



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 along Upper Pacific Drive in Shelter Cove. The easement is located along the westerly boundary of APNs 111-071-021 and 111-071-022. The non-vehicular access easement was created by Tract Map No. 42 of Book 14 of Maps, Page 82 (maps contains pages 73-138). A new one-foot (1') wide non-vehicular easement will be placed on the easterly frontage of both of these parcels on DuLuard Drive. The purpose of the easement is to limit the number of driveway encroachments. 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: January 25, 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:

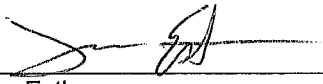
Yes No

- Was the right of way or property acquired for a use other than street widening or alignment?
As noted above, the one-foot (1') non-vehicular access easement was to limit the number of driveway encroachments.
- Is the street or alley open on the ground (i.e., constructed)?
Yes, this portion of both Upper Pacific Drive and DuLuard Drive are already established and is used as a means of public access.
- 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 either Upper Pacific Drive or DuLuard Drive in the Trails Plan, Humboldt County General Plan, or South Coast 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)?
No, the parcels would be accessed via Upper Pacific Drive once the vacation is granted.

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: Trevor Estlow
Senior Planner

3/18/2022

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
Director of Planning and Building

3/18/2022

Date