302-121-072-000. The non-vehicular access easement was created by Tract Map No. 317 of Book 19 of Maps, Page 90 (maps contains pages 89-90). The property fronts Alpine Court with no through access to the back yard where the owner desires to construct an Accessory Dwelling Unit. Allowing access from Nancy Court would allow a tenant access to the new unit. The summary vacation is being processed under Summary Vacation procedures per Streets and Highways Code 8334(a) and (b). PW Land Use is requesting that the planning division determine whether the proposed Summary Vacation is not in conflict with the General Plan as required by Section 65402 of Govt. Code.

DATE OF REFERRAL: September 14, 2022

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? *According to Public Works, the one-foot (1') non-vehicular access easement was acquired to limit the number of driveway encroachments and restrict one encroachment per parcel (if bounded by two roads).*
- Is the street or alley open on the ground (i.e., constructed)? *Yes, this portion of Nancy Court is already established and is used as a means of public access but the proposed vacation will not eliminate the public access to Nancy Court.*
- 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? *It is not described in any County adopted Trails Plan. There is no reference to Nancy Court in the Trails Plan, Humboldt County General Plan, or Humboldt Bay Area Plan that this vacation would impact.*
- 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)? *The vacation intends to enable legal access to the parcel.*

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.

Collin Slavey

Date: 09/14/2022

By: Collin Slavey
Planner

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

John H. Ford

9/21/2022 Date:

By: John H. Ford
Director of Planning and Building