

# 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.

**MARCH 13, 2012**



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

**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 Griego

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. Community Development and Services

1. Adopt resolution authorizing purchase of public easements from single property owner of properties along Woodruff Lane, APN 006-050-017, 018, 042 and 043. (075-12)

B. Clerk of the Board of Supervisors

1. Approve the minutes of the regular meeting of February 28, 2012. (076-12)

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. Board of Supervisors

1. Adopt resolution proclaiming support for five guiding principles of Agricultural Floodplain Management Alliance and efforts to seek insurance solutions for agricultural structures destroyed or damaged by floods. (077-12)

B. Community Development and Services

1. Receive engineering and traffic report regarding Grove Avenue, deny request to close Grove Avenue, and provide direction as appropriate. (Fifteen minute estimate) (078-12)
2. Approve activities for the 2012 Community Development Block Grant Application. (079-12)

VI. **ORDINANCES AND PUBLIC HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing, and public comments will be limited to three minutes per person or group.

- A. Ordinance - Hold public hearing, waive reading, and introduce ordinance enacting Title VI, Chapter 6.76 relating to vendor permits in County parks and recreation area. (Land Use and Public Works Committee recommends approval) (Ten minute estimate) (First Reading) (080-12)

VII. **CORRESPONDENCE** – (081-12)

- A. Three notices from State of California Fish and Game Commission regarding proposed regulatory action relative to Central Valley salmon, Klamath-Trinity Rivers salmon sport fishing, and findings for the southern mountain yellow-legged frog and Sierra Nevada yellow-legged frog. (Copies provided to Fish and Game Advisory Commission)
- B. Notice from Pacific Gas and Electric Company enclosing a CD of the Revised Study Plan for Narrows No. 2 Transmission Line Project No. 2678-005.
- C. Letter from Yuba County Office of Education enclosing the final adoption of Map Alternative B adjusting boundaries of the trustees and a resolution reducing the number of elected members from seven to five.

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. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property: APN 006-180-056, 061,062, 066 Negotiating Parties: County of Yuba/Kevin Mallen/Derek Sandgren Negotiation: Terms of Payment
- B. Personnel pursuant to Government Code §54957 - Department Head Evaluation/County Administrator

X. **ADJOURN**

## **COMMITTEE MEETINGS**

**03/13/2012-11:00 A.M. Land Use and Public Works Committee** - (Supervisors Abe and Stocker - Alternate Supervisor Nicoletti)

- A. Consider amending Chapter 9.20 of Title IX of the Yuba County Ordinance Code relating to parking restrictions for Pinewood Way - Community Development and Services (Ten minute estimate) (082-12)

**3/13/2012 - 5:00 P.M. Wheatland City/County Liaison Committee - CANCELLED**  
**Wheatland City Hall**  
**111 C Street**  
**Wheatland, California**

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 one full business day 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**

**PUBLIC COMMUNICATIONS:** Members of the public shall be allowed to address the Board of Supervisors on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Board, provided that no action shall be taken unless otherwise authorized by law. 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.

**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.

**PUBLIC INFORMATION:** Copies of §6.7 shall be posted along with agendas.

**End**

**THIS PAGE INTENTIONALLY LEFT BLANK**



*CONSENT*  
*AGENDA*

**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



**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

March 13, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS

SUBJECT: Approve Acquisition Agreement and Adopt Resolution for Property Acquisitions for the Woodruff HES Project

### RECOMMENDATION:

Adopt the attached resolution authorizing the Board Chair to complete the purchase, including the execution of any necessary documents subject to County Counsel review, for the acquisition of easements for the Woodruff HES Project.

### BACKGROUND:

The project in general will consist of constructing roadway improvements, including realignment of a substandard curve and the removal of two narrow culvert/bridge structures to allow widening at these locations. The project will be funded through a combination of 90% federal and 10% local funds.

### DISCUSSION:

The right of way work will consist of acquiring 0.31 acres of easement from a single owner over portions of 2 properties (Both properties have two Assessors' Parcel Numbers (APN)). These easements are required for the realignment of the substandard curve. The County and the property owner have reached a settlement purchase price for the easements of \$2,600. Acquisition is expected to be completed by April 2012.

### COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed as this project is included in the Public Works Budget.

### FISCAL IMPACT:

The right of way project cost will be funded through 90% Federal Safety Project Funds. The remaining 10% will be funded by the Road Fund.

**THIS PAGE INTENTIONALLY LEFT BLANK**



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

**RESOLUTION AUTHORIZING THE PURCHASE )  
OF PUBLIC EASEMENTS FROM A SINGLE )  
PROPERTY OWNER OF PROPERTIES ALONG )  
WOODRUFF LANE AND AUTHORIZING THE )  
BOARD CHAIR TO EXECUTE ALL )  
DOCUMENTS REQUIRED TO FINALIZE THE )  
PURCHASE OF THE PROPERTIES BY )  
THE COUNTY OF YUBA )**

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

**WHEREAS**, the real properties:

APN 006-060-017, APN 006-060-018, APN 006-060-042 and APN 006-060-043

are properties adjacent to the proposed project along Woodruff Lane; and

**WHEREAS**, easements over portions of the properties are required for utility relocation and to construct roadway improvements and curve realignment on Woodruff Lane; and

**WHEREAS**, the Board has previously approved the Public Works Director to make, and he has made, purchase offers to the current owners of the properties; and

**WHEREAS**, purchase costs will be covered by Federal Hazard Elimination Safety Program (HES) Funds and Local Funds; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Yuba hereby authorizes the Board Chair to complete the purchase of easement for the required portions of the above listed properties, and execute any necessary documents needed to complete the purchase/escrow, subject to County Counsel review.

**BE IT FURTHER RESOLVED** that the Chair is authorized to perform any and all acts necessary to carry out the purposes of the authorized purchase of the real properties, including but not limited to, the signing of the documents necessary to finalize the purchase of the properties.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_

2012, by

the Board of Supervisors of the County of Yuba, by the following vote:

AYES:

NOES:

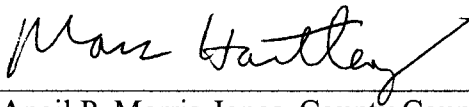
ABSENT:

ABSTAIN:

\_\_\_\_\_  
Hal Stocker, Chair

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

\_\_\_\_\_  
APPROVED AS TO FORM:



\_\_\_\_\_  
For: Angil P. Morris-Jones, County Counsel

# *The County of Yuba*

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

FEBRUARY 28, 2012 - MINUTES

076-12



The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:54 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 Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Stocker presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All present
- 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: 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. Administrative Services

1. Authorize Budget Transfer in the amount of \$23,350 from various accounts to Account No. # 101-0900-417-6200 (Buildings and Grounds Fixed Assets) for the completion of security camera project at the Government Center. (072-12) Authorized.

### B. Board of Supervisors

1. Appoint William Ransom to the Community Services Commission as the District One Representative for a term to end December 31, 2014. (073-12) Approved.

### C. Clerk of the Board of Supervisors

1. Approve minutes of the meetings of February 7 and 14, 2012. (074-12) Approved as written.
2. Appoint Sarbdeep Atwal to the Housing Advisory and Appeals Board to serve at the pleasure of the Board. (059-12) Approved.

### D. Community Development and Services

1. Approve removal from inventory and destruction of three Public Works fleet vehicles pursuant to Blue Sky Grant eligibility and requirements. (060-12) Approved.

2. Approve funding for 2012 Community Services Block Grant. (061-12) Approved.
3. Adopt resolution approving contract with Department of Community Services and Development for the 2012 Community Services Block Grant program and authorize the Community Services Commission Executive Director to execute all necessary documents. (062-12)  
Adopted Resolution No. 2012-13, which is on file in Yuba County Resolution Book No. 43 entitled: "RESOLUTION AUTHORIZING THE SUBMISSION OF THE STATE CSBG CONTRACT NO. 12-4453 REGARDING COMMUNITY SERVICES BLOCK GRANT, AMENDMENTS AND REQUIRED REPORTS."
4. Adopt resolution authorizing Executive Director of Community Services Commission to execute contracts with agencies approved to receive Community Services Block Grant funding. (063-12)  
Adopted Resolution No. 2012-14, which is on file in Yuba County Resolution Book No. 43 entitled: "RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE YUBA COUNTY COMMUNITY SERVICES COMMISSION TO EXECUTE CONTRACTS WITH THE AGENCIES APPROVED TO RECEIVE COMMUNITY SERVICES BLOCK GRANT FUNDING."
5. Award contract to AJ Vasconi Inc., the apparent low bidder for the Smartsville (Chuck Yeager) Road Bridge Replacement at Vineyard Creek Project and authorize the Chair to execute same upon review and approval of County Counsel. (064-12) Approved.

E. County Administrator

1. Approve contract agreement with M.M. Rosenberg and Associates effective January 3, 2012 through December 31, 2012 and authorize the Chair to execute same. (065-12) Approved.

IV. PUBLIC COMMUNICATIONS: No one came forward.

V. COUNTY DEPARTMENTS

A. Administrative Services

1. Authorize Budget Transfer in the amount of \$16,110 to return the Administrative Technician position to full time for the period January 1 to June 30, 2012 as it relates to the Yuba-Sutter Enterprise Zone. (Ten minute estimate) (066-12) Pulled at the request of the Department.

B. County Administrator

1. Approve repayment agreement with the City of Marysville regarding traffic fine audit for Fiscal Years 2004/05 through 2008/09 and authorize the Chair to execute same. (Ten minute estimate) (067-12)  
County Administrator Robert Bendorf recapped repayment discussions with the city and responded to Board inquiries.

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

2. Receive Mid-year Budget Review; authorize Budget Transfers in the total amount of \$6,713,392 with \$180,576 from General Fund Contingency; approve mid-year personnel request to fund \$40,197 for two positions; and approve mid-year fixed assets requests of \$511,372. (20 minute estimate) (068-12) County

Administrator Robert Bendorf recapped 2nd Quarter Financial Report advising little change in property and sales tax revenues, slight increase in General Fund Expenditures, shortfalls in Department Revenue and Expenditures and Non-General Fund departments due primarily to grant reimbursements and budget transfers. Mr. Bendorf responded to Board inquiries. Management Analyst Grace Mull provided a recap of budget transfers and responded to Board inquiries.

MOTION: Move to Receive Mid-year Budget Review; authorize Budget Transfers in the total amount of \$6,713,392 with \$180,576 from General Fund Contingency; approve mid-year personnel request to fund \$40,197 for two positions; and approve mid-year fixed assets requests of \$511,372.

MOVED: Mary Jane Griego SECOND: John Nicoletti

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

NOES: None ABSENT: None ABSTAIN: None

VI. ORDINANCES AND PUBLIC HEARINGS: The Deputy Clerk read the disclaimer.

- A. Public Hearing - Hold public hearing and adopt resolution adopting the East Linda Reinvestment Plan as a visioning guide for the redevelopment of the East Linda Community. (30 minute estimate) (069-12) Project Planner Dan Cucchi provided a Power Point presentation covering plan changes including grant and County policy consistency, infrastructure funding and fees and existing businesses.

Chairman Stocker opened the public hearing. The following individual spoke:  
Dr. Douglas Houston, Yuba Community College District

Supervisor Abe requested resolution be modified by removing the portion of Section 4 "and shall be used as a guide for the development and revitalization of East Linda and the Development Code Update."

MOTION: Move to adopt resolution as modified MOVED: Roger Abe SECOND: Andy Vasquez

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

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2012-15, which is on file in Yuba County Resolution Book No. 43 entitled: "RESOLUTION ADOPTING THE EAST LINDA REINVESTMENT PLAN AS A VISIONING GUIDE FOR THE REDEVELOPMENT OF THE EAST LINDA COMMUNITY."

VII. CORRESPONDENCE - 070-12

- A. Pamphlet from National Association of Counties regarding National County Government Month, April 2012. (Complete pamphlet on file) Accepted
- B. Newsletter from California Oaks. Accepted
- C. 2010-2011 Area 4 Agency on Aging Annual Report. Accepted
- D. Two notices from State of California Fish and Game Commission regarding notice of proposed action relating to recreational take of abalone, and ocean salmon sport fishing. (Copy provided to Fish and Game Advisory Commission) Accepted
- E. Letter of resignation from Clarence "Buck" Weckman of the Yuba County Fish and Game Advisory Commission. (Vacancy notice has been posted) Accepted

VIII. BOARD AND STAFF MEMBERS' REPORTS: Report were received on the following:

Supervisor Nicoletti:

- Marysville County Liaison meeting March 1, 2012 cancelled
- Health and Human Services meeting February 27, 2012 Proposition 101 Realignment funding challenges for medications

Supervisor Abe attended the following meetings:

- Emergency Medical Services meeting on February 15, 2012
- FEMA Agricultural Zone Coalition meeting February 17, 2012
- Bok Kai Hostess reception on Friday 17, 2012
- Presented a Letter of Congratulation from the Governor's office to Ms. Maude "Estelle" Bills at Donner Trails Manor in honor of her 107th birthday
- South Units Water Agency meeting February 22, 2012
- California State Association of Counties, North Central Counties Consortium, and Gallery 34 ribbon cutting ceremony on February 23, 2012
- Forest Services and Bureau of Land Management meeting held February 24, 2012
- Yuba Sutter Legal Center dinner held February 24, 2012
- Bok Kai Parade held February 25, 2012
- Olivehurst Public Utilities District Parks and Recreation meeting held February 27, 2012
- Julie Tyler Renaissance Night fundraising event for Bear River Schools February 18, 2012
- Memorial Adjournment - Mr. Michael Foster

Supervisor Griego attended the following meetings:

- TRLIA meeting held February 21, 2012
- Meeting with Congressman Garamendi February 23, 2012
- South Yuba Economic Committee meeting held February 23, 2012 included draft proposal from Caltrans for McGowan Road overpass lighting
- Yuba Sutter Transit Authority open house February 24, 2012
- Bok Kai Parade held February 25, 2012
- Sacramento Council of Governments meeting Thursday, March 1, 2012

Supervisor Stocker:

- Memorial Adjournment - Mr. Robert Rust
- Memorial Adjournment - Ms. Colette Ann Smith
- Memorial Adjournment - Ms. Kathryn Ames
- Bok Kai Parade held February 25, 2012
- Assessment Appeals Board meeting held February 27, 2012
- News article regarding accuracy of voter rolls nationwide

County Administrator Robert Bendorf:

- American Red Cross Heroes Dinner, March 16, 2012 received Board consensus to purchase a table
- Memorial Adjournment - Ms. Barbara Rooney

IX. CLOSED SESSION: The Board recessed into closed session at 11:39 a.m. and returned from closed session at 12:28 p.m. with all present as indicated above.

A. Pending litigation pursuant Government Code §54956.9(a) - Yuba County Probation Peace Officers Association vs County of Yuba et al

B. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Public Guardian (60 minute estimate)

Counsel Angil Morris-Jones advised the Board gave direction and authorization by unanimous vote regarding pending litigation.

Chairman Stocker advised the evaluation was completed.

The Board recessed at 12:29 p.m. and reconvened at 1:30 p.m. with all present as indicated above with the exception of Supervisor Nicoletti.

X. 1:30 P.M. ORDINANCES AND PUBLIC HEARINGS: The Deputy Clerk read the Disclaimer.

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance adding Chapter 7.40 to the Yuba County Ordinance Code addressing marijuana cultivation as a public nuisance. (45 minute estimate) (071-12) Community Development and Services Director Kevin Mallen recapped the history and ordinance including the following:

- Indoor and outdoor cultivation
- Number of plants allowed predicated by parcel size and setbacks
- Cultivation limitations to qualified patient or designated care giver
- Plants screened from public view, secure and out of the reach of children
- Code Enforcement infractions, remedies, and fines

Chairman Stocker opened the public hearing. The following individuals spoke:

- Ms. Karen Liggett, Marysville
- Ms. Carmel Garcia, Olivehurst
- Mr. James Lanini, Linda
- Mr. Peter Levy, Los Molinas
- Mr. Charles Diaz, Olivehurst
- Mr. Sam McConnell, Olivehurst
- Mr. Tim Coffman, Browns Valley
- Mr. Robert House, Marysville
- Mr. Beau Green, Sutter County
- Mr. Michael McCauley, Sacramento
- Mr. Eddie Vasquez, Olivehurst
- Mr. Miles Jenson, Linda
- Mr. Tom Miles, Linda
- Mr. Nate Bradley, Placer County
- Mr. Rick Sylva, Linda
- Mr. Eric Salerno, Browns Valley
- Ms. Teri Douyon, Yuba City
- Mr. Charles Boutt, Olivehurst
- Mr. Glenn Green, Olivehurst
- Mr. Larry Flynn, Olivehurst
- Mr. Dennis McLeod, Olivehurst
- Ms. Alaine Arslan, Loma Rica

- Mr. Karino DeLaFuente, Olivehurst
- Mr. Rob Mitchell, Olivehurst
- Mr. Curtis Canfield, Loma Rica

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

Following additional discussion regarding plant odor, varieties, and expense of indoor grows, the following individuals spoke:

- Mr. Karino DeLaFuente, Olivehurst
- Mr. Brian Oliver, Olivehurst
- Mr. Charles Boutt, Olivehurst
- Ms. Dora Kim, Yuba County

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

Supervisor Stocker created an ad hoc committee appointing Supervisors Griego and Nicoletti, to work with citizens and staff, to address marijuana cultivation as a public nuisance, and to explore and identify thresholds and limits.

- XI. ADJOURN: 3:48 p.m. by Chairman Stocker in memory of Ms. Colette Ann Smith, Ms. Kathryn Ames, Ms. Barbara Rooney, Mr. Robert Rust, and Mr. Michael Foster.

ATTEST: DONNA STOTTLEMEYER  
 CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_  
 Chair

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

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





*COUNTY*  
*DEPARTMENTS*

**THIS PAGE INTENTIONALLY LEFT BLANK**

# The County of Yuba

077-12



## Office of the County Administrator

Robert Bendorf, County Administrator  
John Fleming, Economic Development Coordinator  
Russ Brown, Communications & Legislative Affairs Coordinator  
Grace M Mull, Administrative Analyst  
Teena L. Carlquist, Executive Assistant to the County Administrator  
Yuba County Government Center  
915 8th Street, Suite 115  
Marysville, CA 95901

Phone: (530) 749-7575  
Fax: (530) 749-7312  
Email: rbendorf@co.yuba.ca.us  
jfleming@co.yuba.ca.us  
rbrown@co.yuba.ca.us  
gmull@co.yuba.ca.us  
tcarlquist@co.yuba.ca.us

DATE: March 13, 2012  
TO: Board of Supervisors  
FROM: Russ Brown, Communications & Legislative Affairs Coordinator *RB*  
SUBJECT: Resolution Supporting Establishment of Agricultural Flood Insurance

### Recommended Action

Authorize Chair to sign resolution supporting the five Guiding Principles of the Agricultural Floodplain Management Alliance.

### Background & Discussion

Yuba County's \$200 million-plus agriculture industry is a vital part of the region's economy, and the surrounding communities have a significant historic cultural presence and play an integral role in the viability of agriculture locally, regionally, and nationally.

In recent months there has been a growing interest in establishing flood insurance programs that could benefit and protect agricultural land. More recently, legislation has been introduced on the national level (HR 4020) that would make flood insurance available to the farming community.

To support this effort, a coalition of cities, counties, reclamation districts, RCRC, and CSAC is forming to create a unified voice in support of agricultural flood insurance. The Agricultural Floodplain Management Alliance is seeking letters or resolutions supporting its Guiding Principles, which include:

1. Support and protect the economic viability and vitality of agriculture industries and dependant small communities.
2. Recognize the benefits locally and nationally of the agricultural uses of the floodplain as a practical means to limit long-term flood risk while supporting a critical element of our economy and the security of our food supply.
3. Include provisions for agricultural and small dependant communities that allow for practical and feasible replacement of and reinvestment in industrial and commercial structures, to ensure long term socio-economic sustainability.
4. Establish flood insurance rates for agricultural and small dependant communities that are economically manageable by property owners while contributing to the overall fiscal viability of the NFIP.
5. Provide a role for representatives of the agricultural and small dependant communities to participate in the process of developing recommended modifications to the NFIP that are specific to address these and related issues.

### Committee Action

Due to time restraints, this resolution was not presented at the committee level.

### Fiscal Impact

None

**THIS PAGE INTENTIONALLY LEFT BLANK**

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

**RESOLUTION SUPPORTING )  
AND JOINING THE )  
AGRICULTURAL FLOOD )  
MANAGEMENT ALLIANCE )**

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

**WHEREAS**, the Yuba County Board of Supervisors is concerned about the long-term viability of agricultural communities, industries, and operations located in the regulatory floodplain as these communities have a significant historic cultural presence and play an integral role in the viability of agriculture locally, regionally, and nationally;

**WHEREAS**, County of Yuba strongly supports the mission of FEMA and the National Flood Insurance Program (NFIP) to identify and mitigate flood risk and protect life and property in all floodplain communities. However, the County is concerned that the current approach under the NFIP places a disproportionately impactful economic burden on agricultural communities in the mapping of Special Flood Hazard Areas which imposes highly-restrictive flood protection regulations and establishes burdensome flood insurance rates. In particular, changes must be made to the building limitations on structures needed to support agricultural production, storage, and processing. Further, flood insurance must be offered at a rate which is variable depending upon the risk, but which makes flood insurance a meaningful and affordable option for the property owner;

**WHEREAS**, Yuba County is also concerned about the small dependant towns located adjacent to these agricultural communities. The fate of these small communities has a direct bearing on the sustainability of agriculture in the regulatory floodplain as these are the communities where people gather to worship, shop, socialize, educate their children, and conduct business. The NFIP does not currently take into consideration the unique interdependency and tenuous economic balance that exists between the agriculture industry and adjacent small communities as compared to urbanized economies. Without recognizing the unique characteristics of agricultural and small communities in the NFIP structure, and by instead applying an urban-focused flood insurance standard, the existing agriculture enterprises and their dependent small communities will continue to degrade and ultimately fade away; and

**WHEREAS**, the Agricultural Flood Management Alliance, a coalition of local agencies, organizations, and individuals, has adopted the following five guiding principles to describe its members' common concern and interest regarding the long-term viability of agricultural communities, industries, and operations located in the regulatory floodplain:

- 1) Support and protect the economic viability and vitality of agriculture industries and dependant small communities.

- 2) Recognize the benefits locally and nationally of the agricultural uses of the floodplain as a practical means to limit long-term flood risk while supporting a critical element of our economy and the security of our food supply.
- 3) Include provisions for agricultural and small dependant communities that allow for practical and feasible replacment of and reinvestment in industrial and commercial structures, to ensure long term socio-economic sustainability.
- 4) Establish flood insurance rates for agricultural and small dependant communities that are economically manageable by property owners while contributing to the overall fiscal viability of the NFIP.
- 5) Provide a role for representatives of the agricultural and small dependant communities to participate in the process of developing recommended modifications to the NFIP that are specific to address these and related issues.

**NOW, THEREFORE,** be it resolved that the Board of Supervisors of the County of Yuba hereby

- 1) Supports and endorses the five guiding principles of the Agricultural Floodplain Management Alliance; and
- 2) Directs staff to join in the efforts of the Agricultural Floodplain Management Alliance.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

AYES:

NOES:

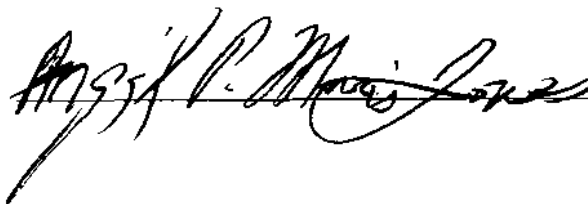
ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman

ATTEST: DONNA STOTTEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

APPROVE AS TO FORM:  
COUNTY COUNSEL

\_\_\_\_\_  


# *The County of Yuba*

OFFICE OF THE BOARD OF SUPERVISORS



915 8<sup>th</sup> Street, Ste. 109  
Marysville, California 95901  
(530) 749-7510  
(530) 749-7353 FAX

March 6, 2012

The Agricultural Flood Management Alliance  
Coordination Committee  
c/o Kristi More  
1130 Connecticut Avenue, NW  
Suite 300  
Washington, DC 20036

To Whom it May Concern:

The Yuba County Board of Supervisors is concerned regarding the long-term viability of agricultural communities, industries, and operations located in the regulatory floodplain. These communities have a significant historic cultural presence and play an integral role in the viability of agriculture locally, regionally, and nationally.

We strongly support(s) the mission of FEMA and the National Flood Insurance Program (NFIP) to identify and mitigate flood risk and protect life and property in all floodplain communities. However, we are concerned that the current approach under the NFIP places a disproportionately impactful economic burden on agricultural communities in the mapping of Special Flood Hazard Areas which imposes highly-restrictive flood protection regulations and establishes burdensome flood insurance rates. In particular, changes must be made to the building limitations on structures needed to support agricultural production, storage, and processing. Further, flood insurance must be offered at a rate which is variable depending upon the risk, but which makes flood insurance a meaningful and affordable option for the property owner.

We are also concerned about the small dependant towns located adjaeent to these agricultural communities. The fate of these small communities has a direct bearing on the sustainability of agriculture in the regulatory floodplain as these are the communities where people gather to worship, shop, socialize, educate their children, and conduct business. The NFIP does not currently take into consideration the unique interdependency and tenuous economic balance that exists between the agriculture industry and adjacent small communities as compared to urbanized economies. Without recognizing the unique characteristics of agricultural and small communities in the NFIP strueture, and by instead applying an urban-focused flood insurance standard, the existing agriculture enterprises and their dependent small communities will continue to degrade and ultimately fade away.

We believe that the framework of flood risk management as applied in agricultural areas and agricultural communities must:

**SUPERVISORS**

- 1) Support and protect the economic viability and vitality of agriculture industries and dependant small communities.
- 2) Recognize the benefits locally and nationally of the agricultural uses of the floodplain as a practical means to limit long-term flood risk while supporting a critical element of our economy and the security of our food supply.
- 3) Include provisions for agricultural and small dependant communities that allow for practical and feasible replacement of and reinvestment in industrial and commercial structures, to ensure long term socio-economic sustainability.
- 4) Establish flood insurance rates for agricultural and small dependant communities that are economically manageable by property owners while contributing to the overall fiscal viability of the NFIP.
- 5) Provide a role for representatives of the agricultural and small dependant communities to participate in the process of developing recommended modifications to the NFIP that are specific to address these and related issues.

For these reasons, we support the work of the Alliance.

Sincerely,

Hal Stocker  
Chairman



# 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



**BUILDING**  
19-5440 • Fax 749-5616

**CODE ENFORCEMENT**  
19-5455 • 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

March 13, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL LEE, PUBLIC WORKS DIRECTOR

SUBJ: REQUEST TO CLOSE ACCESS ON GROVE AVENUE AT THE EDGEWATER SUBDIVISION BOUNDARY

### RECOMMENDATION:

The Board accept the engineering and traffic report for Grove Avenue, deny the request to close Grove Avenue to through traffic, and provide direction to staff whether alternative corrective measures are warranted.

### BACKGROUND:

On February 7, 2012, residents near the intersection of Grove Avenue and Cobblestone Drive petitioned the Board of Supervisors to have Grove Avenue closed at the Edgewater subdivision boundary. The residents indicated that on several occasions southbound motorists on Grove Avenue failed to adequately negotiate the turn onto Cobblestone, subsequently causing damage to one home, parked vehicles, and front yard landscaping. The Board instructed CDSA to investigate the situation and to report back in March.

On April 18, 2006, the Yuba County Board of Supervisors approved a resolution to establish the intersections of Ash Way/Grove and Maywood Drive/Grove as all-way stop. This resolution was predicated by complaints (from residents in the same neighborhood) about motorists exceeding the prima facie speed of 25 mph on Grove Avenue.

On October 9, 2007, the Yuba County Board of Supervisors approved a resolution to establish the intersection of Grove Avenue and Cobblestone Drive as an all-way stop intersection. This resolution was predicated by complaints (from residents in the same neighborhood) about motorists exceeding the prima facie speed of 25 mph on Cobblestone Drive and Grove Avenue. The speed survey taken in 2007 had an 85<sup>th</sup> percentile speed of 32 mph.

Grove Avenue is one of five connector roads between the Edgewater subdivision and the neighborhoods to the north.

### DISCUSSION:

On February 15<sup>th</sup>, 2012, Public Works performed a speed survey for Grove Avenue to determine existing traffic conditions. Public Works prepared an engineering and traffic report summarizing the results of the speed survey and our associated analysis for Grove Avenue and

for the intersection with Cobblestone Drive (report attached). The results of the speed survey showed an average 85<sup>th</sup> percentile speed of 32 mph along Grove Avenue from Hammonton-Smartsville Road to Cobblestone Drive. The 85<sup>th</sup> percentile speed on Grove Avenue has not changed from the speed observed in 2007. Of concerning note, however, the speed survey indicated that 30 vehicles were travelling in excess of 50 miles per hour.

From January 1, 2007, to December 31, 2011, there were ten reported traffic collisions on Grove Avenue between Hammonton-Smartsville Road and Cobblestone Drive. During this period there was only one reported collision at the intersection with Cobblestone Drive (April 2007). The collision at Cobblestone Drive involved a motorist traveling in the southbound direction on Grove Avenue that lost control of his vehicle while negotiating the turn onto Cobblestone Drive and hit the house at 1774 Cobblestone Drive. According to the CHP, this driver was being pursued by the Highway Patrol at the time of the collision.

The stop sign and end of Grove Avenue for southbound traffic are readily apparent. This indicates that likely all of the single-vehicle accidents (unreported to CHP) at the intersection were caused by impaired drivers or drivers purposefully driving at excessive speeds.

Public Works met with the Yuba County Sheriff, the California Highway Patrol Captain, and the Linda Fire Department Chief to discuss Grove Avenue traffic. As stated in the report, all of us strongly oppose closing Grove Avenue to through traffic. Access for emergency responders should be a high consideration and closing the road would result in longer response times. Grove Avenue provides access to many other residents in the neighborhood and is needed for circulation within the area.

The law enforcement officials were not aware of any problems along Grove Avenue and did not recall receiving any complaints from the public concerning traffic conditions. The law enforcement officials did not find the traffic volume to be heavy or the 85<sup>th</sup> percentile speed to be excessively high for the area.

Although the report indicates that there is little data to support corrective measures at this time, there is some evidence of excessive speed and we are sympathetic with the residents who have suffered property damage. The report provides suggestions on possible ways to slow down motorists (i.e. signage, speed humps, chokers, and bulbouts).

As a first course of action, we recommend installing a "Stop Ahead" sign and a "T" intersection sign on southbound Grove Avenue at the approach to Cobblestone. Additionally, we recommend steady and aggressive enforcement action along Grove Avenue.

If your Board believes more needs to be done to slow motorists on Grove Avenue, we suggest considering the installation of one speed hump immediately south of the Edgewater boundary. This option is less expensive than chokers or bulbouts, does not negatively affect drainage, and would likely result in a larger decrease in vehicle speeds. Design configuration for the speed hump could take into account vehicle width of fire trucks to minimize the impact on fire department responses.

If your Board chooses to install a speed hump on Grove Avenue, your Board would have to amend the Traffic Undulation Program that was adopted on November 14, 2000. The Program designated Grove Avenue as an emergency response route and indicated that speed humps would not be placed on these routes.

Any corrective measures directed by your Board will be paid for with CSA 52 funds.

COMMITTEE ACTION:

This investigation was directed by the Board, therefore the Land Use and Public Works Committee was bypassed.

FISCAL IMPACT:

There was a minimal cost to the Road Fund to perform the engineering and traffic study. Potential costs to CSA 52 for corrective measures, depending on direction from Board.

Engineering and Traffic Report  
For  
Grove Avenue  
From Hammonton-Smartsville Road to Cobblestone Drive  
February 2012

Complaint from the Public

Residents at the southern end of Grove Avenue, near the intersection of Cobblestone Drive, have complained before the Yuba County Board of Supervisors about speeding motorists, many of whom are not stopping for the stop sign at the intersection. The residents claim that over the past few years, several motorists driving south on Grove Avenue have run into parked cars or other fixed objects resulting in property damage. The residents provided the Board a list of three incidences, photographic evidence of property damage, as well as one CHP accident report. The property owners are requesting Grove Avenue be closed at the boundary with the Edgewater Subdivision.

Existing Road Conditions

Grove Avenue from Hammonton-Smartsville Road to Cobblestone Drive is a two lane local residential street approximately 2,600 feet in length. The northern two-thirds of Grove Avenue have no paved shoulders and the travel lanes are approximately ten feet wide. The southern third has been widened to provide twelve foot lanes and paved shoulders. Sidewalks have been constructed along the newer sections in the Edgewater Subdivision at the southern end of Grove Avenue. Drainage along the northern two-thirds is poor with slight roadside swales; areas of ponding do occur. The intersections at Ash Way and Maywood Drive have all-way stop controls that were established in 2006. The intersection with Cobblestone Drive has all-way stop control that was established in 2007. Grove Avenue has T-intersections at its northern end with Hammonton-Smartsville Road and at its southern end with Cobblestone Drive. The posted speed limit on Grove Avenue is 25 mph due to the prima facie speed limit for a residential street set by the California Vehicle Code.

Before the Edgewater Subdivision was created, Grove Avenue had no outlet at its southern end. When the Edgewater Subdivision was built in the early 2000's, Grove Avenue was extended into the subdivision to Cobblestone Drive. Travel on the Grove Avenue extension was opened to the general public in 2003/2004.

Speed Survey:

Twenty-four hour speed surveys along Grove Avenue were performed from 10:00 am on 2/15/12 to 10:00 am on 2/16/12.

Location #1 (north of Ash Way) – 2053 vehicles with an 85<sup>th</sup> percentile speed of 31.1 mph

Location #2 (Edgewater Subdivision boundary) – 1795 vehicles with an 85<sup>th</sup> percentile speed of 32.6 mph

85<sup>th</sup> Percentile Speed Weighted Average for Grove Avenue:

$$\frac{2053 \times 31.1}{3848} + \frac{1795 \times 32.6}{3848} = 16.59 + 15.21 = 31.80 \text{ mph}$$

Round to nearest 5 mph increment: 30 mph

Of concerning note, 30 of the vehicles monitored in the speed survey were travelling in excess of 50 mph.

#### Traffic Collision History:

From January 1, 2007, to December 31, 2011, there were ten reported traffic collision on Grove Avenue between Hammonton-Smartsville Road and Cobblestone Drive. During this period there was only one reported collision at the intersection with Cobblestone Drive (April 2007). The collision at Cobblestone Drive involved a motorist traveling in the southbound direction on Grove Avenue that lost control of his vehicle while negotiating the turn onto Cobblestone Drive and hit the house at 1774 Cobblestone Drive. According to the CHP, this driver was being pursued by the Highway Patrol at the time of the collision.

Three collisions on Grove Avenue had a primary collision factor of Improper Turning. Two collisions involved motorists Driving Under the Influence and one collision had Ped or Other Under the Influence. Half of the collisions along Grove Avenue were within fifteen feet of intersections and no collisions occurred more than seventy-five feet from an intersection. Sixty percent of collisions had the driver at fault traveling in the northbound direction.

The residents provided a letter (with photographs) to the Board of Supervisors indicating property damage on four separate occasions (1764 Cobblestone Drive (2 incidents), 1770 Cobblestone, and 1774 Cobblestone).

#### Conditions Not Readily Apparent to Drivers:

The roadway conditions are readily apparent to drivers. The alignment is straight, and road connections not controlled by all-way stops have adequate sight distance for vehicles entering onto Grove Avenue.

The stop sign and the end of Grove Avenue for southbound traffic are readily apparent. This indicates that likely all of the single-vehicle accidents at the intersection are caused by impaired drivers or drivers purposefully driving at excessive speeds.

#### Possible Solutions

1. Close Grove Avenue at the boundary with the Edgewater Subdivision, such as it was prior to the subdivision.
2. Construct speed hump(s) to slow motorists.
3. Construct chokers along the roadway edges within the Edgewater subdivision to narrow the roadway. Narrowing the roadway has a tendency to slow motorists.
4. Bulbouts at the intersection of Grove Avenue and Cobblestone Drive.
5. Additional warning signage for southbound Grove Avenue motorists.
6. Leave conditions as they are.

### Meeting with Fire Department, Yuba County Sheriff, and local CHP Officer

Public Works met with Linda Fire's Chief Webb, Yuba County Sheriff Durfor, and CHP Captain Ornelas on February 29, 2012, to discuss options for Grove Avenue. The consensus from all meeting participants is a strong opposition to closing Grove Avenue at the boundary with the Edgewater subdivision. Meeting participants considered the volume of traffic on Grove Avenue to be an average amount for the size of the residential neighborhood. They expressed that if Grove Avenue were closed, traffic would simply increase on nearby Rupert Avenue and Oakwood Drive.

The CHP Captain expressed that the 85<sup>th</sup> percentile speed of 32 mph is not excessive for the type of neighborhood. The CHP Captain stated that their department has issued only a few speeding tickets over the last 4 years and that they have not received any complaints from the public concerning conditions on Grove Avenue. The CHP Captain also explained that the driver of the one reported collision occurring at the Grove Avenue and Cobblestone Drive intersection was being pursued by CHP Officers, and that the driver had hit other vehicles before striking the home on Cobblestone.

Sheriff Durfor expressed the same opinion as the CHP Captain about the speeds. Sheriff Durfor stated that the Sheriff's Office has not received any complaints about Grove Avenue from the public either.

Chief Webb expressed that he recalls only two collisions occurring on Grove Avenue near Cobblestone Drive. Chief Webb also stated that he is opposed to speed humps because they slow response times for emergency vehicles. Public Works indicated that if speed humps are proposed to be installed, we would consider humps with wide-spaced openings, allowing large fire trucks to pass unimpeded, but not other vehicles.

### Conclusions:

As expressed by law enforcement and Public Works officials, the traffic volume is not heavy for a residential area. The highest hourly volume of traffic heading southbound into the Edgewater subdivision was 95 vehicles and it was during the hour between 5pm and 6pm (peak work to home travel time). The opinion of law enforcement and Public Works officials is that the 85<sup>th</sup> percentile speed of 32mph is not excessive for residential areas. The posted speed limit on Grove Avenue is 25 mph. The CHP has issued a relatively low number of speeding tickets on Grove Avenue since the road was opened in 2003/2004.

The accident history does not show an unusual number of collisions in the vicinity since Grove Avenue was opened into the Edgewater subdivision. According to County records, there was only 1 reported collision at the Grove Avenue and Cobblestone Drive intersection since 2004. The driver at fault in this collision was being pursued by a CHP Officer and was refusing to stop. The accidents causing property damage, presented to the Board by the residents, apparently were not reported to the CHP (except the one accident at 1774 Cobblestone). The Highway Patrol is responsible for maintaining traffic laws within the unincorporated areas of Yuba County. The CHP provide reports to the County for all reported collisions that occur within the County's jurisdiction. The CHP did not provide any other collision reports for this intersection, other than the one previously mentioned.

### Close Grove Avenue

Public Works, CHP, Sheriff, and Linda Fire all highly recommended against closing Grove Avenue. The traffic circulation within East Linda residential neighborhoods is not very good and tends to channel traffic to streets that provide connectivity between the older neighborhoods and newer neighborhoods. Closing off through access on Grove Avenue would result in traffic using other nearby roads such as Rupert Avenue or Oakwood Drive. This could cause worse problems due to rerouted motorists traveling faster on the other streets because their travel distances will be increased. Closing the access would result in more vehicle miles traveled, in turn increasing exhaust emissions.

### Speed Humps

A speed hump could be installed near the Edgewater subdivision boundary and could be effective in slowing motorists as they enter/leave the subdivision. Speed humps present delays to emergency responders as they have to slow down to traverse over the hump. A speed hump design may be fashioned to better accommodate fire trucks, but law enforcement vehicles would still need to slow because of the narrower vehicle width. Speed humps also inconvenience a great number of people for the few culprits who choose to speed. Public Works prefers to see stepped up enforcement to target the few culprits, before installing a speed hump that inconveniences all.

Grove Avenue is identified as an emergency response route on the County's Traffic Undulation Program, approved by the Board of Supervisors on November 14, 2000. Pursuant to the Traffic Undulation Program, speed humps shall not be installed on designated emergency response routes. This program would require modification if the Board wishes to install a speed hump on Grove Avenue. The Road Fund does not have budget for installation of speed humps due to tight budget times. However, the Board could allocate funds from CSA 52 for such a purpose as long as the speed hump is within the boundary of CSA 52, of which the newer segment of Grove Avenue is.

### Chokers

Roadside chokers would physically narrow the travel lane with raised areas along the roadway edges. Chokers visually narrow the view of the roadway from the driver's vantage point, causing a natural and inherent slowing in speed. Landscaping can also be planted in the chokers to aid in the visually narrowing of the roadway. Drainage can be a problem with chokers, especially when installed after the roadway has been constructed. Chokers are typically more expensive to install than other measures and there can be long term maintenance issues with landscaping. This option is not recommended because of the high cost, drainage concerns, and the uncertainty of whether this option will help solve the problem since several of the accidents are likely from impaired drivers.

### Bulbouts

At the intersection of Grove Avenue and Cobblestone Drive the corners on the north side of the intersection could be extended into the roadway to form what are known as bulbouts. The corners could extend into the existing roadway up to five feet on the Grove Avenue side. This would result in a narrower opening for vehicles to negotiate. Drainage may be problematic with bulbouts at this location. This option is not recommended because of the high cost, drainage concerns, and the uncertainty of whether this option will help solve the problem since several of the accidents are likely from impaired drivers.

### Additional Signage

Additional signs for southbound Grove Avenue traffic, such as "Stop Ahead" and "T" Intersection could be installed prior to the intersection. This would be a relatively inexpensive option to further

alert motorists that they are approaching the end of Grove Avenue. However, we may not see an improvement resulting from additional signage since the offenders are likely impaired or purposefully taking the corner at excessive speeds.

Leave Conditions As They Are

Other than the statements and the letter from the residents near this intersection, there is little empirical data to indicate a problem exists at this intersection. Law enforcement agencies and Linda Fire Department are not aware of any non-typical problems along Grove Avenue concerning excessive speeds or traffic collisions.

Recommendations

Public Works, CHP, Sheriff, and Linda Fire all strongly oppose closing the access that Grove Avenue provides. Access for emergency responders should be a high consideration and closing the road would result in longer response times. Grove Avenue provides access to many other residents in the neighborhood and is needed for circulation within the area.

As a first course of action, we recommend installing a "Stop Ahead" sign and a "T" intersection sign on southbound Grove Avenue at the approach to Cobblestone. Additionally, we recommend steady and aggressive enforcement action along Grove Avenue.

If your Board believes more needs to be done to slow motorists on Grove Avenue, we suggest considering the installation of one speed hump immediately south of the Edgewater boundary. This option is less expensive than chokers or bulbouts, does not negatively affect drainage, and would likely result in a larger decrease in vehicle speeds. Design configuration for the speed hump could take into account vehicle width of fire trucks to minimize the impact on fire department responses. As previously mentioned, this option would require your Board to modify the approved Traffic Undulation Program.

Prepared By: Van Breda

Date 3-1-12

Title: Principal Engineer



# 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



079-12

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

**CODE ENFORCEMENT**  
49-5455 • 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

**PARKS AND RECREATION**  
749-5430 • Fax 749-5434

**DATE:** March 13, 2012

**TO:** Board of Supervisors

**FROM:** Wendy Hartman, Planning Director *Wendy Hartman*  
Debra J. Phillips, Housing and Community Services Manager *Debbie*

**SUBJECT: Approve Activities for the 2012 Community Development Block Grant Application**

### Recommendation:

It is recommended that the Yuba County Board of Supervisors select three activities to be included in the 2012 Community Development Block Grant application.

### Background:

The County has successfully applied for and managed Community Development Block Grants (CDBG) through the Department of Housing and Community Development (HCD) for various programs from 1988 through 2010. The County is eligible to apply for such programs in the 2012 program year.

In the past, the State has released five NOFA's each year for different activities. This year the State has combined the "Notice of Funding Availability" (NOFA) to include all activities (see attached overview). Eligible cities and counties may submit an application for CDBG funds under the one NOFA; however, only three (3) activities may be submitted in the application for a maximum of \$2,000,000. The Economic Development "Over-the-Counter" (OTC) Allocation requires a separate application with a maximum limit of \$3,000,000 per year. The NOFA also includes the Native American and Colonia's Allocations. The Native American Allocation is only for areas with high concentrations of low-income Native American residents, who are not part of a federally recognized Native American Indian tribe or Rancheria. The Colonia's funding is only for designated communities within 150 miles of the Mexican-American border.

Eligible activities under the above allocations in the NOFA consist of: Homeownership Assistance and housing rehabilitation programs; Public facility and public

H:\COMMON\CDBG\2012\CDBG DESIGN BOS.DOC



Community Services Commission



Housing Authority

EQUAL HOUSING OPPORTUNITY

improvements projects (including public improvements in support of new housing construction); public service programs, planning studies, Economic Development business Assistance and Microenterprise activities. Eligible activities paid for with State CDBG funds must meet one or more of the three national objectives listed in CDBG federal statutes as follows: benefit to low income households or persons; elimination of slums and blight; or meeting urgent community development need.

Discussion:

Yuba County intends to apply for \$2,000,000 for three of the activities listed below and is requesting direction from the Board as to its preference.

**ACTIVITY 1:**

- **\$ 300,000** -- Economic Development Business Assistance Loan Program

The primary purpose of the Loan Fund program is to create and/or retain jobs, fifty-one percent (51%) of which must be filled by individuals from low to moderate-income families (households earning less than 80% of the Yuba County median income). The demand for these loans remains high as traditional financing is increasingly more difficult to obtain in these economic times. CDBG loan funds are not intended to take the place of private sector lending, they are intended to fill a gap for businesses unable to obtain total project financing or don't quite qualify for traditional financing. The loan program will be available to Yuba County businesses for the purchase of land and buildings, machinery and equipment, an existing business, working capital for purchase of inventory, supplies, payment of wages, marketing and advertising or start-up costs.

With respect to Façade Improvement Programs, it has been the experience of Yuba-Sutter Economic Development Corporation that participation in various Façade Improvement Programs throughout the region have struggled to disseminate funds. Depending on the funding mechanism for individual programs, barriers have included: the match requirements (general 1 to 1); if State or Federally funded, the triggering of Davis-Bacon and prevailing wage requirements; and property owners being required to fall within the Low-Mod income bracket.

YSEDC continues to look for programs or funding streams that will avoid some of these issues to capitalize a fund that could be utilized by our businesses.

**ACTIVITY 2:**

- **\$ 600,000** – Combination Homeownership Assistance and Housing Rehabilitation programs

The purpose of the Housing Rehabilitation program is to rehabilitate substandard dwelling units occupied by low to moderate income households (households earning no more than 80% of the area median income) through low-interest

amortized loans. In some cases, loans to both low-income and moderate-income owner-occupants will be deferred.

The purpose of the First Time Homebuyer program is to make the owning of a home an affordable, reachable reality for low to moderate income homebuyers through low-interest amortized loans. This loan is intended to bridge the gap between the amount of the first loan and the purchase price of the home for buyers who have not owned a home in the last three years.

In addition, it is anticipated that the Neighborhood Stabilization Program will assist up to 45 low-moderate income families purchase homes. A large percentage of these homebuyers may need First Time Homebuyer assistance and the CDBG FTHB program would provide the down payment assistance necessary to purchase the home.

Should this activity be funded and should one category be less successful, the unused funds in one category can be transferred to the other; thus, utilizing all the funds awarded.

**ACTIVITY 3 (choose one):**

- **\$1,100,000** – Public Improvements Project or Public Improvements In-Support-of Housing New Construction Project

**Alternative #1** – Extend River Oaks Blvd north of Algodon Road and widen Algodon Road along the frontage of the Mercy housing development in Plumas Lake.

Extension of River Oak Blvd will consist of constructing two new lanes and an adjacent bicycle lane. The pavement along Algodon Road will be widened approximately 13 feet to meet the requirements of an Urban Collector street.

Curb, gutter and sidewalks will be constructed along the project's frontage on River Oaks Blvd and Algodon Road. A storm drain system for River Oaks Blvd and Algodon Road will be installed to collect street runoff. CDBG funds will also be used to extend a water line from Algodon Road to the housing project site. Other minor items such as striping and signage will also be installed.

**Alternative #2** – Widen Seventh Avenue from Powerline Road to west of Okmulgee Avenue.

The project consists of widening 7<sup>th</sup> Avenue to provide two through lanes, a continuous center two-way turn lane, and bicycle lanes. Curb, gutter and sidewalks will also be constructed. A storm drain system will be installed to collect runoff. Other minor items such as striping and signage will also be installed.

**ACTIVITY 4:**

- **\$30,000** – Public Service Program

Historically, the Senior Nutrition Access Card (SNAC) program has been funded through the CDBG 10% Set-Aside option of the CDBG application and has not been a part of the competitive process. This option has been eliminated and public services must now be submitted as one of the three activities in the application. The SNAC program provides low-income seniors with the cost of meals at local participating restaurants.

Djp



*ORDINANCES  
AND  
PUBLIC HEARINGS*

**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)



**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

February 28, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL LEE, PUBLIC WORKS DIRECTOR *Michael Lee*  
RYAN McNALLY, PARKS AND LANDSCAPE COORDINATOR *Ryan McNally*

SUBJ: ADOPT ORDINANCE ADDING CHAPTER 6.76 OF THE ORDINANCE CODE FOR THE PERMITTING OF VENDORS TO CONDUCT BUSINESS IN COUNTY PARKS AND RECREATION AREAS

### RECOMMENDATION:

Adopt the attached ordinance adding Chapter 6.76 of the Yuba County Ordinance Code for the permitting and allowance of vendors to conduct business within County parks and recreation areas.

### BACKGROUND:

In recent years, there have been tremendous developments toward Yuba County parks in terms of acquisition and revitalization. As such, popularity of the parks has surged, sparking an interest to local businesses. To develop meaningful partnerships which are beneficial to public service, staff has developed an ordinance governing the permit process toward selling goods or services at County parks.

### DISCUSSION:

When drafting this ordinance, staff has developed the following critical components by referencing numerous neighboring jurisdictions as well as State and Federal governing bodies:

- Vendors must obtain a separate permit for each park in which they intend to conduct business;
- Vendors must name the County as "Additional Insured" on a robust insurance policy as approved by our Risk Management department;
- Only sales or services which benefit the public by enhancing the experience of the park itself shall be allowed;
- The issuance of a permit does not guarantee exclusivity;
- Vendors shall not solicit business from or otherwise harass park patrons;
- At no point in time shall a vendor establish a permanent or a semi-permanent operation on any County owned or leased property – any operation shall occur during park hours only;
- Vendors will not be allowed to store any materials upon any County owned or leased property;

- All waste and refuse generated onsite shall be properly disposed of;
- The specific location of any operation within the park shall be approved beforehand by CDSA;

The permits will cost businesses \$400 each and be valid for the calendar year. All permits will be subject to a thirty (30) day approval process which is contingent on ensuring the overall scope of proposed sales or services are consistent with providing an enhanced experience to the public while at the park.

Additionally, to prevent exclusivity and to further support the local economy, the ordinance was drafted to give preference first to businesses located within Yuba County and secondly to businesses located within the Yuba Sutter Enterprise Zone.

COMMITTEE ACTION:

On January 10, 2012, the Land Use & Public Works Committee reviewed this item and recommended approval by the Board.

FISCAL IMPACT:

No impact to the General Fund.



**THIS PAGE INTENTIONALLY LEFT BLANK**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ENACTING YUBA COUNTY ORDINANCE CODE TITLE VI,  
CHAPTER 6.76 RELATING TO VENDOR PERMITS IN COUNTY PARKS AND  
RECREATION AREAS**

The following ordinance consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman of the Board of Supervisors  
County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM  
ANGIL P. MORRIS-JONES  
Yuba County Counsel:

By: Marc Hartley

THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA  
DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance shall take effect sixty (60) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper in the County of Yuba, State of California.

Section 2. Chapter 6.76 of the Yuba County Ordinance Code is hereby enacted in its entirety to read as follows:

**“CHAPTER 6.76**

**VENDOR PERMITS ISSUED FOR COUNTY PARKS AND RECREATION AREAS**

Sections

- 6.76.010 Purpose and Authority
- 6.76.020 Applicability
- 6.76.030 Definitions
- 6.76.040 General
- 6.76.050 Application Process
- 6.76.060 Fees
- 6.76.070 Insurance Requirements
- 6.76.080 Use of County Parks and Property
- 6.76.090 Vendor Operations
- 6.76.100 Products and Services Sold
- 6.76.110 Violations and Penalties
- 6.76.120 Suspension and Revocation
- 6.76.130 Appeals
- 6.76.140 Enforcement
- 6.76.150 Severability

**6.76.010 Purpose and Authority.** To further improve the overall experience of county parks and recreation areas, Yuba County elects to issue vendor permits to businesses whose activities directly enhance the enjoyment of the public within County parks and recreation areas. Fees collected from permit issuances shall be used to examine a proposed vendor's fitness to operate in parks and recreation areas, inspection of vendors' activities after permit issuance, improvement or maintenance of park and recreation areas where vendors are allowed to operate, investigation of complaints, and like regulatory activities.

This Chapter shall be administered by the Director of Public Works, who shall be referred to hereinafter as the "Director." Applications for permits shall be made to the Director, who may issue said permits. The Director shall have ultimate authority to enforce the provisions of this Chapter, and may suspend or revoke permits as subsequently provided for in this Chapter.

**6.76.020 Applicability.** This Chapter shall apply to any indoor or outdoor park, park-like or recreational area as those are defined in this Chapter, whose boundaries fully or partially lie within the unincorporated portions of the County of Yuba and are under the control or jurisdiction of the County, regardless of license, lease or tenure.

**6.76.030 Definitions.**

- a. "Park" : any area of land and improvements owned, held in trust by, or leased by Yuba County that exist for the purposes of recreation, aesthetic value, or the conservation or preservation of cultural, historical, or natural resources, and includes County lakes and recreation areas. The major designations and scope of County parks subject to this Chapter are more fully enumerated in Title VIII of this Code in Chapters 8.50 through 8.80, inclusive, but the term "park" is not limited to those areas designated in Title VIII.
- b. "Person": an individual, firm, partnership, association, or corporation, whether or not the foregoing operate on a for-profit or not-for-profit basis. A "permit holder," "vendor," or "permittee" is a person as defined in this subsection.
- c. "Commercial use": any activity whereby a person sells, solicits, proposes to sell, or advertises, tangible goods or merchandise, or services, whether or not those goods or services are delivered or provided at the time they are ordered or are to be delivered or provided to the purchaser at a later date or time. "Merchandise" includes drinks, food, or foodstuffs.
- d. "Enforcing authority": a peace officer, code enforcement officer, environmental health officer, designee of the Director of Public Works, or other employee of the Yuba County Community Development and Services Agency that may have responsibility for inspections and enforcement of state law or this Code.
- e. "Peddler": a person who walks or goes from place to place within a park and solicits or attempts to engage in commercial transactions from person to person.

**6.76.040 General.**

- a. A vendor permit must be obtained for any commercial use on, within, or entailing the use of County owned or leased parks as defined in Section 6.76.030.

b. Permits shall be valid for one park only. Vendors wishing to engage in commercial uses on or within multiple parks must obtain a separate permit for each park.

c. All permits shall be consistent with commercial uses intended to enhance the overall visitor experience at or within a park. Preference for issuance of permits will be given to persons whose business or operation is located in Yuba County first, then otherwise to those located within the Yuba-Sutter Enterprise Zone.

d. Permits are valid for one (1) calendar year, January 1 through December 31, inclusive. Permits must be renewed each year in order to engage in commercial uses.

e. A vendor permit does not create an exclusive use of an area by the permit holder unless specified under a separate executed agreement with the County, and then is only limited to the scope of said agreement. The permit holder shall not interfere with other valid uses of the park by other uses or other persons including vendor permit holders under this Chapter.

f. A vendor permit does not guarantee access to a park if that park or a portion thereof is closed by the Director or other authorized County personnel for any reason.

g. The permit holder must follow all conditions and requirements of the vendor permit as well as all state and federal laws and County ordinances.

h. Issued permits are only valid for the person named in the application and shall not be sold or otherwise transferred to another person or business.

i. Permit holders shall not assign, contract or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. Subcontractors of the permit holder shall apply for and obtain a separate vendor permit in order to engage in commercial uses within the scope of this Chapter.

j. The Director may deny issuance of a pending permit if the applicant has not followed the procedures or conditions of this Chapter, or is otherwise not in compliance with this Code or state law, including but not limited to criminal laws or the payment of any tax, government fee, or a court order.

k. The Director may deny issuance of a pending permit if the proposed commercial uses are contrary to the nature, character, or customary uses of the park for which a permit is sought. The Director may at his discretion deny issuance if another person holds a permit for the same or similar commercial use at that park, or another application has been submitted prior in time, such that multiple persons engaging in the same commercial use would unduly transform the nature of the park or area within, cause crowding, or otherwise disrupt the public's reasonable use and enjoyment of the park.

1. Permit holders shall not create or cause a public nuisance.

**6.76.050 Application Process.** Persons shall apply to the Director for permits at the Community Development and Services Agency office. All applications must be completed and submitted personally at the office, and are subject to a thirty day review process to ensure conformity with this Code and the County's overall mission. Items to be submitted at the time of application will include:

1. Legal business name with contact information and tax identification number;
2. Proof of insurance;
3. Description of sales and / or services, including specific items or merchandise to be sold;
4. Description of vehicles to be used in park or on County property, if applicable;
5. State Sales Tax Permit information, if applicable.

**6.76.060 Fees.** The fee for each vendor permit shall be \$400 per calendar year and shall apply to one park site only. Vendors shall acquire a separate permit for each park in which they intend to conduct business. Once issued, all permit fees are non-refundable. If for any reason a permit application is not approved and no permit issued, the permit fee shall be refunded in full to the applicant.

**6.76.070 Insurance Requirements.** Vendor permit holders shall name the County of Yuba as an additional insured, not co-insured, and shall obtain a specific provision or rider to the effect that the policy will not be cancelled or its provisions changed or deleted before thirty days written notice by the insurance company to the County of Yuba. The person's name used on the original permit application must be the same name used for liability coverage.

The minimum amount of insurance coverage shall be at least the amount approved by the County as detailed on the application form.

Persons seeking to offer goods or services which may be considered hazardous or otherwise pose a substantial risk of physical or environmental injury may be subject to higher minimum coverage amounts at the Director's or County Risk Manager's discretion.

**6.76.080 Use of County Parks and Property.**

a. Persons holding a vendor permit may engage in commercial uses in County parks only when in possession of a current, valid vendor permit and only to conduct the specific commercial use for which the permit was issued, as detailed in the application for the permit.

b. At no time shall a person establish a permanent or semi-permanent operation upon any park or other County-owned or leased property unless specified under a separate executed agreement with the County.

c. Persons are prohibited from constructing, erecting, or placing any building, structure, or fixture, in parks or County-owned or leased property unless specified under a separate executed agreement with the County.

d. Persons in possession of a valid vendor permit may use the approved park or recreation area for temporary day use only and must ensure all stands, signs, merchandise, and other property is removed prior to the posted closing hours of the park, unless specified under a separate executed agreement with the County.

e. Permit holders are only authorized to setup or locate in specific area(s) of the park or property as approved by the Director.

#### **6.76.090 Vendor Operations.**

a. Permit holders must post a copy of their vendor permit in plain view where customers and County personnel can read it. Permit holders must be prepared to show the original or a certified copy of the permit when requested by any peace officer or County employee authorized to enforce this Chapter.

b. Permit holders shall not obstruct, impede, or harass any visitor, employee, or volunteer.

c. Peddling upon any park or County property is strictly prohibited. All customers must seek out the services of the permit holder on their own accord.

d. All vending sites are first come-first served to permit holders. Reserving or saving specific locations within a park is prohibited.

e. Permit holders shall not operate or remain on or in the park or other County-owned or leased property beyond the posted park hours. Any property or merchandise left behind shall become the property of Yuba County. In designated campground areas open to the public 24 hours a day, persons shall not remain on-site between the hours of 8:00 p.m. through 8:00 a.m., unless validly occupying a campsite under a purchased camping permit, in which case the person will not operate during the aforementioned hours.

f. All vehicles and equipment transported into a park for commercial use shall be clearly identifiable as such and be neat, orderly, sanitary, and in a safe condition. Only vehicles listed on the application shall be permitted.

g. Permit holders are responsible for the proper removal and disposal of all trash and litter generated at the vending site consistent with Chapter 7.05 of this Code, including that produced by customers. The Director may condition a person's permit on supplying a waste receptacle at the site of their operations.

#### **6.76.100 Products and Services Sold.**

Only those specific products or services approved in writing on the vendor permit application at the time of issuance may be sold or offered.

Persons shall be prohibited from offering, selling, soliciting, or providing the following products or services within any park or County property unless specifically exempted by ordinance:

- 1) Alcohol
- 2) Tobacco
- 3) Ammunition
- 4) Fireworks or any explosives
- 5) Motor vehicle fuel
- 6) Pornography or obscene material
- 7) Controlled substances, drugs, salvia, or drug paraphernalia
- 8) Plants or animals, other than bait customarily used for fishing
- 9) Glass products or beverages in glass containers
- 10) Any item otherwise unlawful for sale, possession, or use within the State of California or in violation of any Yuba County ordinance.

**6.76.110 Violations and Penalties.** Except as otherwise provided in this Chapter, any person violating any provision of this Chapter shall be subject to the following administrative penalties:

- |                         |   |  |
|-------------------------|---|--|
| 1 <sup>st</sup> Offense | - | Written warning for non-compliance with this Chapter                         |
| 2 <sup>nd</sup> Offense | - | Permit revoked for three (3) years and a fine equal to the annual permit fee |

Any person in subsequent violation of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof may be punished by imprisonment in the County jail for a term not exceeding six months or a fine not exceeding one thousand dollars (\$1,000) or both. Each separate day during which any single violation continues is a separate offense.

#### **6.76.120 Suspension and Revocation.**

a. Notwithstanding Section 6.76.110, the Director, his designee or any other individual having enforcement authority under this Chapter, may suspend a permit immediately if the vendor's activities or conduct are imminently harmful or injurious to the health or safety of the public.



The enforcing authority shall take possession of the original permit, order discontinuance of the vendor's operations, and as appropriate may cite or arrest the vendor for any violation of this Code or other law that may have occurred.

b. An enforcing authority shall notify the Director of the suspension and as soon as possible deliver the surrendered original permit to the Director. The Director shall contact the vendor as provided on the application form and ask if the violation(s) have been corrected. Should a vendor fail to correct the violation(s) as determined by Director and to the Director's satisfaction within five (5) days of suspension, the Director may:

1) revoke the permit; or

2) extend the suspension for a period of no more than thirty (30) days from the original date of suspension and give the vendor additional time for compliance.

If the vendor is still not in compliance after the extended period provided in subdivision b.2), the Director shall revoke the permit for three years as specified in Section 6.76.110.

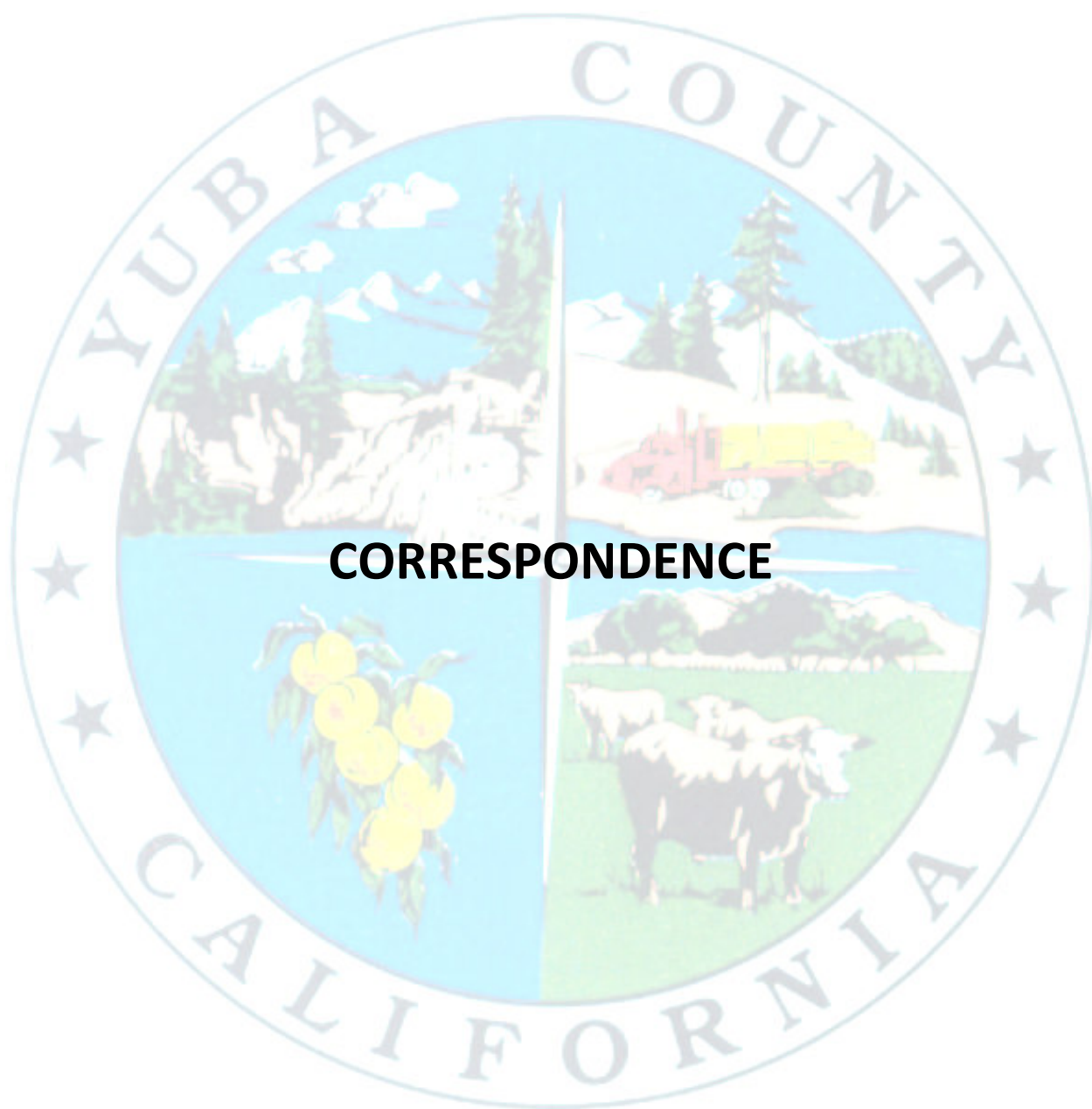
**6.76.130 Appeals.** A vendor has no right to appeal a suspension, but may appeal the denial or revocation of a permit and the imposition of an administrative fine. The appeals process shall conform to that set forth regarding peddler and itinerant merchant license appeals contained in Chapter 6.38 of this Code, Sections 6.38.090 through 6.38.110 inclusive. However, the informal administrative hearing shall be performed by the Director as the issuing authority.

**6.76.140 Enforcement.** The provisions of this Chapter may be enforced by any duly appointed peace officer, code enforcement officer, environmental health officer, or designee of the Director of Public Works. Other employees of the Yuba County Community Development and Services Agency having responsibility for inspection and regulation of the activities engaged in by the vendor, or for enforcement of park rules or this Code, i.e. an enforcing authority, may likewise enforce the provisions of this Chapter. Any enforcing authority may issue such citations or notices or take any other actions as may be appropriate under the circumstances.

**6.76.150 Severability.** If any section, subsection, sentence, clause, phrase, provision or portion of this Chapter, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Chapter or their applicability to distinguishable situations or circumstances. In enacting this Chapter, it is the desire of the Board of Supervisors to validly regulate to the full measure of its legal authority in the public interest, and to that end, the Board of Supervisors declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, provision, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof might be declared invalid or unconstitutional in whole or in part, as

applied to any particular situation or circumstances, and to this end the provisions of this Chapter are intended to be severable.”

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.





**THIS PAGE INTENTIONALLY LEFT BLANK**

**COMMISSIONERS**  
**Daniel W. Richards**, President  
Upland  
**Michael Sutton**, Vice President  
Monterey  
**Jim Kellogg**, Member  
Discovery Bay  
**Richard Rogers**, Member  
Santa Barbara  
**Jack Baylis**, Member  
Los Angeles

**EDMUND G. BROWN, JR.**



081-12

**Sonke Mastrup**  
**EXECUTIVE DIRECTOR**  
1416 Ninth Street, Room 1320  
Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
(916) 653-5040 Fax  
fgc@fgc.ca.gov

STATE OF CALIFORNIA

## **Fish and Game Commission**

### **NOTICE OF FINDINGS**

**Southern Mountain Yellow-Legged Frog**  
(*Rana muscosa*)  
**Sierra Nevada Yellow-Legged Frog**  
(*Rana sierrae*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its February 2, 2012, meeting in Sacramento, made a finding that the southern mountain yellow-legged frog (*Rana muscosa*) warrants listing as an endangered species and the Sierra Nevada yellow-legged frog (*Rana sierrae*) warrants listing as a threatened species.

NOTICE IS ALSO GIVEN that the Commission, consistent with Fish and Game Code Section 2075.5 proposes to amend Section 670.5, Title 14, California Code of Regulations, to add the southern mountain yellow-legged frog (*R. muscosa*) to the list of endangered species and the Sierra Nevada yellow-legged frog (*R. sierrae*) to the list of threatened species. The proposed amendment will be scheduled for a future Commission meeting.

Fish and Game Commission

February 14, 2012

**Sonke Mastrup**  
Executive Director

**BOS CORRESPONDENCE    A**

**COMMISSIONERS**  
**Daniel W. Richards**, President  
Upland  
**Michael Sutton**, Vice President  
Monterey  
**Jim Kellogg**, Member  
Discovery Bay  
**Richard Rogers**, Member  
Santa Barbara  
**Jack Baylis**, Member  
Los Angeles

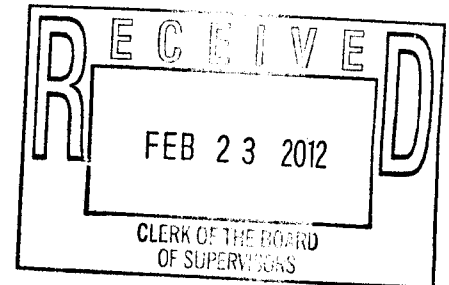
**EDMUND G. BROWN, JR.**



081-12 **Sonke Mastrup**  
EXECUTIVE DIRECTOR  
416 Ninth Street, Room 1320  
Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
(916) 653-5040 Fax  
fgc@fgc.ca.gov

STATE OF CALIFORNIA  
**Fish and Game Commission**

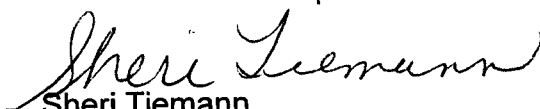
February 17, 2012



TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of findings for the southern mountain yellow-legged frog and the Sierra Nevada yellow-legged frog, which will be published in the California Regulatory Notice Register on February 24, 2012.

Sincerely,

  
Sheri Tiemann  
Staff Services Analyst

Attachment

2-24-12:cc Yuba County Fish and Game Advisory Commission/rf

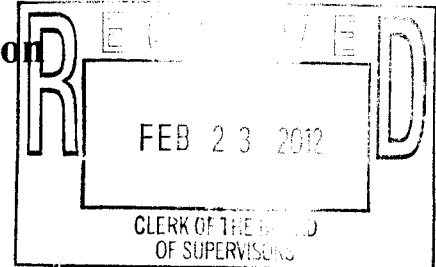
**COMMISSIONERS**  
**Daniel W. Richards**, President  
Upland  
**Michael Sutton**, Vice President  
Monterey  
**Jim Kellogg**, Member  
Discovery Bay  
**Richard Rogers**, Member  
Santa Barbara  
**Jack Baylis**, Member  
Los Angeles

**EDMUND G. BROWN, JR.**



**Sonke Mastrup**  
EXECUTIVE DIRECTOR  
1416 Ninth Street, Room 1320  
Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
(916) 653-5040 Fax  
fgc@fgc.ca.gov

STATE OF CALIFORNIA  
**Fish and Game Commission**



February 24, 2012

**TO ALL INTERESTED AND AFFECTED PARTIES:**

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 7.50, Title 14, California Code of Regulations, relating to Central Valley salmon sport fishing, which will be published in the California Regulatory Notice Register on February 24, 2012.

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

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

Sincerely,

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 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend Section 7.50, Title 14, California Code of Regulations, relating to Central Valley salmon sport fishing.

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

The Pacific Fishery Management Council (PFMC) will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 6, 2012 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 6, 2012 meeting.

Although there are no PFMC regulatory options to review at this time, there exists a possibility of ocean water closures off California. These ocean closures may result in PFMC recommendations for Central Valley salmon fishery closures.

The Department is proposing a range of varied salmon season dates in the American, Feather, Mokelumne, and Sacramento rivers to encompass possible PFMC 2012 recommendations for Central Valley salmon stocks in mid-April. The scope of this option is intentionally broad to increase flexibility for development of the final Central Valley salmon seasons.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2011 Ocean Salmon Fisheries* and *Preseason Report / Stock Abundance Analysis for 2012 Ocean Salmon Fisheries*, are available in late February 2012.

### **Present Regulations**

The current regulations allow for salmon fishing in the American, Feather and Sacramento rivers to achieve the 2011 PFMC harvest target of 61,400 adult Sacramento River Fall Chinook, but the Mokelumne River is closed to salmon fishing.

### **Proposed Regulations**

A range of varied season dates are proposed to continue salmon fishing in the American, Feather and Sacramento rivers and expand angler access in the Feather and Mokelumne rivers.

The following changes to current regulations are proposed to encompass the final PFMC recommendations and align annual season closing dates to protect listed species and salmon spawning grounds.

For all areas, the current language to describe no salmon fishing in all areas is "Closed to salmon fishing. No take or possession of salmon". The Department proposes to use "Closed to the take of salmon" instead to reduce public confusion and assist enforcement activities.

### **American River, subsection 7.50(b)(5)**

- 1) Subsection (A) between Nimbus Dam and the Hazel Avenue bridge and subsection (D) between the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park



and the Jibboom Street bridge.

- a. Proposed range of varied open dates between July 16 and December 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 2) Subsection (B) between Hazel Avenue bridge and the USGS gauging station cable crossing near Nimbus Hatchery.
  - a. Proposed range of varied open dates between July 16 and August 15 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 3) Subsection (C) between the USGS gauging station cable crossing near Nimbus Hatchery and the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.
  - a. Proposed range of varied open dates between July 16 and October 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 4) Subsection (E) between the Jibboom Street bridge and the mouth.
  - a. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.

Feather River, subsection 7.50(b)(68)

- 1) Subsection (C) between the Highway 70 bridge and the unimproved boat ramp above the Thermalito Afterbay Outfall.
  - a. The lower boundary is proposed to move upstream to open up salmon fishing access to the Thermalito Afterbay Outfall area in new subsection (D).
  - b. Proposed to remain closed to salmon fishing all year with existing trout and steelhead limits
- 2) New subsection (D) between the unimproved boat ramp above the Thermalito Afterbay Outfall and the Live Oak boat ramp.
  - a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
  - b. Proposed range of varied open dates between July 16 and October 15 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - c. Proposed to remain closed to salmon fishing from October 16 to December 31 with existing trout and steelhead bag limits.
- 3) Subsection (E) between the Live Oak boat ramp and the mouth.
  - a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits
  - b. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - c. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.

Mokelumne River, subsection 7.50(b)(124)

- 1) All subsections will be revised to clarify the regulations and organize the subsections from upper reach to lower reach to align with the rest of Section 7.50.
- 2) Subsection (A) between Camanche Dam and Highway 99 bridge.
  - a. Proposed to remain closed to salmon fishing from January 1 to March 31 and from the fourth Saturday in May to July 15 with existing trout and steelhead limits.
  - b. Proposed range of varied open dates between July 16 and October 15 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 3) Subsection (B) between Highway 99 bridge and the Woodbridge Irrigation District Dam

including Lodi Lake.

- a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead bag limits.
  - b. Proposed range of varied open dates between July 16 and December 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 4) Subsection (C) between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.
- a. Proposed to remain closed to all fishing all year.
  - b. The lower boundary's "Woodbridge vehicle bridge" is defined as "the Lower Sacramento Road bridge".
- 5) Subsection (D) between the Lower Sacramento Road bridge and the mouth.
- a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead bag limits.
  - b. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - c. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
  - d. For purposes of this regulation, the lower boundary is proposed to be defined as Mokelumne River and its tributary sloughs east of Highway 160 and north of Highway 12.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5)

- 1) Subsection (C) between Deschutes Road bridge and the Red Bluff Diversion Dam.
  - a. Proposed range of varied open dates between August 1 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
- 2) Subsection (E) between the Red Bluff Diversion Dam and the Highway 113 bridge.
  - a. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
- 3) Subsection (F) between the Highway 113 bridge and the Carquinez Bridge.
  - a. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
  - c. This area's description includes Suisun Bay, Grizzly Bay and all tributary sloughs. The proposed regulation will specify this area includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160.

Additional minor changes are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the Central Valley salmon resources, and promotion of businesses that rely on Central Valley salmon sport fishing.

The Commission does not anticipate non-monetary benefits to the protection of public health

and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing 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 Mission Inn Hotel, 3649 Mission Inn Avenue, Riverside, California, on Wednesday, March 7, 2012 at 8:30 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 in the Red Lion Hotel, 1929 4<sup>th</sup> Street, Eureka, California, on Wednesday, April 11, 2012, at 8:30 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 6, 2012 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 10, 2012. All comments must be received no later than April 11, 2012, at the hearing in Eureka, 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. **Mr. Stafford Lehr, Chief, Fisheries Branch, telephone at (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**

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 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 does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed regulations range from no salmon fishing in 2012 to a normal Central Valley salmon season; therefore, the potential impacts range from 0 to 166 jobs. 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 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 does not anticipate any non-monetary benefits to worker safety.

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

- (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.

- (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 the affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup  
Executive Director

Dated: February 14, 2012

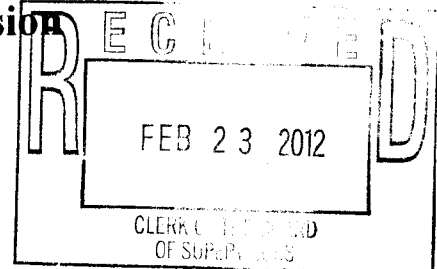
**COMMISSIONERS**  
**Daniel W. Richards**, President  
Upland  
**Michael Sutton**, Vice President  
Monterey  
**Jim Kellogg**, Member  
Discovery Bay  
**Richard Rogers**, Member  
Santa Barbara  
**Jack Baylis**, Member  
Los Angeles

**EDMUND G. BROWN, JR.**



**Sonke Mastrup**  
EXECUTIVE DIRECTOR  
1416 Ninth Street, Room 1320  
Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
(916) 653-5040 Fax  
fgc@fgc.ca.gov

STATE OF CALIFORNIA  
**Fish and Game Commission**



February 24, 2012

**TO ALL INTERESTED AND AFFECTED PARTIES:**

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 7.50, Title 14, California Code of Regulations, relating to Klamath-Trinity Rivers salmon sport fishing, which will be published in the California Regulatory Notice Register on February 24, 2012.

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

**Mr. Curtis Milliron, Department of Fish and Game, Northern Region, phone (530) 225-2280, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

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 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend Section 7.50, Title 14, California Code of Regulations, relating to Klamath-Trinity Rivers salmon 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.

**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 2012 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 2011 allocation for the Klamath River System recreational harvest was 7,900 adult KRFC. Preseason stock projections of 2012 adult KRFC abundance will not be available from the

PFMC until March 2012. The 2012 basin allocation will be recommended by the PFMC in April 2012 and presented to the Commission for adoption prior to its April 2012 meeting.

For public notice requirements, the Department recommends the Commission consider an allocation range of 0 – 40,000 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 sub-quota 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**

The Department is proposing the following changes to current regulations:

No changes are proposed for the general (KRSC) opening and closing season dates.

#### KRFC Season, Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2012 basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the sub quota has been met.

The proposed open seasons and range of bag 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 - only [0-3] fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The possession limit is proposed as a range of [0-9] Chinook salmon of which [0-6] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

The benefits of the proposed regulations are concurrence 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 Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.



### **Impact of Regulatory Action**

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 have an unknown impact on the net revenues to businesses servicing sport fishermen. This is not likely to 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 does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed regulations range from no salmon fishing on adult Chinook salmon (>22 inches) in 2012 to a normal Klamath River Basin salmon season; therefore, the potential impacts range from 0 to 47 jobs. However, due to the fact that sport fishing for Chinook salmon will be allowed for grilse fall Chinook salmon, impacts to businesses will be less severe than under a complete closure of fishing. 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 does not anticipate any non-monetary benefits to worker safety.

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

**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 Mission Inn Hotel, 3649 Mission Inn Avenue, Riverside, California, on Wednesday, March 7, 2012 at 8:30 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 in the Red Lion Hotel, 1929 4<sup>th</sup> Street, Eureka, California, on Wednesday, April 11, 2012, at 8:30 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 6, 2012 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 10, 2012. All comments must be received no later than April 11, 2012, at the hearing in Eureka, 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. **Mr. Curtis Milliron, Department of Fish and Game, Northern Region, telephone (530) 225-2280, 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.

(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.

(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).

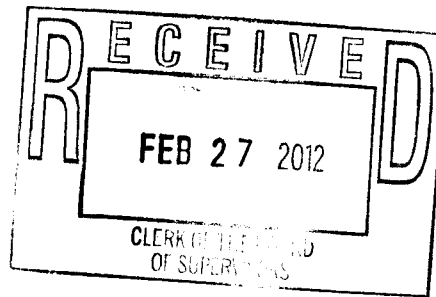
Consideration of Alternatives

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 the affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup  
Executive Director

Dated: February 14, 2012



**COPY OF REFERENCED  
DOCUMENT ON FILE WITH  
CLERK OF THE BOARD**

Paul Maben  
Vegetation Management Operations  
1108 Murphys Grade Road  
Angels Camp, CA 95222  
Tel: (209) 736-6644  
Fax: (209) 736-6401  
Email: pmm5@pge.com

February 15, 2012

**VIA ELECTRONIC FILING**

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington DC 20426

**Narrows No. 2 Transmission Line Project  
FERC Project No. 2678-005  
Revised Study Plan**

Dear Secretary Bose:

On April 29, 2011, Pacific Gas and Electric Company (PG&E or Licensee) filed its Notice of Intent to relicense the Narrows No. 2 Transmission Line (P-2678-005) and the Pre-Application Document (PAD), pursuant to 18 CFR 5.8 of the Federal Energy Regulatory Commission's (FERC's or Commission's) regulations.

On July 6, 2011, the Commission issued the "Notice of Intent to File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests" (Notice). The scoping document provided interested parties with the Commission's preliminary list of issues and alternatives to be addressed in an Environmental Assessment, analyzing conditions of a new Project license. The Notice requested any individual or entity interested in submitting study requests, commenting on the PAD or Scoping Document 1, and any agency requesting cooperating status must do so by August 30, 2011. PG&E is not aware of any agency, individual or entity having filed with the Commission, comments on PG&E's PAD or Scoping Document 1, or submitting study requests.

On October 18, 2011, PG&E filed with FERC a Proposed Study Plan for the Narrows No. 2 Transmission Line (Project), in compliance with 18 CFR § 5.11(a). On November 1, 2011, PG&E issued a formal invitation to the Interested Parties to attend an initial study plan meeting, as required by 18 CFR § 5.11(e) for the purposes of clarifying PG&E's proposed study plan and to resolve any outstanding issues with respect to the proposed study plan. PG&E hosted the initial study plan meeting on November 16, 2011 between 9:00 and 12:00 PM at the

**BOS CORRESPONDENCE 3**

Ms. Kimberly Bose  
Federal Energy Regulatory Commission  
February 15, 2012  
Page 2

office of HDR Engineering in Sacramento (2379 Gateway Oaks, Suite 200, Sacramento, CA) and a conference line was activated during the meeting for those unable to attend in person; there were no attendees to the meeting. Prior to the meeting, on November 14, 2011, the U.S. Fish and Wildlife Service (USFWS) commented via email that they had reviewed the Proposed Study Plan and did not have any issues with it. Furthermore, the USFWS indicated they do not need to be involved until the studies are complete.

Per 18 CFR § 5.12, comments from Interested Parties with respect to the Proposed Study Plan, including any revised information or study requests, were due to FERC by January 16, 2012; no comments were filed with FERC or otherwise received by PG&E. Given the lack of comments received to date, PG&E has made no changes to the proposed studies, except to the title, date, and related regulatory edits such that it is now referred to as the Revised Study Plan. In compliance with 18 CFR § 5.13(a), PG&E hereby e-files as an attachment to this letter the Revised Study Plan.

PG&E will make this Revised Study Plan available to appropriate federal and State of California resource agencies, Indian tribes, local governments, non-governmental organizations and unaffiliated members of the public likely to be interested in the proceeding.

PG&E believes the information developed through this Revised Study Plan, when combined with already existing information as summarized in PG&E's PAD, provides the information needed to evaluate issues that may arise from the existing Project and Project operations. Information obtained through these studies, when combined with already existing information, will also be used to assess the adequacy of existing protection, mitigation, and enhancement measures (PM&E) and if needed, develop new PM&E measures to be included in a new Project license.

If you have any questions regarding this letter or the Proposed Study Plan, please contact me at (209) 736-6644.

Respectfully submitted,



Paul Maben  
Vegetation Program Manager / FERC Licensing Project Manager

Enclosure: Revised Study Plan - Narrows No. 2 Transmission Line Project

cc: FERC Project No. 2678 Interested Parties List (Attached): w/Enclosure

**Interested Parties List  
Narrows No. 2 Transmission Line Project  
FERC Project No. 2678**

Yuba County Board of Supervisors 915 8th Street # 109 Marysville, CA 95901-5273	Nevada County Board of Supervisors Eric Rood Administrative Center 950 Maidu Avenue Nevada City, CA 95959 bdofsupervisors@co.nevada.ca.us
City of Marysville City Manager 915 Eighth Street Marysville, CA 95901	City of Grass Valley City Manager 125 East Main St. Grass Valley, CA 95945
Yuba County Water Agency Curt Aikens, General Manager 1220 F Street Marysville, CA 95901 caikens@ycwa.com	Yuba City City Manager 1201 Civic Center Blvd. Yuba City, CA 95993
Nevada City City Manager 317 Broad Street Nevada City, CA 95959-2405	Sierra Club – Mother Lode Chapter Barbara Williams, Chapter Chairperson 801 K Street, Suite 2700 Sacramento, CA 95814
Tahoe National Forest Forest Supervisor 631 Coyote Street Nevada City, CA 95959-2250 hnewell@fs.fed.us	Plumas National Forest Forest Supervisor 159 Lawrence Street Quincy, CA 95981 jjmoore@fs.fed.us
U. S. Fish and Wildlife Service Branch Chief – Energy and Power 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825-1846 daniel_welsh@fws.gov	U. S. Army Corps of Engineers Chief – Regulatory Branch Sacramento District 1325 J Street Sacramento, CA 95814-2922 Peck.ha@usace.army.mil
National Parks Service Outdoor Recreation Planner 600 Harrison Street, Suite 600 San Francisco, CA 94107-1390	U.S. Environmental Protection Agency FERC Project Coordinator Pacific Regional Office 2800 Cottage Way Sacramento, CA 95825
Federal Emergency Management Agency Regional Office Presidio of San Francisco Building 105 San Francisco, CA 94129-4052	U.S. Bureau of Indian Affairs Area Director - Regional Office 2800 Cottage Way Sacramento, CA 95825-1885

Advisory Council on Historic Preservation Old Post Office Building 1100 Pennsylvania Ave. NW, Ste 803 Washington D.C. 20004-2501	U.S. Fish and Wildlife Service Anadromous Fish Restoration Program Habitat Restoration Coordinator 4001 North Wilson Way Stockton, CA 95205-2486
U.S. Bureau of Land Management Field Manager – Region Four 5152 Hillsdale Circle El Dorado Hills, CA 95762 whaigh@blm.gov	California Bay-Delta Authority Upper Yuba River Studies Program Program Manager 650 Capital Mall, Fifth Floor Sacramento, CA 95814
U. S. Bureau of Reclamation Michael Jackson, Director South-Central California Area Office 1243 N Street Fresno, CA 93721	U.S. Geological Survey California Water Science Center Jeff Keay, Director 6000 J Street, Placer Hall Sacramento, CA 95819-2605 jkeay@usgs.gov
NOAA Fisheries Service Southwest Region 777 Sonoma Avenue, Room 325 Santa Rosa, CA 95404-6515 richard.wantuck@noaa.gov	Environmental Advocates Chris Sproul, Director 5135 Anza Street San Francisco, CA 95959
California Department of Transportation CALTRANS Carrie Bowen, Director – District 10 1976 Martin Luther King, Jr. Boulevard Stockton, CA 95205	CA. Dept. of Parks and Recreation Mr. Milford Wayne Donaldson, State Historic Preservation Officer 1725 23 <sup>rd</sup> Street, Suite 100 Sacramento, CA 95816 mwdonaldson@parks.ca.gov
California Department of Forestry and Fire Protection Region 2 - Cascade 13760 Lincoln Way Auburn, CA 95603-3236	California Dept. of Fish and Game Kent Smith, Manager – Region 2 1701 Nimbus Road, Suite A Rancho Cordova, CA 95670-4503
Regional Water Quality Control Board Pamela Creedon, Executive Officer Central Valley Region 11020 Sun Center Drive, #200 Sacramento, CA 95670-3888	State Water Resources Control Board Section 401 Coordinator 1001 I Street Sacramento, CA 95812-2048 obiondi@waterboards.ca.gov
California Department of Boating and Waterways Lucia Becerra, Director 2000 Evergreen Street Sacramento, CA 95815	California Department of Water Resources 1416 Ninth Street, 11 <sup>th</sup> Floor Sacramento, CA 95814-5511 tfrink@water.ca.gov

Nevada County Planning Department Janet Hayes, Planning Commission Clerk 950 Maidu Road Nevada City, CA 95959-8600	Yuba County Planning Department Wendy Hartman, Planning Director 915 Eighth Street, Suite 123 Marysville, CA 95901
Pacific Gas and Electric Company David Moller, Director of Licensing Mail Code N11D 245 Market Street San Francisco, CA 94105 dxma@pge.com	Environmental Defense Fund Laura Harnish, Regional Director 123 Mission Street, 28 <sup>th</sup> Floor San Francisco, CA 94105
Natural Heritage Institute Director 100 Pine Street San Francisco, CA 94111	Sierra Nevada Alliance Julie Leimbach, Community Group Coordinator P.O. Box 7989 South Lake Tahoe, CA 96158 julie@foothillswaternetwork.org

#### Tribal Contact List

Ren Reynolds Butte Tribal Council 1693 Mt. Ida Road Oroville, CA 95966	Jerri White Turtle, Chair Todds Valley Miwok-Maidu 21200 Todds Valley Road, No. 58 Foresthill, CA 95631
Grayson Coney, Representative Tsi Akim Maidu PO Box 1316 Colfax, CA 95713	Crista Stewart, Representative Greenville Rancheria PO Box 279 Greenville, CA 95947
April Moore Nisenan/Maidu 19630 Placer Hills Rd Colfax, CA 95713	Mr. Guy Taylor Environmental Protection Office Concow Maidu Tribe of Mooretown Rancheria 1 Alverda Drive Oroville, CA 95966
Warren Gorbet, Chair Maidu Cultural and Development Group P.O. Box 426 Greenville CA 95947	Ms. Jill Harvey Maidu/Miwok 11799 McCourtney Road Grass Valley, CA 95949
Michael DeSpain Director, OEPP Mechoopda Indian Tribe 125 Mission Ranch Blvd Chico, CA 95926	Marcos Guerrero, Representative United Auburn Indian Community 10720 Indian Hill Rd Auburn, CA 95603



Ms. Melany Johnson Susanville Indian Rancheria 745 Joaquin Street Susanville, CA 96130	Pamela Cubbler, Chairperson Colfax-Todds Valley Consolidated Tribe P.O. Box 4884 Auburn, CA 95604
Clara LeCompte PO Box 204 Susanville, CA 96130	Dwayne Brown, Chair Berry Creek Rancheria of Maidu Indians 5 Tyme Way Oroville, CA 95966
Nicholas Fonseca, Chair Shingle Springs Rancheria PO Box 1340 Shingle Springs, CA 95682	Cathy Bishop, Chair Strawberry Valley Rancheria PO Box 667 Marysville, CA 95901
Don Ryberg Tsi-Akim Maidu Tribal Office 1275 E Main Street Grass Valley, CA 95945	Virginia Covert, Vice Chairperson Nevada City Rancheria PO Box 825 Nevada City, CA 95959

**YUBA COUNTY  
OFFICE OF EDUCATION**  
**SCOTIA HOLMES SANCHEZ, ED.D.**  
**SUPERINTENDENT**

935 14TH STREET, MARYSVILLE, CA 95901-4198  
TELEPHONE (530) 749-4900  
FAX NUMBER (530) 741-6500  
www.yuba.net



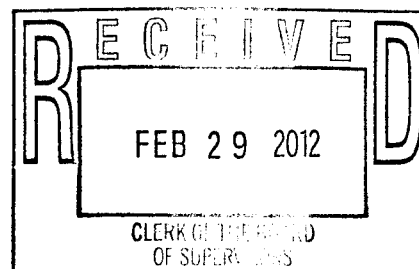
**YUBA COUNTY BOARD  
OF EDUCATION**

AREA 1  
LOU BINNINGER  
AREA 2  
GEORGE E. SMITH  
AREA 3  
MARLENE R. RASTETTER  
AREA 4  
MARY J. HOVEY  
AREA 5  
EMILY T. DAWSON  
AREA 6  
DONNA M. LANDERMAN  
AREA 7  
WAYNE L. VINCENT

February 29, 2012

**COPY OF REFERENCED  
DOCUMENT ON FILE WITH  
CLERK OF THE BOARD**

Hal Stocker, Chair  
Yuba County Board of Supervisors  
915 8<sup>th</sup> Street, Suite 109  
Marysville, CA 95901



Dear Chairman Stocker,

Pursuant to Education Code § 1002(b) "Following each decennial federal census..... the county committee shall adjust the boundaries of any or all of the trustee areas of the county board of education as necessary to meet the population criteria set forth in subdivision (a)." In agreement with a Memo of Understanding with Yuba County Administrative Services Department, Information Technology Division, this office was provided three alternative maps to be considered by the County Committee on School District Organization (CCSDO) for adjusting the boundaries of the trustee areas for the Yuba County Board of Education following the decennial federal census. At a meeting held on February 10, 2012, the CCSDO voted for final adoption of alternative map B. The boundary adjustments are extremely minor and are non-controversial. A copy of the newly adopted map is enclosed for your review. Prior to adoption of an alternative map, a public hearing was conducted on the matter.

Education Code §1002(a) states that "Upon being so requested by the county board of education, the county committee on school district organization, by a two-thirds vote of the members, may either change the boundaries of any or all of the trustee areas of the county, or propose to increase or decrease the number of members of the county board of education or both....." At a meeting held February 10, 2012 by the Yuba County Committee on School District Organization the members voted, by a two-thirds vote, to propose a reduction in the number of members of the Yuba County Board of Education from seven to five. A public hearing was conducted on this matter prior to the vote. At the conclusion of the public hearing, a resolution was adopted to approve the proposal; a copy of which is attached for your review.

The resolution of the Yuba County Committee on School District approving a reduction in the number of members of the Yuba County Board of Education shall constitute an order of election and the proposal shall be presented to the electors of the county not later than the next succeeding election for members of the county board of education.

Should you require further information, please do not hesitate to contact myself or my secretary, Maggie Nicoletti, at 749-4900 or [scotia.sanchez@yubacoe.k12.ca.us](mailto:scotia.sanchez@yubacoe.k12.ca.us) or [maggie.nicoletti@yubacoe.k12.ca.us](mailto:maggie.nicoletti@yubacoe.k12.ca.us).

Sincerely,

A handwritten signature in cursive script that reads "Scotia Holmes Sanchez".

Scotia Holmes Sanchez, Ed.D., Superintendent  
Yuba County Office of Education

cc: Terry Hansen, Yuba County Clerk/Recorder – Registrar of Voters  
Doug McCoy, Director, Administrative Services  
Jerry Henry, Information Systems Supervisor, Information Technology Division

Enclosures

**BEFORE THE  
YUBA COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION  
Resolution Number: 2012-01**

Yuba County Committee                   )  
on School District Organization       )  
  )  
\_\_\_\_\_)

**Resolution: Reducing The Number  
Of Members Of The Yuba  
County Board Of Education From  
Seven To Five**

WHEREAS, the Yuba County Committee on School District Organization took action on February 10, 2012 to reduce the number of members of the Yuba County Board of Education from seven to five members, and

WHEREAS, at its meeting on February 10, 2012 the Yuba County Committee on School District Organization held a hearing as required by Education Code section 1003; and

WHEREAS, the Yuba County Committee on School District Organization has considered all the information available to it;

NOW THEREFORE BE IT RESOLVED that the membership of the Yuba County Board of Education be reduced from seven to five members effective as of the termination of the existing terms of office of the incumbents; and

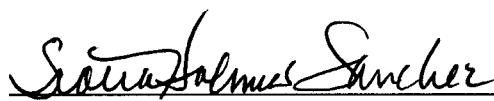
BE IT FURTHER RESOLVED, that the president of the Yuba County Committee on School District Organization, in consultation with the Yuba County Superintendent of Schools, is authorized to take such further action as is reasonably necessary to effectuate this resolution.

AYES: Binninger, Vincent, Dawson, Hovey, Rastetter and Smith   NOES: 0   ABSTAIN: 0  
ABSENT: 1 - Landerman

This resolution shall take effect upon its adoption.  
PASSED AND ADOPTED the 10<sup>th</sup> day of February 2012

  
\_\_\_\_\_  
President, County Committee on School District Organization

February 10, 2012  
Date

  
\_\_\_\_\_  
Scotia Holmes Sanchez, Superintendent / Secretary

February 10, 2012  
Date



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

March 6, 2012



**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: YUBA COUNTY LAND USE & PUBLIC WORKS COMMITTEE

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS 

SUBJ: AMEND ORDINANCE SECTION 9.20.010 (13) AND SECTION 9.20.025 TO ALLOW RESIDENTS ABUTTING THE RESTRICTED SECTION OF PINEWOOD WAY TO PARK ON PINEWOOD WAY WITH COUNTY ISSUED PARKING PERMITS

### RECOMMENDATION:

Approve the Ordinance Amendments to allow residents abutting the restricted section of Pinewood Way and their guests to park on Pinewood Way with County issued parking permits.

### BACKGROUND:

All vehicles are restricted from parking on Pinewood Way east of Fernwood Drive. This restriction was effectuated to prevent Yuba College students from parking on this section of Pinewood Way, as there is direct pedestrian/bicycle access to Yuba College at the east end of Pinewood Way.

### DISCUSSION:

There are two properties that abut the parking restricted section of Pinewood Way, both with single car driveways. Current Ordinance prohibits anyone, including residents and their guests, from parking along the restricted street frontage. Over the past couple years, Public Works has received several complaints that occupants of these two homes have been issued citations from the CHP for parking in front of their own houses. As a result, the residents requested that the County implement permit parking for the homeowners/tenants/guests of these two houses, allowing them to park on Pinewood Way.

This amendment will allow the residents and their guests to park on Pinewood Way. The residents will be required to obtain Parking Permit placards for a nominal fee from the Public Works Department prior to parking on the street legally. The parking permit placards are to be displayed in the residents' vehicles and those of their guests.

This amendment will only affect two properties that have street frontage on the restricted section of Pinewood Way. Other residents of Pinewood Way or nearby streets will not be able to obtain parking permits.

### FISCAL IMPACT:

The minor cost to install the signs will be from the Road Fund.

**THIS PAGE INTENTIONALLY LEFT BLANK**



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 9.20 OF TITLE IX OF THE  
YUBA COUNTY ORDINANCE CODE BY  
REPEALING AND RE-ENACTING SECTIONS 9.20.010 AND 9.20.025  
RELATING TO PARKING RESTRICTIONS FOR PINWOOD WAY**

The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

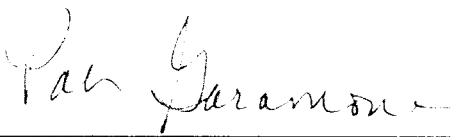
ABSTAIN:

\_\_\_\_\_  
Chairman of the Board of Supervisors  
of the County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM  
ANGIL MORRIS-JONES:

By: 

**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN AS FOLLOWS:**

Section 1. This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. This ordinance repeals and re-enacts Section 9.20.010 at subsection (13) and Section 9. 20. 025 of Chapter 9. 20 of Title IX of the Yuba County Ordinance Code as follows:

9.20.010 (13) Pinewood Way on both sides from its intersection with Fernwood Drive to its end. Residents of both sides of Pinewood Way from its intersection with Fernwood Drive to its end may obtain permits allowing said residents and their guests to park on those streets and be exempt from the prohibition of this Subsection.

9.20.025 – Exception by permit.

The Director of Public Works is hereby directed and authorized to issue permits to residents making application for same which exempt the residents and their guests from the parking prohibitions set forth in Section 9.20.010(1), (12), (13) and (16).

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.