



County of Yuba

Community Development & Services Agency

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DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

MEETING DATE: July 01, 2021

TO: DEVELOPMENT REVIEW COMMITTEE

FROM: Vanessa Franken, Planner I

RE: TENTATIVE PARCEL MAP TPM 2021-0003 (Kennedy)

REQUEST: The subject application proposes to create three (3) residential lots on a .66-acre property, that is currently developed with a single family residence, located at 5103 Canal Street, on the corner of Canal Street and Fourth Avenue, in the Olivehurst community (APN: 013-472-020). The intention of the subdivision is to divide the property into three parcels and to accommodate a home on each.

RECOMMENDATION: Staff recommends that the Development Review Committee (DRC) make a determination that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15315 (Minor Land Division) and approve Tentative Parcel Map TPM 2021-0003 subject to making the necessary findings and the conditions of approval contained herein (Attachment 2).

BACKGROUND/DISCUSSION: The project site is located at 5103 Canal Street, on the corner of Canal Street and Fourth Avenue in the Olivehurst community (APN: 013-472-020). The applicant requests to create three (3) residential lots on a .66-acre property that is currently developed with one home. The intention of the subdivision is to divide the property into three parcels to eventually accommodate a home on each. Parcel 1 is proposed to be 6,659± square feet in size with a proposed lot width of 62.79± feet, this parcel contains the existing residence. Parcel 2 is proposed to be 6,659± square feet in size with a proposed width of 62.79± feet. Parcel 3 is proposed to be 7,365± square feet in size with a proposed width of 70.25± feet. Access to the proposed parcels would be from Canal Street, ingress/egress points will be from Canal Street also. The project site is currently developed with an existing house and driveway. The project site is located in the valley area of Yuba County, in the community of Olivehurst, surrounding properties include single family residential zoned parcels developed with single family residences. All proposed parcels will be required to connect to Olivehurst Public Utility District (OPUD) for water and sewer services, Olivehurst Fire Department would provide fire protection services to all proposed parcels as well.

SURROUNDING USES:

	GENERAL PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
North	Valley Neighborhood	RS	Single-Family Residential
East	Valley Neighborhood	RS	Single-Family Residential
South	Valley Neighborhood	RS	Single-Family Residential
West	Valley Neighborhood	RS	Single-Family Residential

GENERAL PLAN/ZONING: The “RS” Single-Family Residential zoning district would allow for a mixture of housing types in a low density (up to 8 units per acre) setting where public water and sewage facilities are available. The predominant housing type in the “RS” zoning district consists of single-family residential. The zoning district allows for a diversity of housing types in a low density setting where public water and sewage facilities are available and provides a space for community facilities and neighborhood services needed to complement residential areas and for institutions which require a residential environment. The project proposes a residential development at a density of 1 dwelling unit per parcel, thereby, staying consistent with the single family residential density (up to 8 dwelling units per acre) called out in the Development Code for the “RS” zoning district. The project is consistent with applicable development standards contained in the Development Code.

The project site is designated Valley Neighborhood as shown on the 2030 General Plan Land Use Map. The Valley Neighborhood land use classification is a mixed land use designation that allows for a variety of residential, commercial, and other land uses. The intent of the General Plan designation is to provide for the full range of housing types, commercial and public services, retail offices, and other components of a complete neighborhood in valley portions of the County. The Yuba County Development Code states that the purpose of RS is to allow for a mixture of housing types in a low density setting where public water and sewage facilities are available. The proposed project is consistent with land use designations, as the map will create parcels that may be utilized for residential purposes. The project complies with the following General Plan Policies:

- 1. Policy CD5.3: Valley residential development in existing and planned Valley Neighborhoods should provide for the full range of housing types and densities.*

The project site has the ability to accommodate an existing range of housing and densities, including single family residences. The subdivision will allow for existing residences to remain on newly created parcels.

ENVIRONMENTAL REVIEW: Staff has determined that the project is categorically exempt from environmental review per the California Environmental Quality Act (CEQA) Section 15315 (Minor Land Divisions).

Section 15315 (Minor Land Divisions) exemptions land divisions of four or fewer parcels when the division of property is in an urbanized area zoned residential, commercial or industrial in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previously 2 years, and the parcel does not have an average slope greater than 20 percent. The .66 acre project site is flat (slope is less than 1%), is void of any wetlands or watercourses, and contains no habitat for protected biological resources. Furthermore, the site is developed and there are no native oak trees or any other sensitive biological and/or cultural resources known on the project site. The Olivehurst Public Utility District has availability for water and sewer, there are no impacts to water and sewer availability. The Olivehurst Fire District and the Yuba County Sheriff's Department have been routed project plans and have provided no comments that state there will be any impact to emergency services.

COMMENTS: The project was circulated to various agencies and County departments for review and comment during the early consultation phase and the environmental review stages of the project. The following is a summary of comments:

- County Staff – The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.

FINDINGS: Projects are evaluated for consistency with the County's General Plan, conformance with the County's Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area surrounding the project. In the case of addressing project impacts to health, safety, and welfare, specific findings need to be met for each entitlement. Below are the findings for each project entitlement needed for project approval.

TENTATIVE PARCEL MAP:

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, this Code, and other applicable provisions of the County Code. A proposed subdivision shall be considered consistent with the General Plan or a specific plan only when the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan;*

The project site is designated as Valley Neighborhood on the 2030 General Plan Land Use diagram and is within the "RS" Zoning Designation. The proposed project is consistent with the character of the General Plan and Zoning Designation (See General Plan/Zoning Section above for consistency).

2. *The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act; and*

The orientation and size of the proposed lots will allow future residences to continue utilizing forms of natural heating and cooling.

3. *Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.*

The proposed development does not include more than 500 dwelling units.

ATTACHMENTS:

1. Tentative Parcel Map
2. Conditions of Approval

Report Prepared By:

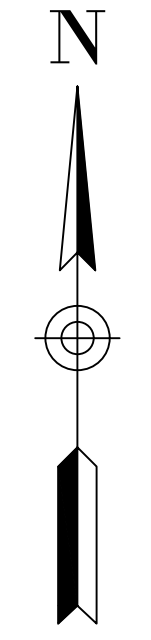
Reviewed by:

Vanessa Franken

Kevin Perkins

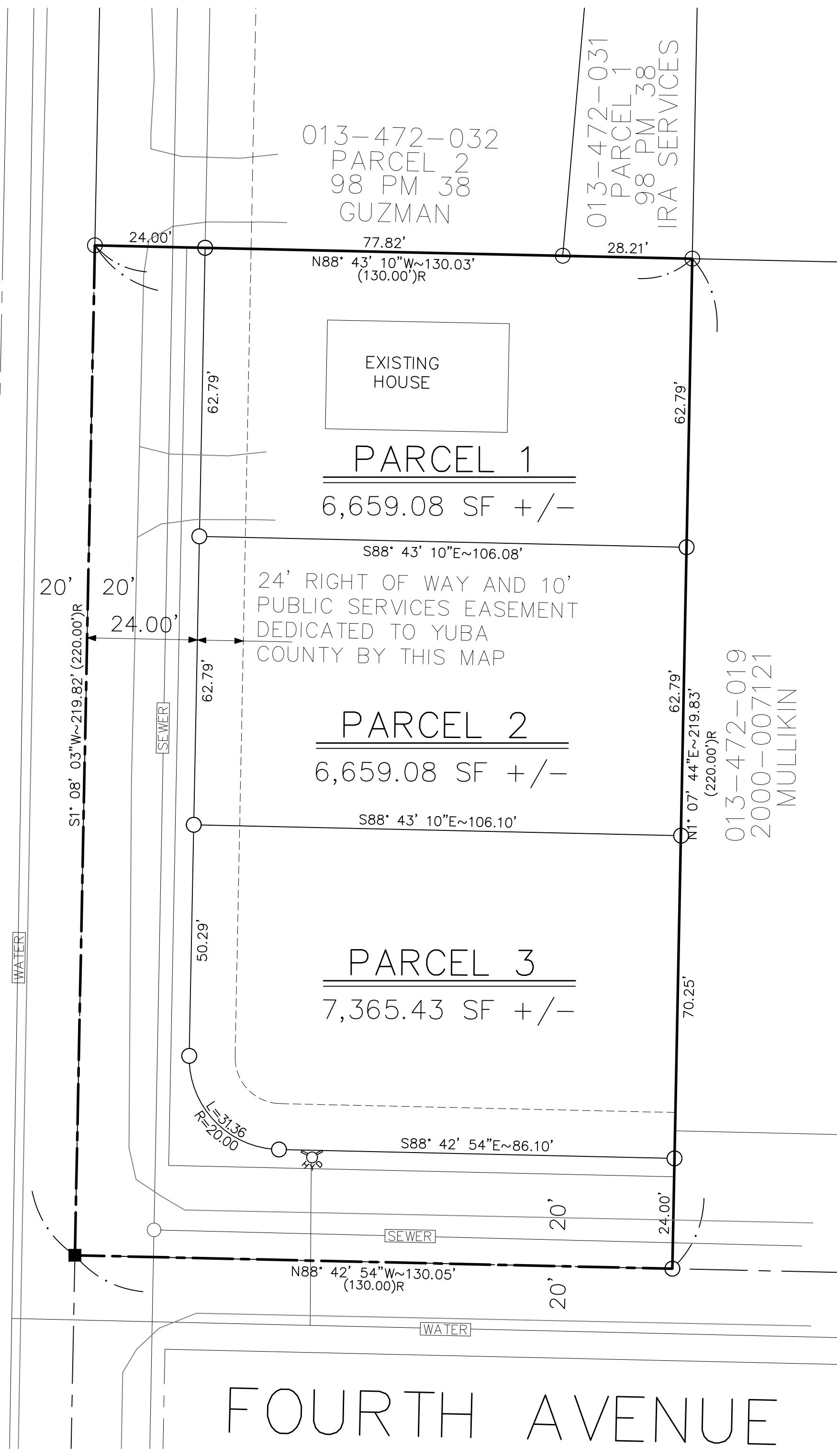
Vanessa Franken
Planner I

Kevin Perkins
Planning Manager



1"=20'

CANAL STREET



FOURTH AVENUE

APPLICANT
JEFFRY KENNEDY
1861 TRES PECOS DRIVE
YUBA CITY, CA 95993
(530) 682-2941

OWNER
JEFFRY KENNEDY
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(530) 682-2941

ENGINEER
GEORGE L. MUSALLAM
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CALIFORNIA 95993
(530) 713-0417

GENERAL NOTES

WATER
EXISTING: OPUD

SEWER
EXISTING: OPUD

STORM DRAIN
EXISTING: YUBA COUNTY

ZONING
EXISTING: RS
PROPOSED: RS

GENERAL PLAN
EXISTING: VALLEY NEIGHBORHOOD
PROPOSED: VALLEY NEIGHBORHOOD

ASSESSOR PARCEL MAP (ACRES)
013-472-020(0.65+/-)

UTILITIES
ELECTRICITY AND GAS: P G & E
TELEPHONE: AT&T
CABLE: COMCAST

LOT DIMENSIONS
LOT AND BOUNDARY DIMENSIONS ARE APPROXIMATE
AND SUBJECT TO REVISION WITH THE FILING
OF THE PARCEL MAP.

EXISTING WATER AND SEWER
LOCATION OF EXISTING WATER AND SEWER MAINS
AND SERVICES IS APPROXIMATE.

TENTATIVE PARCEL MAP NO. --
JEFFRY KENNEDY

A PORTION OF LOT 8, AS SHOWN ON THAT
CERTAIN MAP ENTITLED "SUBDIVISION OF
OLIVEHURST", FILED IN THE OFFICE OF THE
COUNTY RECORDER OF YUBA COUNTY, CALIFORNIA,
IN BOOK 2 OF MAPS AT PAGE 5

YUBA COUNTY, CALIFORNIA. MARCH 2021

PREPARED BY:
NVES
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417

DRAFT CONDITIONS OF APPROVAL

Applicant: Jeffrey Kennedy

Owner: Jeffrey Kennedy

APN: 013-472-020

Case Number: TPM 2021-0003

DRC Hearing Date: July 01, 2021

ACTIONS FOR CONSIDERATION: Staff recommends that the Development Review Committee take the following actions:

- I. After review and consideration, staff has Determined the project is exempt from further environmental review pursuant California Environmental Quality Act Section 15315 (Minor Land Division).

- II. Approve Tentative Parcel Map 2021-0003 subject to the conditions shown below, or as may be modified at the public hearing making the following findings:
 - A. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, this Code, and other applicable provisions of the County Code. A proposed subdivision shall be considered consistent with the General Plan or a specific plan only when the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan;

 - B. The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act; and

 - C. Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.

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. As a condition for tentative and final map approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative

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body concerning the subdivision. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.

3. This tentative parcel map may be effectuated at the end of the ten (10) appeal period which is July 11, 2021. Tentative Parcel Map TPM 2021-0003 shall be designed in substantial conformance with the approved tentative map filed with the Community Development & Services Agency and as conditioned or modified below. Minor modifications to final configuration of the Final Map may be approved by the Community Development & Services Agency Director; however, the number of parcels shall not exceed that shown on the approved tentative map
4. This tentative parcel map shall expire 36 months from the date of approval July 01, 2024 unless extended pursuant to Chapter 11.40.050 of the Yuba County Development Code.
5. 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:

6. The Public Works Director may reasonably modify any of the Public Works conditions contained herein. The required street widths as stated herein shall take precedence over those as shown on the tentative map.
7. Owner shall dedicate to the County of Yuba sufficient right-of-way easement to provide a 24-foot strip of land adjoining the centerlines of Fourth Avenue and Canal Street, classed as an Urban Residential Road, lying within the bounds of this property. The corner right of way at intersection of Fourth Avenue and Canal Street shall have a 25-foot radius.
8. Owner shall provide and offer to dedicate to the County of Yuba a 10-foot easement for public services along the street frontages of this property measured from the County's right of way.
9. Prior to map recordation road construction along Fourth Avenue and Canal Street fronting this property shall meet the half-width requirements for an Urban Residential (Local) Road in conformance with the Yuba County Standard (Drawing No. 101) or as modified by the Public Works Director. Such standard includes curbs, gutters, with an attached sidewalk.

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10. The required road construction along Fourth Avenue and Canal Street fronting this property is hereby deferred by the Public Works Director under Section 11.46.060 of the Yuba County Ordinance Code finding that such deferment would not be injurious to health or safety. Such deferment is granted subject to the Owner entering into a Deferred Improvement Agreement with the County of Yuba, as a recorded covenant to run with the land, to defer the above frontage improvements and split the cost equally between Parcels 1 and 2, until such time as a building permit or other grant of development for each parcel is issued by the County or until such time the County determines that the extent of development along the street, the volume of traffic, or other factors such as the necessity to provide drainage, pedestrian walkways or bicycle paths, is such that the County, at its sole discretion, finds that the improvements are necessary, or in conjunction with a County funded improvement project.

11. All existing or proposed driveway encroachments onto Fourth Avenue and Canal Street shall conform to the current Yuba County Standards for a paved Rural Driveway (Drawing No. 127 and 128) under permit issued by the Department of Public Works.

12. If the Deferred Improvement Agreement option is not chosen, then improvement plans, prepared in compliance with Sections 3 and 7 of the Yuba County Standards shall be submitted to and approved by the Public Works Department prior to any construction. The initial submittal shall also include the necessary calculations for all improvements and associated drainage facilities along with the appropriate plan checking fees based upon a preliminary engineer's estimate. The engineer's estimate shall include estimated costs for the construction of the road and drainage improvements, landscaping requirements (if any), construction staking, and monumentation. Such approvals shall include the alignment and grades of roads and drainage facilities.

13. All road and drainage construction required by these conditions of approval shall be inspected in compliance with Section 4 of the Yuba County Standards and approved by the Yuba County Department of Public Works. Owner's contractor shall meet on-site with the Public Works Department representative prior to the commencement of work to discuss the various aspects of the project.

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14. Any improvement work within the County right-of-ways for roadway connections and/or road widening or other improvements shall be accomplished under an encroachment permit issued by the Public Works Department. Improvement plans and associated checking and inspection fees shall be submitted to the Public Works Department for review and approval before any construction will be permitted within the County right-of-way.
15. Owner, heirs or assigns of this property, or portions thereof, shall remove and/or relocate any fence(s) located within dedication(s) or offer(s) of dedication required by this division or within existing County easement(s) or right(s)-of-way which lies within or are adjoining this property. Such fence removal or relocation may be deferred until such time as the then owner is directed by the Public Works Department of Yuba County to remove or relocate the fence(s) at the owner's expense. Any new fences installed shall be constructed outside the limits of dedications or offer(s) of dedication required by this division, or existing County easements or right-of-ways.
16. Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Game, and pre-construction surveys for special status species.
17. Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. Coverage under the General Permit must be obtained prior to any construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>. Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of

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Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. 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, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.

18. Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
19. Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the parcel map.
20. Owner shall be responsible for giving sixty (60) days notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.
21. Owner shall provide public service easements as necessary for any existing overhead or underground utilities, sewer lines, waterlines, etc. which may provide service to any or all of the parcels being created by this parcel map. Such easements shall have a minimum width of 10 feet or larger as may be required by the service provider and shall be clearly identified by metes and bounds on the parcel map. Any relocation or rearrangement of the public service provider's facilities to accommodate this project shall be at the Owner's expense.
22. 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 parcel map.
23. Owner shall submit a current Preliminary Title Report or Parcel Map Guarantee, in favor of Yuba County, two (2) check prints of the parcel map, calculations, supporting documentation and map checking fees to the County Surveyor, Department of Public Works for checking, approval and filing of the parcel map. An updated Parcel Map Guarantee shall be provided 1 week prior to filing the parcel map with the Yuba County Recorder.

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24. Owner shall have the property surveyed and have corner monuments placed at all parcel corners in conformance with requirements of the County Surveyor, chapter 11.41 of the Yuba County Ordinance Code and the California Subdivision Map Act (Government Code section 66410 and following).
25. 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.
26. All easements of record that affect this property are to be shown on the parcel map.
27. Prior to submitting the parcel map to the Recorder's Office for filing, all outstanding County fees due to the Community Development and Services Agency departments shall be paid in full.
28. Owner shall submit a copy of the parcel map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the parcel map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the parcel map is found to be in conformity with the Department's conditions of approval, mitigation measures and requirements shall be received by the County Surveyor.
29. Owner shall submit a copy of the parcel map for review by the Environmental Health Department for conformance with the Department's conditions of approval and other requirements. Before the parcel map can be filed with the Yuba County Recorder, a statement from the Environmental Health Department Director which states that the parcel map has been found to be in conformity with the Environmental Health Department conditions and requirements and that it is in conformance with the requirements of Chapter 7.07 of the Yuba County Ordinance Code shall be received by the County Surveyor.
30. Owner shall submit a copy of the parcel map to the Olivehurst Public Utility District (OPUD) to review to determine conformance with the District's requirements. Before the parcel map can be filed with the Yuba County

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Recorder, a letter from the OPUD is to be submitted to the County Surveyor which states that the District's requirements have been met and that any public service easements as may be shown on the parcel map are satisfactory and that there are no objections to filing the parcel map.

31. Owner shall submit a copy of the final map for review by Yuba County and the appropriate Fire Protection Authority to determine conformance with the conditions of approval, the Yuba County Fire Safe Ordinance and the Uniform Fire Code requirements. Before the final map can be filed with the Yuba County Recorder, a letter from the Fire Protection Authority shall be submitted to the County Surveyor which states that the Fire Safe requirements have been met and that there are no objections to filing the final map.

ENVIRONMENTAL HEALTH DEPARTMENT:

32. Owner shall connect parcel(s) 2 and 3 to Olivehurst Public Utility District for water and sewer services.
33. All Owner shall submit to Environmental Health a "Will Serve" letter from Olivehurst Public Utilities District for water and sewer services and facilities for parcel(s) 2 and 3.
34. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
35. All existing trash and debris shall be removed from the subject site.
36. 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". Environmental Health Division-Conditions of Approval.
37. All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.

PLANNING DEPARTMENT:

38. Minor modifications to the final site configuration may be approved by the Community Development & Services Agency Director.

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39. 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.
40. Owner shall meet all requirements of the Feather River Air Quality Management District during any project related construction.
41. 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.
42. Any trash, junk, and debris shall be removed from the subject site prior to map approval.
43. Prior to map recordation, owner shall remove any fences that cross property lines.
44. Owner shall obtain building permits for all applicable work on all parcels.
45. Notice of Non-Compliance shall be resolved prior to map recordation.

Vanessa Franken

Vanessa Franken, Planner I