



# *County of Yuba*

## Community Development & Services Agency

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### Planning Department

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#### STAFF DEVELOPMENT COMMITTEE STAFF REPORT

MEETING DATE: May 05, 2022

TO: DEVELOPMENT REVIEW COMMITTEE

FROM: Vanessa Franken, Planner II

RE: Conditional Certificate of Compliance CC 2022-0001 (O'Brien)

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**REQUEST:** The application is a request for the issuance of a certificate of compliance for a 20.38 acre parcel identified as Assessor's Parcel Number 006-250-040. The parcel is located in the community of Smartsville, along the southern side of State Highway 20. The property is zoned Rural Residential with a 5 acre minimum parcel size (RR-5) & has a general plan designation of Rural Community.

**RECOMMENDATION:** Staff recommends that the Development Review Committee (DRC) recommend issuance of the subject certificate of compliance and make a determination that the certificate of compliance is exempt from environmental review.

**BACKGROUND/DISCUSSION:** The County Surveyor provided the following analysis for the legality of the parcel in question:

In 2005 a tentative parcel map (TPM) was applied for to create three (5)-acre parcels & an 80 acre remainder. In 2013, the map was recorded. Before the map was recorded, the property owner at the time reconfigured the map into 20 acre parcels with a remainder. There was an agreement made to allow the change seeing that the alterations remained in alignment with the original proposal & Subdivision Map Act. The subject parcel of focus was legally created by parcel map "PM 2005-0009" as a remainder parcel. Condition of approval #38 of "TPM 2005-0009" states that the development of the *remainder parcel* shall require a certificate of compliance. Upon application, it has been determined that a conditional certificate of compliance is needed. This conditional certificate of compliance is being performed in order to legally develop the remainder parcel. This Conditional Certificate of Compliance will be subject to the original conditions of approval that complemented the map.

**ENVIRONMENTAL REVIEW:** An Initial Study/Mitigated Declaration for the approved map was completed pursuant to the California Environmental Quality Act (CEQA). The subject

Conditional Certificate of Compliance is exempt from CEQA per exemption 15305 (Minor Alterations in Land Use Limitations).

Report Prepared By:

*Vanessa Franken*

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Vanessa Franken, Planner II

ATTACHMENTS:

1. Recorded Map Book & Page (PM 2005-0009)
2. Public Works Memorandum
3. Conditions of Approval

**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Applicant/Owner: Ian O'Brien  
APN: 006-250-040**

**Case Number: CC 2022-0001  
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**ACTIONS FOR CONSIDERATION:** Staff recommends that the Development Review Committee take the following actions:

- I. After review and consideration, staff has determined that the project is exempt from further environmental review pursuant California Environmental Quality Act Section 15305 (Minor Alterations in Land Use Limitations).
- II. Approve Conditional Certificate of Compliance (CC 2022-0001) subject to the conditions below, or as may be modified at the public hearing, making the findings made in the Staff Report, pursuant to County of Yuba Title XI Sections 11.40.040 and 11.57.060.

**STANDARD CONDITIONS:**

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
2. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements provided by Chapter 11 of the Yuba County Development Code.

**PUBLIC WORKS DEPARTMENT:**

3. Owner/Applicant shall cause the property to be surveyed to locate and monument the exterior property corners and file a Record of Survey map of such survey in compliance with the Land Surveyor's Act.
4. Owner/Applicant shall provide a new legal description reflecting the current boundaries of the property to be used for the Certificate of Compliance.
5. All existing or proposed driveways within this subdivision shall conform to the current Yuba County Standards for a Rural Driveway (Drawing No. 127 and 128) under permit issued by the Department of Public Works.
6. Improvement plans and necessary calculations for all improvements and associated drainage facilities required by these conditions shall be submitted to and be approved by the Public Works Department prior to any construction, such approvals shall include the alignment and grades of roads and drainage facilities.
7. Owner shall provide a one-year maintenance bond for all street and drainage improvements required by these conditions of approval.
8. Whenever construction or grading activities will disrupt an area of 1 acre or more of soil, it is required that a storm water pollution prevention plan (SWPPP) emphasizing storm water best management practices (BMP) to comply with the requirements of the Federal Water Pollution Control Act and the California Water Code be developed before such construction or grading activities commence. Owner shall obtain a National Pollutant Discharge Elimination System Permit prior to

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County's approval of improvement plans or issuance of a grading permit for the period of construction as necessary. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures for this project shall be in substantial compliance with the SWPPP.

9. Erosion control shall conform to section 11.6 of the Yuba County Improvement Standards.
10. Any construction work within the State right-of-way shall be accomplished under an encroachment permit issued by Cal Trans.
11. Owner shall maintain all improvements required by these Conditions of Approval for a period of 12 months from the time the improvements are accepted by the Public Works Department.
12. Owner shall be responsible for giving (60) days notice to the appropriate public utilities, Pacific Gas and Electric, Pacific Bell, Media One, etc., prior to any new construction or development of this project.
13. Owner shall remove and relocate any existing fences fronting McGanney Lane located within the County right-of-way during construction. Any new fences installed shall be constructed outside the limits of any dedications required by this division or existing County easements or right-of-ways.
14. Approximate centerlines of all perennial streams or ditches within this division shall be shown on the Record of Survey.
15. Owner shall be required to pay all taxes, past and current, including those amounts levied as of January 1, but not yet billed, on the property prior to filing the Certificate of Compliance.
16. Owner shall submit a current Preliminary Title Report with Record of Survey submittal.
17. Owner shall provide monumentation in conformance with requirements of the County Surveyor, chapter 11.15 of the Yuba County Ordinance Code and the California Subdivision Map Act (Government Code section 66410 and following).
18. Prior to commencing performance of any public improvement or facility to be dedicated to County, and subject to approval by the Public Works Department, Owner shall acquire and present proof of general and automobile liability and Workers Compensation and Employers Liability insurance. Such general and automobile liability insurance shall name the County and its agents as additional insured.
19. All easements of record that affect this property are to be shown on the Record of Survey.
20. All Public Works and County Surveyor fees have to be paid current before the Certificate of Compliance can be filed with the Recorder.
21. A copy of the Record of Survey shall be submitted to and reviewed by the Community Development Department for conformance with the Community Development Department's conditions of approval and mitigation measures before the Parcel Map can be filed with the Yuba County Recorder. A

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statement, executed by the Community Development Department Director, stating the parcel map is found to be in conformity with the approved Conditional certificate of Compliance shall be submitted to the County Surveyor before the parcel map can be filed.

22. A copy of the Record of Survey shall be submitted to and reviewed by the Environmental Health Department for conformance with the Environmental Health Department's conditions of approval before Parcel Map can be filed with the Yuba County Recorder. A statement, executed by the Environmental Health Department Director, stating that the Record of Survey has been found it to be in conformity with the Environmental Health Department conditions and in conformance with the requirements of Chapter 7.07 of the Yuba County, shall be submitted to the County Surveyor before the Record of Survey can be filed.

**ENVIRONMENTAL HEALTH DEPARTMENT:**

23. Owner shall submit a file map to Environmental Health showing that parcel(s) 1 and 2, contains the minimum useable sewage disposal area as established by the Yuba County Sewage Disposal Ordinance, 7.07, and the precise location of all existing sewage disposal systems, and shall clearly identify the location of all soil mantles and percolation tests. This file map shall also show contour, slope, all bodies of water (seasonal and year-round), water wells, and all existing structures. Furthermore, a 100' septic exclusion area (as measured from the seasonal high water line) shall be delineated around all rivers, streams, and ponds.
24. Owner shall submit for Environmental Health review and approval the results of soils studies for parcel(s) 1 and 2, conducted in accordance with the Yuba County Sewage Disposal Ordinance, Chapter 7.07.
25. All soil profiles must be witnessed by Environmental Health Department staff. Schedule soil profile appointments with Environmental Health Department staff in advance of the testing.
26. The total minimum useable sewage disposal area shall be delineated for parcel(s) 1 and 2, on a separate document (Yuba County Health Certificate), recorded and cross referenced to the recorded final map.
27. The design and location of wells and sewage disposal systems shall be in conformance with standards established by Yuba County Environmental Health. Each lot must be self-reliant for domestic water and sewage disposal unless public utilities are available.
28. Septic systems crossing ditches, drainages, or creeks will need to meet all Environmental Health or other agency (i.e. DFG, Army Core, etc.) requirements prior to approval.
29. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
30. All abandoned or inactive wells on the subject site shall be destroyed or maintained in accordance with the "Water Well Standards: State of California, Bulletin 74-81".
31. All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
32. The following shall apply to all land divisions where domestic water is to be supplied by individual wells:

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Prior to final map wells will be required on 10% of the parcels to be developed that meet or exceed the requirements for creation of new parcels as outlined in Ordinance 1400, as it amends chapter 7.03 of Title VII of the Yuba County Ordinance Code regarding water wells.

All wells drilled to meet this requirement shall have a minimum yield of 2 gallons per minute if tested with the airlift method and 3 gallons per minute if a production test is run. If a well is drilled that does not meet these standards it can be destroyed or placed inactive until used and a replacement well drilled. Before approval of test wells, a well log, a drillers report on production and lab tests must be submitted for each test well.

**The following statement shall also apply to this division:**

"There is no assurance that underground water sources exist within the limits of the hereon shown parcel(s) which will be adequate in sufficient quantity or quality to meet future needs. Developer(s) of the parcel(s) herein created will be responsible for demonstrating that adequate on-site water is available for the proposed use of the parcel(s).

**Surface water (i.e. Springs, Creeks, Irrigation ditch's, etc.) is not an approved domestic potable water source."**

**BUILDING DEPARTMENT:**

38. All development on this site must meet applicable requirements of the most current adopted version of the California Code of Regulations, Title 24, which includes building, accessibility & fire code requirements.
39. Owner shall obtain building permits for all applicable work on all parcels.

**PLANNING DEPARTMENT:**

40. Minor modifications to the final site configuration may be approved by the Community Development & Services Agency Director.
41. All Mitigation Measures are considered project conditions of approval and will be required to be satisfied as described in the Mitigation Monitoring Plan in accordance with the California Environmental Quality Act.
42. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject area. Any road encroachments within the PG&E easements shall be subject to review and approval of PG&E.

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43. Owner shall meet all requirements of the Feather River Air Quality Management District during any project related construction.
44. Should any prehistoric or historic artifacts, including human remains be exposed during construction and excavation operations, work shall cease and the Community Development & Services Agency shall be immediately notified and will ensure adherence to CEQA Guideline Section 15064.5(e). If apparent human remains are exposed, the County Coroner shall be consulted to determine whether any such materials require special treatment prior to resuming construction.

*Vanessa Franken*

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