

SUTTER COUNTY PLANNING COMMISSION

MINUTES

May 15, 2013
Supervisors Chambers
Hall of Records
466 Second Street, Yuba City

1. Call to Order

Chairperson Basi called the meeting to order at 6:00 p.m.

2. Roll Call

Chairperson Basi requested the clerk call the roll of the Commission. The following members were present and excused:

Members Present: Commissioners Lal Chima, Mike Geraldo, Robert Norton, Zac Repka, John Sanbrook and Chairperson Paul Basi

Members Excused: Angel Diaz

Staff Present: Planning Manager Lisa Wilson, Assistant Planner Kevin Yount, Deputy County Counsel Janet Bender, County Surveyor Jerry Orr, and Office Assistant Kathy Ferguson

3. Pledge of Allegiance

Commissioner Geraldo led the audience, staff and Commission in the Pledge of Allegiance.

4. Approval of Minutes

The minutes of the meeting of January 16, 2013 were approved as corrected on motion of Commissioner Sanbrook, seconded by Commissioner Repka and carried by a voice vote of the Commission, with Commissioners Chima and Norton abstaining.

5. Comments from the Public

None.

Consent Calendar

6. **REMOVED FOR DISCUSSION:** Abandonment of “Abbott/Delvine” Road between Starr Bend Road and Garden Highway, adjacent to the west levee of the Feather River; applicant - Department of Public Works. (Recommend approval)
7. **REMOVED FOR DISCUSSION:** Abandonment of the easternmost 715 feet of Shannon Road, located approximately ½ mile east of Garden Highway; applicant - Department of Public Works. (Recommend approval)
8. **REMOVED FOR DISCUSSION:** Abandonment of the easternmost 1,486 feet of Starr Bend Road, located approximately ½ mile east of Garden Highway; applicant – Department of Public Works. (Recommend approval)

Consent Item No. 6

Commissioner Sanbrook asked if that entire portion of the road is what is outlined in blue. Assistant Planner Yount stated yes. Commissioner Sanbrook asked if it has been in the County maintained mileage system. County Surveyor Orr stated no, they cannot find the road on any early maps and the only record it exists is in the Board of Supervisors minutes of May 8, 1866 where it was declared a county highway.

Commissioner Sanbrook asked if there was any record of maintenance performed on this road. County Surveyor Orr stated that the only record for this road is in the Board of Supervisors minutes. Commissioner Sanbrook asked where the road is in relation to the new set-back levee. County Surveyor Orr stated that the set-back levee begins just north of Star Bend and goes south-easterly and the old levee goes due east. Commissioner Geraldo stated there is no cost for maintenance and there are probably a lot of other county roads not on the map as well. Planning Manager Wilson stated that the County tries to be careful about the roads on the maintained mileage list, but there are roads not on the list. County Surveyor Orr stated that most would not know the road exists; it is on record only and stated that it may or may not have been built.

Commissioner Sanbrook asked if the vacating or abandonment would impact access to Garden Highway or Star Bend in regards to the private land owners to the west, south and north. County Surveyor Orr stated no there would be no impact to the property owners, due to the fact the road does not exist.

Commissioner Repka stated that there was a concurrence from property owners for the other abandonments, was there any for this project? County Surveyor Orr stated no, there was no concern to the property owners; since the road does not exist.

Commissioner Geraldo inquired if we give up the land; would public access rights be lost? Commissioner Geraldo also asked if it is the responsibility of the Water Department or Public Works Department to keep the public out. County Surveyor Orr

stated that the Levee District tries to control the public access, to protect the levee; and stated again there is no road, which assumes there is no access.

Commissioner Geraldo asked about the location of the road; from the top of the levee, down between the toe of levee and water. County Surveyor Orr stated the road starts a few 100 feet from the river and angles up to the north. In the 1870's Levee District 1 was created and then they started building the levee and the road became useless. County Surveyor Orr stated again this is simply to show on record that the County wants to vacate the road. Commissioner Geraldo stated that he is concerned about the public losing access to the road, which would affect their access to the river. Planning Manager Wilson stated this is a clean up of the records. Chairperson Basi stated so there is no impact to the property owners or the Levee District. County Surveyor Orr stated that it is to clear the title only. Commissioner Sanbrook stated that it is a good idea, as well as the liability issue.

Commissioner Sanbrook made a motion that finds the proposed abandonment of "Abbott/Delvine" road is in conformance with the applicable policies of the General Plan. Commissioner Chima seconded the motion, which carried by a unanimous voice vote of the Commission.

Consent Item No. 7

Commissioner Sanbrook asked about the 20' right-of-way and the adjacent 10' easement, which was dedicated to the County in 2005, was that portion of Shannon Road improved? County Surveyor Orr stated that there is no requirement to improve it and it was never improved. Commissioner Sanbrook asked if the abandonment is where the pavement ends. County Surveyor Orr stated that just past the house, where the right-of-way jogs back down is where it stops at that point. Commissioner Sanbrook stated yes at the easterly end of Shannon Road, but asked if it is on the County maintained mileage list. County Surveyor Orr stated yes.

Commissioner Sanbrook asked who owns the lands to the north and south. County Surveyor Orr stated that Levee District 1 owns the entire portion of the road being vacated. Commissioner Sanbrook asked if property owner Singh will be impacted. County Surveyor Orr stated that he cannot go any more to the east and that this is being done to clean up the records. Commissioner Chima asked if property owner Singh can travel the levee to Star Bend road to the east of the levee; and is that a private road. County Surveyor Orr stated yes.

Commissioner Sanbrook made a motion that finds the proposed abandonment of "Shannon" road is in conformance with the applicable policies of the General Plan. Commissioner Chima seconded the motion, which carried by a unanimous voice vote of the Commission.

Consent Item No. 8

Commissioner Sanbrook asked if there has been any maintenance to this road over the years. County Surveyor Orr stated it is on the County maintained mileage list and it will be removed.

Commissioner Sanbrook stated that he does not see any concurrence from Fish and Game. County Surveyor Orr stated that we have not received anything in writing from them. Commissioner Sanbrook asked if Fish and Game has property south, which adjoins to the vacated road. County Surveyor Orr stated that the entire length of the vacating portion is on their property and that when the Levee District created the set-back levee they created a gated, maintained road so they will have access to pumping the stations.

Commissioner Sanbrook stated that Mr. Bains gave his concurrence; and that Levee District 1 is the party asking for the abandonment; and asked if the Tudor Water District maintains the road, so he wants to know what we will do if we do not receive anything from Fish and Game. County Surveyor Orr stated that they chose not to say yes or no; he also stated that the proposal retains the pedestrian access, but there will be no vehicle access. County Surveyor Orr stated they may be waiting to see how many fishermen show up for the Board of Supervisors public hearing. Commissioner Sanbrook asked since the fishermen have acquired rights, so do we want to abandon the road? County Surveyor Orr stated the Board of Supervisors will still declare it a public way; and when Levee District 1 started locking the gates, there is only walking access now.

Commissioner Chima asked how far the boat ramp was. County Surveyor Orr stated approximately four to five miles north. Commissioner Chima stated that without a ramp, you have no facility. County Surveyor Orr report that the fisherman state that there is a natural slope into the river and that is going to be the argument.

Commissioner Chima asked about the posted speed limit signs on Star Bend Road. County Surveyor Orr stated that they are unofficial speed limit signs. Commissioner Chima asked if the County still has liability. County Surveyor Orr stated that when the Levee District built the set-back levee, they did build a parking area so the public can park, and then walk to the river. County Surveyor Orr stated that the State wants this resolved before taking ownership.

Commissioner Geraldo asked if this is part of getting the levees done. County Surveyor Orr stated they want it released so they can revise the title report/deed and that the Levee District wants to vacate. Commissioner Geraldo stated that they have control. County Surveyor Orr stated that the Levee District does the maintenance, but the State will own it. Commissioner Geraldo stated it is choice access down to the river and that he could not drive down, he could only walk down to the river. Commissioner Geraldo stated that as the population grows we will need more access to the river, and that we need to save one out of the three. County Surveyor Orr stated that will be the argument against doing it, but that will be up to the Board of Supervisors to decide

Commissioner Sanbrook asked that since we are reserving the pedestrian access, will the County potentially still have liability issues. County Surveyor Orr stated yes. Commissioner Sanbrook asked if property owner Bains ever had direct access to the section being vacated. County Surveyor Orr stated he could have gotten to his property this way. Commissioner Sanbrook asked if Bains will still have access to his property. County Surveyor Orr stated he's not sure, possibly from the north or a different way.

Planning Manager Wilson clarified the Planning Commission's role in abandonments is to determine if they are in conformance with the General Plan, or is it violating any policy. Commissioner Sanbrook stated that looking at the policies attached to the staff report, he had a hard time finding policy that bears relevance to what is being proposed. Planning Manager Wilson stated that is why we look to the County Surveyor to verify we have no conflict. Commissioner Geraldo stated, so there is no conflict whether we keep it or lose it. Planning Manager Wilson stated that we have no conflict to not abandon the road. Chairperson Basi stated that it is not for us to decide, it is up to the Board of Supervisors. Commissioner Geraldo stated that all roads in the County carry liability and this is the nicest site to get down to the river. Commissioner Chima stated to follow up on the previous comment; the Board of Supervisors works with the State to establish these facilities.

Commissioner Basi made a motion that finds the proposed abandonment of "Starr Bend" road is in conformance with the applicable policies of the General Plan. Commissioner Norton seconded the motion, which carried by a roll call vote of the Commission (5-1).

9. Miscellaneous Business from the Commission/Staff

A. Possible cancellation of the first meeting in June (June 5, 2013)

The meeting of June 5, 2013 and June 19, 2013 were cancelled on motion of Commissioner Sanbrook, seconded by Commissioner Basi and carried by a unanimous voice vote.

B. Report on the Actions of the Board of Supervisors

Planning Manager Wilson stated that the Board of Supervisors denied the solar project appeal, which overturned the Planning Commission's decision, thereby denying the solar project.

Planning Manager Wilson stated that at last night's Board of Supervisors meeting, they adopted a reorganization plan of the Community Services, Public Works, General Services and the Information Technology departments which resulted in the elimination of several positions including the Planning Manager and a Principal Planner. Planning Manager Wilson stated that this would be her last meeting and thanked the Planning Commission. The Planning Commissioners stated that they were sorry and sad to see them go and thanked them for their hard work and service. Commissioner Sanbrook

asked if Kevin will be staying with us. Planning Manager Wilson stated that Assistant Planner Yount could possibly be gone as well.

C. Planning Commission/Board of Supervisors Discussion Topics

None.

D. Other Business and Reports

Planning Manager Wilson stated to make it clearer and more in conformance with the law when making a motion, she handed out a recommended list of options. Deputy County Counsel Bender stated that if they choose option three, please read the entire motion exactly as it is within the quotes.

10. Adjournment

There being no further business, Chairperson Basi adjourned the meeting at 6:48 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary
Sutter County Planning Commission

P:\Planning\Planning Commission Minutes\2013 Minutes\05-15-13.doc