



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING SEPTEMBER 15, 2004  
Agenda Item #5

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**Request:** A request from the Public Works Department for the Planning Commission to determine the proposed abandonment of the non-County maintained portion of Holmes Avenue is in conformance with the General Plan.

**Location:** South 1287.7 feet of Holmes Avenue, Yuba City.

**Planner:** Lisa Wilson, Senior Planner

### **Staff Recommendation**

Staff believes the request to abandon the non-County maintained portion of Holmes Avenue conforms to the General Plan and recommends the Planning Commission make a finding of the proposal's conformance with the General Plan.

### **Project Description**

The Public Works Department is proposing to abandon the non-County maintained portion of Holmes Avenue, south of Yuba City, specifically the southernmost 1,287.7 feet of Holmes Avenue. Holmes Avenue is east of Highway 99, running south from Messick Road as a County maintained roadway for 0.5 miles, then becomes a non-County maintained road for 0.24 miles (1,287.7 feet, see Attachment A). This portion of the road is not improved or maintained. County policy is to reserve a public utility easement over all portions of the road to be abandoned.

### **Previous Actions/Policy**

The Planning Commission, when required by State law, has historically reviewed requests by the Public Works Department to abandon or vacate streets or alleys and make determinations as to a proposal's conformance with the General Plan.

### **Analysis**

California Government Code Section 65402 requires the Planning Commission to determine if a proposal to abandon a street is in conformance with the General Plan and report the Commission's finding to the Board of Supervisors who will then take final action on the proposal.

A review of the Circulation Element of the General Plan does not identify Holmes Avenue as being necessary for circulation or access. General Plan Policies 2.A-1

through 2.A-13 specify the County's policies regarding roadways and vehicular circulation (Attachment B). 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. The portion of Holmes Avenue to be abandoned does not provide access to the adjacent parcels. The parcels are currently accessed from Garden Highway and/or private easement. As a result, access to existing parcels will not be affected by this request; therefore, staff believes the proposal conforms to the above policies.

In addition, Policies 2.C-1 and 2.C-2, in Attachment B, relate to establishing bicycle routes in the County. There is no master bicycle path/pedestrian path plan for this area of Yuba City which could be affected by this proposal. Therefore, the proposal is in conformance with those policies.

Based upon the above analysis, staff believes the request to abandon the southern portion of Holmes Avenue conforms to the General Plan and staff recommends the Planning Commission make a finding of the proposal's conformance with the General Plan.

### **Environmental Analysis**

In accordance with the California Environmental Quality Act and the Guidelines, this project is Categorical Exempt, pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

### **Findings**

#### **CEQA**

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

*The abandonment of an unused and non-maintained public right-of-way does not meet the definition of a "project" as defined in Section 15378 of the CEQA Guidelines.*

#### **General Plan**

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

*The proposed abandonment of the southern 1,287.7 feet of Holmes Avenue is in conformance with the applicable policies of the Sutter County General Plan.*

## **Recommended Action**

Should the Planning Commission agree with staff's recommendation, the following motion would be appropriate:

"The Planning Commission finds the proposed abandonment is in conformance with the applicable policies of the General Plan, subject to the findings contained within this report."

## **Attachments**

- A. Study Sketch
- B. General Plan Policies
- C. Public Works request to abandon

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