

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: May 7, 2019	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input checked="" type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Department of Public Works and Transportation APPROVING PARTY: Tim H. Beals, Director PHONE NUMBER: 530-289-3201

AGENDA ITEM: Conduct public hearing and consider adoption of resolution terminating maintenance of a portion of an existing county highway identified as Oregon Creek Road, County Road 295, specifically for the portion between the Zumalt Property and the Kate Hardy Mine.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
Resolution 2019-035 directing this process is attached for background.

BACKGROUND INFORMATION: All affect parties have been notified of the public hearing. The time and date proposed for the public hearing is May 7, 2019 10:00 a.m.

FUNDING SOURCE: 031
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD _____ DATE _____

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF
DECLARING INTENT TO
TERMINATE MAINTENANCE OF A
PORTION OF OREGON CREEK ROAD**

RESOLUTION 2019-035

RECITALS:

1. California Streets and Highways Code-SHC § 954.5 provides that the Board of Supervisors may, by resolution, terminate the maintenance of any county highway if it finds that the highway is unnecessary for the public convenience.
2. The Board of Supervisors of the County of Sierra by adoption of Resolution 2019-024 has directed pursuit of termination of the maintenance of a portion of Oregon Creek Road, County Road 295, for the portion between the Zumalt property and the Kate Hardy Mine property; and,
3. The Board of Supervisors intends to conduct a public hearing to consider public testimony relative to the proposed termination of maintenance.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA
RESOLVE AS FOLLOWS:**

1. The Board of Supervisors hereby declares its intention to terminate maintenance of a portion of an existing county highway identified as Oregon Creek Road, County Road 295, as shown on Exhibit "A" to this resolution.
2. The vacation proceeding is conducted pursuant to Streets and Highways Code, Section 945.5 and following.
3. The general location and extent of the portion of road on which to terminate maintenance is a portion of Oregon Creek Road (County Road 295) specifically for the portion between the Zumalt property and the Kate Hardy Mine property.
4. A public hearing to allow all persons interested in the proposed termination of maintenance to offer testimony shall be held at the continued Board of Supervisors Meeting on Tuesday, April 2, 2019 at 10:00 a.m. in Downieville, California.

ADOPTED by the Board of Supervisors of the County of Sierra on the 4th day of March, 2019,
by the following vote:

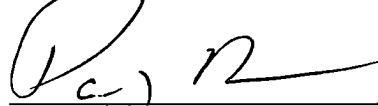
AYES: Supervisors Huebner, Beard, Dryden, Roen

NOES: None

ABSTAIN: None

ABSENT: Supervisor Adams

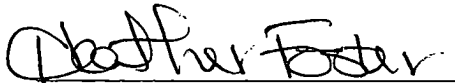
COUNTY OF SIERRA



PAUL ROEN, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:



HEATHER FOSTER,
CLERK OF THE BOARD



DAVID PRENTICE
COUNTY COUNSEL

SIERRA COUNTY

Department of Public Works
P.O. Box 98
Downieville, California 95936
(530)289-3201 FAX (530) 289-2828



Tim H. Beals
Director

March 25, 2019

TO: Interested Parties
Commenting Agencies

FR: Miriam Dines
Office Manager

RE: Oregon Creek Road – Public Hearing May 7, 2019

The Sierra County Board of Supervisors adopted a resolution of intent on March 5, 2019 to terminate maintenance of a portion of an existing county highway identified as Oregon Creek Road, County Road 295, specifically for the portion between the Zumwalt Property and the Kate Hard Mine Property.

Please be advised that on **May 7, 2019 at 10:00 a.m.** the Sierra County Board of Supervisors will conduct a public hearing to terminating maintenance as described above. This hearing will be conducted at the Board of Supervisors Chambers, Sierra County Courthouse, Downieville, California. The hearing was originally scheduled for April 2, 2019 and has been rescheduled to the May date.

The public hearing notice is enclosed for your review and interested parties are urged to attend.

Please contact this office if questions arise.

mbd304

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



NOTICE OF PUBLIC HEARING

SIERRA COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the Sierra County Board of Supervisors shall conduct the following public hearing at 10:00 a.m., Tuesday, May 7, 2019 at the Board of Supervisors Chambers, Sierra County Courthouse, Downieville, CA. Interested persons are urged to attend or to provide written comments:

Resolution 2019-035 declaring intent to terminate maintenance of a portion of an existing county highway identified as Oregon Creek Road, County Road 295, specifically for the portion between the Zumwalt Property and the Kate Hardy Mine.

Persons interested in these matters scheduled before the Board of Supervisors are urged to attend to provide input, or to provide written comments. The Board of Supervisors will consider all input, oral or written comments, received prior to the posted hearing date.

Dated: March 25, 2019
Posted: April 2, 2019
Published: April 4 and April 11, 2019

RECEIVED

APR 29 2019

Per _____

April 25, 2019

Sierra County Board of Supervisors:

Scott A. Schlefsten, Chair, & Supervisor, District 5

Paul Roen, Vice-Chair & supervisor, District 5

Lee Adams, Supervisor, District 1

Peter W. Huebner, Supervisor, District 2

Jim Beard, Supervisor, District 4

Department of Public Works & Transportation

Sierra County

P.O. Drawer D

Downieville, CA 95936

RE: Resolution 2019-035

Dear Supervisors:

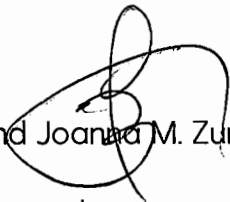
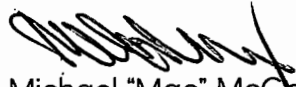
Thank you for notifying us of the date for a public hearing to address termination of maintenance between the Zumwalt Property and the Kate Hardy Mine Property.

As we have stated before, we can't emphasize enough how important it is to us and many individuals that have an interest in privacy and safety on this section of County Road 295. Termination of maintenance on this section not only relieves the county of unnecessary Liability Risk but also provides greater security for those who have property on this section of the road.

We continue to enjoy the forest and the creeks and appreciate the support of services provided on the section of County Road 295 that remains public and willingly pay our fees as requested for this privilege.

Thank you for your generous service and consideration,

Respectfully,



Michael "Mac" McGarry and Joanna M. Zumalt-McGarry
Property Owners

Daisy Lode Mine/Zumalt Property

415-279-6247

Zumaltmcgarry@gmail.com

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF
TERMINATING MAINTENANCE OF A
PORTION OF OREGON CREEK ROAD**

RESOLUTION 2019-_____

RECITALS:

1. California Streets and Highways Code-SHC § 954.5 provides that the Board of Supervisors may, by resolution, terminate the maintenance of any county highway if it finds that the highway is unnecessary for the public convenience.
2. The Board of Supervisors of the County of Sierra on March 4, 2019 by adoption of Resolution 2019-035 has directed pursuit of termination of the maintenance of a portion of Oregon Creek Road, County Road 295, for the portion between the Zumalt property and the Kate Hardy Mine property; and,
3. Notice of Public Hearing for May 7, 2019 was duly published and posted as required by law.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA
RESOLVE AS FOLLOWS:**

1. The notice of intent to terminate maintenance was mailed, and duly published and posted as required by law and a public hearing was conducted on the question of termination of maintenance of a portion of Oregon Creek Road between the Zumalt property and the Kate Hardy Mine property and this Board has reviewed public testimony and staff reports as part of the record of proceedings; and,
2. Based upon the record, continued maintenance of the referenced portion of Oregon Creek Road is not necessary to present public use; and,
3. Based upon the record the proposed termination of maintenance shall be exempt from the California Environmental Quality Act, and the Planning Director is directed to file the appropriate exemption form with the County Recorder upon recordation of this resolution; and,
4. The termination of maintenance of the portion of Oregon Creek Road represented on Exhibit "A" is hereby approved and the Clerk of the Board is directed to record this resolution consistent with the law.

ADOPTED by the Board of Supervisors of the County of Sierra on the 7th day of May, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SIERRA

PAUL ROEN, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL

