

# BOARD OF SUPERVISORS

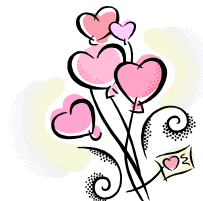
## AGENDA

Meetings are located at:  
Yuba County Government Center  
Board Chambers, 915 Eighth Street  
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8<sup>th</sup> Street, Marysville and [www.co.yuba.ca.us](http://www.co.yuba.ca.us). Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

**FEBRUARY 11, 2014**



**8:30 A.M. YUBA COUNTY WATER AGENCY**

**9:20 A.M. YUBA COUNTY HOUSING AUTHORITY**

**9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. Thank you.**

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Abe
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker
- III. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

A. Agricultural Commissioner

1. (039-14) Adopt resolution authorizing the Agricultural Commissioner to execute certain contracts, agreements, cooperative agreements, grants, memorandum of understandings for Fiscal Year 2014-2015 or multi year.
2. (040-14) Approve funding levels and priorities for Title III projects to Fire Safe Council Education and Outreach up to \$32,000 and Roadside Clearing up to \$5,000 allocated from the Federal Forest Reserve for Fiscal Year 2014/15 and 2015/16.

B. Clerk of the Board of Supervisors

1. (041-14) Approve minutes of the regular meetings of January 14, 21, and 28, 2014.
2. (042-14) Appoint Carla Lemon-Wilcoxon to the Plumas Lake Specific Plan Design Review Committee as a Technical Representative for a term to end February 11, 2015.
3. (043-14) Appoint Dawn Foster and Johanna Lassaga to the Resource/Development Code Advisory Committee as the District three and four representatives respectively.

- IV. **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.

V. **COUNTY DEPARTMENTS**

A. Administrative Services

1. (044-14) Approve Airport lease agreement with United Parcel Services (BT-OH, LLC) for Lot 7, Industrial Park 1, and authorize the Chair to execute same.

2. (045-14) Receive update on County's energy project, and consider and approve an initial study on conducting a potential phase two solar project. (Ten minute estimate)

B. Board of Supervisors

1. (046-14) Receive presentation summarizing the Strategic Planning Workshop and provide direction as appropriate to further efforts in achieving the Board's strategic priorities. (Ten minute estimate)

C. Community Development and Services

1. (047-14) Receive update on Development Code Update stakeholder meetings and provide direction on administrative procedures and regulations to incorporate into code update. (Twenty minute estimate)

D. County Administrator

1. (048-14) Receive presentation regarding a joint fire services study involving the Linda Fire Protection District, Olivehurst Fire, Wheatland Fire Authority, City of Marysville and County of Yuba. (Fifteen minute estimate)

VI. **ITEM OF PUBLIC INTEREST**

- A. (049-14) Consider application for off-sale beer and wine alcohol beverage license from Dollar General (APN 014-143-002) Olivehurst, and make a finding of public convenience or necessity to allow license. (Ten minute estimate)

VII. **CORRESPONDENCE**

- A. (050-14) Three Notices from State of California Fish and Game Commission regarding proposed regulatory action relating to mammal hunting regulations, Klamath Trinity Rivers sport fishing, and marine protected areas.
- B. (051-14) Notice from California Fish and Wildlife regarding status review of the Northern spotted owl and Townsend's big-eared bat.
- C. (052-14) Letter from Cal OES advising the US Department of Agriculture granted a disaster designation due to drought which includes Yuba County.

VIII. **BOARD AND STAFF MEMBERS' REPORTS: This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.**

IX. **CLOSED SESSION: Any person desiring to comment on any matter scheduled for this closed session may address the Board at this time.**

- A. Pending litigation pursuant to Government Code §54956.9(d)(4) - Oak Grove Estates Subdivision/Bond default claim
- B. Pending litigation pursuant to Government Code §54956.9(e)(3) - Two Claims/Carranza and Rackley
- C. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Clerk of the Board of Supervisors
- D. Personnel pursuant to Government Code §54957(a) - Labor Negotiations – YCEA/County of Yuba

X. **ADJOURN**

**11:00 A.M. Land Use and Public Works Committee** - (Supervisors Abe and Stocker - Alternate Supervisor Nicoletti)

- A. (053-14) Consider an all-way stop control at McGowan Parkway and Powerline Road - Community Development and Services (Five minute estimate)

**5:00 P.M. Wheatland City/County Liaison Committee - CANCELLED**  
**Wheatland City Hall**  
**111 C Street**  
**Wheatland, California**

2/12/14 5:00 P.M.

**Linda Liaison Committee - CANCELLED**  
**Linda Fire Protection District**  
**1286 Scales Avenue**  
**Marysville, California**



2/14/14 11:00 A.M.

**Olivehurst Public Utility District/County Liaison Committee - CANCELLED**  
**OPUD Board Room**  
**1970 9th Avenue**  
**Olivehurst, California 95961**

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting. To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors at (530) 749-7510.

### **PUBLIC INFORMATION**

**AGENDA ITEMS:** The opportunity of the public to be heard on an item shall be provided during the consideration of that item. In the interest of time, the Board has limited the length of such comment or input on each item to 15 minutes total, with a limit of no more than 5 minutes per person or group. The period for public comments on a particular item may be extended upon a majority vote of the Board. These time limits do not apply to applicants appearing before the Board on behalf of their applications.

**ACTION ITEMS:** All items on the Agenda under the headings "Consent," "County Departments," Ordinances and Public Hearings," "Items of Public Interest," and "Closed Session," or any of them, are items on which the Board may take any action at this meetings.

**PUBLIC HEARINGS:** All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Board has limited each person or group input to no more than 3 minutes. Any person or group may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board.

**ORDINANCES:** Ordinances shall not be passed within five days of their introductions, nor at other than a regular meeting or at an adjourned regular meeting. The Board of Supervisors will address ordinances at first readings. The public is urged to address ordinances at first readings. Passage of ordinances will be held at second readings, after reading the title, further reading is waived and adoption of the ordinance is made by majority vote. An urgency ordinance may be passed immediately upon introduction. The Board reserves the right to amend any proposed ordinances and to hold a first reading in lieu of a second reading.

**INFORMATIONAL CORRESPONDENCE:** The Board may direct any item of informational correspondence to a department head for appropriate action.

**SCHEDULED LUNCH BREAK:** Between the hours of 12:00 noon and 1:00 p.m. and at the discretion of the Chair, the Board will recess one hour for lunch.

**SPECIAL MEETINGS:** No public comment shall be allowed during special meetings of the Board of Supervisors, except for items duly noticed on the agenda.

**End**



**THIS PAGE INTENTIONALLY LEFT BLANK**



Yuba County Housing Authority



**HOUSING AUTHORITY COMMISSION  
BOARD OF SUPERVISORS CHAMBERS  
915 8TH STREET, MARYSVILLE  
February 11, 2014 at 9:20 AM**

**AGENDA**

**I. CALL TO ORDER**

**II. ROLL CALL**

Commissioner Abe  
Commissioner Griego  
Commissioner Nicoletti  
Commissioner Stocker  
Commissioner Vasquez

**III. CONSENT ITEMS**

Approve Minutes – October 15, 2013

**IV. ACTION ITEM**

Approve appointment of Resident Advisory Board Member to the Yuba County Housing Authority Commission

**V. ADJOURNMENT**

**MINUTES**  
**YUBA COUNTY HOUSING AUTHORITY COMMISSION**  
**October 15, 2013**

The meeting of the Yuba County Housing Authority Commission was called to order by Commissioner Vasquez at 9:20 a.m. In the Yuba County Board of Supervisors Chambers, Yuba County Government Center Marysville, California with a quorum being present as follows: Commissioners Abe, Griego, Nicoletti, Stocker and Vasquez.

**CONSENT ITEMS**

Commissioner Nicoletti made a motion to approve the consent agenda which included the minutes of September 24, 2013, to approve the submittal of the of the WalMart Grant Application, submission of the First 5 Mini-Grant application, and authorization for the Executive Director to submit letters for funding for FY 13-14. Commissioner Griego seconded the motion and the motion carried unanimously.

**ADJOURNMENT**

There being no further business, Commissioner Vasquez adjourned the meeting at 9:25 a.m.

\_\_\_\_\_, Chair

\_\_\_\_\_, (Director/Secretary)



**RESOLUTION DIRECTING STAFF  
TO SUBMIT A SIERRA HEALTH  
FOUNDATION GRANT  
APPLICATION**

**WHEREAS**, The Yuba County Housing Authority has been delegated the responsibility for the administration of the Housing Choice Voucher Program. This responsibility includes setting up necessary procedures governing the application and distribution of grants; and

**WHEREAS**, if awarded the Sierra Health Foundation Grant, Yuba County will utilize the funds to continue the Healthy Nutrition Program started in August, 2013;

1. Approves the submitting of an application for the Sierra Health Foundation Grant Application,
2. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Application shown in the Application Package; and
3. Delegates authority to the Executive Director as agent to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Program; and

////

4. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

**PASSED AND ADOPTED**

by the Yuba County Housing Authority,

by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

\_\_\_\_\_  
Chair, Yuba County Housing Authority Commission

ATTEST:

\_\_\_\_\_  
Donna Stottlemeyer, Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Angil Morris-Jones, County Counsel

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



**BUILDING**  
749-5440 • Fax 749-5616

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

February 11, 2014

**TO: YUBA COUNTY HOUSING COMMISSIONERS**

**FROM: Wendy Hartman, Planning Director** *WH*  
**Kimberly Grimes, Housing Authority Executive Director** *KG*

**SUBJECT: APPROVE SUBMISSION OF SIERRA HEALTH FOUNDATION GRANT APPLICATION**

### **Recommendation:**

It is recommended that the Yuba County Housing Authority Commissioners approve the submission of the Sierra Health Foundation Grant application.

### **Background:**

The Yuba County Housing Authority began a Healthy Nutrition Program for the tenants receiving Housing Choice Vouchers (HCV) and currently enrolled in the Family Self-Sufficiency Program (FSS) on August 6, 2013. The program collaborated with the Marysville Farmer's Market and was extremely successful. The program was using funds from the Community Services Block Grant which limited the funding and the numbers being served to those in the FSS Program. The program ended on September 20, 2013. The program is seeking additional funding to provide the services of Healthy Nutrition education and fresh foods to all tenants receiving HCV, up to 425 families.

The program will also be collaborating with Christian Assistance Network (CAN); by providing fresh fruit and vegetables to the food closets in the Marysville area that would not otherwise be receiving fresh produce. Through collaboration with CAN the program has the potential to serve upward of 2,000 individual adults and children in the 2014 year.

**Discussion:**

The grant application request is for \$15,000 to provide healthy fruits and vegetables from the local Food Maxx store. In addition, nutritional information and classes will be made available to the Housing Authority families. These funds would not affect the Housing Authority's general operating budget.

The grant will also include a 12% administrative fee (the maximum allowed) to cover the time and expense incurred from the Housing Authority Executive Director dedicated to this program.

The program is also collaborating with Health and Human Services to coordinate the nutrition and cooking classes as to not incur any additional costs to the program.

**Fiscal Impact:**

This application will be at no cost to the general fund.

**Attachment:**

- Resolution

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



**BUILDING**  
749-5440 • Fax 749-5616

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

February 11, 2014

**TO: YUBA COUNTY HOUSING COMMISSIONERS**

**FROM: Wendy Hartman, Planning Director** *WH*  
**Kimberly Grimes, Housing Authority Executive Director** *KG*

**SUBJECT: APPOINT RESIDENT ADVISORY BOARD MEMBER TO YUBA  
COUNTY HOUSING AUTHORITY COMMISSION**

### **Recommendation:**

It is recommended that the Yuba County Housing Authority Commissioners appoint a current Housing Authority (Housing Choice Voucher) tenant to the Housing Authority Commission.

### **Background:**

Section-8 only Public Housing Authorities (PHA) are required to have a Resident Advisory Board (RAB) that adequately represents the population it serves. If the PHA is small, or only serves Housing Choice Voucher (HCV) tenants; then one or more current tenants can be appointed to serve on the Housing Authority Commission to meet the RAB requirement.

### **Discussion:**

Yuba County Housing Authority currently only provides HCV to its residents, therefore a current tenant is sought to serve on the Yuba County Housing Authority Commission at this time.

The main role of the RAB is to make recommendations in the development of the Public Housing Agency (PHA) Plan. This Plan is a plan that informs HUD, residents, and the public of the PHA mission for serving the needs of the low income and very low income families. The plan also includes the strategies for addressing those needs.

**Fiscal Impact:**

This is a voluntary position and therefore, there is no fiscal impact.

**Attachment:**

- Application for RAB



## Yuba County Housing Authority Commission

Application for Resident Advisory Board (RAB)

Appointed by the Yuba County Housing Authority Commission

APPLICATIONS DUE NO LATER THAN JANUARY 31, 2014

Name: Linda Carson-Rose

Home Address: [REDACTED]

City: Olivehurst Zip: 95961

Home Phone: [REDACTED] Cell: [REDACTED]

Email: [REDACTED]

I am available for meetings on Tuesday mornings: X Yes        No

I am available for meetings on Tuesday evenings: X Yes        No

Reasons you wish to serve on this Board:

I LIKE TO LEARN NEW THINGS  
I have Volunteered for GLEANERS FOOD BANK for  
8 years. Now I would like to try something new.  
Thank-you for nominating me.

Linda Carson-Rose  
SIGNATURE

1-15-14  
DATE

PLEASE RETURN APPLICATION TO: YUBA COUNTY HOUSING AUTHORITY-915 8TH STREET, SUITE 130, MARYSVILLE,  
95901- 530-749-5460

**THIS PAGE INTENTIONALLY LEFT BLANK**





*CONSENT*

*AGENDA*

**THIS PAGE INTENTIONALLY LEFT BLANK**

# The County of Yuba

**Agricultural Commissioner – Weights & Measures**  
**915 8<sup>th</sup> Street, Suite 127 – Marysville, CA 95901**


**LOUIE B. MENDOZA, JR.**  
 AGRICULTURAL COMMISSIONER  
 DIRECTOR OF WEIGHTS & MEASURES



(530) 749-5400  
 Fax (530) 749-5404  
 yubaag@co.yuba.ca.us

**KEVIN ROUSH**  
 ASSISTANT  
 AGRICULTURAL COMMISSIONER  
 DIRECTOR OF WEIGHTS & MEASURES

To: Honorable Board of Supervisors, Yuba County

From:  Louie B. Mendoza Jr., Agricultural Commissioner

Subject: CONSIDER APPROVAL OF RESOLUTION AUTHORIZING AGRICULTURAL COMMISSIONER TO EXECUTE SPECIFIC ONGOING/NEW CONTRACTS, AGREEMENTS, COOPERATIVE AGREEMENTS, GRANTS AND/OR MEMORANDUM OF UNDERSTANDING FOR FISCAL YEAR 2014/2015 OR MULTIYEAR AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION.

Date: February 11, 2014

## Recommendation:

Consider approval of Resolution authorizing the Yuba County Agricultural Commissioner to execute specified ongoing/new contracts, agreements, cooperative agreements, grants and/or memorandum of understanding for Fiscal Year 2014/2015 or multi-year on behalf of the County of Yuba and authorize chairman to sign resolution.

## Background:

Yuba County Administrative Policy & Procedures Manual, Policy Number A-1, procedure 3 states, "It is the general policy of the County that all external documents (contract, leases, agreements, etc.) are to be executed by the Chairman of the Board of Supervisors. Exceptions should be properly authorized by the adoption of a resolution by the Board of Supervisors prior to execution of specific contracts, leases, agreements, etc. by the respective department head." In the past, the Agricultural Commissioner has been authorized through Resolution of the Board of Supervisors, to sign specific contracts and agreements.

## Discussion:

The Agricultural Commissioner has historically sought out revenue sources to fund various activities of the department. These revenue sources typically require that Yuba County enter into contracts, agreements and cooperative agreements with the California Department of Food and Agriculture, Department of Pesticide Regulation, United States Department of Agriculture and other agencies/associations or private contractors. In the interest of efficiency the Yuba County Board of Supervisors has, in the past, authorized the Agricultural Commissioner to execute specified contracts and agreements on the behalf of Yuba County.

This is to request that the Yuba County Agricultural Commissioner be authorized to sign on behalf of Yuba County, specified revenue/expenditure contracts, agreements, cooperative agreements, grants and/or memorandum of understanding for Fiscal Year 2014/2015 or multi-year on behalf of the County of Yuba. Such documents shall be handled in accordance with Yuba County Administrative Policy & Procedures Manual, Policy Number A-1.

Fiscal Impact:

None - Authorizing the Agricultural Commissioner to execute ongoing/new contracts, agreements, cooperative agreements, grants and/or memorandum of understanding for Fiscal Year 2014/2015 or multi-year is an efficiency matter which will save time for both the Board of Supervisors and the Commissioner.

Committee Action:

None – this procedure has been in place and routine for over ten years and there are no changes except for dates from last year's resolution.

Enclosure: Resolution

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

**RESOLUTION AUTHORIZING THE AGRICULTURAL )  
COMMISSIONER TO EXECUTE CERTAIN CONTRACTS/ ) RESOLUTION NO. \_\_\_\_\_  
AGREEMENTS/COOPERATIVE AGREEMENTS/GRANTS/ )  
MEMORANDUM OF UNDERSTANDING FOR FY 2014/2015) )  
OR MULTI YEAR AS LISTED BELOW )**

**WHEREAS**, on a periodic basis certain governmental agencies request that the County Agricultural Commissioner sign Contracts, Agreements, Cooperative Agreements, Grants and/or Memorandum of Understanding for the provision of services to that governmental agency; and

**WHEREAS**, on a periodic basis certain private contractors/associations request that the County Agricultural Commissioner sign Contracts, Agreements, Cooperative Agreements, Grants and/or Memorandum of Understanding for the provision of services to that private contractor/association; and

**WHEREAS**, it is in the interest of efficient and effective county government for the Board of Supervisors to authorize the Yuba County Agricultural Commissioner to execute certain Contracts, Agreements, Cooperative Agreements, Grants and/or Memorandum of Understanding on behalf of Yuba County.

**NOW, THEREFORE, BE IT RESOLVED** that the Yuba County Agricultural Commissioner, be and hereby is authorized to execute on behalf of Yuba County certain Contracts, Agreements,

Cooperative Agreements, Grants and/or Memorandum of Understanding for FY 2014/2015 or multi-year, as listed below and subject to approval of County Counsel and County Risk Management.

A copy of each executed Contract, Agreement, Cooperative Agreement, Grants and/or Memorandum of Understanding shall be filed with the Clerk of the Board of Supervisors of the County of Yuba.

<b><u>Contract/Agreement/ Cooperative Agreement/Grant/ Memorandum of Understanding</u></b>	<b><u>Organization/Agency</u></b>
High Risk Pest Exclusion	California Department of Food & Agriculture (CDFA)
Japanese Dodder	CDFA and Private Contractors
Nursery Inspection	CDFA
California Organic Food	CDFA
Pierce's Disease Control Program/GWSS	CDFA
Asian Citrus Psyllid	CDFA and Private Contractors
Weed Management Area	CDFA
Egg Inspection	CDFA
Pest Detection Trapping	CDFA and Private Contractors
Sudden Oak Death (SOD)	CDFA
Light Brown Apple Moth (LBAM)	CDFA
Seed Certification/Inspection	CDFA and Cal. Crop Improvement Assoc. (CCIA)
Petroleum Program	CDFA - Measurement Standards
Weighmaster Program	CDFA - Measurement Standards
Pesticide Use Enforcement	California Environmental Protection Agency (Cal EPA)
Negotiated Work Plan	Department of Pesticide Regulation (CDPR)
Pesticide Use Reporting Agreement	CDPR/California Agricultural Commissioners and Sealers Association (CACASA)
Structural Fumigation Enforcement Agreement	Cal EPA, Department of Pesticide Regulation/Structural Pest Control Board
Small Hive Beetle (SHB)	California Bee Breeder's Association (CBBA)
Agricultural Products Certification	Private Contractors
Rice Pesticide Water Monitoring	California Rice Commission (CRC)
Heavy Capacity Weight Truck Agmnt	County of Nevada/County of Sutter

-Weights & Measures-  
U.S. Postal Inspection Program  
Annual Financial Plan for  
Wildlife Services (APHIS-WS)  
Wildlife Specialist "Trapper" Program  
Grant Agreement

County of Yolo  
United States Dept of Agriculture Animal & Plant Health  
Inspection Service Wildlife Srvcs. (USDA APHIS -WS)  
Yuba County Water Agency

**PASSED AND ADOPTED this** \_\_\_\_\_ day of \_\_\_\_\_  
2014, by the Board of Supervisors of the County of Yuba, by the following vote:

AYES:

NOES:

ABSENT:

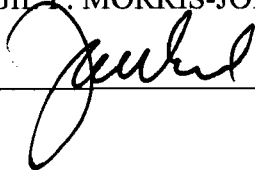
ABSTAIN:

\_\_\_\_\_  
Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

APPROVED AS TO FORM: COUNTY COUNSEL  
ANGIL P. MORRIS-JONES

  
\_\_\_\_\_

**THIS PAGE INTENTIONALLY LEFT BLANK**



# The County of Yuba


**Agricultural Commissioner – Weights & Measures**  
**915 8<sup>th</sup> Street, Suite 127 – Marysville, CA 95901**

**LOUIE B. MENDOZA, JR.**  
 AGRICULTURAL COMMISSIONER  
 DIRECTOR OF WEIGHTS & MEASURES



(530) 749-5400  
 Fax (530) 749-5404  
 yubaag@co.yuba.ca.us

**KEVIN ROUSH**  
 ASSISTANT  
 AGRICULTURAL COMMISSIONER  
 DIRECTOR OF WEIGHTS & MEASURES

**To:** Honorable Board of Supervisors, Yuba County  
**From:**  Louie B. Mendoza Jr., Agricultural Commissioner  
**Date:** February 11, 2014  
**Subject:** Title III Project Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 - Recommendations

**Recommendation:** It is recommended the Board of Supervisors endorse this proposal which will set maximum funding limits, establish project funding priorities and serve as the spending plan for the remaining Federal Forest Reserve (HR2389- Title III) funds, provided under the Secure Rural Schools and Community Self-Determination Act of 2000 (SRS Act). The SRS Act was amended and reauthorized for Federal fiscal years 2008 through 2011 and most recently was extended by one year in October 2013. Proposed projects, priorities and maximum funding levels for each project are listed below for fiscal years 2014/2015 and 2015/2016.

<u>Priority No.</u>	<u>Project</u>	<u>Maximum Funding</u>
1.	Fire Safe Council Education and Outreach - Coordinator	Up to \$ 32,000 per fiscal year
2.	Roadside Clearing	Up to \$ 5,000 per fiscal year

**Background:** In December 2013, the Yuba County Agricultural Commissioner sent an “opt in” letter designating that fifteen percent (15%) of the HR 2389 - Forest Reserve Funds for Yuba County be allocated to Title III projects. The Board previously approved Resolution Number 2003-159 which authorized the Agricultural Commissioner to administer SRA Act (HR 2389) Fund payments; which were allocated for Title III projects and approved by the Yuba County Board of Supervisors. There will be an available balance of approximately \$28,000 remaining for allocation from previously approved projects listed above. The Board of Supervisors is being asked to approve a plan which sets maximum possible funding values for the above projects for fiscal years 2014/2015 & 2015/2016.

**Discussion:** It is recommended the Board of Supervisors endorse this proposed spending plan for fiscal years 2014/2015 & 2015/2016 which will establish a priority list of projects and set maximum funding limits each. The Board of Supervisors through their endorsement of these projects and funding limits will establish a recommended spending plan that will serve as the basis for expenditure of the remaining HR2389 – Title III funds. The two projects to be funded under this proposal have been previously approved by the Board of Supervisors in a properly noticed Public Hearing. The request before the Board of Supervisors is to set funding limits and not to consider new projects. The following is a brief description of each proposal. They are listed in order of recommended funding priority:

Project 1. Fire Safe Council Education and Outreach - Fire Safe Coordinator  
Agency: Yuba Watershed Protection and Fire Safe Council  
Purpose: Fund a Fire Safe Coordinator position for Fiscal Years 2014/2015 and 2015/2016. This position is critical to the ongoing efforts of the Council. There are currently no funding sources for this position other than the HR2389 funds. Coordinator sets up monthly meetings, develops annual strategic plan to direct the work of the Council on fire prevention education, works with Yuba County OES on fire prevention activities, additionally, coordinator will assist in the development and implementation of GIS activities.  
Cost: \$32,000 for 12 month agreement (fiscal year)  
Information: Eligible Title III project - Fire prevention planning.  
Recommendation: Approve not more than \$32,000 per fiscal year in case of additional projects or additional funding

Project 2. Roadside fuel reduction - vegetation management.  
Agency: Public Works  
Purpose: Work with Fire Safe Council to identify roads and clear vegetation within the county right of way to provide protective fuel breaks and reduce fuel load along county roads.  
Cost: To be estimated (historically it has been \$10,000 per linear mile).  
Information: This is the lowest priority project proposed for funding under HR2389. Funding for this activity is considered to be a backup project to be funded only if project 1 can be completed for less expense than is allocated. The goal is to exhaust all HR2389 funds during FY2014/ 2015 and 2015/2016.  
Recommendation: Approve not more than \$5,000 per fiscal year.

**Fiscal Impact:** No direct impact to the County General Fund. Funds allocated as per SRS Act. Funding is scheduled to decrease during the next fiscal year. Should the funding be exhausted, the fire safe coordinator position will be terminated unless other funding sources are developed.

**Committee Action:** No committee action is being requested. The Board of Supervisors has previously approved these project funding priorities that are the same or have been similar for the past ten years under the direction of the agricultural department.

Encl: Yuba County Agricultural Commissioner letter dated December 6, 2013  
SRS Act - HR2389 Informational Document

## **Secure Rural Schools and Community Self-Determination Act of 2000 (SRS Act Public Law 106-393)**

### **Federal Forest Reserve Payment Election – HR2389**

**Background:** Since 1908, counties and school systems adjacent to national forests have received 25 percent of the gross receipts from the management of these lands (federal timber sales). These payments were established to compensate communities for the lack of taxes that would have otherwise been generated had the lands been in private ownership. As the volume of timber sales began to fall on national forest and BLM lands in the late 1980's, so did the amount of these payments, leaving many rural communities in severe economic straits.

The Secure Rural Schools and Community Self-Determination Act of 2000 (SRS Act), also known as "HR2389" changed the way counties received a portion of national forest revenue receipts annually generated by the federal government. The SRS Act was amended and reauthorized for fiscal years 2008 through 2011 and since has been extended at one year intervals, the latest approval coming in October 2013. SRS Act or HR 2389 is intended to reduce state dependence on natural resources to fund education and roads. The legislation identifies two ways a county can receive payment:

1. An annual "Safety Net Payment" based upon the State's average of its highest three years of forest receipts from 1986 through 1999, (individual payments to counties are allocated by State Controller's office). With this option, counties must elect to reserve (15-20%) of their full payment amount for special forest projects under Title II of the Act, county projects under Title III, or both. This option is guaranteed from 2008 through 2011, and is still an option with the one year extensions to date that have occurred with the SRS act.
2. Receive the traditional 25% of actual timber harvest receipts as specified in the 1908 legislation.

For the past several years the Yuba County Board of Supervisors through the Yuba County Agricultural Commissioner has elected to receive the annual "Safety Net Payment" and selected 15% of Forest Reserve Funds received be allocated to county projects under Title III for fiscal years 2012/2013 and 2013/2014

In fiscal year 2001-2002 based on the full payment amount of \$231,268, the County School

Service Fund received \$92,507, the County Road Fund received \$92,507 and the balance (20%) or \$46,254 went to trust fund #324 for Title III projects. Currently, there is approximately \$28,000 as fund balance that can be used for approved projects. Section 302 of the SRS Act (HR 2389) identifies how the funds may be used by the County under Title III. The authorized uses are:

1. Search, Rescue, and Emergency Services: An eligible County or applicable Sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the County.
2. Community Service Work Camps: An eligible County may use these funds as reimbursement for all or part of the costs incurred by the County to pay the salaries and benefits of County employees who supervise adults or juveniles performing mandatory community service on Federal lands.
3. Easement Purchases: An eligible County may use these funds to acquire:
  - a. Easements, on a willing seller basis, to provide for non-motorized access to public lands for hunting, fishing, and other recreational purposes
  - b. Conservation easements; or
  - c. both
4. Forest Related Educational Opportunities: *A County may use the funds to establish and conduct forest-related after school programs.*
5. Fire Prevention and County Planning: *A County may use these funds for:*
  - a. *Efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping, that can increase the protection of people and property from wildfires; and can increase the protection of people and property from wildfires; and*
  - b. *Planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.*
6. Community Forestry: A County may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

# *The County of Yuba*

---

**Agricultural Commissioner – Weights & Measures**  
**915 8<sup>th</sup> Street, Suite 127 – Marysville, CA 95901**

---

**LOUIE B. MENDOZA, JR.**  
AGRICULTURAL COMMISSIONER  
DIRECTOR OF WEIGHTS & MEASURES



---

**(530) 749-5400**  
**Fax (530) 749-5404**  
**yubaag@co.yuba.ca.us**

---

**KEVIN ROUSH**  
ASSISTANT  
AGRICULTURAL COMMISSIONER  
DIRECTOR OF WEIGHTS & MEASURES

December 6, 2013

Cara B. Martinson  
Associate Legislative Representative, Environmental Issues  
CALIFORNIA STATE ASSOCIATION OF COUNTIES  
1100 K Street, Suite 101  
Sacramento, CA 95814

Dear Ms. Martinson:

As per the Secure Rural Schools and Community Self Determination (SRS) Act, as amended and reauthorized in legislation (Public Law 113-40), the County of Yuba selects the "state payment" under the SRS Act. In particular, we request to set aside and allocate 15% to Title III funds from the 2013 payment.

Thank you for your attention to this matter. Please do not hesitate to contact this office if you have any questions

Sincerely,

A handwritten signature in black ink, appearing to read "Louie B. Mendoza Jr.", is written over a horizontal line.

Louie B. Mendoza Jr.  
Agricultural Commissioner

cc: Board of Supervisors  
Mike Lee – Public Works Director  
Robert Bendorf – CAO

**THIS PAGE INTENTIONALLY LEFT BLANK**

# *The County of Yuba*

## BOARD OF SUPERVISORS



### *JANUARY 14, 2014 – MINUTES*

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors John Nicoletti, Mary Jane Griego, Roger Abe and Hal Stocker. Supervisor Andy Vasquez was absent. Also present were County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Vice Chairman Nicoletti presided.

- I. PLEDGE OF ALLEGIANCE - Led by Chief Webb
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – Supervisor Vasquez absent
- III. 2013 CHAIRMAN OF THE BOARD STATEMENT - Postponed to January 21, 2014
- IV. ELECTION OF 2014 OFFICERS
  - A. Chairman of the Board of Supervisors: Supervisor Abe nominated Supervisor Nicoletti. No further nominations were received.  
  
MOTION: Move to cast unanimous ballot for Supervisor Nicoletti as 2014 Chairman of the Board of Supervisors  
MOVED: Mary Jane Griego SECOND: Roger Abe  
AYES: John Nicoletti, Mary Jane Griego, Roger Abe, Hal Stocker  
NOES: None ABSENT: Andy Vasquez ABSTAIN: None
  - B. Vice Chairman of the Board of Supervisors: Supervisor Stocker nominated Supervisor Griego. No further nominations were received.  
  
MOTION: Move to cast unanimous ballot for Supervisor Griego as 2014 Vice Chair of the Board of Supervisors  
MOVED: Hal Stocker SECOND: John Nicoletti  
AYES: Hal Stocker, John Nicoletti, Mary Jane Griego, Roger Abe  
NOES: None ABSENT: Supervisor Vasquez ABSTAIN: None
- V. CONSENT AGENDA:  
Supervisor Abe requested item C.1. pulled and directed the Clerks to forward application to Fish and Game Advisory Commission.  
  
MOTION: Move to approve Consent Agenda MOVED: Mary Jane Griego SECOND: Roger Abe  
AYES: Mary Jane Griego, Roger Abe, John Nicoletti, Hal Stocker  
NOES: None ABSENT: Andy Vasquez ABSTAIN: None

A. Administrative Services

1. (001-14) Approve Amendment No. 1 to the memorandum of understanding with Yuba County Water Agency extending information technology services for three months and authorize Chair to execute. Approved.

B. Board of Supervisors

1. (002-14) Appoint Deputy Counsel John Whidden as the Board Chairman designee to the Law Library Board of Trustees. (No background material) Approved.

C. Clerk of the Board of Supervisors

1. (493-13) Appoint Terry Oakes to the Yuba County Fish and Game Advisory Commission as an at-large representative for a term to end October 5, 2014. (Continued from December 17, 2013) Pulled from consideration.
2. (003-14) Approve minutes of the meetings of December 10 and 17, 2013. Approved as written.

D. Community Development and Services

1. (004-14) Approve amendment to agreement with Mark Thomas and Company for civil engineering design of New York House Road over Dry Creek Bridge Replacement Project and authorize Chair to execute. Approved.
2. (005-14) Adopt resolution authorizing submission of the State Community Services Block Grant Contract No. 14F-3053 and authorizing the Chair or Executive Director to execute grant and amendments; further authorizing Executive Director to execute subsequent required fiscal and programmatic reports. Adopted Resolution No. 2014-01, which is on file in Yuba County Resolution Book No. 45.

E. Emergency Services

1. (006-14) Approve out of state travel for emergency operations center management staff for 3-day trainings in Emmitsburg, Maryland during March 2014. Approved.

VI. SPECIAL PRESENTATION

- B. (007-14) Present proclamation to First 5 Yuba Commission proclaiming 2014 as the Year of the Child. (Five minute estimate) Postponed. (008-14) Receive information from Yuba-Sutter Area 211 Call Center Steering Committee. (Ten minute estimate)  
Ms. Sue Cejner-Moyers and Ms. Becky Bowen recapped the committee's goals, resources, and services, and responded to Board inquiries. Following Board discussion Ms. Cejner-Moyers advised an update would be provided in March.

VII. PUBLIC COMMUNICATIONS:

Economic Development Coordinator John Fleming regarding Economic Development Committee.



VIII. COUNTY DEPARTMENTS

A. Board of Supervisors

1. (009-14) Appoint Board member and alternate to Regional Council of Rural Counties and CHF Board of Directors for 2014. (Five minute estimate)

MOTION: Moved to approve Representative Roger Abe and Alternate Andy Vasquez

MOVED: Mary Jane Griego SECOND: Roger Abe

AYES: John Nicoletti, Hal Stocker, Mary Jane Griego, Roger Abe

NOES: None ABSENT: Andy Vasquez ABSTAIN: None

B. Health and Human Services

1. (010-14) Adopt resolution approving Welfare and Institutions Code §17600.50(a) approach determining payments to Family Support Services subaccount, and approving and ratifying the action of County Medical Services Program Resolution 2013-1. (Ten minute estimate) County Administrator Robert Bendorf introduced Health and Human Services Interim Director Jennifer Vasquez. Ms. Vasquez provided a brief recap and responded to Board inquiries.

MOTION: Move to adopt MOVED: Mary Jane Griego SECOND: Hal Stocker

AYES: Mary Jane Griego, Hal Stocker, John Nicoletti

NOES: Roger Abe ABSENT: Andy Vasquez ABSTAIN: None

Adopted Resolution No. 2014-02, which is on file in Yuba County Resolution Book No. 45.

IX. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

- A. (011-14) Public hearing - Hold public hearing, and adopt resolution adopting initial study mitigated negative declaration and the 2013-2021 Housing Element of the Yuba County General Plan - GPA2013-0001. (Community Development and Services) (Twenty minute estimate). Planning Director Wendy Hartman and Consultant Jennifer Gastelum recapped the following updates and changes and responded to Board inquiries:

- Housing Element Overview
- Census and demographic updates
- Regional Housing Needs Assessment (RHNA)
- SB 812 Developmental Services Housing
- Zoning and Comprehensive Updates
- Housing Element
- Out-reach meetings and public workshops
- Changes to September 2013 Public Review Draft
- Third Party Comments
- Department of Housing and Community Development
  - Comments received and summary of responses
- Planning Commission summary of comments

Chairman Nicoletti opened the public hearing. The following individual spoke:

- Ms. Tatiana Reyes

MOTION: Move to close the public hearing and adopt  
MOVED: Mary Jane Griego SECOND: Hal Stocker  
AYES: Mary Jane Griego, Hal Stocker, John Nicoletti, Roger Abe  
NOES: None ABSENT: Andy Vasquez ABSTAIN: None

Adopted Resolution No. 2014-03, which is on file in Yuba County Resolution Book No. 45.

X. CORRESPONDENCE

- A. (012-14) Notice from State Department of Fish and Wildlife regarding recommendations for the 2014-15 deer hunts. (Copy provided to Fish and Game Advisory Commission) Received.
- B. (013-14) Three notices from Auditor-Controller enclosing independent audit and financial records for Wheatland Cemetery District, Yuba Community College District, and Linda County Water District for year ending June 30, 2013. Received.
- C. (014-14) Letter from California Sudden Infant Death Syndrome Advisory Council commending Sheriff Durfor for outstanding community service. (Copies provided to Human Resources and Sheriff Durfor) Received.
- D. (015-14) Letter from United States Department of Agriculture regarding Pacific Gas and Electric Company's Herbicide Vegetation Management Program environmental assessment, preferred alternative, and comment period. Received.
- E. (016-14) Letter from Olivehurst Public Utility District regarding Annexation Number Five to Community Facilities District No. 2005-2. Received.
- F. (017-14) Notice from Central Valley Regional Water Quality Control Board regarding amendments to the Water Quality Control Plan for Tulare Lake Basin. Received.
- G. (018-14) Three notices from State of California Fish and Game Commission regarding Notice of Findings relating to Townsends' big-eared bat, America pika, and Northern spotted owl. (Copies provided to Fish and Game Advisory Commission) Received.

XI. CLOSED SESSION: The Board retired into closed session at 11:31 a.m. and returned at 11:51 a.m. with all present as indicated above.

- A. Pending litigation pursuant to Government Code §54956.9(e) 3 - One claim Chellis-Rai Information received.

XII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Stocker:

- Memorial Adjournment - Ms. Marjorie Holmes
- Health Officer Dr. Michael Kinnison health program

Supervisor Abe:

- Sacramento Sierra Valley EMS meeting held January 10, 2014
- Memorial Adjournments: Ms. Anna Hern and Mr. Henry Dethlefsen
- RCRC installation of new officers January 26, 2014

Supervisor Griego:

- Memorial Adjournment - Ms. Mildred Hicks
- SACOG Committee meeting held January 7, 2014
- Marysville/County Liaison meeting January 2, 2014

Supervisor Nicoletti:

- Memorial Adjournments: Mr. Finlay Patrick Williams Jr., Mr. Jason Hughes, The Honorable Judge James Curry
- Cal Trans Feather River Bridge meeting
- Community Services Commission meeting
- First 5 Yuba Commission
- Marysville/County Liaison meeting January 2, 2014
- Chairman priorities for 2014

County Administrator Robert Bendorf:

- Review of new proposed legislative bills
- Budget prospectus estimates January 28, 2014
- Policy recommendations reserves, contingencies, cash flow and capital needs
- Preparing for labor negotiations with Yuba County Employees and District Attorneys Associations
- Community Facilities District 2005-1 Edgewater
- Sheriff's Department new facility status
- Communications tower location

XIII. ADJOURN: 12:27 p.m. in memory of Ms. Marjorie Holmes, Ms. Anna Hern, Ms. Mildred Hicks, Mr. Finlay Patrick Williams Jr., Mr. Jason Hughes, Mr. Henry Dethlefsen, and The Honorable Judge James Lee Curry.

\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

Approved: \_\_\_\_\_

By: Rachel Ferris, Deputy Clerk

# *The County of Yuba*

## B O A R D O F S U P E R V I S O R S



JANUARY 21, 2014 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Nicoletti presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker - Supervisor Stocker absent.
- III. 2013 CHAIRMAN OF THE BOARD STATEMENT - Chairman Andy Vasquez  
2013 Chairman Vasquez commented on the resilience of the county, the commitment of employees, and commended staff for their assistance throughout the year.  
Supervisor Stocker joined the meeting at 9:37 a.m.  
Chairman Nicoletti presented a plaque recognizing outgoing Chairman Vasquez.
- IV. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.  
  
MOTION: Move to approve      MOVED: Mary Jane Griego      SECOND: Andy Vasquez  
AYES: Mary Jane Griego, John Nicoletti, Andy Vasquez, Roger Abe, Hal Stocker  
NOES: None    ABSENT: None    ABSTAIN: None  
  
A. Clerk of the Board of Supervisors
  1. (020-14) Appoint Glenn Stiffemire to the Yuba County Economic Development Advisory Committee to serve at the pleasure of the Board. Approved.
- V. PUBLIC COMMUNICATIONS:  
Emergency Services Manager Scott Bryan - Declaration of severe drought proclaimed by Governor Brown
- VI. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.
  - A. (021-14) Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and re-enacting Chapter 7.15.040 relating to smoking in and within 50 feet of any main exit, entrance, or operable window of any County owned or leased building. (First reading) (Public Facilities Committee recommends approval) (Ten minute estimate) Administrative Services Director Doug McCoy recapped changes within the ordinance.

Chairman Nicoletti opened the public hearing. No one came forward.

MOTION: Move to close public hearing, waive reading and introduce ordinance  
MOVED: Roger Abe SECOND: Andy Vasquez  
AYES: Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego, Hal Stocker  
NOES: None ABSENT: None ABSTAIN: None

VII. CORRESPONDENCE

MOTION: Move to accept and file MOVED: Mary Jane Griego SECOND: Andy Vasquez  
AYES: Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe, Hal Stocker  
NOES: None ABSENT: None ABSTAIN: None

- A. (022-14) Notice from State Board of Equalization enclosing annual report for fiscal year 2012-13. (Report on file in Clerk of the Board office) Received.
- B. (023-14) Notice from Office of Governor Brown enclosing proclamation calling Statewide Direct Primary Election on Tuesday, June 3, 2014. Received.
- C. (024-14) Letter from North Yuba Water District regarding district communication. Received.
- D. (025-14) Letter and Certificate of Appreciation from the Veterans' Day Parade Committee for 11th Annual Yuba-Sutter Veteran's Day Parade. Received.

VIII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Griego:

- SACOG Directors meeting January 16, 2014
- Memorial Adjournment - Mr. Howard E. Carter

Supervisor Abe:

- Economic Development Advisory Committee Breakfast held at Frank M. Booth
- Meeting regarding south version canal

Supervisor Stocker:

- District 10 Hallwood Community Services District meeting regarding fire services and proclamations for retiring Directors
- Memorial Adjournment - Ms. Patricia Bilinski; Ms. Marie Mahoney; Mr. Juan Ernesto Esquibel; Mr. Thomas Fowler
- Economic Development Advisory Committee Breakfast held at Frank M. Booth

Supervisor Nicoletti:

- Memorial Adjournment - Mr. Richard Lawson
- Meeting with Peach Tree Health Care Executive Director
- Regional Waste Management meeting held January 16, 2014
- Yuba County Museum of History fundraiser event

- IX. CLOSED SESSION: The Board retired into closed session at 10:07 a.m. and returned at 10:15 a.m. with all present as indicated above.

- A. Pending litigation pursuant to Government Code §54956.9(d)(2) - Maldonado v. Yuba County Housing Authority, et al. Authorization by unanimous vote to defend lawsuit.

The Board returned into closed session at 10:15 to discuss the following:

- B. Personnel pursuant to Government Code §54957 - County Administrator Evaluation No report.

- X. RECESS: The Board reconvened at 11:08 a.m. with all present as indicated above.

- XI. BOARD OF SUPERVISORS WORKSHOP - Strategic Planning (No background material) (026-14)

County Administrator Robert Bendorf and Community Development and Services and Director Kevin Mallen recapped the purpose of the workshop.

Following rapid Board discussion on strategic priority needs, the Board outlined the following for further assessment and consideration:

Economic Development:

- Board and staff outreach
- Infrastructure development - utilities, transportation, workforce
- Enhancing agricultural opportunities
- Sports and Entertainment Area
- Art and Culture

Responsible Growth:

- Efficiency of infrastructure and services - Water, Sewer, Drainage, Roads, Fire, etc.
- Development Code Update - Achieving Job/Housing Balance
- Regional Park - Sycamore Ranch Partnerships for nature science programs
- County led discussion with College, Schools, Water Agency, and others on Community Priorities

Organizational Excellence:

- Best Practices for Technology efficiencies and innovation
- Organizational efficiencies
- Identify immediate staffing needs
- Organizational Health

Public Safety and Health:

- Decision on Sheriff Facility
- Community Activities/Opportunities - Recreation, Community Centers, Events
- Community Character and Image

Mr. Bendorf indicated a report would be developed on priorities discussed which would be brought to the Board for consideration in approximately one month.

- XII. ADJOURN: 1:21 p.m. in memory of Ms. Patricia Bilinski, Ms. Marie Mahoney, Mr. Howard E. Carter, Mr. Juan Ernesto Esquivel, Mr. Thomas Fowler, and Mr. Richard Lawson.

---

Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

Approved: \_\_\_\_\_

# *The County of Yuba*

## B O A R D O F S U P E R V I S O R S



### *JANUARY 28, 2014 – MINUTES*

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:37 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe and Hal Stocker. Supervisor Mary Jane Griego was absent. Also present were County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chairman Nicoletti presided.

- I. PLEDGE OF ALLEGIANCE - Led by Mr. Terry Bentley
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Abe, Stocker – Supervisor Griego Absent
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve Consent Agenda    MOVED: Hal Stocker    SECOND: Andy Vasquez

AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Roger Abe

NOES: None    ABSENT: Mary Jane Griego    ABSTAIN: None

#### A. Board of Supervisors

1. (026-14) Approve Sutter County appointment of Stan Cleveland to Feather River Air Quality Improvement District Board of Directors. Approved.
2. (027-14) Approve Board Standing Committee appointments for calendar year 2014. Approved.

#### B. Clerk of the Board of Supervisors

1. (028-14) Reappoint Dennis Green as the technical representative to the Bi-County Solid Waste Independent Hearing Panel for a term ending January 28, 2018. Approved.

#### C. County Administrator

1. (029-14) Approve agreement with Gallina, LLP for independent audit services for fiscal year ending June 30, 2014 and authorize Chair to execute. Approved.

#### D. Sutter-Yuba Mental Health Services

1. (030-14) Approve amended agreement with Casa de Esperanza for domestic violence crises intervention and authorize the Chair to execute same. Approved.
2. (031-14) Appoint Tony Hobson Mental Health Director and Drug and Alcohol Administrator for Sutter-Yuba Mental Health Services. Approved.



IV. SPECIAL PRESENTATION

A. (032-14) Receive presentation from Recology on 2013 Community Benefit Report. (No background material) (Ten minute estimate) Recology Public Education Officer Jackie Sillman and Site Manager Terry Bentley presented the 2013 Community Benefit Report including the following:

- 46,000 Yuba County customers
- Routes
- Recycling programs
- Free Dump and bulky item passes
  - Composting program
  - Community Gardeners
  - Working with local area restaurants
  - 73% Waste Diversion Rate
- Recology Strategic Plan 2014-2018

V. PUBLIC COMMUNICATIONS: No one came forward.

VI. COUNTY DEPARTMENTS

A. Administrative Services

1. (033-14) Adopt resolution acknowledging gift of goods and services from Precision Painting in the amount of \$5,300 for specific painting requirements for Yuba-Sutter Juvenile Hall. (Five minute estimate) Director Doug McCoy provided a brief recap and responded to Board inquiries.

MOTION: Move to approve                      MOVED: Andy Vasquez    SECOND: Roger Abe

AYES: Andy Vasquez, Roger Abe, John Nicoletti, Mary Jane Griego, Hal Stocker

NOES: None    ABSENT: Mary Jane Griego    ABSTAIN: None

B. County Administrator

1. (034-14) Receive report regarding projections for Fiscal Year 2014-2015 budget. (Ten minute estimate) County Administrator Robert Bendorf provided a PowerPoint presentation and responded to Board inquiries regarding:

- General Fund Expenditures and Revenues
  - Anticipated increase in Employer Pension, and Health Insurance Rates
  - Estimated revenue increase for Fiscal Year 2014-2015 of \$400,000
- Carryover and Use of One Time Funds
- Allocated Positions and Estimated Salaries Increases
  - 2014-2015 Cost of Living Adjustments, Merit and Longevity increases \$1,513,499
- Increases in Health Benefits
- Unfunded Liability - Pensions \$65,284,182
- Recapped Budget Goals 2013-2014
- Budget instructions to departments
  - No new positions, or increase in general fund appropriations
  - Departments absorb cost increase and reduce line items as appropriate

- Identify service impacts and reduce reliance on one-time revenue sources where possible
- 2. (035-14) Consider General Fund Fiscal Policies for Reserves, Contingencies, Capital and Cash Flow and take action as appropriate. (Ten minute estimate) County Administrator Robert Bendorf recapped the counties current policies, provided a PowerPoint presentation on the following, and responded to Board inquiries:
  - General Fund Reserves budgeted at \$1,442,588
    - Amend current policy to include a recommended stated goal of 10% to be achieved within five years which would increase the fund by approximately \$3.1 million
  - General Fund Capital Outlay current balance \$2,297,266
    - Develop and present a capital outlay fund policy and funding level based on capital needs analysis
  - General Fund Contingencies budgeted at \$594,872
    - Increase fund incrementally until amount equal to one or two months of general fund salaries and benefits are set aside
  - General Fund Cash Flow
    - Increase fund incrementally until amount equal to one or two months of general fund salaries and benefits are set aside

Mr. Bendorf and Treasurer Tax Collector Dan Mierzwa recapped a future fund "Reserves for Economic Uncertainties" that would be separate from the General fund, operate the same as contingencies, and increase cash flow and credit rating.

VII. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

- A. (021-14) Ordinance - Hold public hearing, waive reading, and adopt ordinance repealing and re-enacting Chapter 7.15.040 relating to smoking in and within 50 feet of any main exit, entrance or operable window of any County owned or leased building. (Second reading) (Public Facilities Committee recommends approval) (Continued from January 21, 2014) (Ten minute estimate) (Roll Call Vote required) Administration Services Director Doug McCoy and County Counsel Angil Morris-Jones recapped the ordinance as it was amended at the first reading and responded to Board inquiries.

Chairman Nicoletti opened the public hearing. No one came forward

MOTION: Move to close the public hearing and adopt      MOVED: Roger Abe      SECOND: Andy Vasquez

AYES: Roger Abe, Andy Vasquez, John Nicoletti, Mary Jane Griego, Hal Stocker

NOES: None      ABSENT: Mary Jane Griego      ABSTAIN: None

Adopted Ordinance No. 1526, which is on file in Yuba County Ordinance Book No. 24.

VIII. CORRESPONDENCE

- A. (036-14) Letter from Sutter-Yuba Mosquito and Vector Control District regarding Annual Statement of Facts. Received.
- B. (037-14) Schedule of Proposed Actions from the United States Forest Service regarding Plumas National Forest for the period of January 1, 2014 through March 31, 2014. Received.

C. (038-14) Notice from California Fish and Game Commission regarding ocean salmon sport fishing. Received.

IX. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Abe:

- RCRC meeting held January 22, 2014
- Alliance for Farm Land Management presentation held January 23, 2014

Supervisor Stocker:

- Memorial Adjournment: Ms. Marilyn DeVore and Mrs. Elizabeth Bordsen
- Fire Safe Counsel Community Wildfire Protection Plan

Supervisor Nicoletti:

- Memorial Adjournment: Mr. Jim Vantress
- FREED Device Lending Library open house held January 23, 2014

X. ADJOURN: 11:31 a.m. in memory of Ms. Marilyn DeVore, Mrs. Elizabeth Bordsen, and Mr. Jim Vantress.

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
By: Rachel Ferris, Deputy Clerk

Approved: \_\_\_\_\_

**THIS PAGE INTENTIONALLY LEFT BLANK**

# The County of Yuba


---

## Office of Clerk of the Board of Supervisors

---



**To:** Board of Supervisors

**From:** Donna Stottlemeyer, Clerk of the Board 

**Subject:** Plumas Lake Specific Plan Design Review Committee – Technical Representative

**Date:** February 11, 2014

### Recommendation

Appoint Carla Lemon-Wilcoxon to the Plumas Lake Specific Plan Design Review Committee as a Technical Representative for a term to end February 11, 2015.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted and updated regularly indicating vacancies, appointees, terms of office, qualifications and meeting information. There are currently two vacancies on the committee; one each from 2011 and 2013. The committee is comprised of residents of the Plan and technical members.

One application has been received from Carla Lemon-Wilcoxon and is attached for your review and approval. In light of the expressed interest, it would be appropriate to appoint one individual at this time.

### Fiscal Impact

None

### Committee Action

None

attachments

# The County of Yuba

RECEIVED

JAN 15 2014

Application for Board/Commission/Committee  
Appointed by the Board of Supervisors

Clerk/Board of Supervisors



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS  
YUBA COUNTY GOVERNMENT CENTER  
915 EIGHTH STREET, SUITE 109  
MARYSVILLE, CA 95901  
(530) 749-7510

BOARD/COMMISSION/COMMITTEE  
ON WHICH YOU WOULD LIKE TO SERVE:

*Plumas Lake Specic Plan Design Review Committee*

APPLICANT NAME:

*Carla Lemon-Wilcoxon*

MAILING ADDRESS -

(Street/P.O. Box, City, Zip):

*Same*

PHYSICAL ADDRESS

(Street, City, Zip):

*Plumas Lake, CA 95961*

TELEPHONE:

HOME:

EMAIL ADDRESS:

OCCUPATION/PROFESSION:

SUPERVISOR/ DISTRICT

NUMBER:

*Realtor*

*4*

REASONS YOU WISH TO

SERVE ON THIS BODY:

QUALIFICATIONS:

LIST PAST AND CURRENT

PUBLIC POSITIONS HELD:

*I have been a resident in Plumas Lake in early 2005 and my knowledge of values and real estate may assist to bring insight to the look of community. 8 years of real estate experience in Yuba County. President of South Yuba County Rotary Club Board and MLC Chair for Sutter Yuba Association & Realty.*

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Carla M Lemon-Wilcoxon*

SIGNATURE

*1/15/14*

DATE

## THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

*President for YUCAD for 2 years, VP for one*

# The County of Yuba

---

## Office of Clerk of the Board of Supervisors

---



**To:** Board of Supervisors  
**From:** Donna Stottlemeyer, Clerk of the Board *Donna Stottlemeyer*  
**Subject:** Resource/Development Code Advisory Committee  
**Date:** February 11, 2014

### Recommendation

Appoint Dawn Foster and Johanna Lassaga to the Resource/Development Code Advisory Committee as District Three and Four representatives respectively.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted and updated regularly indicating vacancies, appointees, terms of office, qualifications, and meeting information. The vacancies were posted on January 22, 2014. Applications from Ms. Foster and Ms. Lassaga are attached for your review. Supervisors Griego and Abe recommend appointment.

In light of the expressed interest, it would be appropriate to make appointment at this time.

### Fiscal Impact

None.

### Committee Action

Brought directly to the Board for consideration.

# The County of Yuba



RECEIVED

JAN 31 2014

Clerk/Board of Supervisors

Application: RESOURCE/DEVELOPMENT CODE ADVISORY COMMITTEE  
Appointed by the Board of Supervisors

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO::

CLERK OF THE BOARD OF SUPERVISORS  
YUBA COUNTY GOVERNMENT CENTER  
915 EIGHTH STREET, SUITE 109  
MARYSVILLE, CA 95901  
(530) 749-7510

APPLICANT NAME:

Dawn Foster

MAILING ADDRESS:

[REDACTED] Olivehurst, CA 95961

PHYSICAL ADDRESS:

SAME AS ABOVE

TELEPHONE:

HOME:

[REDACTED]

WORK:

[REDACTED]

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:

LVN

SUPERVISOR DISTRICT UMBER:

3

Use additional sheets if necessary to address the next 3 questions

REASONS YOU WISH TO  
SERVE ON THIS BODY:

I want to help make the community  
better

EXPERIENCE WITH  
ZONING/SUBDIVISION/  
DEVELOPMENT CODE  
REGULATIONS:

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO THE ADVISORY COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dawn Foster

SIGNATURE

01/30/2014

DATE

## THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED:

☐ OTHER:



# The County of Yuba

RECEIVED

JAN 31 2014



Application for Board/Commission/Committee  
Appointed by the Board of Supervisors

Clerk/Board of Supervisors

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS  
YUBA COUNTY GOVERNMENT CENTER  
915 EIGHTH STREET, SUITE 109  
MARYSVILLE, CA 95901  
(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Zoning Ordinance Committee

APPLICANT NAME:

Johanna Lassaga

MAILING ADDRESS -  
(Street/P.O. Box, City, Zip):

[REDACTED]

PHYSICAL ADDRESS  
(Street, City, Zip):

Wheatland CA 95692

TELEPHONE:

HOME:

WORK:

[REDACTED]

EMAIL ADDRESS:

[REDACTED]

OCCUPATION/PROFESSION:  
SUPERVISOR/ DISTRICT  
NUMBER:

Court reporter

Roger Abe / District 4

REASONS YOU WISH TO  
SERVE ON THIS BODY:

Community service ; to be more  
involved

QUALIFICATIONS:

taxpayer ; Yuba County resident

LIST PAST AND CURRENT

PUBLIC POSITIONS HELD:

none

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Johanna Lassaga  
SIGNATURE

DATE

1/31/14

THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

**THIS PAGE INTENTIONALLY LEFT BLANK**



*COUNTY*  
*DEPARTMENTS*

**THIS PAGE INTENTIONALLY LEFT BLANK**

# The County of Yuba

## Department of Administrative Services

Doug McCoy, Director




AIRPORT	741 044-14
BUILDING & GROUNDS	749-7880
FACILITIES MANAGEMENT	749-7880
INFORMATION SERVICES	749-7891
PRINT SHOP	749-7880
PURCHASING	749-7880
TELECOMMUNICATIONS	749-7880

(530) 749-7880  
FAX (530) 749-7936

February 11, 2014

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: DOUG MCCOY, Administrative Services Director 

SUBJECT: AUTHORIZE THE CHAIRMAN TO EXECUTE AIRPORT LEASE AGREEMENT  
FOR UNITED PARCEL SERVICE (BT-OH, LLC) FOR LOT 7, INDUSTRIAL PARK 1

### Recommendation:

It is recommended that the Board authorize the Chairman of the Board of Supervisors to execute the subject airport lease agreement.

### Background:

The attached is a new ground lease with United Parcel Service. The previous lease was a 40-year lease written in 1974 that will expire on April 30, 2014. Lot 7 is a 5-acre parcel located in Airport Industrial Park No. 1.

### Discussion:

The Airport has worked with the company over the past several months to mutually agree on a reasonable lease rate. The previous lease was \$500 a year for a 40-year term. The new rate is \$.02 cents per square foot or \$4,356 annually. The rate was determined after review of similar current leases in the industrial park area. The lease rate is adjusted annually based on changes to the Consumer Price Index and will continue for a lease term of 20 years.

### Committee Action:

This item was not presented to the committee as it is considered routine. The agreement was reviewed and approved by County Counsel.

### Fiscal Impact:

There are no costs associated with this agenda item that would impact the General Fund.

### Attachments

**THIS PAGE INTENTIONALLY LEFT BLANK**

## LEASE

THIS LEASE, made on the \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the COUNTY OF YUBA, a political subdivision of the State of California (hereinafter referred to as "Lessor") and BT – OH, LLC (hereinafter referred to as "Lessee").

### WITNESSETH:

1. **DESCRIPTION OF PREMISES.** Lessor does hereby lease to Lessee, and Lessee does hereby rent and accept from Lessor, for the consideration and subject to all of the terms and conditions hereinafter set forth, the premises (the "Premises") described as Lot No. 7, Industrial Park No. 1, Yuba County Airport, APN 13-410-077, containing five acres, more or less, as shown on the map entitled "Subdivision of Yuba County Industrial Tract No. 1," on file in the office of the County recorder of the County of Yuba, State of California, in Book 5 of Maps, page 39.

2. **TERM.** The term of the Lease shall be for Twenty (20) years commencing on the first day of May 2014 (Effective Date) and terminating on the 30<sup>th</sup> day of April, 2034. Lessee shall have the right to negotiate to obtain a new lease for the premises upon expiration of the term. The terms of any new lease, or extension of this lease, and the rent to be paid thereunder, are subject to negotiation between the Lessor and Lessee.

3. **RENT.**

A. **Base Rent.** Annual lease Base Rent during the term of this Lease Agreement shall be at the rate of 2.0 cents per square foot for the Premises or the sum of FOUR THOUSAND THREE HUNDRED FIFTY-SIX AND NO/100 DOLLARS (\$4,356.00).

B. **Rent Adjustments.** Effective July 1<sup>st</sup> of each year, a new annual rent shall be determined based upon the following adjustment:

(1) For the purpose of this adjustment, the basic index to be used for adjusting the rent shall be the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers U.S. City Average published by the U.S. Department of Labor, Bureau of Labor Statistics (BLS), for the month of or nearest April 1<sup>st</sup> of each year.

(2) Effective each July 1<sup>st</sup>, the annual rent shall be increased by the then current basic index (CPI) as defined by the BLS.

(3) In the event that the basic index (CPI) decreases to a point of reflecting a negative figure for that year, the rental rate shall not change.

(4) If the foregoing index is no longer available, then a comparable economic indicator shall be used to determine the annual rent adjustment.

4. **OTHER CHARGES AND FEES:**

Lessee shall meet all expenses and payments in connection with the use of the premises and the rights and privileges herein granted, including taxes, permit fees, license fees, and assessments lawfully levied or assessed upon the premises or property at any time situated therein and thereon. Lessee may, however, at their sole expense and cost, contest any tax, fee, or assessment.

5. **USE OF PREMISES.** Lessee shall use the Premises for a package delivery business operation.

6. **LESSEE'S IMPROVEMENTS ON PREMISES.** Lessee or its predecessors in interest have constructed improvements on the Premises as follows:

A. **Fence.** Upon termination of this Lease or any extension thereof, Lessee may remove the fence surrounding the premises. If said fence is not removed within



ninety (90) days from the date of such termination, said fence shall become the property of County. In the event of removal of said fence by Lessee, the Premises shall be left in good order and shall not be marred or defaced.

B. Buildings. Upon termination of this Lease or any extension thereof, Lessee may remove the structures from the Premises. If the Buildings are not removed within ninety (90) days from the date of such termination, the Buildings shall become the property of County. In the event of removal of the Buildings by Lessee, the Premises shall be left in good order and shall not be marred or defaced.

7. MAINTENANCE OF PREMISES. Lessee, at its own cost and expense, shall keep the said premises and improvements and permanent equipment in good condition and repair during the full term of this Lease, and Lessor may inspect said premises from time to time, and notify Lessee of any repairs that may be necessary, and if the Lessee shall not promptly make such necessary repairs, then the Lessor may make same at the expense and cost of the Lessee.

8. OTHER ALTERATIONS, ADDITIONS, IMPROVEMENTS:

A. Except for Lessee's work, Lessee shall make no alterations, additions, or improvements in or to the leased premises without Lessor's prior written consent.

B. All of the Lessee's work shall, upon construction or installation, become a part of the leased premises, subject to the use and occupancy of Lessee, and upon expiration or termination of this Lease does not become the property of Lessor. Lessee shall have the right at the termination of the Lease and within a reasonable amount of time after such expiration to remove Lessee's buildings, cement floors, personal property, and trade fixtures, provided any damage to Lessor's property resulting from such removal shall be repaired or restored at Lessee's expense. Any of Lessee's buildings, personal property, or trade fixtures that are not removed after

a reasonable amount of time after the date of any termination of this Lease shall thereafter belong to Lessor without payment of any consideration therefor.

9. **COMPLIANCE WITH LAWS.** Lessee, at its own expense, shall promptly observe and comply with all rules, regulations, orders, and laws now in effect or which may hereafter be enacted during this Lease by any municipal, county, state, or federal authorities, with respect to the operation and use of the Premises by Lessee.

10. **INSURANCE:** Lessee shall throughout the existence of this Lease, at its own cost and expense, procure and maintain in full force and effect comprehensive general liability insurance in the minimum amounts of ONE MILLION DOLLARS (\$1,000,000.00) combined single limit as follows:

A. The terms of the attached Exhibit A, "Insurance Provisions," are made a part of this Lease and are incorporated herein by reference.

B. Full Worker's Compensation and Employers' Liability Insurance covering all employees of Lessee as required by law in the State of California.

C. Additional Insureds: The insurance required shall include the County of Yuba, its officers and employees, as additional insureds except with regard to occurrences that are the result of their sole negligence.

D. Cancellation Notice: The insurance required shall provide that no cancellation or material change in any policy shall become effective except upon thirty (30) days' prior written notice to the County of Yuba.

E. Proof of Insurance: Lessee shall furnish proof of coverage satisfactory to the Yuba County Risk Manager as evidence that the insurance required above is being maintained.

11. **INDEMNITY:** Lessee shall indemnify and defend the County and its officers, agents, and employees against and hold it harmless from any and all loss, damage, and liability for damages, including attorneys' fees and other costs of defense incurred by County, whether for damage to or loss of property, or injury to or death of person, including properties of County and injury to or death of County's officers, agents, and employees, which shall in any way arise out of or be connected with Lessee's operations hereunder, unless such damage, loss, injury or death shall be caused solely by the negligence of County.

12. **TAXES AND ASSESSMENTS:** Under this Lease, a possessory interest subject to property taxation may be created. Notice is hereby given pursuant to California Revenue and Taxation Code Section 107.6 that such property interest may be subject to property taxation created, and that the party to whom the possessory interest is vested may be subject to the payment of property taxes levied on such interest. Lessee shall pay all taxes of whatever character that may be levied or charged upon Lessee's operations hereunder and upon Lessee's right to use Airport.

13. **UTILITIES:** Lessee shall have sole and exclusive responsibility for obtaining all electricity, gas, water, telephone, sewer, or other utility services and for the payment of all rates or charges levied, assessed, or charged against said premises in the operation thereof for such services. Lessee will furnish its own heat, light, and power for the operation of said premises, including but not limited to any service charges, connection or installation fees, related thereto.

14. **ASSIGNMENT OR SUBLEASE:**

A. Lessee shall not assign or transfer in whole or in part by operation of law or otherwise this Lease or any of the Lessee's rights, duties, or obligations hereunder nor sublet any portion or all of the premises leased hereunder or the hangar constructed upon said premises without Lessor's consent to assignment of this Lease, and the Lessor shall not unreasonably

withhold his consent to assignment. Lessor retains the right at time of proposed assignment to terminate Lease and renegotiate a new Lease with proposed assignees at Lessor's option.

B. Lessee shall have the right to sublease up to 100 percent of his leasehold with the approval of Lessor, but sublessees will be required to pay appropriate use and fees or charges as established from time-to-time by the County. Any sublease of this Lease shall also contain the above provision prohibiting further subleasing by sublessees.

C. If Lessee, without securing prior written approval of Lessor, attempts to effect such a transfer, assignment, sublease, or if a transfer occurs by operation of law, Lessor may terminate this Lease upon thirty (30) days' notice to Lessee without further liability to Lessee and such assignment, transfer, or sublease shall be void.

15. DEFAULT: In the event Lessee is in default in the payment on any amount due under the terms of this Lease or defaults in the performance of any of the covenants or conditions on Lessee's part to be performed, then Lessor, at its option, may terminate this Lease and re-enter upon the premises. Lessor shall have the right to retain all rents and any other sums owing and unpaid to the date of termination hereunder.

16. BANKRUPTCY: In the event of bankruptcy, either voluntary or involuntary, or any assignment for the benefit of creditors made by Lessee, Lessee's interest hereunder shall automatically terminate.

17. FIRE DAMAGE: It is mutually understood and agreed between the parties hereto that in the event any portion of the demised premises be destroyed by fire and the same cannot be repaired within ninety (90) days, then Lessee may elect to terminate this Lease. In the event such restoration can be made within ninety (90) days, Lessor agrees to restore said premises provided further that during the period of non-occupancy by Lessee, the rent for said premises shall be waived during the period of non-occupancy and non-use.

18. **BREACH OR NONCOMPLIANCE:** The waiver of any breach or noncompliance with any terms, covenants, conditions, or provisions of this Lease or any rules, regulations, or decisions adopted pursuant thereto shall not constitute the waiver of any subsequent breach thereof whether such breach or noncompliance be the same or of a different kind or character.

19. **ATTORNEY'S FEES:** In case Lessor, without fault on its part, be made a party to any litigation commenced by or against Lessee, Lessee shall pay all costs, reasonable attorney's fees, and expenses which may be incurred or imposed on Lessor by or in connection with such litigation. Should either party hereto bring any action at law or in equity to enforce any of the rights hereunder, the prevailing party in such action shall be entitled to recover attorney's fees and any other relief that may be granted by the court, whether or not the party prevailing in such action be the party who instituted the same.

20. **COMPLIANCE WITH SPONSOR'S FEDERAL GRANT ASSURANCES:**  
To the extent applicable, Lessee shall comply with all Federal Aviation Administration (FAA) assurances as shown on Exhibit B, attached hereto and made a part hereof.

21. **NOTICES:** Any notice, demand, request, consent, or approval that either party desires or is required to give to the other party pursuant to this Lease shall be in writing and either served personally or sent by prepaid, first-class mail. Such matters shall be addressed to the other party at the following address:

To County At:

Airport Manager  
YUBA COUNTY AIRPORT  
1364 Sky Harbor Drive  
Olivehurst, CA 95961

To Lessee At:

Real Estate Manager  
5020 Ivy Street  
Commerce City, CO 80022

Copy to:

Yuba County  
County Counsel  
Suite 111  
119 8<sup>th</sup> Street  
Marysville, CA 95901


Copy to:

UPS Corporate Real Estate  
Contract Administrator  
55 Glenlake Pkwy, NE  
Atlanta, GA 30328  
Building 1, Floor 5

IN WITNESS WHEREOF the parties hereto have set their hands the day and year first  
above written.

COUNTY OF YUBA

By \_\_\_\_\_  
Chairman

BT – OH, LLC  
By  \_\_\_\_\_  
Vice-President

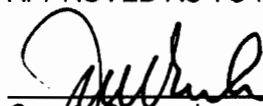
ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of  
Supervisors

By \_\_\_\_\_

REVIEW OF INSURANCE:

  
Risk Manager

APPROVED AS TO FORM:

  
County Counsel

## EXHIBIT A

### INSURANCE PROVISIONS

LESSEE shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the LESSEE, its agents, representatives, or employees.

#### MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis for bodily injury and property damage, including products-completed operations, personal injury and advertising injury, with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if LESSEE has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

*(Not required if LESEE provides written verification it has no employees)*

4. **Professional Liability (Errors and Omissions)** Insurance as appropriate to LESSEE's profession, with limits no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

5. **Pollution Legal Liability** with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.

If the LESSEE maintains higher limits than the minimums shown above, COUNTY requires and shall be entitled to coverage for the higher limits maintained by LESSEE.

#### Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

***Additional Insured Status***

**COUNTY, its officers, officials, employees, and volunteers are to be covered as additional insureds** on the auto policy with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of LESSEE; and on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of LESSEE including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the LESSEE's insurance (at least as broad as ISO Form CG 20 10, 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used).

***Primary Coverage***

For any claims related to this contract, **LESSEE's insurance coverage shall be primary** insurance as respect to COUNTY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by COUNTY, its officers, officials, employees, or volunteers shall be excess of LESSEE's insurance and shall not contribute with it.

***Notice of Cancellation***

Each insurance policy required above shall state that **coverage shall not be canceled, except with notice to the COUNTY.**

***Waiver of Subrogation***

LESSEE hereby grants to COUNTY a waiver of any right to subrogation which any insurer of said LESSEE may acquire against COUNTY by virtue of the payment of any loss under such insurance. LESSEE agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not COUNTY has received a waiver of subrogation endorsement from the insurer.

***Deductibles and Self-Insured Retentions***

Any deductibles or self-insured retentions must be declared to and approved by COUNTY. COUNTY may require LESSEE to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

***Acceptability of Insurers***

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the COUNTY.

***Claims Made Policies***

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.



2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.

3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, LESSEE must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

***Verification of Coverage***

LESSEE shall furnish COUNTY with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by COUNTY before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive LESSEE's obligation to provide them. COUNTY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

***Subcontractors***

LESSEE shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.

***Special Risks or Circumstances***

COUNTY reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

## **EXHIBIT B**

### **FEDERAL AVIATION ADMINISTRATION ASSURANCES**

**A. COMPLIANCE WITH SPONSOR'S FEDERAL GRANT ASSURANCES:** To the extent applicable, Lessee shall comply with all Federal Aviation Administration (FAA) assurances below:

1. The Lessee for itself, its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this Agreement for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, COT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

2. The Lessee for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that (in the case of leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination, (3) that the (Lessee, licensee, Lessee, etc. shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

3. That in the event of breach of any of the above nondiscrimination covenants, the County of Yuba shall have the right to terminate the permit and to reenter and repossess said land and the facilities thereon, and hold the same as if said permit had never been made or issued. This provision does not become effective until the procedures of 49 CFR Part 21 are followed and completed including expiration of appeal rights.

4. Lessee shall furnish its accommodations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service; PROVIDED, THAT the Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar type of price reductions to volume purchasers.

5. Non-compliance with Provision 4 above shall constitute a material breach thereof and in the event of such non-compliance the County of Yuba shall have the right to terminate this permit and the estate hereby created without liability therefore or at the election of the County of Yuba or the United States either or both said Governments shall have the right to judicially enforce Provisions.

6. Lessee agrees that it shall insert the above five provisions in any permit by which said Lessee grants a right or privilege to any person, firm or corporation to render accommodations and/or services to the public on the premises herein permitted.

7. The Lessee assures that it will undertake an affirmative action program as required by 14 CFR Par 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. The Lessee assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this subpart. The Lessee assures that it will require that its covered suborganizations provide assurances to the Lessee that they similarly will undertake affirmative action programs and that they will require assurances from their suborganizations, as required by 14 CFR 152, Subpart E, to the same effort.

8. The County of Yuba reserves the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or view of the Lessee and without interference or hindrance.

9. The County of Yuba reserves the right, but shall not be obligated to the Lessee to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport together with the right to direct and control all activities of the Lessee in this regard.

10. This lease shall be subordinate to the provisions and requirements of any existing or future agreement between the County of Yuba and the United States, relative to the development, operation or maintenance of the airport.

11. There is hereby reserved to the County of Yuba, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the premises herein permitted. This public right of flight shall include the right to cause in said airspace any noise inherent in the operation of any aircraft used for navigation or flight through the said airspace or landing at, taking off from or operation on the Yuba County Airport.

12. Lessee agrees to comply with the notification and review requirements covered in Part 77 of the Federal Aviation Regulations in the event future construction of a building is planned for the permitted premises, or in the event of any planned modification or alteration of any present or future building or structure situated on the permitted premises.

13. The Lessee by accepting this expressly agrees for itself, its successors and assigns that it will not erect nor permit the erection of any structure or object, nor permit the growth of any tree on the land leased hereunder above the mean sea level elevation of 65 feet. In the event the aforesaid covenants are breached, the owner reserves the right to enter upon

the land permitted hereunder and to remove the offending structure or object and cut the offending tree, all of which shall be at the expense of the Lessee.

14. The Lessee by accepting this permit agrees for itself, its successors and assigns that it will not make use of the permitted premises in any manner which might interfere with the landing and taking off of aircraft from the Yuba County Airport or otherwise constitute a hazard. In the event the aforesaid covenant is breached, the owner reserves the right to enter upon the premises hereby permitted and cause the abatement of such interference at the expense of the Lessee.

15. It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308a of the Federal Aviation Act of 1958 (49 U.S.C. 1349a).

16. This permit and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation and taking over of said airport or the exclusive or non-exclusive use of the airport by the United States during the time of war or national emergency.



## Administrative Services Memorandum

**To:** Board of Supervisors  
**CC:** Robert Bendorf, County Administrator  
**From:** Doug McCoy, Director, Administrative Services  
**Date:** February 11, 2014  
**Re:** Solar Project Review and Phase 2

---

### Recommendation

Receive update on the County's progress on our energy project; and consider and approve an initial study on conducting a phase two solar project.

### Background

The County completed a comprehensive energy project last year. This project included our solar installation, replaced HVAC systems at our Courthouse and Library, and a variety of other efficiency and conservation measures across the County. Today we would like to provide an update on our project and the benefits it has brought to the organization.

### Discussion

We would also like to propose engaging in a study to look at expanding our efficiency projects to include updating lighting and expanding the solar to benefit the remaining County buildings not originally included. Changes in the regulatory environment will now allow the County to build solar in one location then reap the benefits at another. And it appears we can install a system that would be cash positive to the County from the outset. This study will confirm that.

### Committee

Because the project review is informational to Board, we have brought the report directly to the full Board.

### General Fund Impact

There is a potential cost to the County for the Study if we choose not to implement the project. That cost would be paid by Buildings & Grounds if necessary.

**THIS PAGE INTENTIONALLY LEFT BLANK**



# *The County of Yuba*

---

**Office of the County Administrator**

---

Robert Bendorf, County Administrator

**TO:** Yuba County Board of Supervisors  
**FROM:** Robert Bendorf, County Administrator  
**RE:** Summary of the Board of Supervisors Strategic Planning Workshop  
**DATE:** February 11, 2014

## **RECOMMENDATION**

It is recommended that the Board of Supervisors receive a presentation summarizing the Strategic Planning Workshop held on January 21, 2014, and provide direction as appropriate to further efforts in achieving the Board's Strategic Priorities.

## **BACKGROUND**

Approximately five years ago, the Board of Supervisors adopted a Strategic Plan (Plan) by a unanimous approval (see attached resolution). The development of the Plan involved staff and the Board in developing our mission and vision statements, guiding principles and the organization's strategic priorities. Over the last several years, the strategic priorities have been a focal point for County staff as they develop annual budgets, work plans, and provide daily services to the public.

To ensure the strategic priorities were reviewed, the 2014 Board Chairman recommended a workshop be held to review them, identify objectives to achieve the priorities and use the result to communicate with the organization and the public. A workshop was held on January 21, 2014, with all members of the Board of Supervisors and the results are provided herein.

## **DISCUSSION**

The Board of Supervisors first reviewed the Plan and associated Strategic Priorities. Discussion was then focused on the four strategic priorities:

*Responsible Growth  
Public Safety and Health  
Economic Development  
Organizational Excellence*

The Board discussed numerous objectives associated with each priority that they would like to see achieved over the course of the next two years, along with a status update to the Board after one year (January 2015).

Subsequent to the initial discussion, the Board then prioritized several of the items.

Staff compiled the results and attached are the objectives linked to each strategic priority. Each objective provides a narrative, attempting to capture the Board's intent. Also included were other objectives discussed by Board members at the workshop. The summary provided is designed to be updated or amended at anytime should the Board desire to provide additional objectives or direction. *It should be noted that the objectives listed on the attached pages of the staff report are not listed in any particular order of priority.*

Once reviewed and direction is provided by the Board, a final document to department heads will be distributed.

## **FISCAL IMPACT**

Some of the objectives listed may result in a fiscal impact and potentially require particular items to be budgeted. However there is no fiscal impact associated with the adoption of the stated objectives.



## **PUBLIC SAFETY AND HEALTH**

### **Construction of the Sheriff's Facility**

A building and associated land was purchased several years ago to provide for additional space and updated facilities for the Sheriff's Department Operations. Since planning and design work is nearly complete, the Board would like staff to bring forward information for it to discuss options to proceed, or not proceed, with next steps up to and including construction.

### **Community Image Improvement**

The overall image of our communities needs improvement, with a focus to be placed in Code Enforcement, as well as activities / promotion of arts and culture. The Board recognizes that community image improvement also touches each strategic priority. Enhanced efforts of code enforcement are important and the Board is requesting that an annual report be provided to the Board that focuses on workload and achievements, while incorporating additional public outreach.

### **Community Activities / Opportunities**

Revisiting our recreation programs and evaluating opportunities to expand or create partnerships is a key objective. In particular a focus on opportunities to invest in community centers should be explored for those facilities that may already exist or identifying new investments. Staff should prepare a summary of recreational investments made over the last several years and provide it to the Board for consideration of further direction.

### **Community Health**

The Board recognizes the statistical information gathered and presented by national or statewide reports and that the state of public health is very poor countywide. Initially, the Board would like to be presented with information from our Health Department annually that identifies areas of concern, what programs or services are in place to address them and recommendations to improve the overall health of our communities. In addition, the Board would like to see the County enhance its partnership with the Peach Tree Clinic and work more collaboratively.

### **Prison Realignment**

The Board would like to have an update presented on the state's Prison Realignment program. While the Board recognizes it as more of a reporting function, close attention should be paid on the impacts, challenges and successes of the state's prison realignment program.

# RESPONSIBLE GROWTH

## Infrastructure and Service Efficiency

Coordination of infrastructure needs for current uses, future development needs and sustainability is complex and has many aspects (i.e. water, sewer, drainage, roads, and fire). A priority focus is to initiate discussions and identify steps that improve coordination with special districts, cities and County to achieve measurable outcomes.

## Development Code Update

The Board recognizes that completing the Development Code Update (currently underway) has several positive outcomes related to economic development and public safety and health. In addition, obtaining a jobs / housing balance is key to the County's current and future success. Completion of the Development Code Update is a key objective that should be accomplished as soon as possible in order for other important community benefits to be achieved.

## Regional Parks

The purchase and subsequent improvements of Sycamore Ranch as the County's premiere regional park (along with Hammon Grove) provides opportunities for the community in its further development. A focus on nature science programs for youth and the opportunities for partnerships in this effort should be explored further by the County. Specifically mentioned was the recognition of the Maidu Fishing Village (Kulu Village) located at Sycamore Ranch.

## County / Education System Discussions

Successful communities require effective partnerships across a variety of disciplines. Enhancing discussions and collaboration with education institutions is a focus for the Board. Focus areas could be collaborating on community projects and developing regularly scheduled discussion forums to focus on particular improvement areas.

## Additional Objectives

Focus areas also discussed were:

- Reviewing the Valley Growth Boundary and coordinating potential competing interests
- Engagement with the Sacramento Area Council of Governments on the Metropolitan Transportation Plan and the Sustainable Community Program.
- Increase public information and community engagement on County projects as well as those related to the Yuba County Water Agency.
- North Beale Road – Establish a timeline and enhance public communication regarding improvements and Complete Streets program.

## ORGANIZATIONAL EXCELLENCE

### Efficient Business Practices and Innovation

The County has achieved numerous efficiencies throughout departments by adjusting their practices in serving internal departments and the public. Relying on those accomplishments and best practices, it is important to remain innovative and arrive at solutions that improve our service delivery and are of best practices. Of particular mention by the Board is to focus on being innovative through expanded use of technology.

### Organizational Effectiveness

Staffing levels within departments have declined significantly over the last seven to eight years. Departments should focus on attempting to achieve more with the staffing currently in place, but the organization should also identify immediate staffing needs within departments that are necessary for critical services provided to residents and businesses.

### Employee Health

There is a need to focus on the health of our employees and take steps necessary to support programs that increase awareness of personal health and also encourage healthier lives. A focus should be on making available programs, such as those developed by Health and Human Services employees, to all County employees. It is important to have the involvement and guidance from our Public Health Officer and other resources within the organization.

### Additional Objectives

Focus areas also discussed were:

- Improving the business inquiry process by enhancing the coordination of staff response from departments involved in initial or follow-up contacts.
- Improve customer services standards for all aspects of services provided by our employees.
- Receive a report identifying funds owed to the County by the State of California.

## ECONOMIC DEVELOPMENT

### Outreach to the Community

Continuing to improve Board and staff outreach to the community is necessary for economic development to be successful. Engagement of our businesses and residents occurs frequently, however efforts need to be ongoing and focused. Increased outreach should also focus on business attraction opportunities.

### Infrastructure Development

Communities position themselves for ongoing economic development when infrastructure needs are identified and a plan to implement and fund them are in place. Of special attention, efforts should be focused on items such as utilities, drainage, transportation (i.e. road repair and Safe Routes to School grants). Having a sufficient workforce to address the efforts is necessary.

### Enhancing Agricultural Opportunities

Having a variety of agricultural opportunities also promotes our agricultural industry. Where appropriate, staff should focus on consensus efforts of the agricultural leaders and assist them in ventures by providing resources through partnerships at the local, state and federal level.

### Additional Objectives

Focus areas also discussed were:

- Complimenting the Strategic Priority for Economic Development, the Board would like to have an annual report on the achievements of the Economic Development Advisory Council.
- Receive a report from the North Central Counties Consortium with associated Economic Development partners, focusing on workforce readiness within our communities.
- Additional engagement with Beale Air Force Base and Yuba College on economic development opportunities.

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5436 • Fax – (530) 749-5434  
915 8<sup>th</sup> Street, Suite 125  
Marysville, California 95901  
www.co.yuba.ca.us



**BUILDING**  
749-5440 • Fax 749 047-14

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING & COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**TO:** Yuba County Board of Supervisors

**FROM:** Wendy W. Hartman, Director of Planning WH

**DATE:** February 11, 2014

**SUBJECT:** Development Code Update (OA2011-0001)

### RECOMMENDATION

1. Receive update on comments received from stakeholder groups regarding zone districts and use classifications.
2. Provide policy direction to County staff on administrative procedures and policies.

### BACKGROUND/DISCUSSION

1. Stakeholder meetings: At the December 10, 2013 Board meeting, County staff gave a presentation on the status of the Development Code Update. At that meeting, the Board of Supervisors directed staff to meet with the following stakeholders to receive input on the proposed zone districts and use classifications: Agricultural Commissioner, Farm Bureau, UC Extension, North Yuba Grown, and the business community. Meetings were held with each group during the month of January and attendees were given until January 31, 2014 to submit written comments. Comments received from the stakeholders will be discussed at the Board meeting.
2. Policy Direction: County Staff have been working with Dyett & Bhatia (consulting firm hired to assist with the Development Code Update) on drafting administrative procedures and countywide regulations. As part of that process several issues have been raised that require Board direction. Below is a list of issues followed by either a staff recommendation or options for the Board to consider:

**Issue #1: Planning Commission.** Chapter 11.05, Planning Commission, of the current Code includes provisions for the appointment, membership, meetings, and other provisions related to the formation and conduct of the Planning Commission.

**Question:** *Is it appropriate to move the provisions related to the appointment, membership, meetings, and other provisions related to the formation and conduct of the Planning Commission to Title IV, Boards and Commissions, of the Municipal Code and only describe the Planning Commission's duties under the Development Code chapter?*

**Staff Recommendation:** Moving this section to Title IV would be consistent with how other Boards and Commissions where appointments are made by the Board of Supervisors are listed in the County Code.

**Issue #2: Plumas Lake Design Review.** Section 4.35.030 of the County Code identifies the types of projects that are subject to Design Review by the Plumas Lake Specific Plan Design Review Committee.

**Question:** *Is it appropriate to move the provisions related to the types of projects subject to Design Review by the Plumas Lake Specific Plan Design Review Committee from Section 4.35.030 of the County Code to Section 11.33.050 the Development Code?*

**Staff Recommendation:** This change would be consistent with the Administrative section of the Development Code that will list out the duties of the various hearing bodies and county staff as they pertain to land use decisions. The provisions for the appointment, membership, and meeting schedule of the Design Review Committee would remain in Title IV. Alternatively, if the Board does not want to amend Section 4.35.030 of the County Code the Development Code could simply reference Section 4.35.030.

**Issue #3: Design Review.** Currently, the Plumas Lake Specific Plan is the only area of the County with a formal Design Review Committee. Design review within the Olivehurst Avenue Specific Plan area and East Linda Specific Plan area is done administratively by the Planning Director. General Plan policies from both the 1996 General Plan and 2030 General Plan require the County to adopt guidelines dedicated to design review. The County has the option of establishing a general set of procedures for design review that could apply to any geographic area of the County or specific types of development for which the County wants to conduct design review. Based on this, staff needs direction on several items pertaining to design review.

**Question:** *Should all new development and additions be subject to Design Review (all areas of the county and all types of development)?*

**Question:** *If not what areas of the County should be subject to design review (Valley Growth Boundary, Rural Communities, commercial & mixed use projects, residential subdivisions over a certain size, etc...)?*

**Staff Recommendation:** The distinctive appearance of business and residential neighborhoods (both urban and rural) is important in determining how people feel about our community. Haphazard development patterns and lack of design guidelines can easily alter the unique character of a community. Staff believes that having adopted design guidelines and design review are an essential tool in maintaining the characteristics of our rural areas and revitalizing our suburban and urban areas. Appropriate design can improve quality of life, enhance neighborhood character (provides an identity), and provide economic and environmental benefits. Therefore, staff recommends that certain areas of the County such as the downtown core of Olivehurst (Olivehurst Avenue between 8<sup>th</sup> and 5<sup>th</sup>) require design review for all projects. For other areas of the County, the requirement for Design Review should be based on the type of use. For example construction of a single new home on an existing parcel should be exempt, but production housing should be subject to Design Review (currently required in PLSP & ELSP). Agricultural operations, mining, and heavy industrial areas are other areas and project types that staff believes should be exempt from design review and only subject to zoning and development standards (setbacks, height, types of uses). All other types of use should be subject to design review with criteria based on the type of use/area of the County consistent with the "Place Making" policies contained in the 2030 General Plan.

**Question:** *Should Design Review be approved by a committee or administratively?*

**Staff Recommendation:** If the Board believes Design Review should be approved by a committee, staff has a couple of suggestions to efficiently address this.

- (1) Re-organize the Plumas Lake Design Review Committee as a Countywide Design Review Committee. The committee already has requirements to include individuals with a background in architecture,

landscape architects, urban planners, civil engineers, and similar design related fields as well as members from the general public. Therefore, only minor changes would need to be made to the bylaws, such as the members at large could live anywhere in the unincorporated county (currently must be a resident of PLSP).

- (2) Utilize the Staff Development Committee (SDC) as the hearing body for all areas of the County that are subject to Design Review. SDC is made up of County staff that have expertise in land use as well as various design criteria. The benefit of using the SDC is that this committee meets on a regular basis (1-2 times per month) and the meetings occur during regular business hours. Therefore there is not the added expense of security and overtime pay. However, it would not involve the input from the general public as part of the decision making body. Under this scenario the Board should consider eliminating the Plumas Lake Design Review Committee.

Under either scenario, we recommend that amendments to approved projects as well as minor projects be reviewed and approved administratively by the Planning Director. This is consistent with the current design review procedures for the PLSP.

**Issue #4: Expiration of Permits.** Our current zoning ordinance only provides expiration time frames for a limited number of permits such as Conditional Use Permits. The length that permits are valid for also varies. Many jurisdictions use a specific time-frame for all permits (1-2 yrs) or leave it up to the hearing body to set a time-frame for each individual approval. The expiration time frame is the period of time the applicant has from project approval to obtain a building permit or commence operation of the use if no building permit is required.

**Question:** *Should all permits be valid for a set period of time or should it be on a case by case basis as determined by the hearing authority? If a set period is chosen, should it be one year from date of approval or two years.*

**Staff Recommendation:** For ease of administration and to create a level playing field, staff's preference would be a standardized expiration period for all planning entitlements with extensions approved by either the Zoning Administrator or SDC. Staff also recommends one year time frames with the ability to apply for up to two (2) one (1) year extensions. This encourages applicants to apply for permits when they are ready to move forward with their project, but allows for an easy process to approve extensions of time when needed.

**Issue #5: RV & Boat Parking:** There is an existing provision prohibiting the parking of RVs in front yard areas that applies to the residential districts of the East Linda Specific Plan (ELSP). It reads, "The parking of recreation vehicles, including travel trailers and boats, shall be prohibited in the front yard setback area."

**Question:** *Should this restriction in the ELSP remain in place?*

**Question:** *Should there be restrictions on the parking of boats and RVs in other areas of the County?*

**Staff recommendation:** The parking/storing of boats, RVs and similar types of vehicles can have a negative impact on a community. The Code Enforcement Division often receives complaints regarding the parking of recreational vehicles within county rights of way or front yards. However, not everyone can accommodate a recreational vehicle in their side yard or afford to pay for monthly storage fees. Therefore an option that the Board could consider is allowing these types of vehicles to be parked/stored in front of a house as long as they meet specific standards (i.e. cannot encroach into the County ROW or public walkway, cannot be parked on lawn/landscape areas, limit on number of recreational vehicles, etc...).

Staff will come to your Board for direction as other issues arise regarding the drafting of the Development Code.

**FISCAL IMPACT:**

The Development Code Update is primarily being funded by a Strategic Growth Council, Prop 40 Grant and development fees. General Fund allocations for the cash match requirements were already included in the Planning Department budget. No additional General Fund allocations are anticipated at this time.





# *The County of Yuba*

---

**Office of the County Administrator**

---

Robert Bendorf, County Administrator

**TO:** Yuba County Board of Supervisors  
**FROM:** Robert Bendorf, County Administrator *RB*  
**RE:** Fire Services - Joint Study  
**DATE:** February 11, 2014

## **RECOMMENDATION**

It is recommended that the Board of Supervisors receive a presentation regarding recent meetings concerning a joint fire services study involving the Linda Fire Protection District, Olivehurst Fire, Wheatland Fire Authority, City of Marysville and the County.

## **BACKGROUND**

The City of Marysville received a notice from CalFire terminating its contract for fire services at the end of 2014. Subsequent to that discussion, several fire districts and the City of Marysville have engaged in discussions to explore solutions to the immediate issue, but also have broadened the discussion for shared services. Those discussions have also included Yuba County. A recent meeting was held at the Government Center and included the agency fire chiefs, City Managers from Marysville and Wheatland, the OPUD General Manager and the County Administrator.

## **DISCUSSION**

An intended outcome of that meeting was to determine what steps if any the representative fire and municipal agencies could collaboratively take to examine efficiencies in fire services for their agencies. The group agreed to move forward with engagement of a consultant known to have coordinated numerous studies for joint fire service efficiency. An additional meeting was held later with the consultant and fire chiefs to discuss a potential scope of work.

The first phase of the study is anticipated to not exceed approximately \$25,000, which the dollar amount and purpose is within the contract authority and duties of the County Administrator. Sufficient funding is available in the County Administrator's budget to cover the initial phase. For ease of purpose and to get the study moving forward without unnecessary delay, the contract will be administered through the County Administrator's office and agency representatives listed above will work together to develop the scope of work and monitor the work product. Each agency was asked to

consider cost reimbursement to the County.

Prior to the contract being signed, representatives will agree on the scope of work and provide a letter of support to the County for the initial study. Cost reimbursement to the County will be discussed further amongst the participants and will be reported back to the Board along with the letters confirming participation.

The action to move forward with the initial study is consistent with strategic priority objectives discussed by the Board of Supervisors at their recent workshop.

### **FISCAL IMPACT**

The Fiscal Impact for Yuba County is up to \$25,000 for the initial study and sufficient funds are available in the County Administrator's budget.



**THIS PAGE INTENTIONALLY LEFT BLANK**

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434

915 8<sup>th</sup> Street, Suite 123

Marysville, California 95901

[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



049-14

BUILDING  
749-5440 • Fax 749-5616

CODE ENFORCEMENT  
749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA  
749-5450 • Fax 749-5454

HOUSING AND COMMUNITY SERVICES  
749-5460 • Fax 749-5464

PLANNING  
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR  
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION  
749-5430 • Fax 749-5434

**To:** Board of Supervisors

**From:** Wendy Hartman, Planning Director *WH*  
Kevin Perkins, Associate Planner *KP*

**Subject:** Off-Sale General Alcoholic Beverage License Type 20 License –Dollar General  
APN: 014-143-002 – Dolgen California, LLC

**Date:** February 4, 2014

### **RECOMMENDATION:**

Consider the application from Dollar General to the Board of Supervisors to make a finding of public convenience or necessity to allow a Type 20 Off-Sale Beer & Wine Alcoholic Beverage License.

### **BACKGROUND/DISCUSSION:**

Yuba County has received an application from Dollar General to make a finding that public convenience or necessity will be served by allowing an Off-Sale Beer & Wine (Type 20) alcoholic beverage license for permanent use for a convenience store they are opening in Olivehurst located near the intersection of McGowan Parkway and Powerline Road (APN: 014-143-002) on a parcel zoned Commercial and having a General Plan land use designation of Valley Neighborhood.

Alcoholic beverage licenses are regulated by ABC and only a specific number of licenses are allotted (based on population) per census tract. Accompanying the application from Dollar General is documentation from the State of California Department of Alcoholic Beverage Control (ABC), which includes information regarding a 1998 ABC moratorium on the issuance of off-sale beer and wine licenses in jurisdictions where the ratio of Off-Sale ABC Type 20 & 21 licenses exceeds one for each 2,500 residents. The Dollar General convenience store is located in Census tract #0407, which currently has only four permitted Off-Sale licenses and is below the ten ABC Off-Sale licenses authorized in the census tract. In order to proceed with the application, ABC directed the applicant to contact the local governing body to obtain an official finding regarding public convenience or necessity. Therefore, in order for ABC to allow a Type 20 ABC License in Yuba County, the Board of Supervisors must make a finding that the public convenience or necessity will be served.

Although Census Tract #0407 is currently under their allotted number of Type 20 or 21 licenses, Yuba County currently has a ratio of 1 Off-Sale ABC license per 968 residents which exceeds the 1998 moratorium threshold of 1 Off-Sale ABC license per 2,500 residents. As a result of Yuba County exceeding the 1998 moratorium threshold, a finding of public convenience or necessity by the Board of Supervisors is necessary for Dollar General to obtain their requested Off-Sale ABC license.

Dollar General justification as to why selling beer and wine at their Olivehurst convenience store would serve a public convenience or necessity include: sales of beer and wine would allow their convenience store to be more of a “one-stop” shopping experience; and the distance Olivehurst residents would need to travel to purchase beer and wine would be reduced.

The County does not have any adopted policies on alcoholic beverage licenses therefore, in order for the Board of Supervisors to take action in favor of the Dollar General application; the Board must make findings of public necessity or convenience. This is consistent with the requirements of the State of California Department of Alcoholic Beverage Control.

### **COMMITTEE:**

Since this is an item of “public interest” it was not presented to the Land Use & Public Works Committee.

### **ACTION BY BOARD of SUPERVISORS:**

In order for the Board of Supervisors to take action in favor of the Dollar General application, the Board must find that such is a public necessity or for the convenience of the public. Therefore, if the Board **finds** that allowing an Off-Sale Beer & Wine alcoholic beverage license for convenience store is a public necessity or is for the convenience of the public then such findings shall be stated by the Board when taking action on the request. In the alternative, the application would be denied if the Board of Supervisors does **not** find that there is a public necessity or that such is for the convenience of the public.

In either event, Planning Department staff will send a letter outlining the Board’s action by a minute order to ABC at their Sacramento office.

### **FISCAL IMPACT:**

Staff does not anticipate a fiscal impact resulting from this action.

### **ATTACHMENTS:**

1. ABC License Application
2. Breakdown of ABC Off-Sale (Type 20 & 21) Licenses Authorized in Census Tract 407
3. Census Tract Map



**California Department of Alcoholic Beverage Control  
For the County of YUBA - (Off-Sale Licenses)  
and Census Tract = 407**

Report as of 1/22/2014

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	447203	ACTIVE	21	12/29/2006	11/30/2014	TOWER ENERGY GROUP 1976 MCGOWAN PKWY OLIVEHURST, CA 95961  Census Tract: 0407.00	TOWER MART 60	1983 W 190TH ST TORRANCE, CA 90504-6234	5800
2)	472785	ACTIVE	21	11/12/2008	10/31/2014	MIKES FOOD & LIQUOR INC 1946 MCGOWAN PKWY OLIVEHURST, CA 95961-9319  Census Tract: 0407.00	MIKES FOOD & LIQUOR		5800
3)	489140	ACTIVE	20	7/24/2010 9:59:34 AM	6/30/2014	WALGREEN CO 2293 RIVER OAKS BLVD PLUMAS LAKE, CA 95961-9194  Census Tract: 0407.00	WALGREENS 12527	PO BOX 901, ATTN: LIQUOR RENEWALS DEERFIELD, IL 60015-0901	5800
4)	527561	ACTIVE	20	7/30/2013 4:23:17 PM	6/30/2014	PLUMAS STOP 'N' SHOP INC S/S OF PLUMAS LAKE BLVD, 500' E OF RIVER OAKS BLVD PLUMAS LAKE, CA 95961  Census Tract: 0407.00	PLUMAS STOP N SHOP INC	4121 EAGLE POINT CT ROSEVILLE, CA 95747-6372	5800

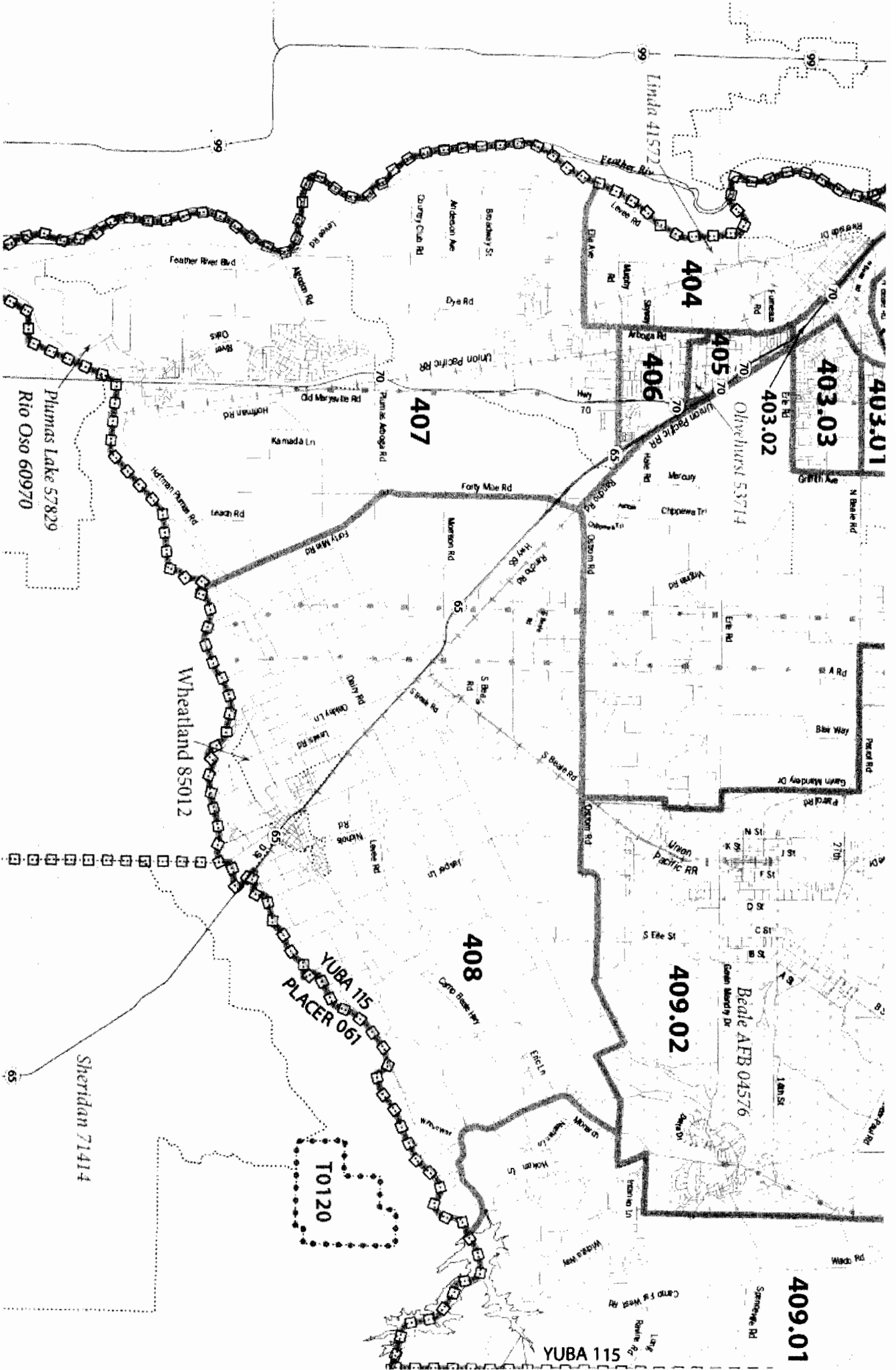
- - - End of Report - - -

For a definition of codes, view our [glossary](#).

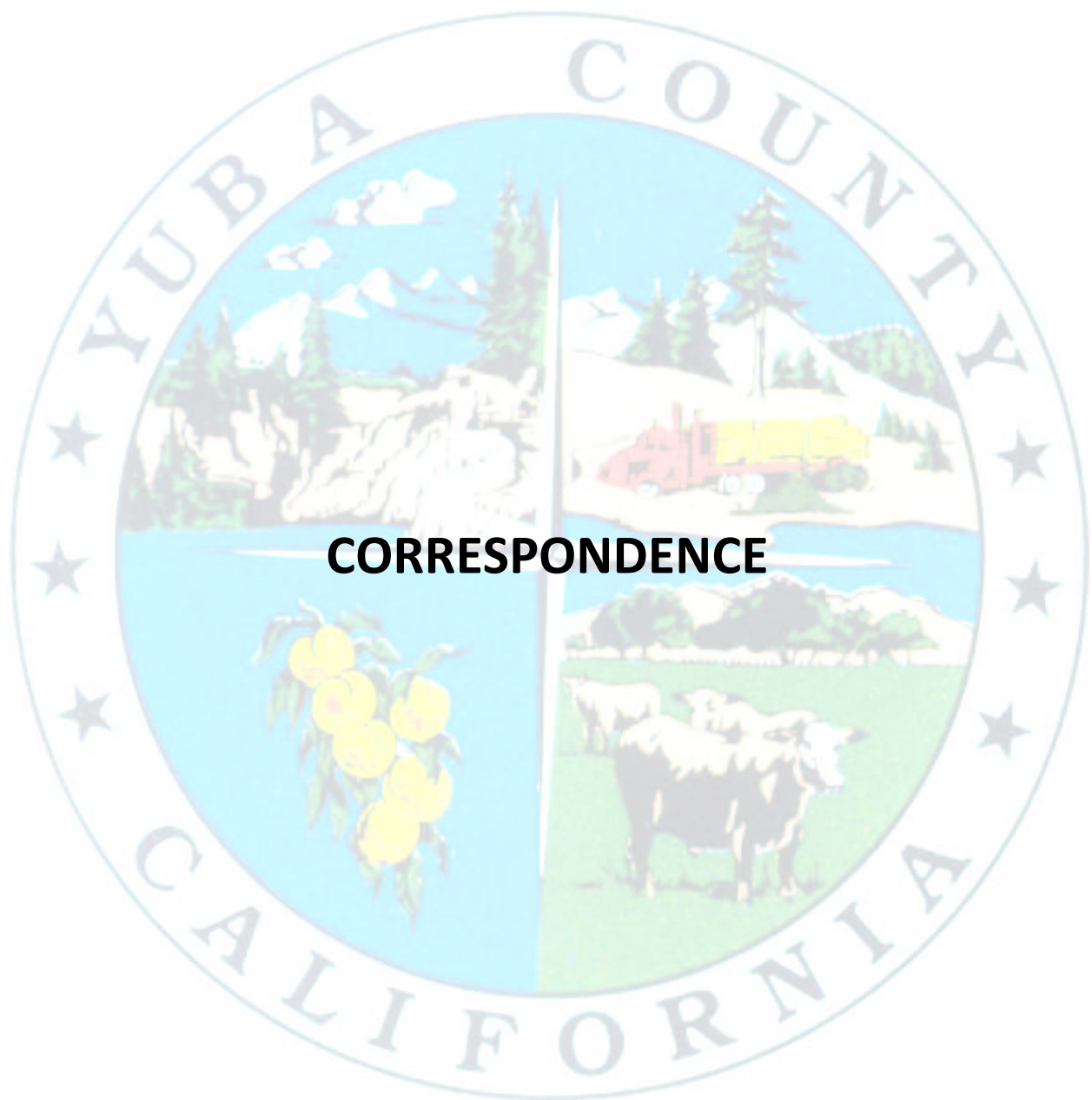
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
NUMBER OF LICENSES AUTHORIZED  
BY CENSUS TRACT

YOLO	0103.10	5,485	6	4
YOLO	0103.12	5,130	6	4
YOLO	0104.01	4,532	5	3
YOLO	0104.02	3,832	4	3
YOLO	0105.01	5,922	7	5
YOLO	0105.05	4,807	6	4
YOLO	0105.08	2,453	3	2
YOLO	0105.09	3,471	4	2
YOLO	0105.10	5,267	6	4
YOLO	0105.11	3,135	3	2
YOLO	0105.12	3,406	4	2
YOLO	0105.13	2,817	3	2
YOLO	0106.02	5,615	7	4
YOLO	0106.05	3,559	4	3
YOLO	0106.06	7,902	9	6
YOLO	0106.07	4,095	5	3
YOLO	0106.08	5,882	7	5
YOLO	0107.01	4,625	5	3
YOLO	0107.03	5,854	7	5
YOLO	0107.04	2,267	2	1
YOLO	0108.00	3,881	4	3
YOLO	0109.01	5,311	6	4
YOLO	0109.02	6,189	7	5
YOLO	0110.01	6,464	8	5
YOLO	0110.02	3,093	3	2
YOLO	0111.01	3,070	3	2
YOLO	0111.02	4,884	6	4
YOLO	0111.03	3,118	3	2
YOLO	0112.03	2,561	3	2
YOLO	0112.04	4,672	5	3
YOLO	0112.05	8,123	10	6
YOLO	0112.06	7,329	9	6
YOLO	0113.00	8,106	10	6
YOLO	0114.00	4,193	5	3
YOLO	0115.00	5,325	6	4
YUBA	0401.00	4,615	4	4
YUBA	0402.00	7,767	7	7
YUBA	0403.01	3,366	3	3
YUBA	0403.02	2,143	2	2
YUBA	0403.03	6,555	6	6
YUBA	0404.00	5,538	5	5
YUBA	0405.00	4,111	4	4
YUBA	0406.00	6,130	6	6
YUBA	0408.00	4,233	4	4
YUBA	0409.01	2,783	2	2
YUBA	0409.02	1,737	1	1
YUBA	0410.00	7,357	7	7
YUBA	0411.00	4,941	4	4





**THIS PAGE INTENTIONALLY LEFT BLANK**



**CORRESPONDENCE**



**THIS PAGE INTENTIONALLY LEFT BLANK**

**Commissioners**  
**Michael Sutton**, President  
 Monterey  
**Richard Rogers**, Vice President  
 Santa Barbara  
**Jim Kellogg**, Member  
 Discovery Bay  
**Jack Baylis**, Member  
 Los Angeles  
**Jacque Hostler-Carmesin**, Member  
 McKinleyville

STATE OF CALIFORNIA  
 Edmund G. Brown Jr., Governor

## Fish and Game Commission



**Sonke Mastrup**, Executive Director  
 1416 Ninth Street, Room 1320  
 Sacramento, CA 95814  
 (916) 653-4899  
 (916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

**RECEIVED**

JAN 24 2014

Clerk/Board of Supervisors

cc: Fish and Game  
 Advisory Commission

January 24, 2014

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Sections 360, 361, 362, 363 and 364, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations for the 2014-2015 season, which are published in the California Regulatory Notice Register on January 24, 2014.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov).

**Mr. Craig Stowers, Department of Fish and Wildlife, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

Jon D. Snellstrom  
 Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission  
Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 215, 219, 220, 331, 332, 460, 1050, 1572, 3452, 3453, 4302, 4334, 4902 and 10502; reference sections 200, 201, 202, 203, 203.1, 207, 210, 215, 219, 220, 331, 332, 458, 459, 460, 713, 1050, 1570, 1571, 1572, 1575, 2005, 3452, 3453, 3950, 3951, 4302, 4334, 4902, 10500 and 10502, Fish and Game Code; proposes to Amend Sections 360, 361, 362, 363 and 364, Title 14, California Code of Regulations (CCR), relating to Mammal Hunting Regulations for the 2014-2015 season.

**Informative Digest/Policy Statement Overview**

**Subsection 360(a)**

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

<b>Deer: § 360(a) A, B, C, and D Zone Hunts Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
A	65,000	30,000-65,000
B	35,000	35,000-65,000
C	8,150	5,000-15,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-5,000
D-14	3,000	2,000-3,500
D-15	1,500	500-2,000
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-2,000

A minor editorial correction to highway nomenclature was also made.

**Subsection 360(b)**

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

<b>Deer: § 360(b) X-Zone Hunts Tag Allocations</b>		
<b>Zone</b>	<b>Current</b>	<b>Proposed</b>
X-1	935	900-6,000
X-2	180	50-500
X-3a	295	100-1,200
X-3b	835	200-3,000
X-4	395	100-1,200
X-5a	75	25-200
X-5b	55	50-500
X-6a	320	100-1,200
X-6b	310	100-1,200
X-7a	220	50-500
X-7b	130	25-200
X-8	220	100-750
X-9a	650	100-1,200
X-9b	325	100-600
X-9c	325	100-600
X-10	400	100-600
X-12	680	100-1,200

### **Subsection 360(c)**

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Due to this, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 5 and continue for two (2) consecutive days and reopen on October 12 and continue for three (3) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 4 and October 11 (for 2 and 3 consecutive days) respectively, in order to accommodate for Base operations.

<b>Deer: § 360(c) Additional Hunts Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military and 10 Public)	20 Tags Total* (10 Military and 10 Public)
G-9 (Camp Roberts Antlerless Deer Hunt)	0	0-30 Tags Total* (Military and Public splits 15/15)
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military*	400 Military*

<b>Deer: § 360(c) Additional Hunts Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military*, DOD and as Authorized by the Installation Commander**	500 Military*, DOD and as Authorized by the Installation Commander**
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	85 Tags Total* (20 Military and 65 Public)	85 Tags Total* (20 Military and 65 Public)
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80



\* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

\*\* *DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

[Subsection 360(d) remains unchanged]

### **Section 361**

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

<b>Archery Deer Hunting: § 361 Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
A-3 (Zone X-1 Archery Hunt)	135	50-1,000
A-4 (Zone X-2 Archery Hunt)	10	5-100
A-5 (Zone X-3a Archery Hunt)	25	10-300
A-6 (Zone X-3b Archery Hunt)	90	25-400
A-7 (Zone X-4 Archery Hunt)	110	25-400
A-8 (Zone X-5a Archery Hunt)	15	15-100
A-9 (Zone X-5b Archery Hunt)	5	5-100
A-11 (Zone X-6a Archery Hunt)	50	10-200
A-12 (Zone X-6b Archery Hunt)	100	10-200
A-13 (Zone X-7a Archery Hunt)	45	10-200
A-14 (Zone X-7b Archery Hunt)	25	5-100
A-15 (Zone X-8 Archery Hunt)	40	5-100
A-16 (Zone X-9a Archery Hunt)	140	50-500
A-17 (Zone X-9b Archery Hunt)	300	50-500
A-18 (Zone X-9c Archery Hunt)	350	50-500
A-19 (Zone X-10 Archery Hunt)	100	25-200
A-20 (Zone X-12 Archery Hunt)	100	50-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	5	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military and 25 Public)	50 Tags Total* (25 Military and 25 Public)

\* *Specific numbers of tags are provided for military hunts through a system which restricts*

*hunter access to desired levels and ensures biologically conservative hunting programs.*

### **Section 362**

The existing regulation provides for limited hunting of 23 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on Department's annual estimate of the population in the management unit. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's 2013 estimate of the bighorn sheep population in each zone. Tags are proposed to ensure the take of no more than 15 percent of the mature rams estimated in each zone. Final tag quota determinations will be completed by February of 2014 pending completion of analyses.

The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

<b>HUNT ZONE</b>	<b>Current Tag Allocation</b>	<b>Proposed Tag Allocation</b>
Zone 1 - Marble/Clipper Mountains	4	0-4
Zone 2 - Kelso Peak/Old Dad Mountains	3	0-4
Zone 3 - Clark/Kingston Mountain Ranges	2	0-2
Zone 4 - Orocopia Mountains	1	0-2
Zone 5 - San Gorgonio Wilderness	1	0-3
Zone 6 - Sheep Hole Mountains	1	0-2
Zone 7 - White Mountains	3	0-5
Zone 8 - South Bristol Mountains	2	0-3
Zone 9 - Cady Mountains	3	0-4
Open Zone Fund-raising Tag	1	0-1
Marble/Clipper/South Bristol Mountains Fund-raising Tag	1	0-1
Kelso Peak/Old Dad Mountains Fund-raising Tag	1	0-1
<b>TOTAL</b>	<b>23</b>	<b>0-32</b>

### **Section 363**

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2014. The final tag quotas will provide for a biologically appropriate harvest of bucks and does in specific populations, while allowing for adequate hunting opportunities. The proposed 2014 tag allocation ranges for the hunt zones are as set forth below.

<b>2014 Pronghorn Antelope Tag Allocation Ranges</b>						
<b>Hunt Area</b>	<b>Archery-Only Season</b>		<b>General Season</b>			
			<b>Period 1</b>		<b>Period 2</b>	
	<b>Buck</b>	<b>Doe</b>	<b>Buck</b>	<b>Doe</b>	<b>Buck</b>	<b>Doe</b>
Zone 1 – Mount Dome	0-10	0-3	0-60	0-20	0	0
Zone 2 – Clear Lake	0-10	0-3	0-80	0-25	0	0
Zone 3 – Likely Tables	0-20	0-7	0-150	0-50	0-130	0-50
Zone 4 – Lassen	0-20	0-7	0-150	0-50	0-150	0-50
Zone 5 – Big Valley	0-15	0-5	0-150	0-50	0	0
Zone 6 – Surprise Valley	0-10	0	0-25	0-7	0	0
Likely Tables Apprentice Hunt	N/A		0-5 Either-Sex		0	
Lassen Apprentice Hunt	N/A		0-15 Either-Sex		0	
Big Valley Apprentice Hunt	N/A		0-15 Either-Sex		0	
Surprise Valley Apprentice Hunt	N/A		0-4 Either-Sex		0	
Fund-Raising Hunt	N/A		0-10 Buck			

### **Section 364**

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with elk herd management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers. Final tag allocations will be made in accordance with elk management goals and objectives based on the results of survey data collected in January – March 2014.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives. The proposed quota ranges of elk tags for 2014 are as follows:

<b>2014 Proposed Elk Tag Allocation</b>				
<b>Hunt Name and Type</b>	<b>Bull</b>	<b>Antlerless</b>	<b>Either-Sex</b>	<b>Spike</b>
<b>General Roosevelt Elk Hunts</b>				
Siskiyou	0-30	0-30		
Big Lagoon	0-10	0-10		
Northwestern California			0-30	
Klamath	0-20	0-20		
Del Norte	0-15	0-20		
Marble Mountains	0-70	0-30		
<b>General Rocky Mountain Elk Hunts</b>				
Northeastern California	0-30	0-10		
<b>General Roosevelt/Tule Elk Hunts</b>				
Mendocino	0-4	0-4		
<b>General Tule Elk Hunts</b>				
Cache Creek	0-4	0-4		
La Panza Period 1	0-12	0-10		
La Panza Period 2	0-12	0-12		
Bishop Period 3	0-10	0-30		

2014 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
Bishop Period 4	0-10	0-30		
Bishop Period 5	0-10	0-30		
Independence Period 2	0-10	0-30		
Independence Period 3	0-10	0-30		
Independence Period 4	0-10	0-30		
Independence Period 5	0-10	0-30		
Lone Pine Period 2	0-10	0-30		
Lone Pine Period 3	0-10	0-30		
Lone Pine Period 4	0-10	0-30		
Lone Pine Period 5	0-10	0-30		
Tinemaha Period 2	0-10	0-30		
Tinemaha Period 3	0-10	0-30		
Tinemaha Period 4	0-10	0-30		
Tinemaha Period 5	0-10	0-30		
West Tinemaha Period 1	0-10	0-30		
West Tinemaha Period 2	0-10	0-30		
West Tinemaha Period 3	0-10	0-30		
West Tinemaha Period 4	0-10	0-30		
West Tinemaha Period 5	0-10	0-30		
Tinemaha Mountain Period 1	0-8			
Tinemaha Mountain Period 2	0-8			
Tinemaha Mountain Period 3	0-8			
Tinemaha Mountain Period 4	0-8			
Tinemaha Mountain Period 5	0-8			
Whitney Period 2	0-4	0-10		
Whitney Period 3	0-4	0-10		
Whitney Period 4	0-4	0-10		
Whitney Period 5	0-4	0-10		
Grizzly Island Period 1	0-3	0-12		0-6
Grizzly Island Period 2	0-3	0-12		0-6
Grizzly Island Period 3	0-3	0-12		0-6
Grizzly Island Period 4	0-2	0-12		0-6
Grizzly Island Period 5	0-2	0-12		0-6
Fort Hunter Liggett Period 1		0-16		
Fort Hunter Liggett Period 2		0-14		
Fort Hunter Liggett Period 3	0-14			
East Park Reservoir	0-4	0-8		
San Luis Reservoir	0-10	0-10	0-10	
Bear Valley	0-4	0-2		
Lake Pillsbury	0-4	0-4		
Santa Clara	0-4			
Alameda	0-4			
<b>Apprentice Hunts</b>				
Marble Mountains			0-4	
Northeastern CA			0-4	
Cache Creek	0-2			
La Panza Period 1	0-2	0-2		
Bishop Period 2	0-10	0-30		
Grizzly Island Period 1		0-2		0-2
Grizzly Island Period 2				0-2

<b>2014 Proposed Elk Tag Allocation</b>				
<b>Hunt Name and Type</b>	<b>Bull</b>	<b>Antlerless</b>	<b>Either-Sex</b>	<b>Spike</b>
Fort Hunter Liggett Period 1		0-4		
Fort Hunter Liggett Period 2		0-4		
Fort Hunter Liggett Period 3	0-2			
<b>Archery Only Hunts</b>				
Northeastern California Archery Only			0-20	
Owens Valley Multiple Zone Archery Only	0-10	0-10		
Lone Pine Archery Only Period 1	0-10	0-30		
Tinemaha Archery Only Period 1	0-10	0-30		
Whitney Archery Only Period 1	0-10	0-30		
Fort Hunter Liggett Archery Only		0-10	0-6	
<b>Muzzleloader Only Hunts</b>				
Bishop Muzzleloader Only Period 1	0-10	0-30		
Independence Muzzleloader Only Period 1	0-10	0-10		
Fort Hunter Liggett Muzzleloader Only	0-6			
<b>Muzzleloader/Archery Only Hunts</b>				
Marble Mountains Muzzleloader/Archery Only			0-10	
<b>Fund Raising Tags</b>				
Multi-zone	1			
Grizzly Island	1			
Owens Valley	1			
<b>Military Only Elk Tags</b>				
Fort Hunter Liggett Military Early Season	0-2	0-2		
Fort Hunter Liggett Military Period 1		0-16		
Fort Hunter Liggett Military Period 2		0-14		
Fort Hunter Liggett Military Period 3	0-14			
Fort Hunter Liggett Military Apprentice Period 1		0-4		
Fort Hunter Liggett Military Apprentice Period 2		0-4		
Fort Hunter Liggett Military Apprentice Period 3	0-2			
Fort Hunter Liggett Military Archery Only		0-10	0-6	
Fort Hunter Liggett Military Muzzleloader Only	0-6			

### Benefits of the Regulation

Hunting provides outdoor recreational opportunities for not only the hunters, but for family and friends who are non-hunting members of the group, and are able to participate in hiking, fishing and other outdoor activities.

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the state's wildlife under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local California hunting in harmony with federal law respecting the conservation of the living resources of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual tag quotas to the quantity that is sufficient to provide satisfying hunting opportunities. Adoption of scientifically-based seasons, zones, and tag quotas provides for the maintenance of sufficient populations of big-game species to ensure their continued existence.

Adoption of scientifically-based seasons, zones and tag quotas provides for the maintenance of

sufficient populations of big game to ensure their continued existence and future sport hunting opportunities. Under a normal season state big game hunters contribute about \$202,390,334 in direct revenues to the State's business sector. This is based on California Department of Fish and Wildlife data and the US Fish and Wildlife Service's 2011 national survey data on fishing, hunting, and wildlife associated recreation for California. Adding the indirect and induced effects of this initial revenue contribution and the total benefit to California's economy is estimated to be \$263,702,757 per year. This is equivalent to about \$51,947,191 in total wage earnings to Californians, or as many as 1,170 jobs in the state.

#### Consistency and Compatibility with Existing State Regulations

After conducting a review for any related regulations, the agency has determined that these are the only regulations dealing with public use of California Department of Fish and Wildlife Lands. Therefore, the proposed regulations in this rulemaking action are neither inconsistent nor incompatible with existing state regulations. The primary purpose of the proposed regulations is an annual review of tag quotas in existing regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 5, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Crowne Plaza Hotel, 450 E. Harbor Blvd. Ventura Beach, California, on Wednesday, April 16, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 4, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 11, 2014. All comments must be received no later than April 16, 2014 at the hearing in Ventura. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Branch, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation

adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action/Results of the Economic Impact Analysis**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

**(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

**(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:**

**Sections 360, 361 and 364**

None. The proposed action will not have significant impacts on jobs or business within California. The proposed action adjusts tag quotas for existing hunts based on herd performance criteria. Given the number of tags historically available, the minimal adjustments in tag numbers that are anticipated for the 2014 hunting season, and the area over which they are distributed (entire State of California), these proposals are economically neutral to jobs or business within California.

**Sections 362 and 363**

None. It is unlikely that the proposed regulation will result in the creation or elimination of jobs within the state, cause the creation of new businesses or the elimination of existing businesses or result in the expansion of businesses in California because the overall number of tags issued is small and the resulting hunting effort is spread over a large geographic area.

**(c) Cost Impacts on Private Persons:**

The Commission is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs Mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None

(h) Effect on Housing Costs:

None

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 7, 2014

Sonke Mastrup  
Executive Director



**Commissioners**  
**Michael Sutton**, President  
Monterey

**Richard Rogers**, Vice President  
Santa Barbara

**Jim Kellogg**, Member  
Discovery Bay

**Jack Baylis**, Member  
Los Angeles

**Jacque Hostler-Carmesin**, Member  
McKinleyville

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



**Sonke Mastrup, Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

**RECEIVED**

**JAN 30 2014**

**Clerk/Board of Supervisors**

January 30, 2014

### TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath/Trinity rivers sport fishing, which will be published in the California Regulatory Notice Register on January 31, 2014.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

**Mr. Stafford Lehr, Chief of Fisheries Branch, Department of Fish and Wildlife, telephone number (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

A handwritten signature in cursive script that reads "Sherrie Fonbuena".

Sherrie Fonbuena  
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission  
Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath/Trinity rivers sport fishing.

**Informative Digest/Policy Statement Overview**

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches are defined as adult salmon (ages 3-5) and salmon less than or equal to 22 inches are defined as grilse salmon (age 2).

**Klamath River Fall-Run Chinook**

Klamath River fall-run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2014 KRFC in-river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath Basin and equitably distribute harvest while operating within annual allocations.

**Klamath River Spring-Run Chinook**

The Klamath River System also supports Klamath River spring-run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in-river recreational fishery is managed by general basin seasons, daily bag limit, and possession limit regulations.

### **KRFC Allocation Management**

The PFMC 2013 allocation for the Klamath River System recreational harvest was 40,006 adult KRFC. Preseason stock projections of 2014 adult KRFC abundance will not be available from the PFMC until March 2014. The 2014 Klamath Basin allocation will be recommended by the PFMC in April 2014 and presented to the Commission for adoption prior to its April 2014 meeting.

For public notice requirements, the Department of Fish and Wildlife (Department) recommends the Commission consider an allocation range of 0 – 67,600 adult KRFC in the Klamath River Basin for the river recreational fishery.

### **Current Recreational Fishery Management**

The KRFC in-river recreational harvest allocation is divided into geographic areas and harvest is monitored under real time subquota management. KRSC in-river recreational harvest is managed by general season, daily bag limit, and possession limit regulations.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

### **Proposed Changes**

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

The following changes to current regulations are proposed:

#### KRFC QUOTA MANAGEMENT: Seasons, Bag and Possession Limits

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2014 Klamath Basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the subquota has been met.

The proposed open seasons and range of bag and possession limits for KRFC salmon stocks are as follows:

1. Klamath River - August 15 to December 31
2. Trinity River - September 1 to December 31
3. Bag Limit - [0-4] Chinook salmon of which no more than [0-4] fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length.
4. Possession limit - [0-12] Chinook salmon of which [0-12] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

#### SPIT AREA MANAGEMENT

Current regulations specify that the spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closes to all fishing after 15 percent of the Lower Klamath River subquota has been taken downstream of the Highway 101 bridge. This provision only applies if the Department projects that the total Klamath River System recreational fishery allocation will be met.

The following three options are provided for Commission consideration.

Option 1 will close the spit area to all fishing after 15 percent of the total Klamath River Basin quota has been taken (instead of after 15 percent of the Lower Klamath River subquota has been taken) downstream of the Highway 101 bridge. This option also removes the provision that the spit area will close only if the Department projects that the total Klamath River System recreational fishery allocation will be met.

Option 2 will retain the language specifying that the spit area will close after 15 percent of the Lower Klamath River subquota has been taken downstream of the Highway 101 bridge, but will remove the provision that the spit area will close only if the Department projects that the total Klamath River System recreational fishery allocation will be met.

Option 3 will close the spit area to all fishing all year.

### **Benefits of the Proposed Regulations**

The benefits of the proposed regulations are in conformance with Federal law, sustainable management of Klamath River Basin salmon resources, and promotion of businesses that rely on recreational salmon fishing in the Klamath River Basin.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (sections 200, 202, 205, 315, and 316.5, Fish and Game Code). Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of Chinook salmon in the Lower Klamath River Basin.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building, First Floor Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 5, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Crowne Plaza Ventura Beach Hotel, 450 E. Harbor Blvd., Ventura, California, on Wednesday, April 16, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office must be received before 5:00 p.m. on April 11, 2014. All comments must be received no later than April 16, 2014, at the hearing in Ventura, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Stafford Lehr, Chief of the Fisheries Branch, Department of Fish and Wildlife,**

**phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) **Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to have some impact on the net revenues to local businesses servicing sport fishermen. Visitor spending may be reduced and in the absence of the emergence of alternative visitor activities, the drop in spending could induce business contraction. However, this will not likely affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) **Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:**

The Commission anticipates some impact on the creation or elimination of jobs in California. The Commission does not anticipate any impacts on the creation, elimination

or expansion of businesses in California. The proposed regulations range from the closure of the spit area to fishing of all sizes for the entire year; to no fishing of adult KRFC salmon in 2014; to a normal Klamath River Basin salmon season. The potential employment impacts range from 0 to 28 jobs which are not expected to create, eliminate or expand businesses in California. Adverse impacts to jobs and/or businesses would be less for the option that permits fishing of grilse KRFC salmon than under the complete closure to all fishing in the spit area. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's salmon resources.

The Commission does not anticipate any benefits to worker safety.

(c) **Cost Impacts on a Representative Private Person or Business:**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action regarding KRFC quota management (seasons, bag and possession limits. However options under consideration to close the spit area to fishing are anticipated to reduce visitor spending and revenue to area businesses. Spit Area Option 1 could reduce direct spending by \$132,000; Spit Area Option 2 could reduce direct spending by \$210,000; and Spit Area Option 3 could reduce spending by \$279,000 compared to an average year from 1999 to 2013. Revenue losses are expected to be shared by an estimated 30 businesses that support angler activities.

(d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None.

(e) **Nondiscretionary Costs/Savings to Local Agencies:** None.

(f) **Programs Mandated on Local Agencies or School Districts:** None.

(g) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:** None.

(h) **Effect on Housing Costs:** None.

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 17, 2014

Sonke Mastrup  
Executive Director

**Commissioners**  
**Michael Sutton**, President  
Monterey

**Richard Rogers**, Vice President  
Santa Barbara

**Jim Kellogg**, Member  
Discovery Bay

**Jack Baylis**, Member  
Los Angeles

**Jacque Hostler-Carmesin**, Member  
McKinleyville

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



**Sonke Mastrup**, Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

January 24, 2014

RECEIVED  
JAN 31 2014  
Clerk/Board of Supervisors

### TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 632, Title 14, California Code of Regulations, relating to marine protected areas, which will be published in the California Regulatory Notice Register on January 24, 2014.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

**Dr. Craig Shuman, Regional Manager of the Marine Region, telephone number (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

A handwritten signature in cursive script that reads "Sherrie Fonbuena".

Sherrie Fonbuena  
Associate Governmental Program Analyst

Attachment



## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205(c), 220, 240, 1590, 1591, 2860, 2861, and 6750 of the Fish and Game Code; and sections 36725(a) and 36725(e) of the Public Resources Code, and to implement, interpret or make specific sections 200, 202, 205(c), 220, 240, 2861, 5521, 6653, 8420(e), and 8500 of the Fish and Game Code; and sections 36700(e), 36710(e), 36725(a) and 36725(e) of the Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to marine protected areas.

### **Informative Digest/Policy Statement Overview**

The Marine Life Protection Act (MLPA) (Fish and Game Code Sections 2850-2863) established a programmatic framework for designating Marine Protected Areas (MPAs) in the form of a statewide network. The Marine Managed Areas Improvement Act (MMAIA) (Public Resources Code Sections 36600-36620) standardized the designation of marine managed areas (MMAs), which include MPAs. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

Existing regulations in Section 632, Title 14, California Code of Regulations (CCR), provide general provisions, definitions, and site-specific area classification, boundary descriptions, commercial and recreational take restrictions, and other restricted/allowed uses for MPAs, MMAs and special closures.

The proposed regulations will clarify take regulations and correct errors and inconsistencies.

#### **Amendment to Subsection 632(a)**

This subsection will be amended by moving the subsection header (a) General Rules and Regulations up to incorporate the Section 632 introductory paragraph.

#### **Amend subsections 632(a)(1)(A), (B) and (C)**

These subsections will be amended to correctly state and clarify that the Department (not the Commission) has the authority to issue scientific collecting permits.

#### **Amend subsection 632(a)(3) and subsections 632(b)(98), (117), (120), (125), (129), (130), (138), and (144)**

The definition of Pelagic Finfish will be amended to specifically add Pacific bonito and thereby clarify that this species is a pelagic finfish under the tuna family. As a result, references to Pacific bonito will be removed when pelagic finfish are allowed to be taken in the area specific regulations. When Pacific bonito are an exception to take, the reference will remain.

#### **Amend subsection 632(a)(8)**

This subsection will be amended to clarify that spearfishermen may transit, with or without catch, through MPAs and other MMAs. The proposed regulation will specify that while transiting MPAs

and MMAs that prohibit spearfishing or while in possession of species not identified as allowed for take in the MPA or MMA being transited, spearfishing gear shall be in an unloaded condition, not carried in hand, and the diver shall remain at the surface.

#### Amendments to subsection 632(b)

This subsection will be amended by stating that certain Fish and Game Code sections listed in subsection 632(b) are “superseded” rather than “made inoperative” as they apply to designations in Subsection 632(b).

Numerous references to “lobster” and “squid” will be changed to indicate the proper names “spiny lobster” and “market squid”. [Subsections 632(b)(68), (108), (112), (131), (133) and 136]]

Provisions will be added to establish a maximum five percent by weight allowance for the incidental take of non-target species landed or possessed on commercial vessels targeting market squid, pelagic finfish, or coastal pelagic species. [Subsections 632(b)(40), (66), (73), (74), (117), (120), (129), (130), (133), (136), and (147)]

Commercial methods of take for coastal pelagic species, which includes market squid, will be added to reflect actual fishing practices by allowing the use of brail gear and light boats. [Subsections 632(b)(117), (120), (129), (130), (133), and (136)]

The regulations for the Bodega Head State Marine Reserve (SMR) [subsection 632(b)(39)] will clarify that the director of the Bodega Marine Life Refuge may authorize certain activities and take, pursuant to sections 10502.7 and 10565 of the Fish and Game Code, only within the formerly-designated Bodega Marine Life Refuge, not the entire SMR. The regulation for this SMR will also clarify that pursuant to Section 10661 of the Fish and Game Code, regents, officers, employees and students of the University of California may to take, for scientific purposes, any invertebrate or marine plant without a permit from the Department, only within the formerly-designated Bodega Marine Life Refuge, not the entire SMR.

The Lovers Point SMR [subsection 632(b)(76)] will be renamed the Lovers Point-Julia Platt SMR.

Commercial kelp harvesting regulations in the Naples SMCA [subsection (b)(98)] will be clarified and made consistent with Section 165, Title 14, CCR.

Blue Cavern (Catalina Island) SMCA [subsection 632(b)(124)] will be renamed Blue Cavern (Catalina Island) Onshore SMCA, and Bird Rock (Catalina Island) SMCA [subsection 632(b)(125)] will be renamed Blue Cavern (Catalina Island) Offshore SMCA.

The northern boundary of Lover’s Cove SMCA [subsection 632(b)(128)] will be moved to line up with the end of the Cabrillo Mole.

The limitation of take “below the mean lower low tide line” for recreational take in the Dana Point SMCA [subsection 632(b)(136)] will be removed. The commercial fishing regulations for this SMCA will clarify that trap gear is allowed for the commercial take of spiny lobster.

The western boundary of the San Dieguito Lagoon SMCA [subsection 632(b)(140)] will be specified by latitude and longitude coordinates, and take regulations for this SMCA will be modified to remove the fishing allowance from the Grand Avenue Bridge.

In addition, the following subsections under 632(b) will be amended for clarity and consistency:

- (30) Sea Lion Cove State Marine Conservation Area.
- (40) Bodega Head State Marine Conservation Area.
- (98) Naples State Marine Conservation Area.
- (109) Gull Island (Santa Cruz Island) State Marine Reserve.
- (117) Point Dume State Marine Conservation Area.
- (120) Abalone Cove State Marine Conservation Area.
- (124) Blue Cavern (Catalina Island) State Marine Conservation Area.
- (129) Farnsworth (Catalina Island) Onshore State Marine Conservation Area.
- (130) Farnsworth (Catalina Island) Offshore State Marine Conservation Area.
- (138) Swami's State Marine Conservation Area.

#### Benefits of the Proposed Action

The proposed amendments will clarify the restrictions and allowable activities in these MPAs; provide greater ease of public understanding and enforceability; correct boundary descriptions; remove unnecessary regulations; and provide consistency in format.

#### Evaluation of Incompatibility With Existing Regulations

The proposed regulations are consistent with regulations concerning sport and commercial fishing and kelp harvest found in Title 14, CCR. The State Water Resources Control Board may designate State Water Quality Protection Areas and the State Park and Recreation Commission may designate State Marine Reserves, State Marine Conservation Areas, State Marine Recreational Management Areas, State Marine Parks and State Marine Cultural Preservation Areas; however, only the Fish and Game Commission has authority to regulate commercial and recreational fishing and any other taking of marine species in Marine Managed Areas. Commission staff has searched the California Code of Regulations and has found no other regulations pertaining to authorized activities in marine protected areas and therefore has determined that the proposed amendments are neither inconsistent nor incompatible with existing state regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building, First Floor Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 5, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Crowne Plaza Ventura Beach Hotel, 450 E. Harbor Blvd., Ventura, California, on Wednesday, April 16, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office must be received before 5:00 p.m. on April 11, 2014. All comments must be received no later than April 16, 2014, at the hearing in Ventura, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Dr. Craig Shuman, Regional Manager of the Marine Region, Department of Fish and Wildlife, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed amendments make clarification and consistency changes to the current regulations; make minor boundary adjustments; rename existing MPAs; and add specified methods of take and incidental take allowance consistent with commercial fishing practices.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission is not aware of any impacts the proposed action would have on creation or elimination of jobs or businesses in California or on the expansion of businesses in California.

The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

The existing regulations, and proposed amendments, benefit the environment by protecting habitat and biodiversity in MPAs.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: January 14, 2014

Sonke Mastrup  
Executive Director

**THIS PAGE INTENTIONALLY LEFT BLANK**



051-14  
**RECEIVED**

JAN 31 2014

Clerk/Board of Supervisors

**B**

**PUBLIC NOTICE**

**January 27, 2014**

**TO WHOM IT MAY CONCERN:**

**NOTICE IS HEREBY GIVEN** that the California Department of Fish and Wildlife has initiated a status review of the Northern spotted owl (*Strix occidentalis caurina*) pursuant to Fish and Game Code section 2074.6, and is providing this notice pursuant to Fish and Game Code section 2074.4 to solicit data and comments on the petitioned action from interested and affected parties.

The Department has initiated status review following related action by the Fish and Game Commission. Having provided notice, the Northern spotted owl is now a candidate species under the California Endangered Species Act (Cal. Reg. Notice Reg. 2013, No. 52-Z, pp. 2085-2092; see also Fish & G. Code, §§ 2074.2, 2085).

The Department has 12 months to review the petition, evaluate the available information, and report back to the Commission whether or not the petitioned action is warranted (Fish & G. Code, § 2074.6). The Department's recommendation must be based on the best scientific information available to the Department.

Therefore, **NOTICE IS FURTHER GIVEN** that anyone with data or comments on the taxonomic status, ecology, biology, life history, management recommendations, distribution, abundance, threats, habitat that may be essential for the species, or other factors related to the status of the above species, is hereby requested to provide such data or comments to:

California Department of Fish and Wildlife  
Nongame Wildlife Program  
Attn: Neil Clipperton  
1812 9<sup>th</sup> Street  
Sacramento, California 95811

Please submit two hard copies and a digital/electronic copy if submitting by surface mail. Comments may also be sent via email to: [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov). If submitting by email, please include "Northern spotted owl" in the subject heading.

Responses and information received by **May 1, 2014** will be evaluated for possible incorporation in the Department's final report to the Fish and Game Commission. The Department's written report will indicate, based on the best scientific information available, whether the Department concludes that the petitioned action is warranted or not warranted. Receipt of the report will be placed on the agenda for the next available meeting of the Commission after delivery. The report will be made available to the public at that time. Following receipt of the Department's report, the Commission will allow a 30-day public comment period prior to taking any action on the Department's recommendation.

If you have any questions, please contact Neil Clipperton at (916) 445-9753 or Carie Battistone at (916) 445-3615 or the Department via email at [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov) or at the address above.

As a candidate species, the Northern spotted owl receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, § 2085). Research on Northern spotted owl requires appropriate *permits issued* pursuant to Fish and Game Code Section 2081(a). Interested researchers should contact Esther Burkett at [Esther.Burkett@wildlife.ca.gov](mailto:Esther.Burkett@wildlife.ca.gov) for more information. Detection information on Northern spotted owl should be sent directly to the Spotted Owl Database Manager at [OwlObs@wildlife.ca.gov](mailto:OwlObs@wildlife.ca.gov). General database information and additional contact information can be found at: [http://www.dfg.ca.gov/biogeodata/cnddb/spotted\\_owl\\_info.asp](http://www.dfg.ca.gov/biogeodata/cnddb/spotted_owl_info.asp)



## PUBLIC NOTICE

January 24, 2014

RECEIVED

FEB - 4 2014

Clerk/Board of Supervisors

### TO WHOM IT MAY CONCERN:

**NOTICE IS HEREBY GIVEN** that the California Department of Fish and Wildlife has initiated a status review of the Townsend's big-eared bat (*Corynorhinus townsendii*) pursuant to Fish and Game Code section 2074.6, and is providing this notice pursuant to Fish and Game Code section 2074.4 to solicit data and comments on the petitioned action from interested and affected parties.

The Department has initiated status review following related action by the Fish and Game Commission. Having provided notice, the Townsend's big-eared bat is now a candidate species under the California Endangered Species Act (Cal. Reg. Notice Reg. 2013, No. 52-Z, page 2092; see also Fish & G. Code, §§ 2074.2, 2085).

The Department has 12 months to review the petition, evaluate the available information, and report back to the Commission whether or not the petitioned action is warranted (Fish & G. Code, § 2074.6). The Department's recommendation must be based on the best scientific information available to the Department.

Therefore, **NOTICE IS FURTHER GIVEN** that anyone with data or comments on the taxonomic status, ecology, biology, life history, management recommendations, distribution, abundance, threats, habitat that may be essential for the species, or other factors related to the status of the above species, is hereby requested to provide such data or comments to:

California Department of Fish and Wildlife  
Nongame Wildlife Program  
Attn: Scott Osborn  
1812 9<sup>th</sup> Street  
Sacramento, California 95811

Please submit two hard copies and a digital/electronic copy if submitting by surface mail. Comments may also be sent via email to: [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov). If submitting by email, please include "Townsend's big-eared bat" in the subject heading.

Responses and information received by **May 1, 2014** will be evaluated for possible incorporation in the Department's final report to the Fish and Game Commission. The Department's written report will indicate, based on the best scientific information available, whether the Department concludes that the petitioned action is warranted or not warranted. Receipt of the report will be placed on the agenda for the next available meeting of the Commission after delivery. The report will be made available to the public at that time. Following receipt of the Department's report, the Commission will allow a 30-day public comment period prior to taking any action on the Department's recommendation.

If you have any questions, please contact Scott Osborn at (916) 324-3564 or the Department via email at [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov) or at the address above.

As a candidate species, the Townsend's big-eared bat receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, § 2085). Research on Townsend's big-eared bat requires appropriate permits issued pursuant to Fish and Game Code Section 2081(a). Interested researchers should contact Esther Burkett at [Esther.Burkett@wildlife.ca.gov](mailto:Esther.Burkett@wildlife.ca.gov) for more information. Detection data on Townsend's big-eared bat should be sent to the California Natural Diversity Database. Information on submitting such data may be found at: <http://www.dfg.ca.gov/biogeodata/cnddb/>.





**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

C

January 24, 2014

Mr. Andy Vasquez, Chairperson  
Yuba County Board of Supervisors  
915 8th Street, Suite 109  
Marysville, California 95901

**RECEIVED**

FEB - 3 2014

Clerk/Board of Supervisors

Dear Chairperson Vasquez:

On January 23, 2014, the U.S. Department of Agriculture granted a Secretarial disaster designation for the primary counties of **Butte, Colusa, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Orange, Placer, Plumas, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, Yuba**, and the contiguous counties of **Alameda, Contra Costa, Del Norte, El Dorado, Los Angeles, Monterey, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, and Santa Clara**. This designation is a result of the final rule announced for the USDA Disaster Designation Process (7 CFR 759), which includes the nearly automatic approval for counties with drought intensity levels of D2 (for 8 consecutive weeks), D3, and D4 as reported on the U.S. Drought Monitor.

The California Governor's Office of Emergency Services (Cal OES) is providing the enclosed information regarding this designation. Please inform potential applicants throughout your county of this designation and information.

Sincerely,

A handwritten signature in black ink, reading "Karma Hackney", is written over the typed name.

KARMA HACKNEY  
Individual Assistance Officer

Enclosure

c: Yuba County Office of Emergency Services  
Yuba County Agricultural Commissioner  
Karen Ross, Secretary, California Department of Food and Agriculture (CDFA)  
Rita Borgman, CDFA Emergency Management Coordinator  
Gary Leslie, County/State Liaison, CDFA

3650 SCHRIEVER AVENUE, MATHER, CA 95655  
INDIVIDUAL ASSISTANCE DIVISION  
(916) 845-8149 TELEPHONE (916) 845-8395 FAX

# U.S. Department of Agriculture (USDA) Designation USDA #S3637 - D2, D3, D4 Drought

## Designation Information

The following table illustrates the designation information.

<b>Eligible Primary County(s):</b>	<b>Butte, Colusa, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Orange, Placer, Plumas, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, Yuba</b>
<b>Eligible Contiguous County(s):</b>	<b>Alameda, Contra Costa, Del Norte, El Dorado, Los Angeles, Monterey, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, Santa Clara</b>
<b>Event:</b>	Final rule for the USDA Disaster Designation Process (7 CFR 759), which includes the nearly automatic approval for counties with drought intensity levels of D2 (for 8 consecutive weeks), D3, and D4 as reported on the U.S. Drought Monitor. <b>Incident Period:</b> January 14, 2014
<b>Assistance made available by designation:</b>	<ul style="list-style-type: none"> <li>• Emergency farm loans for actual losses as a direct result of the disaster</li> <li>• Up to a maximum of \$500,000</li> </ul>
<b>Application deadline:</b>	<b>September 23, 2014</b>
<b>Who may apply:</b>	Farmers and ranchers who conduct family-sized farming operations
<b>How to apply:</b>	<ul style="list-style-type: none"> <li>• Contact local Farm Service Agency (FSA) office listed in the local telephone directory under U.S. Government, Agriculture</li> <li>• Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD)</li> </ul>
<b>USDA website for additional information:</b>	<a href="http://www.fsa.usda.gov/pas/disaster/assistance1.htm">www.fsa.usda.gov/pas/disaster/assistance1.htm</a>



January 24, 2014

Mr. Andy Vasquez, Chairperson  
Yuba County Board of Supervisors  
915 8th Street, Suite 109  
Marysville, California 95901

Dear Chairperson Vasquez:

The U.S. Small Business Administration declared the primary counties of **Butte, Colusa, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Orange, Placer, Plumas, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, Yuba**, and the contiguous counties of **Alameda, Contra Costa, Del Norte, El Dorado, Los Angeles, Monterey, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, and Santa Clara** a disaster area. This declaration is a result of a January 23, 2014, U.S. Department of Agriculture disaster designation due to drought severity levels of D2 (for eight consecutive weeks), D3, or D4, as identified on the U.S. Drought Monitor.

The California Governor's Office of Emergency Services (Cal OES) is providing the enclosed information regarding this declaration. Please inform interested individuals, businesses, and city officials within your county of this declaration and information.

Sincerely,

A handwritten signature in black ink, appearing to read "Karma Hackney". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

KARMA HACKNEY  
Individual Assistance Officer

Enclosure

c: Yuba County Office of Emergency Services

# **U.S. Small Business Administration (SBA) Declaration SBA #13875 - D2, D3, D4 Drought**

## **Declaration Information**

The following table illustrates the declaration information.

<b>Eligible Primary County(s):</b>	<b>Butte, Colusa, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Orange, Placer, Plumas, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, Yuba</b>
<b>Eligible Contiguous County(s):</b>	<b>Alameda, Contra Costa, Del Norte, El Dorado, Los Angeles, Monterey, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, Santa Clara</b>
<b>Reason/Event:</b>	January 23, 2014, U.S. Department of Agriculture disaster designation due to drought severity levels of D2 (for eight consecutive weeks), D3, or D4, as identified on the U.S. Drought Monitor.
<b>Assistance made available by declaration:</b>	SBA Economic Injury Disaster Loans
<b>Application deadline for business economic injury:</b>	<b>September 23, 2014</b>
<b>Who may apply:</b>	Small, non-farm businesses, small agricultural cooperatives, and most private non-profit organizations of any size. Small businesses include those that do business directly with the growers, such as truckers and suppliers of agricultural equipment or services.
<b>How to apply:</b>	Contact SBA at <b>1-800-659-2955</b> , or visit SBA's website at: <a href="http://www.sba.gov/services/disasterassistance">www.sba.gov/services/disasterassistance</a> . Hearing impaired individuals may call 1-800-877-8339.



Land Use and Public Works Committee



# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone - (530) 749-5430 • Fax - (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us

February 11, 2014



**BUILDING** 053-14  
749-5440 • Fax 749-5440

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5464

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454


**HOUSING AND COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

TO: YUBA COUNTY LAND USE & PUBLIC WORKS COMMITTEE

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS 

SUBJ: ESTABLISH ALL-WAY STOP INTERSECTION AT MCGOWAN PARKWAY AND POWERLINE ROAD

### RECOMMENDATION:

Consider the attached Resolution establishing an all-way stop intersection at McGowan Parkway and Powerline Road.

### BACKGROUND:

The property to the south of the intersection at McGowan Parkway and Powerline Road is being developed with a new commercial business (Dollar General Store). The access to the development aligns with the intersection and will create a 4-leg intersection. The County required the developer to prepare a traffic engineering study to analyze the intersection operations and determine if any measures would be required to mitigate the increase in traffic.

A traffic engineering investigation was performed by KD Anderson and Associates to analyze traffic in the intersection in conjunction with projected traffic from the new commercial business. The conclusion of the investigation is that the intersection meets criteria for an all-way stop as described in the California Manual of Uniform Traffic Control Devices (see the attached analysis by KD Anderson).

Caltrans staff has reviewed the traffic engineering investigation. They have concurred with the results of the investigation and have determined that the all-way stop control would have the least effect to the on- and off-ramps to State Route 70 (SR 70).

### DISCUSSION:

With the new development on the south side of the intersection of McGowan Parkway and Powerline Road, County staff was concerned how traffic would access the site with the current roadway configuration and traffic controls. Therefore, staff required the developer to prepare a traffic study for the intersection.

In discussions with Caltrans, the developer and County staff, it was determined that additional lanes will be added to McGowan Parkway (one in each direction) at the intersection. This will be achieved by widening the roadway to the south in order to establish 4 lanes. It was determined that a dedicated left turn lane for Powerline Road and access to the new development would not be necessary with an all-way stop control at the intersection. The

inside lanes will accommodate left turn movements onto Powerline Road and the new development, as well as through traffic. In the eastbound direction, the outside lane will accommodate traffic turning right into the new development and then be a dedicated right turn lane at the southbound on-ramp to SR 70 (where the lane will then drop). In the westbound direction, the outside lane will accommodate traffic turning right onto Powerline Road and then be the through lane further west on McGowan Parkway (the inside lane will merge with the outside lane just west of the intersection.).

KD Anderson prepared a study for Caltrans to determine the effects on the SR 70 on- and off-ramps under an all-way stop control vs. a traffic signal at the intersection of McGowan Parkway and Powerline Road. The study showed that vehicle queuing length on the southbound off-ramp was shorter with the all-way stop control than with a traffic signal. The study also showed that the vehicle queuing length for westbound traffic on McGowan Parkway east of the intersection was shorter with the all-way stop control. Therefore, it was determined that an all-way stop control would have the least impact to the State highway facilities.

KD Anderson then prepared a study to determine if all-way stop control criteria were met when the new development's traffic was added to the current traffic. The traffic study confirmed that the MUTCD criteria for an all-way stop were met.

The Public Works Department and Caltrans concur with the traffic engineering study that an all-way stop control would better accommodate traffic through this intersection.

FISCAL IMPACT:

None. The developer will install the all-way stop control devices as part of their frontage improvements.



**BEFORE THE BOARD OF SUPERVISOR  
OF THE COUNTY OF YUBA  
STATE OF CALIFORNIA**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION DESIGNATING )  
MCGOWAN PARKWAY AT )  
POWERLINE ROAD AS AN )  
ALL-WAY STOP INTERSECTION )  
\_\_\_\_\_ )**

**WHEREAS**, California Vehicle Code §21100 authorizes local authorities to adopt rules and regulations to regulate traffic by means of official traffic control devices; and

**WHEREAS**, California Vehicle Code §21351 and §21355 state that local authorities may designate any intersection under its exclusive jurisdiction as a stop intersection and erect stop signs at one or more entrances thereto; and

**WHEREAS**, Yuba County Ordinance Code §9.10.370 and the California Constitution Article XI §7 provides that the Board of Supervisors may determine, upon the basis of a traffic engineering investigation, that it is necessary to designate any intersection as a stop intersection and to require all vehicles to stop at one or more entrances to such intersection; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Yuba having received, reviewed, and considered a traffic engineering investigation report, which included but was not limited to a traffic study, accident incident reports, and other pertinent facts and data, does hereby determine, pursuant to such investigation report, and establish that the following intersection is designated as an All-Way stop intersection for:

**1. McGowan Parkway at Powerline Road**

///  
///  
///  
///

**NOW, THEREFORE BE IT FINALLY RESOLVED** that the County of Yuba Road Commissioner is authorized and directed to place and maintain such stop signs at the entrances to this intersection as required to properly indicate and carry out the provisions of this Resolution pursuant to California Vehicle Code §21351 and §21355.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSENT:

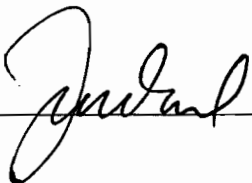
\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

By: \_\_\_\_\_

APPROVED AS TO FORM

ANGIL MORRIS-JONES,  
YUBA COUNTY COUNSEL

By  \_\_\_\_\_

October 22, 2013

Sean M. O'Neill  
**GENESIS ENGINEERING**  
1402 D Street  
Marysville, CA 95901

**RE: MULTI-WAY STOP SIGN WARRANT ANALYSES, MCGOWAN PARKWAY  
AT POWER LINE ROAD, OLIVEHURST, YUBA COUNTY**

Dear Mr. O'Neill:

We have completed our review of the multi-way stop warrant analysis for the McGowan Parkway / Power Line Road intersection in the town of Olivehurst in Yuba County. This analysis is being conducted to determine whether to install a multi-way stop at the study intersection. The analysis follows the criteria contained in the California Manual on Traffic Control Devices (CA MUTCD), section 2B.07, *Multi-way Stop Applications*. Yuba County has requested that a multi-way stop control analysis be completed to determine whether the intersection meets any change in operational controls as a result of the planned McGowan Commercial site development.

**Location**

The McGowan Parkway / Power Line Road intersection is located in Olivehurst directly west of the SR 70 interchange. McGowan Parkway is an east-west roadway providing access from Arboga Road in the west to SR 65 in the east. The posted speed limit is 35 miles per hour. Power Line Road is a north-south road that parallels SR 70. The McGowan Parkway / Power Line Road intersection is about 200 feet west of the southbound SR 70 / McGowan Parkway interchange ramps. The intersection is currently a tee intersection; however, the McGowan Commercial retail project on the south side of the intersection will add a fourth leg.

**Data Collection**

A 12-hour traffic count was conducted on October 10, 2013 at the McGowan Parkway / Power Line Road intersection. Table 1 presents a synopsis of the intersection approach volumes for each of the hours of the intersection. The turning movement counts are attached at the end of this letter.

Table 1 Traffic Count Data				
Hour	Eastbound	Westbound	Total East- West Volume	Southbound
7-8 am	655	419	1074	144
8-9 am	378	278	656	62
9-10 am	243	180	423	61
10-11 am	264	237	501	64
11-12 am	275	275	550	64
12-1 pm	289	274	550	89
1-2 pm	296	309	563	90
2-3 pm	420	378	605	111
3-4 pm	406	581	798	161
4-5 pm	358	578	987	115
5-6 pm	412	543	936	158

### **Development of Retail Site**

The south side of the intersection is zoned for commercial use. A 9,100 square foot Dollar General store is projected to be a tenant of the site, along with 48,626 square feet of additional retail uses. The trip generation rates for the site were derived from the Institute of Transportation Engineers (ITE) publication "*Trip Generation, 9<sup>th</sup> Edition*". This document provides information on the characteristics of various retail uses.

Table 2 identifies the trip generation rates and the project trips that are expected to be generated in the daily, a.m. and p.m. peak hours (ITE code 820). The project is expected to generate 4,752 daily trips with 111 a.m. peak hour trips and 415 p.m. peak hour trips. To determine volumes throughout the day the hourly variation rates illustrated in Table 1 of ITE Land Use Code 820, "Shopping Centers", provides a percent breakdown of 24-hour entering and exiting traffic. These rates were used to determine the off-peak trips to the Dollar General store and the resulting volumes through the McGowan Parkway / Power Line Road intersection. Based on the trip distribution previously established these trips were added onto existing intersection turning movements to provide a baseline Existing plus Project condition. Table 3 presents the adjusted traffic volumes with the project completed.

KDA

<b>Table 2</b> <b>Trip Generation Rates</b>								
<b>Land Use / Source</b>	<b>Unit</b>	<b>Daily Trips</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
		<b>Rate</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
Shopping Center (LU 820 – 57.73 ksf)	ksf	82.31	62%	38%	1.92	48%	52%	7.19
<b>Total Trips</b>		<b>4,752</b>	<b>69</b>	<b>42</b>	<b>111</b>	<b>199</b>	<b>216</b>	<b>415</b>

Source: ITE Code or FDOT Study

<b>Table 3</b> <b>Adjusted Intersection Volumes</b>						
<b>Hour</b>	<b>Eastbound</b>	<b>Westbound</b>	<b>Total Volume East-West</b>	<b>Northbound</b>	<b>Southbound</b>	<b>Total Volume North-South</b>
7-8 am	676	454	1074	42	158	200
8-9 am	400	315	656	29	77	106
9-10 am	282	246	423	48	87	135
10-11am	314	320	501	102	97	199
11-12 pm	335	375	550	147	104	251
12-1 pm	356	386	550	197	134	331
1-2 pm	355	407	563	204	129	333
2-3 pm	475	470	605	211	148	359
3-4 pm	461	673	798	209	200	409
4-5 pm	418	678	987	211	163	374
5-6 pm	472	643	936	219	198	417

Traffic to / from east – 50%

Traffic to / from west – 30%

Traffic to / from north – 20%

Bold indicates highest 8 hours

### **Multi-way Stop Criteria**

Criteria for the installation of multiway stop sign control is contained in the CA MUTCD and these criteria were used to evaluate conditions at the subject intersection. The following summarizes language and criteria as presented in the CA MUTCD. Bold text has been added following each of the criteria as it relates to the subject intersection.

KDA

The decision to install a multiway stop sign control should be based on an engineering study. The following criteria should be considered in the engineering study:

- A. Where traffic controls are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.
- B. A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multiway stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.
- C1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) average at least 300 vehicles per hour for any 8 hours of an average day, and;
- C2. The combined vehicular, pedestrian and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the highest hour.
- C3. If the 85<sup>th</sup> percentile approach speed of the major street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70% of the above values.
- D. Where no single criterion is satisfied, but where criteria B, C1 and C2 are all satisfied to 80% of the minimum values.

Other criteria that may be considered include:

- A. The need to control left turn conflicts;
- B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop; and
- D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multiway stop sign control would improve traffic operational characteristics of the intersection.

The multi-way stop was analyzed under Existing and Existing plus Project conditions.

- A. **This criterion is applicable.** The intersection will meet signal warrants after completion of the proposed retail center with access on the south side of the intersection, and this presents an interim measure until signalization occurs.
- B. **This criterion was not studied.**

KDA

- C1. **Met** - Over the 8 highest hours the vehicle volumes along McGowan Parkway exceed 550 vehicles per hour (vph) during eight hours.
- C2. **Met** - The existing minor street traffic has a volume of 64 vehicles in the 8<sup>th</sup> highest hour of traffic. When project traffic is added the intersection will exceed the minor street threshold.
- C3. **Not Applicable** - The posted speed limit is 35 mph.
- D. **B was not studied**; when considering C1 and C2 for this criterion 80% of the minimum values are 240 vph major street approach and 160 vph minor street approach. Under this criterion the warrant is not satisfied

Other Criteria

- A. This criterion was not applicable.
- B. This criterion was not applicable.
- C. Adequate sight distance is available at the McGowan Parkway / Power Line Road intersection.
- D. This criterion was not applicable.

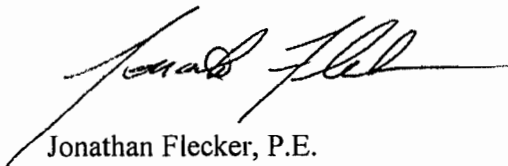
**Summary / Recommendations for Multiway Stop**

A multi-way stop analysis was conducted under Existing and Existing plus Project conditions for the McGowan Parkway / Power Line Road intersection. The intersection meets the multi-way stop sign control warrant based upon meeting requirement of 200 vehicles entering from the minor approach for each of 8 hours. The warrant criteria also consider installation of a multi-way stop as an interim measure until signalization of the intersection occurs. A signal will ultimately be installed, and it is recommended that a multi-way stop be installed until signalization is completed.

Please feel free to contact me if you have any questions or need additional information.

Sincerely yours,

**KD Anderson & Associates, Inc.**



Jonathan Flecker, P.E.  
Transportation Engineer

Attachment: Traffic Count

# ALL TRAFFIC DATA

Yuba County  
All Vehicles on Unshifted  
Nothing on Bank 1  
Nothing on Bank 2

(818) 771-8700  
orders@caltraffic.com

File Name : 13-7561-001 Power Line Road-McGowan Parkway.ppt  
Date : 10/10/2013

Unshifted Count = All Vehicles

	Power Line Road Southbound					McGowan Parkway Westbound					Power Line Road Northbound					McGowan Parkway Eastbound						
START TIME	LEFT	THRU	RIGHT	PEDS	APP TOTAL	LEFT	THRU	RIGHT	PEDS	APP TOTAL	LEFT	THRU	RIGHT	PEDS	APP TOTAL	LEFT	THRU	RIGHT	PEDS	APP TOTAL	Total	Ped Total
07:00	17	0	5	0	22	0	53	11	0	64	0	0	0	0	0	6	117	0	0	123	209	0
07:15	21	0	8	0	29	0	52	33	0	85	0	0	0	0	0	5	141	0	0	146	280	0
07:30	25	0	21	0	46	0	74	35	0	109	0	0	0	0	0	15	201	0	0	216	371	0
07:45	27	0	20	0	47	0	117	44	0	161	0	0	0	0	0	9	161	0	0	170	378	0
Total	80	0	54	0	144	0	296	123	0	419	0	0	0	0	0	35	620	0	0	655	1218	0
08:00	13	0	8	0	21	0	79	28	0	105	0	0	0	0	0	3	109	0	0	112	238	0
08:15	13	0	5	0	18	0	56	19	0	75	0	0	0	0	0	5	124	0	0	129	222	0
08:30	6	0	5	0	11	0	39	18	0	57	0	0	0	0	0	3	86	0	0	89	157	0
08:45	8	0	4	0	12	0	29	12	0	41	0	0	0	0	0	5	43	0	0	48	101	0
Total	40	0	22	0	62	0	203	75	0	278	0	0	0	0	0	16	362	0	0	378	718	0
09:00	14	0	2	0	16	0	33	11	0	44	0	0	0	0	0	1	57	0	0	58	118	0
09:15	8	0	3	0	11	0	35	8	0	43	0	0	0	0	0	1	63	0	0	64	118	0
09:30	10	0	4	0	14	0	32	11	0	43	0	0	0	0	0	1	52	0	0	53	110	0
09:45	16	0	4	0	20	0	39	11	0	50	0	0	0	0	0	5	63	0	0	68	138	0
Total	48	0	13	0	61	0	139	41	0	180	0	0	0	0	0	8	235	0	0	243	484	0
10:00	12	0	3	0	15	0	47	9	0	56	0	0	0	0	0	0	63	0	0	63	134	0
10:15	13	0	4	0	17	0	48	8	0	56	0	0	0	0	0	5	70	0	0	75	148	0
10:30	9	0	8	0	17	0	47	10	0	57	0	0	0	0	0	6	64	0	0	70	144	0
10:45	12	0	3	0	15	0	56	12	0	68	0	0	0	0	0	1	55	0	0	56	139	0
Total	46	0	18	0	64	0	198	39	0	237	0	0	0	0	0	12	252	0	0	264	565	0
11:00	13	0	6	0	19	0	50	8	0	58	0	0	0	0	0	5	50	0	0	55	132	0
11:15	13	0	3	0	16	0	45	12	0	57	0	0	0	0	0	11	58	0	0	69	142	0
11:30	7	0	6	0	13	0	56	9	0	65	0	0	0	0	0	4	71	0	0	75	153	0
11:45	13	0	3	0	16	0	78	17	0	95	0	0	0	0	0	8	68	0	0	76	187	0
Total	46	0	18	0	64	0	229	46	0	275	0	0	0	0	0	28	247	0	0	275	614	0
12:00	17	0	2	0	19	0	62	17	0	79	0	0	0	0	0	10	75	0	0	85	183	0
12:15	20	0	2	0	22	0	46	16	0	62	0	0	0	0	0	1	73	0	0	74	156	0
12:30	25	0	5	0	30	0	40	16	0	56	0	0	0	0	0	4	62	0	0	66	152	0
12:45	13	0	5	0	18	0	65	12	0	77	0	0	0	0	0	9	55	0	0	64	159	0
Total	75	0	14	0	89	0	213	61	0	274	0	0	0	0	0	24	265	0	0	289	652	0
13:00	17	0	9	0	26	0	61	10	0	71	0	0	0	0	0	6	64	0	0	70	167	0
13:15	12	0	4	0	16	0	51	16	0	67	0	0	0	0	0	15	76	0	0	91	174	0
13:30	23	1	4	0	28	0	64	11	0	75	0	0	0	0	0	6	64	0	0	70	173	0
13:45	13	0	7	0	20	0	85	11	0	96	0	0	0	0	0	6	59	0	0	65	181	0
Total	65	1	24	0	90	0	261	48	0	309	0	0	0	0	0	33	263	0	0	296	695	0
14:00	8	0	13	0	21	0	72	14	0	86	0	0	0	0	0	9	70	0	0	79	186	0
14:15	16	0	7	0	23	0	71	20	0	91	0	0	0	0	0	15	106	0	0	121	235	0
14:30	26	0	9	0	35	0	73	19	0	92	0	0	0	0	0	8	81	0	0	89	216	0
14:45	27	0	5	0	32	0	79	30	0	109	0	0	0	0	0	10	121	0	0	131	272	0
Total	77	0	34	0	111	0	295	83	0	378	0	0	0	0	0	42	378	0	0	420	909	0
15:00	43	0	16	0	59	0	144	55	0	199	0	0	0	0	0	10	122	0	0	132	390	0
15:15	27	0	13	0	40	0	102	34	0	136	0	0	0	0	0	12	90	0	0	102	278	0
15:30	21	0	7	0	28	0	70	37	0	107	0	0	0	0	0	9	75	0	0	84	219	0
15:45	23	1	10	0	34	0	111	28	0	139	0	0	0	0	0	11	77	0	0	88	281	0
Total	114	1	46	0	161	0	427	154	0	581	0	0	0	0	0	42	364	0	0	406	1148	0
16:00	23	0	8	0	31	0	104	32	0	136	0	0	0	0	0	7	95	0	0	102	269	0
16:15	20	1	7	0	28	0	123	27	0	150	0	0	0	0	0	5	79	0	0	84	262	0
16:30	18	0	10	0	28	0	120	28	0	148	0	0	0	0	0	9	78	0	0	85	261	0
16:45	18	0	10	0	28	0	120	24	0	144	0	0	0	0	0	4	83	0	0	87	259	0
Total	79	1	35	0	115	0	467	111	0	578	0	0	0	0	0	25	333	0	0	358	1051	0
17:00	21	0	14	0	35	0	121	28	0	149	0	0	0	0	0	9	106	0	0	115	299	0
17:15	26	0	10	0	36	0	113	37	0	150	0	0	0	0	0	11	82	0	0	93	279	0
17:30	33	1	15	0	49	0	106	25	0	131	0	0	0	0	0	9	91	0	0	100	280	0
17:45	27	0	11	0	38	0	89	24	0	113	0	0	0	0	0	9	85	0	0	104	255	0
Total	107	1	50	0	158	0	429	114	0	543	0	0	0	0	0	38	374	0	0	412	1113	0
Grand Total	787	4	328	0	1119	0	3157	895	0	4052	0	0	0	0	0	303	3693	0	0	3996	9167	0
Approach %	70.3%	0.4%	29.3%			0.0%	77.9%	22.1%			0.0%	0.0%	0.0%			7.6%	92.4%	0.0%				
Total %	8.6%	0.0%	3.6%		12.2%	0.0%	34.4%	9.8%		44.2%	0.0%	0.0%	0.0%		0.0%	3.3%	40.3%	0.0%		43.6%	100.0%	

AM PEAK HOUR	Power Line Road Southbound				McGowan Parkway Westbound				Power Line Road Northbound				McGowan Parkway Eastbound				Total
	LEFT	THRU	RIGHT	APP TOTAL	LEFT	THRU	RIGHT	APP TOTAL	LEFT	THRU	RIGHT	APP TOTAL	LEFT	THRU	RIGHT	APP TOTAL	
	Peak Hour Analysis From 07:15 to 08:15																
Peak Hour For Entire Intersection Begins at 07:15																	
07:15	21	0	8	29	0	52	33	85	0	0	0	0	5	141	0	146	260
07:30	25	0	21	46	0	74	35	109	0	0	0	0	15	201	0	216	371
07:45	27	0	20	47	0	117	44	161	0	0	0	0	9	161	0	170	378
08:00	13	0	8	21	0	79	26	105	0	0	0	0	3	109	0	112	238
Total Volume	86	0	57	143	0	322	138	460	0	0	0	0	32	612	0	644	1247
% App Total	60.1%	0.0%	39.9%		0.0%	70.0%	30.0%		0.0%	0.0%	0.0%		5.0%	95.0%	0.0%		
PHF	.786	.000	.678	.761	.000	.688	.784	.714	.000	.000	.000	.000	.533	.761	.000	.745	.825

NOON PEAK	Power Line Road Southbound				McGowan Parkway Westbound				Power Line Road Northbound				McGowan Parkway Eastbound				Total
START TIME	LEFT	THRU	RIGHT	APP TOTAL	LEFT	THRU	RIGHT	APP TOTAL	LEFT	THRU	RIGHT	APP TOTAL	LEFT	THRU	RIGHT	APP TOTAL	
Peak Hour Analysis From 14:45 to 15:45																	
Peak Hour For Entire Intersection Begins at 14:45																	
14:45	27	0	5	32	0	79	30	109	0	0	0	0	10	121	0	131	272
15:00	43	0	16	59	0	144	55	199	0	0	0	0	10	122	0	132	390
15:15	27	0	13	40	0	102	34	136	0	0	0	0	12	90	0	102	278
15:30	21	0	7	28	0	76	37	106	0	0	0	0	9	75	0	84	219
Total Volume	118	0	41	159	0	395	156	551	0	0	0	0	41	468	0	468	1178
% App Total	74.2%	0.0%	25.8%		0.0%	71.7%	28.3%		0.0%	0.0%	0.0%		9.1%	90.9%	0.0%		
PHF	.686	.000	.641	.874	.000	.686	.709	.692	.000	.000	.000	.000	.854	.836	.000	.850	.743