

December 26, 2001

To: Sutter County Planning Commission

Re: Agenda Item #7: Request for road abandonments for Laurel, Cypress and Oak Avenues located on the west side of State Highway 99; applicants Robert Leal and Alfred G. Montna (Location: District 5 - Commissioner Shannon).

### **Current Proposal**

A. Project Description:

The Public Works Department has received a request from landowners adjacent to Cypress, Oak, and Laurel Avenues, requesting that the County abandon the rights-of-way for those roadways lying west of State Highway 99.

B. Environmental Consideration:

The abandonment of an unused public right-of-way does not meet the definition of a “project” as defined in Section 15378 of the CEQA Guidelines. CEQA defines a project as a whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This project will not result in either a direct or indirect physical change in the environment.

### **Background**

A. Property Description:

The rights-of-way to be abandoned are located west of State Highway 99, 2± miles north of the highway’s crossing over the Feather River and are generally a mile or less in length each. The rights-of-way are each 50 feet in width and are developed with dirt/gravel roads within them. The roads have been gated, with the County’s permission, for over a year. The applicants are the only property owners who adjoin these roads and have access to them.

B. Previous Commission Actions and/or Policies:

The Planning Commission, when required by State law, has historically reviewed requests by the Public Works Department to abandon public rights-of-way and make determinations as to a proposals consistency with the General Plan.

**Staff Comments**

A. Public Works Department (PW):

The Public Works Department has provided the following information regarding the length and surfacing of each roadway.

<b>Roadway surfacing</b>	<b>Cypress Avenue</b>	<b>Oak Avenue</b>	<b>Laurel Avenue</b>
Dirt/Gravel	1.12 miles	0.5 mile	0.5 mile

Planning Analysis:

California Government Code, Section 65402, requires your Commission to determine if a proposal to abandon a public right-of-way is in conformance with the General Plan and report your Commission’s finding to the Board of Supervisors who will take final action on the proposal.

Mr. Robert Leal, who owns the affected parcels lying south of Oak Avenue and to the west (Assessor’s Parcel Nos. 25-210-026, -036, and -037), consolidated and reconfigured his properties adjacent to these roadways through a lot line adjustment (LLA #01-32) earlier this year into four large agricultural parcels that now have public road frontage on State Highway 99. Future development will require that the necessary Caltrans encroachment permits be obtained for access onto the State Highway.

Mr. Alfred G. Montna, who owns the affected parcels lying north of Oak Avenue (Assessor’s Parcel Nos. 25-210-027, -028, -029, and -030), was informed by Planning Division staff that the abandonment of these right-of-ways will result in some of these parcels no longer being buildable due to these properties not having access to a “street” as defined in the Zoning Code. Mr. Montna acknowledged this situation and requested that staff continue to process this proposal.

A review of the Circulation Element of the General Plan does not identify the areas to be abandoned as roadways proposed to be needed or upgraded in the future. General Plan Policies 2.A-1 through 2.A-13 specify the County’s policies regarding roadways and vehicular circulation (Exhibit C). The policies discuss how the County wishes to obtain adequate rights-of-way for future roadways and maintaining a minimum level of service for existing roads.

In addition, Policies 2.C-1 and 2.C-2 relate to the County establishing bicycle routes in the County (Exhibit D). There is no master bicycle path/pedestrian path plan for this area of the County which could be affected by this proposal, so staff believes the project is in conformance with those policies.

Based upon the above analysis, staff believes the request to abandon those portions of that portion of

Laurel, Cypress and Oak Avenues lying west State Highway 99 conforms with the General Plan and staff recommends your Commission make a finding of the project's consistency with the General Plan.

### **Recommended Findings**

Based upon information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- A. The abandonment of the public right-of-ways for Laurel, Cypress and Oak Avenues lying west of State Highway 99 do not meet the definition of a "project" as defined in Section 15378 of the CEQA Guidelines.
- B. The abandonment of the public right-of-ways for Laurel, Cypress and Oak Avenues lying west of State Highway 99 is consistent with the applicable policies of the Sutter County General Plan.

### **Recommended Action**

- A. Make the findings as recommended by staff and report to the Board of Supervisors that the proposed road abandonment is consistent with the applicable policies of the General Plan.
- Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

Douglas G. Libby, AICP  
Associate Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Copy of the Assessor's Parcel Map for the affected area.  
Exhibit B - General Plan Policies 2.A-1 through 2.A-13  
Exhibit C - General Plan Policies 2.C-1 and 2.C-2

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