



Planning Commission Staff Report

April 1, 2010

Project: Dwight Road Abandonment
Request: Finding of Consistency with the General Plan
File: PT0066
Location: Dwight Road, west of Portofino Drive
APN: N/A
Staff: Fritz Buchman, Assistant Public Works Director/City Engineer
Don Hazen, Planning Director

Staff Recommendation

Staff recommends the Planning Commission adopt a Resolution deeming the abandonment of Dwight Road, west of Portofino Drive, consistent with the City's General Plan.

Background

Dwight Road west of Portofino Drive crosses Union Pacific rail road tracks. Staff is working with Sacramento Regional County Sanitation District and emergency services to gate Dwight Road; thus closing this crossing to the public. The proposed abandonment is associated with implementation of the City's last Quiet Zone. The improvements required to implement this Quiet Zone are installing a median on Sims Road and gates on Dwight Road east and west of the railroad to prevent public traffic from crossing the railroad.

Pursuant to the Sacramento County 1993 Circulation Element of the General Plan, Dwight Road, west of Portofino Drive was identified as a four lane road. Sacramento County's Circulation Element of the draft General Plan Update has removed Dwight Road as a future four-lane road. The City of Elk Grove's Circulation Element of the General Plan similarly does not have Dwight Road identified on the Circulation Plan.

The only property that accesses Dwight Road west of Portofino Drive is owned by the Sacramento Regional County Sanitation District. Sacramento Regional County Sanitation District uses Sims Road as primary access to the plant.

Analysis

Staff finds that the abandonment of Dwight Road, west of Portofino Drive, will not impact the circulation within the City or County. These actions are consistent with General Plan policies SA 27 and SA 28 which direct City staff to take appropriate measures to ensure railroad crossing safety. Currently, the County of Sacramento is processing the abandonment of Dwight Road within Sacramento County.

Environmental Analysis

The Planning Commission's approval of the recommended resolution is not a project under the California Environment Quality Act (CEQA Guidelines Section 15060 (c)(3) and 15378) because the determination that the proposed road abandonment is consistent with the General Plan does not result in a physical change in the environment. The City Council's ultimate decision to approve the proposed abandonment is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the road abandonment will have a significant effect on the environment. The proposed improvements are also exempt from CEQA pursuant to CEQA Guidelines Section 15303, construction of small structures.

Summary

The Planning Commission is required to render its report as to the conformity with said adopted General Plan within forty (40) days after the matter is submitted to it. Staff recommends that this abandonment of Dwight Road, west of Portofino Drive is consistent with the City's General Plan.

Recommended Motions

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission adopt a Resolution of the City of Elk Grove Planning Commission deeming the abandonment Dwight Road, west of Portofino Drive is consistent with the City of Elk Grove's General Plan."

Attachments:

- A. Resolution
- B. Abandonment Legal description and Plat

**RESOLUTION NO. 2010-
April 1, 2010**

**A RESOLUTION OF THE CITY OF ELK GROVE PLANNING COMMISSION
DEEMING THE ABANDONMENT OF DWIGHT ROAD, WEST OF PORTOFINO
DRIVE TO BE CONSISTENT WITH THE GENERAL PLAN**

WHEREAS, Dwight Road, west of Portofino Drive only provides secondary access for the Sacramento Regional County Sanitation District; Regional Water Treatment Plant

WHEREAS, Dwight Road, west of Portofino Drive has not been improved to City or County of Sacramento Standards

WHEREAS, the City and the County have determined that Dwight Road is not needed for current and/or future circulation; and

WHEREAS, the proposed abandonment is associated with implementation of the City's last Quiet Zone

WHEREAS, Section 65402(a) of the Government Code requires the Planning Commission to review abandonments for conformity with the General Plan; and

WHEREAS, Planning Commission held a duly noticed public hearing as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Elk Grove finds as follows:

Findings

CEQA

Finding: Planning Commission's determination of General Plan conformity is not a project, pursuant to California Environmental Quality Act (CEQA).

Evidence: Planning Commission's determination of General Plan conformity is not a project under the California Environment Quality Act (CEQA Guidelines Section 15060 (c)(3) and 15378) because the determination that the proposed road abandonment is consistent with the General Plan does not result in a physical change in the environment. The City Council's ultimate decision to approve the proposed abandonment is exempt from CEQA review pursuant to CEQA Guidelines Section

15061(b)(3) because it can be seen with certainty that there is no possibility that the road abandonment will have a significant effect on the environment. The proposed improvements are also exempt from CEQA pursuant to CEQA Guidelines Section 15303, construction of small structures.

BE IT FURTHER RESOLVED that the Planning Commission finds that the proposed abandonment to be consistent with the City's General Plan.

The foregoing Resolution of the City of Elk Grove was passed and adopted by the Planning Commission on the 1st day of April 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Sandy Kyles, PLANNING SECRETARY

Nancy Chaires, CHAIR of the
PLANNING COMMISSION

Exhibit "A"
Legal Description
Dwight Road Abandonment
City of Elk Grove

That portion of Dwight Road, in the City of Elk Grove, County of Sacramento, State of California bounded as follows:

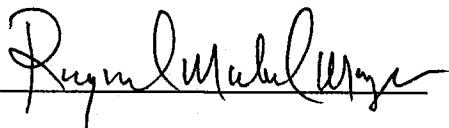
On the north by the centerline of Dwight Road as shown on "Plat of Portofino Unit No. 3" filed in Book 206 at Page 12 of Maps, in the office of the County Recorder of said County; on the West by the easterly line of the Western Pacific Railroad (100 feet wide) as shown on Record of Survey filed in Book 33 at Page 20, of Records of Surveys; on the south by the north line of Lot A as shown on said map of "Plat of Portofino Unit No. 3" having a bearing and distance of North 89° 49' 37" East 540.03 feet and on the east by a line bearing North 0° 10' 23" West from the westerly terminus of said north line of Lot A to the centerline of Dwight Road as described above.

Reserving, however, the right of entry to repair, maintain, and construct drainage, sewer, water and gas pipelines, and aerial and underground power, telephone, and other communication facilities now in place or which from time to time may be placed thereon.

Containing 22,765 square feet, more or less.

See "Exhibit B" Plat to accompany Legal Description (for information purposes only) attached hereto and made a part hereof. The purpose of the plat is to show the location of the area to be abandoned and any discrepancy between the Legal Description and the plat the Legal Description holds.

This Legal Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.



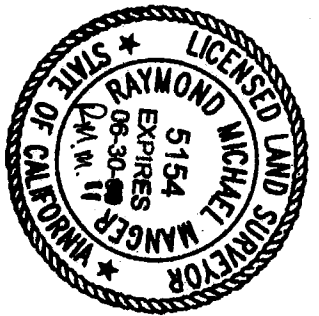
Raymond Michael Manger
L.S. No. 5154
Registration Expires: June 30, 2011



Feb 3, 2010

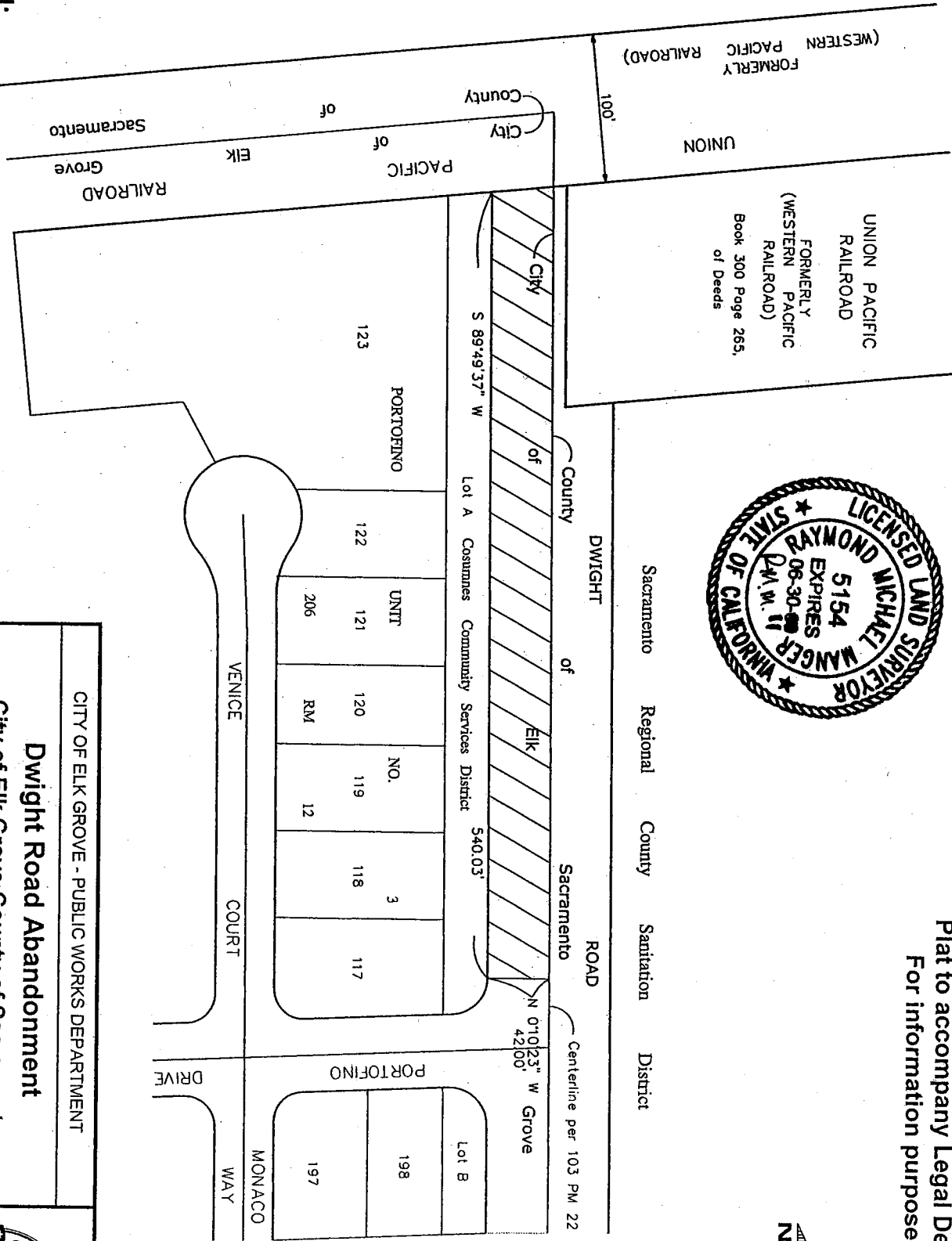
Date:

Exhibit "B"
 Plat to accompany Legal Description
 For information purposes only



Sacramento Regional County Sanitation District

DWIGHT of Elk Sacramento ROAD Centerline per 103 PM 22



Legend:

 Dwight Road Abandonment Area

CITY OF ELK GROVE - PUBLIC WORKS DEPARTMENT			
Dwight Road Abandonment			
City of Elk Grove-County of Sacramento			
State of California			
DRAWN BY: Ray M.	Scale 1= 100'	DATE: 1/21/2010	SHEET 1 OF 1





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City of Elk Grove Planning Commission **Notice of Public Hearing**

Dated: April 1, 2010

NOTICE is hereby given that on **April 1, 2010**, at **6:30pm**, or as soon thereafter as the matter may be heard, the Planning Commission of the City of Elk Grove will hold a Public Hearing at the **Elk Grove City Hall, located at 8400 Laguna Palms Way, Elk Grove**, to consider the following application.

Adopt a Resolution deeming the abandonment of Dwight Road, west of Portofino Drive, Records of Sacramento County to be consistent with the City's General Plan

REQUEST: Section 65402(a) of the Government Code requires the Planning Commission to review abandonments for conformity with the General Plan

LOCATION: Dwight Road, west of Portofino Drive

ENVIRONMENTAL: The Planning Commission's approval of the recommended resolution is not a project under the California Environment Quality Act (CEQA Guidelines Section 15060 (c)(3) and 15378) because the determination that the proposed road abandonment is consistent with the General Plan does not result in a physical change in the environment. The City Council's ultimate decision to approve the proposed abandonment is exempt from CEQA review pursuant to CEQA Guidelines Section 15061 (b)(3) because it can be seen with certainty that there is no possibility that the road abandonment will have a significant effect on the environment. The proposed improvements are also exempt from CEQA pursuant to CEQA Guidelines Section 15303, construction of small structures.

PROJECT MANAGER: Fritz Buchman (916) 478-2293

NOTICE REGARDING APPEALS

Pursuant to §23.14.060 of the Zoning Code, appeals of a final action by the Planning Director must be filed with the City Clerk no later than ten (10) calendar days after the day on which the final action was taken, along with the appropriate fee.

NOTICE REGARDING CHALLENGES TO DECISIONS

Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and/or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, this public hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call (916) 478-3620. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

For more information: Planning Commission Secretary (916) 478-3620 or skyles@elkgrovecity.org