

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

DESCRIPTION: Proposed summary vacation of Fern Spring Road in Benbow. The road easement was granted to the County as part of Benbow Subdivision #2, recorded as Tract 59 in Book 15 of Maps, pages 21-23. The road and cul-de-sac were constructed slightly east of the mapped location. The portion of the road to be vacated ends on property entirely within the ownership of the applicant. This vacation does not land lock any other parcels.

DATE OF REFERRAL: May 17, 2018

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).

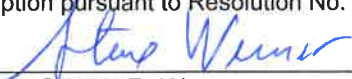
Factors to be considered when determining if the abandonment qualifies for an exemption:

- | 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?
<i>As noted above, the road easement was created for access and turnaround purposes; that actual location of the cul-de-sac is slightly east of the mapped location and the vacation will conform with the "as built" condition encroachments.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the street or alley open on the ground (i.e., constructed)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the street or alley identified in the circulation element of the General Plan? |
| <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? |
| <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)? |

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

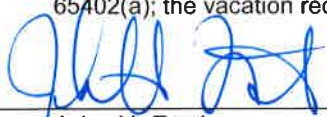
I have reviewed the above vacation request and find that it meets does not meet the criteria for an exemption pursuant to Resolution No. 72-69.

By: 
 Steven P. Werner
 Supervising Planner

5-22-2018
 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

5/22/2018
 Date