



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 Fisher Road in Hydesville adjacent to APNs 204-111-006, 204-241-008, 204-251-008, and 204-251-012. Fisher Road has been maintained by the County of Humboldt and is located within private properties. This easement runs within APNs 204-111-006, 204-241-008, 204-251-008, and 204-251-012, all owned by Shelby and Kelly Patton. Fisher Road is a dead-end road that runs South from State Highway 36, to its end at post mile 1.23. At the riverbank just south of the terminus is a very steep drop off to the Van Duzen River. There are foot paths across private property to the river. K-rail barriers have been placed at the terminus of the road to prevent vehicles from driving into the river. There is an increase in trespassing across and parking on private property to access the river. The owner has cited illegal dumping and vandalism of their property and livestock as a major concern. The proposed vacation begins at post mile 0.37 on Fisher Road. 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. This vacation does not land lock any parcels. According to the Department of Public Works.

DATE OF REFERRAL: February 24, 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?
*The right of way was not acquired for use other than street purposes.
No property will be land locked if the vacation is granted.*
- Is the street or alley open on the ground (i.e., constructed)?
Yes, this portion of Fisher Road is already established and is used as a means of private access to APNs 204-111-006, 204-241-008, 204-251-008, and 204-251-012.
- 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 Felt Road in the Trails Plan or the Carlotta/Hydesville Community 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, all parcels using Fisher Road for legal access have the right to use.

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: Jacob Dunn
Planner

5/12/2022
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

MAY 17, 2022
Date