



County of Yuba

Community Development & Services Agency

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Planning Department

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DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

MEETING DATE: January 9, 2019

TO: DEVELOPMENT REVIEW COMMITTEE

FROM: Ian Scott, Planner I

RE: Tentative Parcel Map TPM 2019-0005 (Rice)

REQUEST: The applicant is requesting to subdivide a 40.4 acre parcel, located in the community of Browns Valley, into three parcels; two being 10.1 acres in size and the third being 20.2 acres in size. The project site is located at 10128 Carriage Lane off of Bald Mountain Road in the community of Browns Valley.

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 Divisions) and approve Tentative Parcel Map (TPM) 2019-0005 subject to making the necessary findings and the conditions of approval contained herein (Attachment 2).

BACKGROUND/DISCUSSION: The project consists of a tentative parcel map that would subdivide a 40.4 acre parcel, located in the community of Browns Valley, into three parcels; two being 10.1 acres in size and the third being 20.2 acres in size. The project site is located at 10128 Carriage Lane off of Bald Mountain Road in the community of Browns Valley. All three proposed parcels are developed with single family residences. The 2030 General Plan designates the land use as Rural Community and the zoning is "RR-5" Rural Residential (5 acre minimum lot size.)

The proposed lots are consistent with the 2030 General Plan Rural Community land use designation and the "RR-5" Rural Residential zoning district. Additionally, the proposed parcels are large enough to meet the 30 foot State Responsibility Area setback requirements for any future development of the parcels.

Parcel 1 has an existing single family residence and two sheds. Parcel 2 has an existing single family residence and eight sheds. Parcel 3 has an existing single family residence and six sheds. The Yuba County Building Department performed a site inspection to check the legality of all structures and determined that all of the structures had proper approvals. All parcels utilize existing wells and septic systems for all potable water and wastewater needs. Primary access to

the Parcel 1 and 3 is via an existing driveway from Carriage Lane. Access to Parcel 2 is through an existing private driveway through Parcel 1. The Public Works Department has conditioned the project to pave the existing project roadway from Bald Mountain Road to the residential driveway on Parcel 3. Development Code standard 11.46.030(5)(d) allows waivers to road improvement standards, such as paving, for parcels over 20 acres in size. Considering proposed Parcel 1 is 10.1 acres in size, the project has been conditioned to meet all Rural Local Road Standards for Carriage Lane until it reaches the driveway of Parcel 3 (20.2 acres in size).

SURROUNDING USES

	2030 GENERAL PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
North	Rural Community	RR-5	Rural Residential
East	Rural Community	RR-5	Rural Residential
West	Rural Community	RR-5	Rural Residential
South	Rural Community	RR-5	Rural Residential

GENERAL PLAN/ZONING: The project site is located in unincorporated Yuba County and is designated Rural Community on the 2030 General Plan Land Use diagram. The Rural Community land use classification is intended to provide rural residential opportunities with supportive services to tourism oriented uses consistent with the General Plan. Appropriate uses for this classification include, but are not limited to; single family residences; agriculture; local retail and commercial services; parks and recreation; and other natural-resource oriented use. The project complies with the following General Plan Policies:

- 1. Policy CD9.1: Foothill and mountain development projects shall be designed to preserve the existing rural character.*

The proposed parcels will maintain the rural nature of the site because it complies with the minimum lot size and will not disturb existing biological and cultural resources.

- 2. Policy CD9.8: The allowable density, design, and lot configuration of rural developments will depend on soil and geologic characteristics, biological resources, aesthetic resources, cultural resources, circulation, fire safety, and other factors identified throughout this General Plan.*

The proposed parcels contain existing single family residential units and are not proposing any new development of the parcels. The density, design, and lot configuration of the parcels will not adversely affect soil and geological characteristics, biological resources, aesthetic resources, cultural resources, circulation or fire safety.

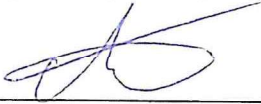
The property is zoned "RR-5" Rural Residential (5 acre minimum parcel size). Pursuant to Chapter 11.06 of the Yuba County Development Code, the purpose of the "RR" zoning district is to allow for the appropriate development of very low density, large-lot single family homes and

related uses in the rural community area of the County. Both lots are consistent and meet the intent of the RR-5 zoning designation.

ENVIRONMENTAL REVIEW: Staff has determined the project is categorically exempt from environmental review per the California Environmental Quality Act (CEQA) Section 15315 (Minor Land Divisions). The project site is currently developed with three single family residences with the proposed parcels separating the existing residences. Access to both residences is existing and no additional development is proposed.

FINDINGS: The tentative parcel map findings are contained in (Attachment 2) this report.

Report Prepared By:



Ian Scott
Planner I

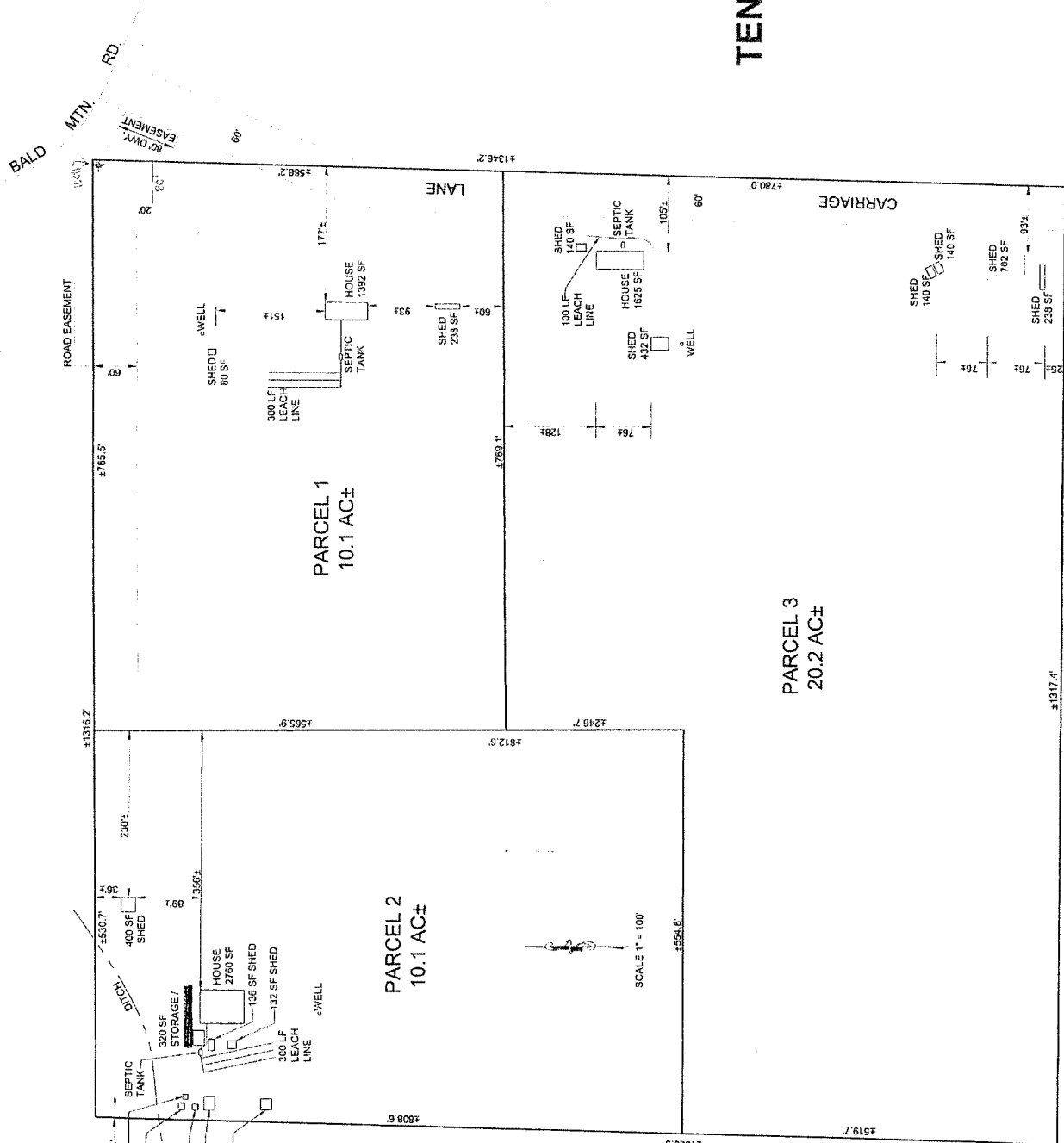
Reviewed by:



Kevin Perkins
Zoning Administrator

ATTACHMENTS

1. Site Map
2. Conditions of Approval
3. Comment Letter from Departments



PORTION OF THE SOUTHWEST QUARTER
OF SECTION 11, T 16 N. R 5 E, M.D.B. & M.,
YUBA COUNTY, STATE OF CALIFORNIA

Applicant: Ross Shoaf, Civil Engineer (530) 749-0142
12245 Simone Court, Browns Valley, CA 95912
Job No. 14-119
Date of preparation: 9-1-19

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: David Rice
APN: 005-690-009

Case Number: TPM 2019-0005
Public Hearing Date: January 9, 2020

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

- I. After review and consideration, make a determination that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15315 (Minor Land Divisions)
- II. Approve Tentative Parcel Map 2019-0005 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;

The project site is designated as Rural Community on the 2030 General Plan Land Use diagram. The Rural Community land use classification is intended to conserve and provide natural habitat and residential uses that are secondary to the primary natural resource-oriented use. The proposed project will preserve the existing rural character of the General Plan Designation.

The project is zoned Rural Residential, with a five acre minimum parcel size (RR-5). The property is currently developed with three single family residences. This use is permitted and is consistent with the development code.

- 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

The residences on parcels 1, 2, and 3 are existing. Parcels 1 and 2 are 10.1 acres in size, and parcel 3 is 20.2 acres in size, which will allow opportunities to align the residences to have a southern exposure and shade/ prevailing breezes.

- 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.

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

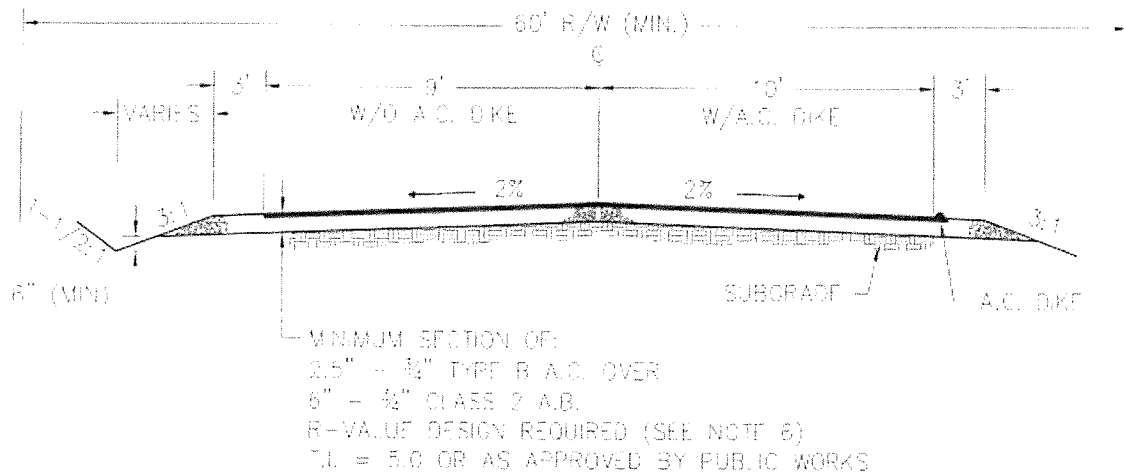
STANDARD CONDITIONS:

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 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 January 19, 2020. Tentative Parcel Map TPM 2019-0005 shall be designed in substantial conformance with the approved tentative map (Attachment 1) 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 January 9, 2023 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 provide a non-exclusive easement to be reserved in deeds, for road and public utility purposes, 40 feet in width, connecting Parcel 2 to Carriage Lane. The easement shall be located in such a manner as to permit the construction of a driveway or roadway in compliance with the requirements of the Yuba County Improvement Standards.
8. Prior to map recordation Road construction for Carriage Lane as shown on the tentative parcel map shall meet the standards for a Rural Local Road in conformance with the Yuba County Improvement Standards (Drawing No. 121) or as modified by the Public Works Director. The improvements shall include paving the roadway from Bald Mountain Road to the residential driveway for Parcel 3.

RURAL LOCAL ROAD



(Refer to Drawing No. 121 for addition notes and requirements.)

9. All existing or proposed driveway encroachments onto Carriage Lane 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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 prior to any grading activities. 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 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.

15. Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
16. Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the parcel map.
17. 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.
18. Owner shall create a road and drainage maintenance agreement that is binding on the lots of the subdivision to provide for the maintenance of Carriage Lane and any associated stormwater drainage facilities. Such maintenance agreement shall be approved by the County Surveyor and shall be recorded concurrently with the filing of the parcel map. The subdivider shall make an effort to have other affected property owners join the agreement.
19. Approximate centerlines of all perennial streams, seasonal drainages or ditches within this division shall be shown on the Parcel Map and dimensioned from the nearest corner at the intersection with property lines.
20. Should a fire suppression system be required by the responsible fire protection authority for compliance with the Yuba County Fire Safe Standards and the Uniform Fire Code, which facilities may include a community water supply system, wells, water storage tanks, etc., Owner shall provide easements as necessary for such system for the benefit of each lot within the parcel map. All easements shall be shown on the parcel map.
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.
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 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.

ENVIROMENTAL HEALTH DEPARTMENT:

31. Owner shall submit a file map to Environmental Health showing that parcels 1-3, contain a 100% repair area for the existing septic system as established by the Yuba County Sewage Disposal Ordinance, 7.07, 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. A 200' exclusion area is to be delineated around all lakes and reservoirs.

32. Owner shall submit for Environmental Health review and approval the results of soils studies for parcel(s) 1-3, conducted in accordance with the Yuba County Sewage Disposal Ordinance, Chapter 7.07.
33. 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.
34. 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.
35. 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.
36. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
37. All existing trash and debris shall be removed from the subject site.
38. 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".
39. All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
40. The following shall apply to all land divisions where domestic water is to be supplied by individual wells:

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."

PLANNING DEPARTMENT:

41. Minor modifications to the final site configuration may be approved by the Community Development & Services Agency Director.
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.
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.
45. All structures shall maintain a 150' setback distance from the edge of all seasonal and year-around creeks, ponds, and riparian areas pursuant to Yuba County 2030 General Plan Action NR5.3.
46. Any accessory structures located on the proposed property lines shall be relocated, or removed prior to recording of the final map.

Scott, Ian

From: Burns, Danny
Sent: Wednesday, November 6, 2019 10:33 AM
To: Scott, Ian
Subject: RE: TPM2019-0005

Ian,

Based on the field inspection performed this morning, building has no comments / conditions of approval.

Regards.

Dan

From: Scott, Ian
Sent: Friday, November 01, 2019 2:54 PM
To: Burns, Danny <dburns@CO.YUBA.CA.US>
Subject: TPM2019-0005

Hi Dan,

I went to the Assessor's Office today and spoke with Corby regarding the property. According to her, all three habitable dwellings predate our building code and have been assessed since the 60s. I also spoke with David Rice when he came in today and he informed me he will be calling you to have an inspection scheduled for Monday.

Thank you for your time.

Best regards,
Ian Scott
Extra Help Planner I
County of Yuba
Planning Department
(530) 749-5481

Scott, Ian

From: Marquez, Melanie
Sent: Friday, October 11, 2019 2:19 PM
To: Scott, Ian
Subject: RE: TPM2019-0005 Rice Tentative Parcel Map

Ian,

Code Enforcement does not have any comments regarding the subject project application.

Regards,

Melanie Marquez

Code Enforcement Supervisor
County of Yuba, CDSA
(530) 749-5430 – Main
(530) 749-5643 – Direct
(530) 749-5616 – Fax
mmarquez@co.yuba.ca.us



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From: Scott, Ian <iscott@CO.YUBA.CA.US>
Sent: Friday, October 11, 2019 2:15 PM
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Boeck, Van <vboeck@CO.YUBA.CA.US>; Marquez, Melanie <mmarquez@CO.YUBA.CA.US>
Cc: Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; Kaiser, Pam <pkaiser@yubacounty.onmicrosoft.com>
Subject: TPM2019-0005 Rice Tentative Parcel Map

Hello All,

I received Tentative Parcel Map, TPM2019-0005 on Carriage Lane off of Bald Mountain Road today. All documents are on TrakIt. Please forward any comments you may have, as well as COA, by Friday, November 8th.

Best regards,
Ian Scott

Extra Help Planner I
County of Yuba
Planning Department
(530) 749-5481