



# *County of Yuba*

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## Community Development & Services Agency

915 8<sup>th</sup> Street, Suite 123, Marysville, CA 95901

### Planning Department

Phone: (530) 749-5470

Fax: (530) 749-5434

Web: [http:// www.co.yuba.ca.us](http://www.co.yuba.ca.us)

### DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

**MEETING DATE:** August 06, 2020

**TO:** DEVELOPMENT REVIEW COMMITTEE

**FROM:** Ciara Fisher, Planner II

**RE:** TENTATIVE PARCEL MAP TPM 2020-0003 and MINOR USE  
PERMIT CUP 2020-0001 (Murry)

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**REQUEST:** The applicant is requesting approval of a Tentative Parcel Map to subdivide a 0.52 acre parcel into two parcels and a Minor Conditional Use Permit to add a 2,533 square foot duplex, with each unit 1,261 square feet in size, on each parcel.

**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) Sections 15315 (Minor Land Division) and 15303(b) (New Construction or Conversion of Small Structures) and approve Tentative Parcel Map TPM 2020-0003 and Minor Use Permit CUP 2020-0001 subject to making the necessary findings and the conditions of approval contained herein (Attachment 2).

**BACKGROUND/DISCUSSION:** The 2030 General Plan designates the subject site land use as Valley Neighborhood and the zoning as Single Family Residential (RS). The project site is located at 4789 Fleming Way in the community of Olivehurst, identified as Assessor's Parcel Number 013-190-037-000. The proposed parcel map would subdivide a 0.52 acre parcel and create two parcels – Parcel 1 will be approximately 0.21 Acres and Parcel 2 will be approximately 0.23 acres (Attachment 1). All proposed parcels have access off of Fleming Way, which is improved to Yuba County road standards. Parcel 1 will have direct access off of Fleming Way and Parcel 2 will have access off of Fleming way via a 15 foot access easement. The project has been conditioned by the Public Works Department to have the 15 foot access easement run through the back of Parcel 2. The condition will expand the existing 12 foot access easement that was originally established to give utility access to the property behind Parcel 2.

The property is currently vacant and is proposed to be developed with a duplex on each lot. Both parcels meet the minimum density requirements for the zoning district they are located within with the approval of the Minor Use Permit for the Duplexes. The applicants are proposing 2 units per parcel, which is maximum allowed number of units for the "RS" Zoning District. The Zoning District allows 3 units minimum/8 units maximum, therefore (8 units X 0.21 acres = 1.68 units,

rounded up to 2 units) each parcel meets the maximum allowed density. Moreover, the proposed density Pursuant to Yuba County Development Code Section 11.07.020 Land Use Regulations, Minor Use Permit is required to place a duplex in the RS zoning district. Moreover, based on the Site Plan (Attachment 2), the proposed duplexes will meet the required setback for the RS zoning district.

Furthermore, all new parcels have been conditioned by the Environmental Health Department to be required to connect to Olivehurst Public Utility District for both their water and wastewater needs.

#### SURROUNDING USES

	GENERAL PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
North	Valley Neighborhood	Single Family Residential	Single Family Residential
East	Valley Neighborhood	Medium Density Residential	Vacant
South	Valley Neighborhood	Single Family Residential	Single Family Residential
West	Valley Neighborhood	Single Family Residential	Single Family Residential

Surrounding properties range from less than an acre to 2 acres in size. The surrounding properties to the west, south and north are mainly zoned Single Family Residential and to east is zoned Medium Density Residential. The majority of the immediate adjacent properties are currently developed with single family residences, with the exception of the vacant parcel to the east. The General Plan Land Use Diagram has a General Plan designation of Valley Neighborhood for the subject property as well as surrounding parcels.

GENERAL PLAN/ZONING: 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. Section 11.07.010(F)(1) of 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 accommodates a range of housing types and densities, including single family residences and duplexes. The subdivision will allow for two additional duplexes to be developed 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) and 15303(b) (New Construction or Conversion of Small Structures).

Section 15315 (Minor Land Divisions) exempts 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 0.52 acre project site is relatively flat, is void of any wetlands or watercourses, and contains no habitat for protected biological resources.

Section 15303(b) (New Construction or Conversion of Small Structures) exempts a duplex or similar multi-family residential structure totaling no more than four dwelling units. The applicant is proposing to build one duplex, totaling 2,533 square feet, on each lot. Therefore, the construction of the duplexes is exempt from CEQA.

The proposed project meets all the requirements of Sections 15315 and 15303(b). The project is the creation of two parcel, with one duplex per parcel and is located in an urbanized area; it is consistent with both the General Plan and zoning; access exists to the site via Fleming Way; OPUD provides water and wastewater services and PG&E provides gas and electrical services; the project has not been subdivided in the last 2 years; no variances or exceptions to County standards are required; and the project does not have an average slope over 20 percent.

COMMENTS: Planning staff has received the following comment letters (Attachment 3):

- County Staff – The Public Works Department, Environmental Health Department, Building Department, and Code Enforcement 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 opportunity to align the residence to have a southern exposure and shade/prevailing breezes.

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.

**Conditional Use Permit:**

4. *The proposed use is allowed within the applicable zoning district or overlay district and complies with all other applicable provisions of this Code and all other titles of the Yuba County Code;*

Pursuant to Development Code Section 11.07.020, Residential Land Use Regulations, Duplexes are permitted with a Minor Use Permit. Approval of the proposed project would make the project consistent and ensure compliance with all provisions of the Development Code and all other Yuba County Codes. Furthermore, based on the Site Plan, the Duplexes meet all applicable zoning regulations in the Single Family Residential Zoning District.

5. *The proposed use is consistent with the General Plan, and any applicable adopted community plan or specific 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 duplexes is consistent with the character of the General Plan and Zoning Designation (See General Plan/Zoning Section above for consistency).

6. *The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the surrounding area;*

The proposed use at this particular site is desirable as the property is currently vacant. The proposed duplexes would help provide additional housing opportunities in an area that lacks

a variety of residential housing. This will provide four new housing units for the Olivehurst community.

7. *The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;*

The project site is located in a residential area of the community of Olivehurst and would not adversely impact the community or surrounding properties. The project has been conditioned to meet all Yuba County Code requirements and the requirements set forth by the California Department of Housing and Community Development.

8. *The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code;*

The project has been conditioned to meet Yuba County Development Code Section 11.07.030 Development Regulations for the Residential Districts. The applicants will also be installing landscaping along the front and side property lines

9. *The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and reasonably foreseeable future land uses in the vicinity;*

The proposed project design, location, size and operating characteristics, as conditioned with the projects conditions of approval, will be compatible with all existing and future development in the vicinity of the project. All the surrounding properties have a residential zoning designation which would be compatible with the proposed project.

10. *The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and*

The proposed project has access to utilities that are existing in the area including but not limited to electricity, water and sewer. There are no physical constraints at the site and the project site is suitable for the proposed project.

11. *An environmental determination has been prepared in accordance with the California Environmental Quality Act.*

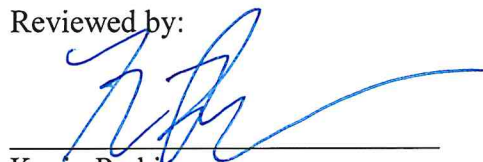
Staff has determined the project is exempt from environmental review per the California Environmental Quality Act (CEQA) Sections 15315 and 15303(b).

Report Prepared By:



Ciara Fisher  
Planner II

Reviewed by:



Kevin Perkins  
Planning Manager

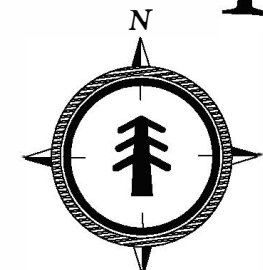
## ATTACHMENTS

1. Tentative Parcel Map
2. Site Plan
3. Floor Plan/Elevations
4. Conditions of Approval

cc: Nick Johnston/Chris Benedict



# TENTATIVE PARCEL MAP



TPM 2020-003

**APN 013-190-037**  
**4789 FLEMING WAY**

COUNTY OF YUBA-OLIVEHURST-STATE OF CALIFORNIA  
FEB 2020

## PROPERTY DATA

CENSUS CODE:	0405003016
FIRE DISTRICT:	OPUD FIRE
SCHOOL DISTRICT:	MJUSD
WATER DISTRICT:	OLIVEHURST PUD
GENERAL PLAN:	VN
EXISTING ZONING:	R-2
PROPOSED ZONING:	R-2
PARCEL AREA EXISTING:	0.44 ACRES

## VICINITY MAP



## OWNER / APPLICANT

Gene Murray

APPLICANT: The Williams Design Group  
916.799.5012  
williamsdesign@att.net

## SURVEYOR

KLIMA LAND SURVEYS  
5716 FOLSOM BLVD, STE 271  
SACRAMENTO, CA 95819  
kris@klimalandsurveys.com

## LEGAL DESCRIPTION


THE WESTERLY 248.00 FEET OF THE NORTH 93 FEET OF THE SOUTH TWO AND ONE-HALF ACRES OF THE NORTH FIVE ACRES OF THE WEST HALF OF LOT 30, AS SHOWN ON THE MAP ENTITLED, "MAP OF SUBDIVISION OF OLIVEHURST TRACT", FILED MAY 11, 1915 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, IN BOOK 2 OF MAPS, PAGE 5.

## VERTICAL DATUM

DESIGNATION: VSN  
DATUM: NAVD 88

SCALE : 1" = 10'



 7/17/20  
KRISTOPHER KLIMA, P.L.S. 8602 DATE

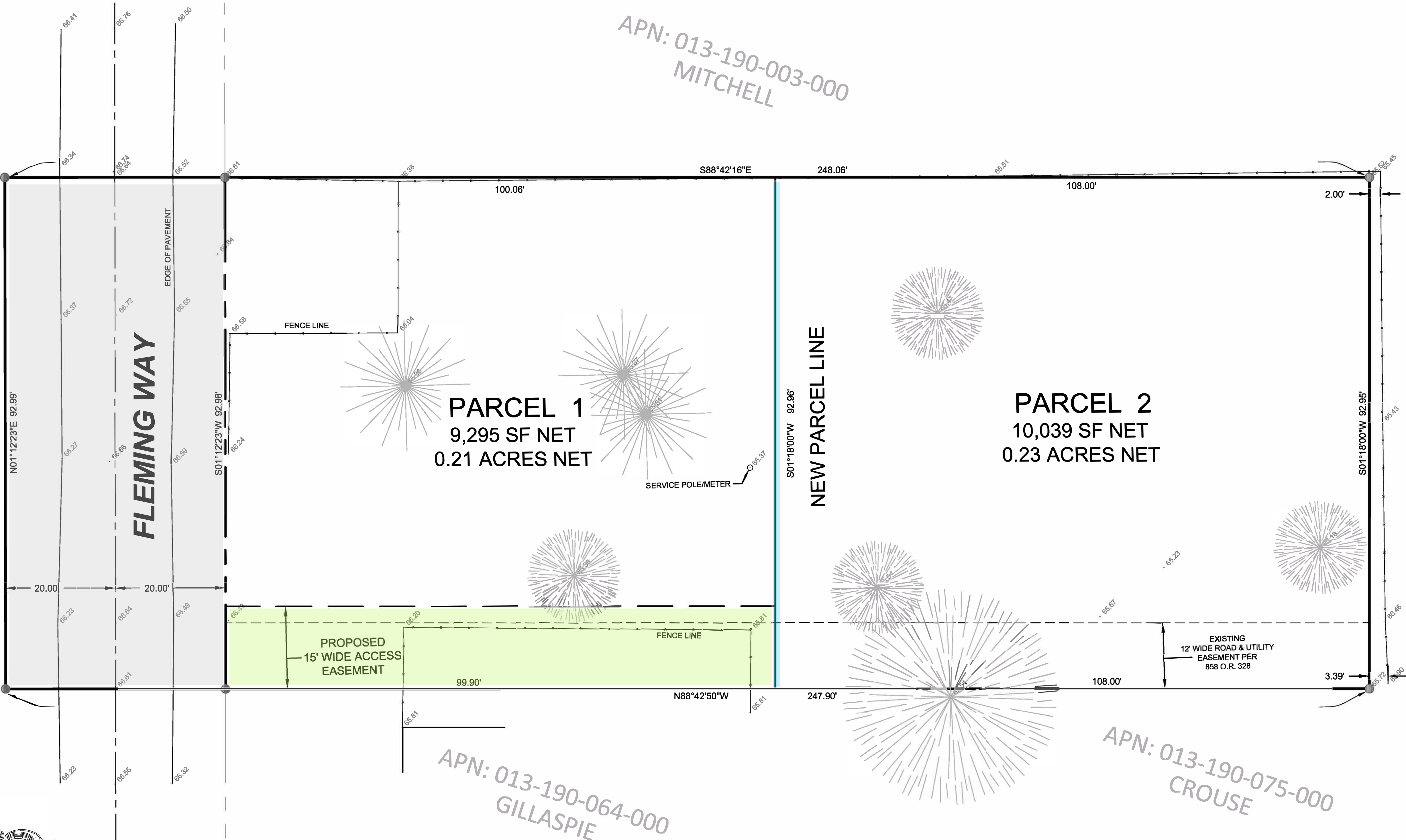


APN: 013-190-003-000  
MITCHELL

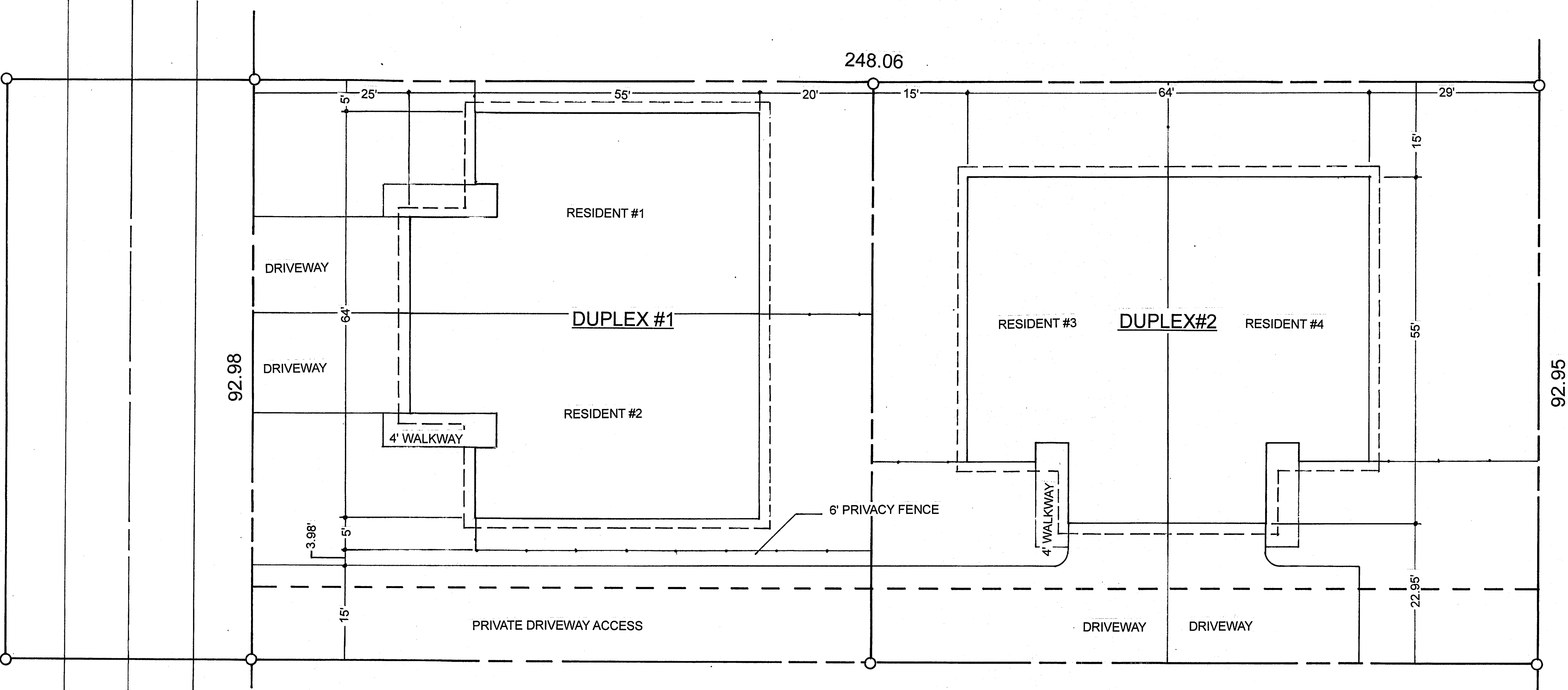
APN: 013-190-044-000  
RAMIREZ

APN: 013-190-075-000  
CROUSE

APN: 013-190-064-000  
GILLASPIE

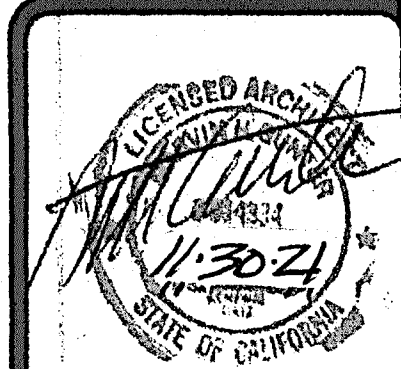


GENE MURRY PROPERTIES (OWNER)  
PROPOSED DUPLEX(S)  
4789 FLEMING WAY  
OLIVEHURST, CALIF. 95961  
APN: 013-190-037



(PROPOSED) SITE PLAN  
Scale: 1"= 1'-0"

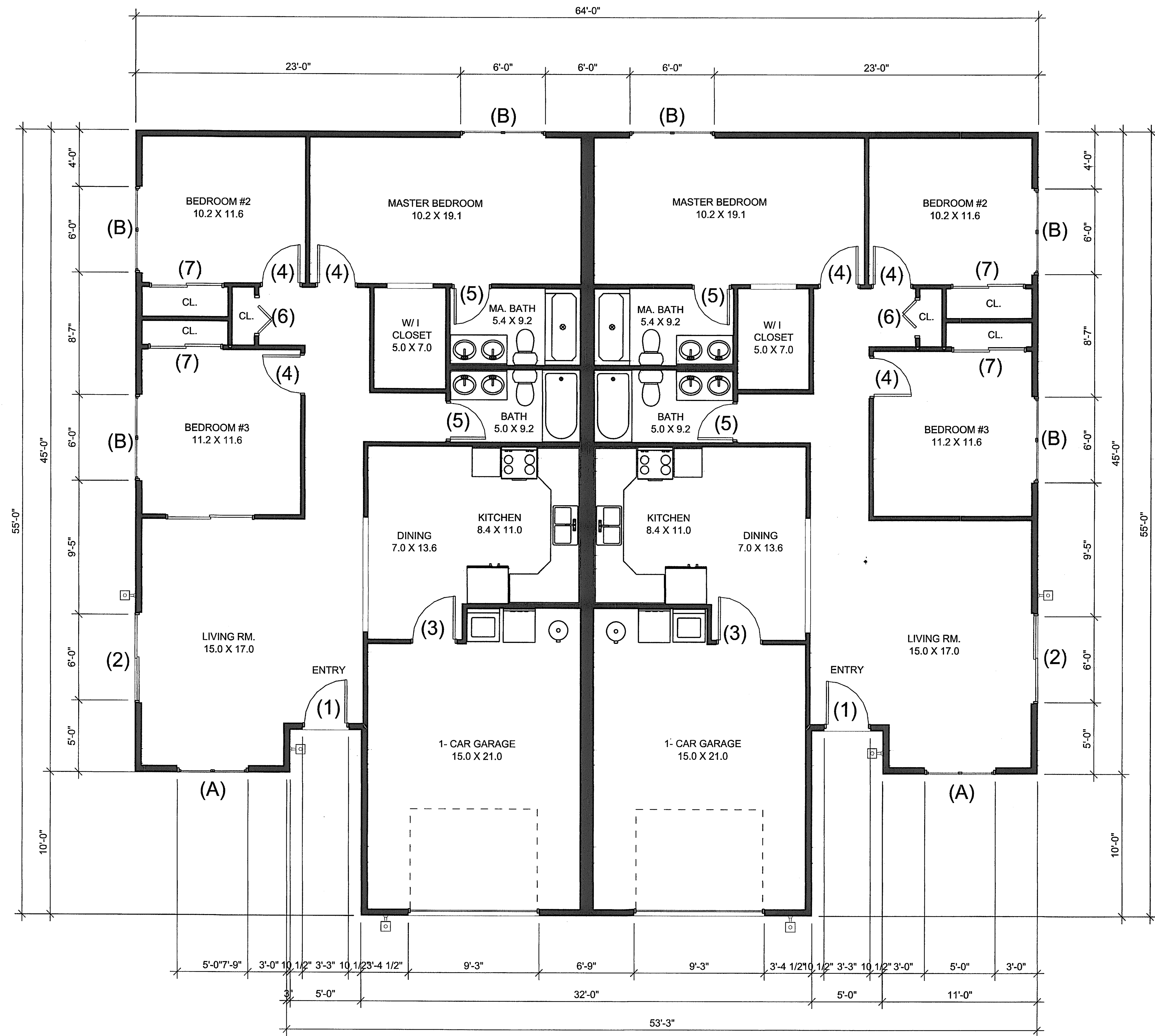
REVISIONS	BY



GENE MURRY PROPERTIES (OWNER)  
PROPOSED DUPLEX(S)  
4789 FLEMING WAY  
OLIVEHURST, CALIF. 95961

DRAWN
CHECKED
DATE
SCALE
JOB NO.
SHEET





SCOPE OF WORK:

CONSTRUCTION: NEW DUPLEX (2)  
EXTERIOR: STUCCO/ STYRO- TRIM  
ROOF: COMPOSITION SHINGLE  
ENERGY: (SEE TITLE 24)  
STATISTICS: LIVING SPACE: 1,261.0  
GARAGE: 295.0  
COV. PORCH: 15.0

DOOR SCHEDULE:

SYM.	SIZE	NO.	MAT'L
(A)	5.0 X 5.0	2	VINYL H. SLIDE
(B)	3.0 X 6.0	6	VINYL H. SLIDE

WINDOW SCHEDULE:

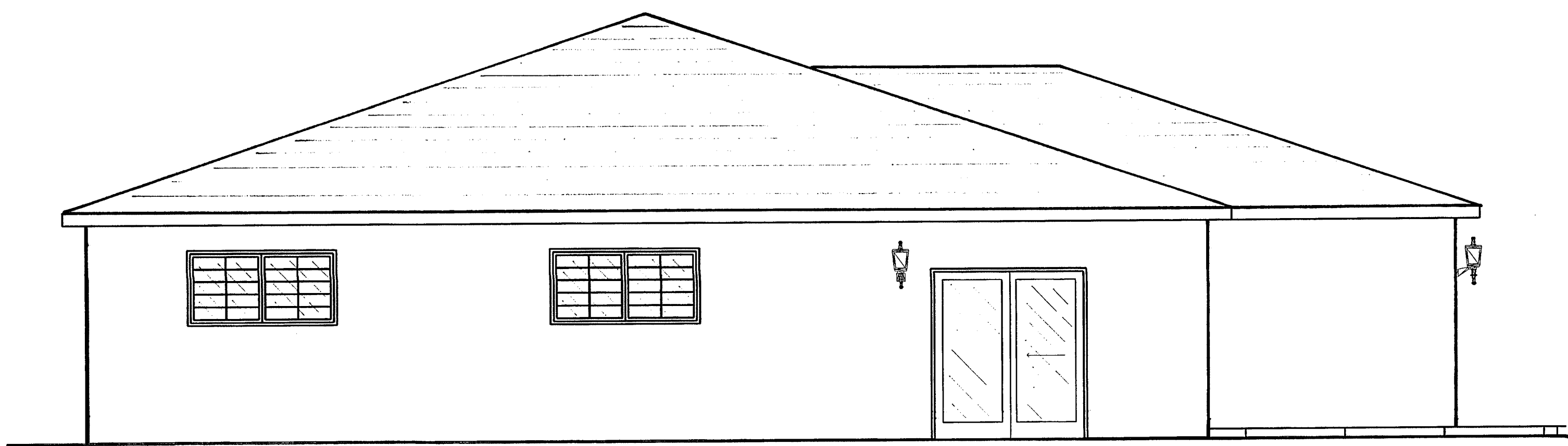
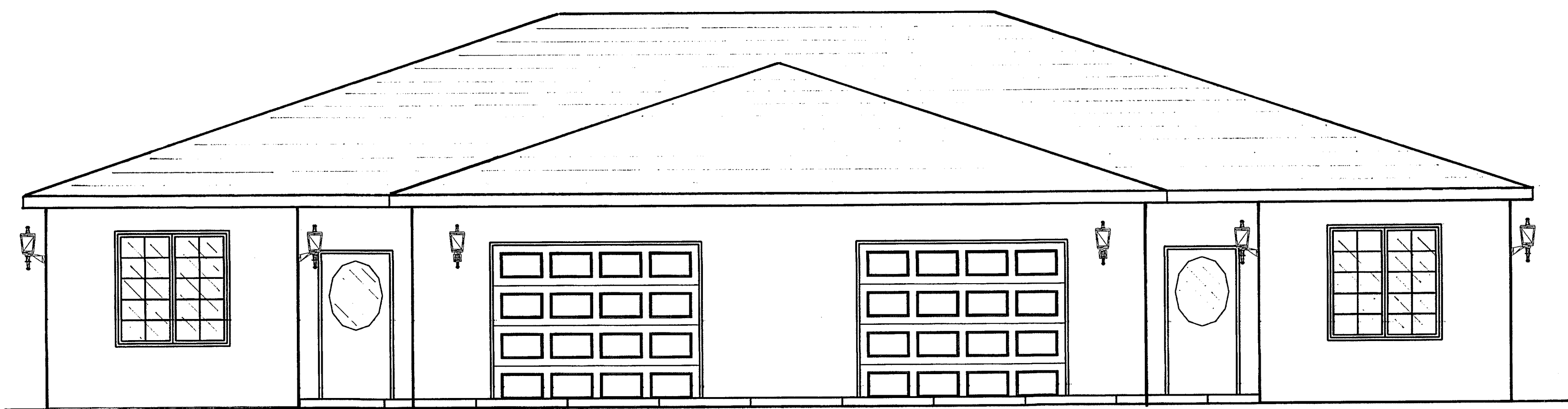
SYM.	SIZE	NO.	MAT'L	SWING	S.C.	ENTRY/EXIT
(1)	3.0 X 6.8	2	WOOD	SWING	S.C.	ENTRY/EXIT
(2)	6.0 X 6.8	2	ALUM.	SLIDE	GLASS	ENTRY/EXIT
(3)	3.0 X 6.8	2	WOOD	SWING	S.C.	GARAGE ENTRY
(4)	2.8 X 6.8	6	WOOD	SWING	H.C.	BEDROOM
(5)	2.6 X 6.8	4	WOOD	SWING	H.C.	BATHROOM
(6)	2.6 X 6.8	2	WOOD	BI-FOLD	H.C.	H. CLOSET
(7)	5.0 X 6.8	4	WOOD	SLIDE	H.C.	BR. CLOSET

(PROPOSED) DUPLEX FLOOR PLAN  
SACALE: 1/4"= 1"- 0"

REVISIONS	BY

GENE MURRY PROPERTIES (OWNER)  
PROPOSED DUPLEX(S)  
4789 FLEMING WAY  
OLIVEHURST, CALIF. 95961

DRAWN
CHECKED
DATE
SCALE
JOB NO.
SHEET
A-2
OF SHEETS



PROPOSED EXTERIOR ELEVATIONS  
Scale: 1/4" = 1'-0"

REVISIONS	BY

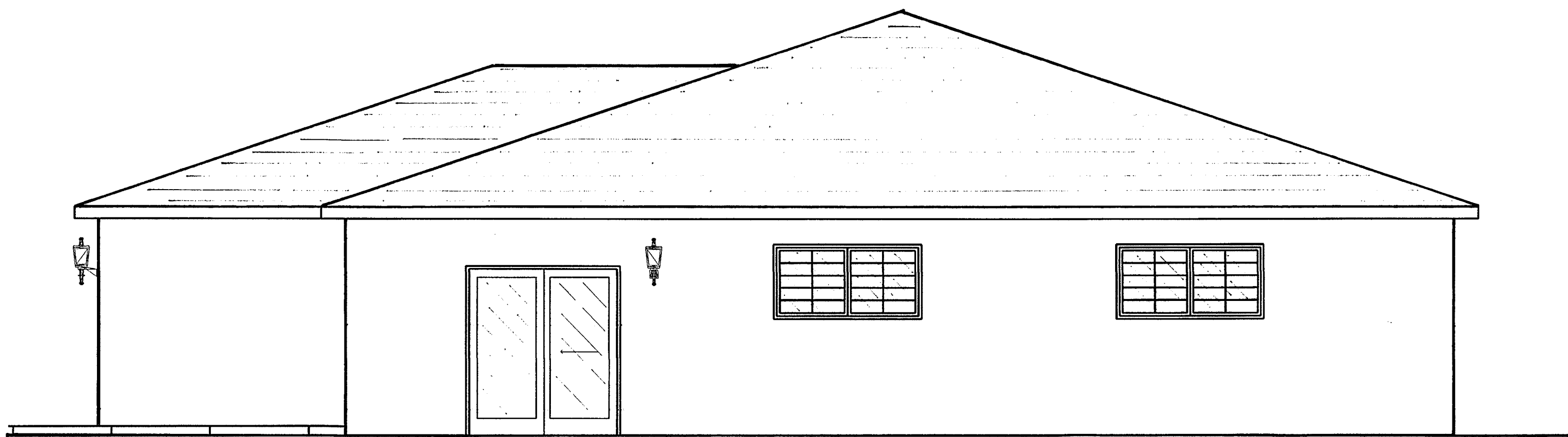
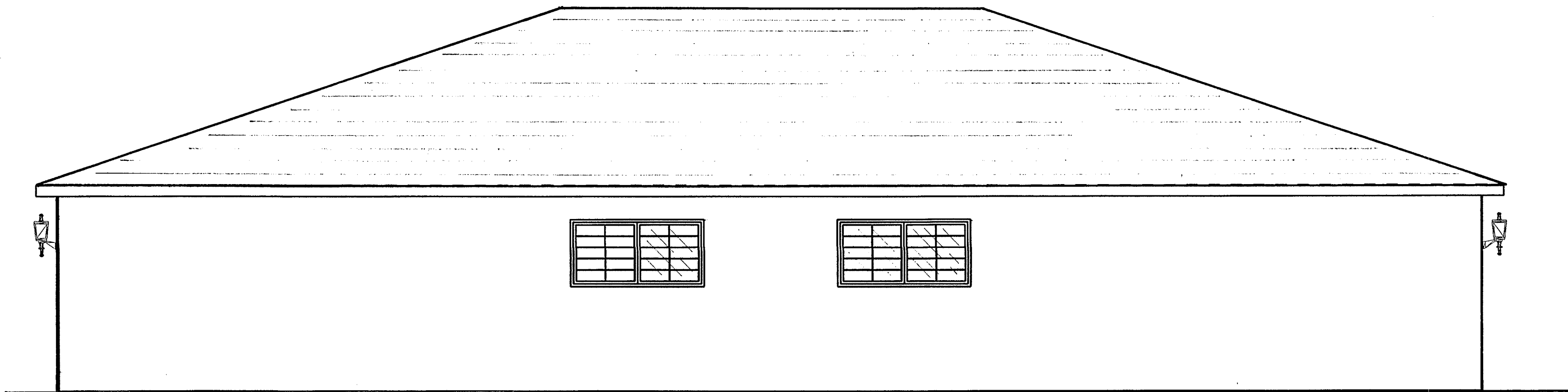
GENE MURRY PROPERTIES (OWNER)  
PROPOSED DUPLEX(S)  
4789 FLEMING WAY  
OLIVEHURST, CALIF. 95961

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OF SHEETS

REVISIONS	BY

GENE MURRY PROPERTIES (OWNER)  
PROPOSED DUPLEX(S)  
4789 FLEMING WAY  
OLIVEHURST, CALIF. 95961

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<b>OF</b>	<b>SHEETS</b>



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

**Applicant: Tom Williams**  
**Owner: Gene Murry**  
**APN: 013-190-037**

**Case Number: TPM2020-0003 & CUP 2020-0001**  
**DRC Hearing Date: August 6, 2020**

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

- I. After review and consideration, make a determination the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Sections 15315 (Minor Land Division) and 15303(b) (New Construction or Conversion of Small Structures).
- II. Approve Tentative Parcel Map TPM 2020-0003 and Minor Use Permit CUP 2020-0001 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.

**GENERAL CONDITIONS**

- 1) As a condition for project 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 conditional use permit. 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.
- 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.
- 3) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County prior to filing of the Final Map.
- 4) This tentative parcel map may be effectuated at the end of the ten (10) appeal period which is August 17, 2020. Tentative Parcel Map TPM 2020-0003 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.
- 5) This tentative parcel map shall expire 36 months from the date of approval August 6, 2023 unless extended pursuant to Chapter 11.40.050 of the Yuba County Development Code.
- 6) 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.
- 7) The Conditional Use Permit may be effectuated at the end of the ten (10) day appeal period which is August 17, 2020. Minor Use Permit CUP 2020-0001 shall be designed and operated in substantial conformance with the approved conditional use permit as outlined in the



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

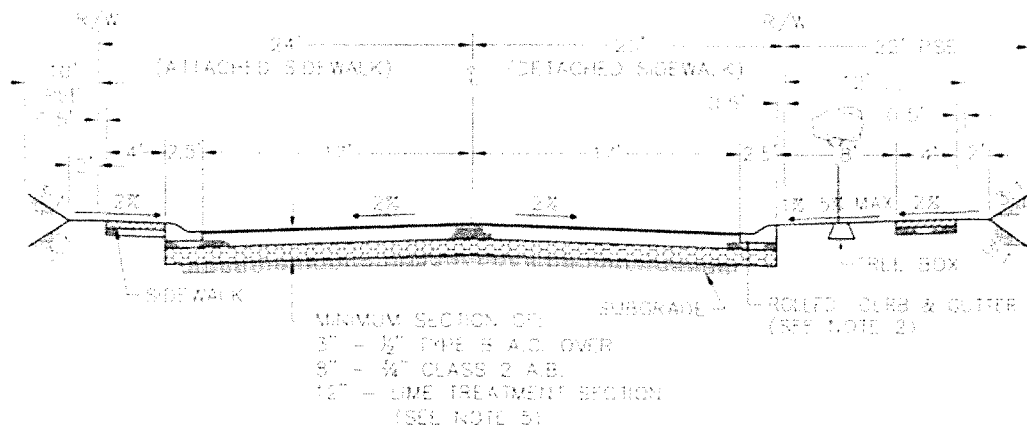
**Applicant: Tom Williams****Case Number: TPM2020-0003 & CUP 2020-0001****Owner: Gene Murry****DRC Hearing Date: August 6, 2020****APN: 013-190-037**

approved site plan filed with the Community Development & Services Agency and as conditioned or modified below. No other expansion of uses are authorized or permitted by this use permit.

- 8) This conditional use permit approval shall be effectuated within a period of twenty-four (24) months from this approval date and if not effectuated shall expire on August 6, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than ninety (90) days from July 12, 2020.
- 9) Minor modifications to final configuration of the conditional use permit may be approved by the Community Development and Services Agency Director.

**PUBLIC WORKS DEPARTMENT:**

- 10) 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.
- 11) Owner shall dedicate to the County of Yuba sufficient right-of-way easement to provide a 24-foot strip of land adjoining the centerline of Fleming Way, classed as an Urban Residential Road, lying within the bounds of this property.
- 12) 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.
- 13) Owner shall provide a non-exclusive easement to be reserved in deeds, for road and public utility purposes, 15 feet in width connecting Parcel 2 to Fleming Way. The easement shall extend all the way to the east end of Parcel 2 and be located in such a manner as to permit the construction of a rural driveway in compliance with the requirements of the Yuba County Improvement Standards.
- 14) Prior to map recordation road construction along Fleming Way 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.

**URBAN RESIDENTIAL (LOCAL) ROAD**

(Refer to Drawing No. 101 for addition notes and requirements.)

**DRAFT CONDITIONS OF APPROVAL  
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**Case Number: TPM2020-0003 & CUP 2020-0001**

**Owner: Gene Murry**

**DRC Hearing Date: August 6, 2020**

**APN: 013-190-037**

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- 15) The required road construction along Fleming Way 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.
- 16) Driveway construction for the driveway to Parcel 2 as shown on the Tentative Map, shall comply with the standards for a paved Rural Driveway as defined in the Yuba County Standards (Drawing No. 127 and 128) and Standard Specification or as modified by the Public Works Director prior to the issuance of a Certificate of Occupancy on Parcel 2 and as provided by Section 66411.1(b) of the Subdivision Map Act and shall also include the installation of an approved driveway encroachment onto Linda Avenue under permit issued by the Department of Public Works.
- 17) All existing or proposed driveway encroachments onto Fleming Way 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.
- 18) 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.
- 19) 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.
- 20) 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.
- 21) 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

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**Owner: Gene Murry**

**DRC Hearing Date: August 6, 2020**

**APN: 013-190-037**

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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.

- 22) 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.
- 23) 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 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.
- 24) Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
- 25) Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the parcel map.
- 26) 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.
- 27) 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.

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

**Applicant: Tom Williams**

**Case Number: TPM2020-0003 & CUP 2020-0001**

**Owner: Gene Murry**

**DRC Hearing Date: August 6, 2020**

**APN: 013-190-037**

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- 28) 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.
- 29) 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.
- 30) 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).
- 31) 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.
- 32) All easements of record that affect this property are to be shown on the parcel map.
- 33) 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.
- 34) 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.
- 35) 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.
- 36) 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 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.
- 37) 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



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

**Applicant: Tom Williams**

**Case Number: TPM2020-0003 & CUP 2020-0001**

**Owner: Gene Murry**

**DRC Hearing Date: August 6, 2020**

**APN: 013-190-037**

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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:**

- 38) Owner shall connect parcel(s) 1 and 2 for water and sewer services and facilities prior to building permit final inspection for occupancy.
- 39) 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) 1-2.
- 40) All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
- 41) All existing trash and debris shall be removed from the subject site.
- 42) 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
- 43) All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.

**BUILDING DEPARTMENT:**

- 44) All buildings must have permits.
- 45) All development on this site must meet all current codes including accessibility and must meet any and all fire code as well as local fire authority requirements.

**PLANNING DEPARTMENT:**

- 46) The proposed duplexes shall be designed and operated in substantial conformance with the approved conditional use permit as described in the project description and the proposed site plan filed with the Community Development and Services Agency. No other expansion of uses are authorized or permitted by this use permit.
- 47) Minor modifications to the final site configuration may be approved by the Community Development & Services Agency Director.
- 48) Major modifications shall require an amendment to the Conditional Use Permit.
- 49) Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense or as agreed by PG&E. There shall be no building of structures under or over any PG&E facilities or inside any PG&E easements that exist within the subject area.
- 50) Any and all physical improvements associated with this Conditional Use Permit shall be maintained to the standards specified in these Conditions of Approval set forth for this use permit. Failure to maintain said physical improvement(s) in said manner may be used as grounds for revocation of this use permit.
- 51) Operator shall meet all requirements of the Feather River Air Quality Management District.

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

**Applicant: Tom Williams**

**Case Number: TPM2020-0003 & CUP 2020-0001**

**Owner: Gene Murry**

**DRC Hearing Date: August 6, 2020**

**APN: 013-190-037**

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- 52) Prior to the issuance of any building final occupancy permits, landscaping shall be installed in compliance with Chapter 11.24 Landscape of the Yuba County Development Code.

Yuba County CDSA



Ciara Fisher  
Planner II

**Fisher, Ciara**

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**From:** Burns, Danny  
**Sent:** Monday, April 20, 2020 11:53 AM  
**To:** Marquez, Melanie; Fisher, Ciara; Benedict, Christopher; Maddux, Dave; Johnston, Nick  
**Cc:** Perkins, Kevin; Hochstrasser, Margaret; Peterson, Daniel; Lee, Mike G. (Public Works Dept); Pickell, Clark; Strang, Jeremy; Crouse, Pam; Franken, Vanessa  
**Subject:** RE: Murry Parcel Map and Duplex (TPM2020-0003 & CUP2020-0001)

Hello Ciara,

Building has no comments regarding this project.

Thanks,

---

**From:** Marquez, Melanie  
**Sent:** Monday, April 20, 2020 11:34 AM  
**To:** Fisher, Ciara <cfisher@CO.YUBA.CA.US>; Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Johnston, Nick <njohnston@CO.YUBA.CA.US>  
**Cc:** Perkins, Kevin <kperkins@CO.YUBA.CA.US>; Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; Lee, Mike G. (Public Works Dept) <mlee@co.yuba.ca.us>; Pickell, Clark <CPickell@CO.YUBA.CA.US>; Strang, Jeremy <JStrang@CO.YUBA.CA.US>; Crouse, Pam <pcrouse@CO.YUBA.CA.US>; Franken, Vanessa <vfranken@CO.YUBA.CA.US>  
**Subject:** RE: Murry Parcel Map and Duplex (TPM2020-0003 & CUP2020-0001)

Hello Ciara,

Code Enforcement has no comments regarding this project.

Thanks,

*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](mailto:mmarquez@co.yuba.ca.us)





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**From:** Fisher, Ciara <[cfisher@CO.YUBA.CA.US](mailto:cfisher@CO.YUBA.CA.US)>

**Sent:** Friday, April 17, 2020 3:35 PM

**To:** Benedict, Christopher <[cbenedict@CO.YUBA.CA.US](mailto:cbenedict@CO.YUBA.CA.US)>; Maddux, Dave <[dmaddux@CO.YUBA.CA.US](mailto:dmaddux@CO.YUBA.CA.US)>; Johnston, Nick <[njohnston@CO.YUBA.CA.US](mailto:njohnston@CO.YUBA.CA.US)>; Marquez, Melanie <[mmarquez@CO.YUBA.CA.US](mailto:mmarquez@CO.YUBA.CA.US)>

**Cc:** Perkins, Kevin <[kperkins@CO.YUBA.CA.US](mailto:kperkins@CO.YUBA.CA.US)>; Hochstrasser, Margaret <[mhochstrasser@CO.YUBA.CA.US](mailto:mhochstrasser@CO.YUBA.CA.US)>; Burns, Danny <[dburns@CO.YUBA.CA.US](mailto:dburns@CO.YUBA.CA.US)>; Peterson, Daniel <[dpeterson@CO.YUBA.CA.US](mailto:dpeterson@CO.YUBA.CA.US)>; Lee, Mike G. (Public Works Dept) <[mlee@co.yuba.ca.us](mailto:mlee@co.yuba.ca.us)>; Pickell, Clark <[CPickell@CO.YUBA.CA.US](mailto:CPickell@CO.YUBA.CA.US)>; Strang, Jeremy <[JStrang@CO.YUBA.CA.US](mailto:JStrang@CO.YUBA.CA.US)>; Crouse, Pam <[pcrouse@CO.YUBA.CA.US](mailto:pcrouse@CO.YUBA.CA.US)>; Franken, Vanessa <[vfranken@CO.YUBA.CA.US](mailto:vfranken@CO.YUBA.CA.US)>

**Subject:** Murry Parcel Map and Duplex (TPM2020-0003 & CUP2020-0001)

Hello All,

Please provide comments for the Murry Parcel Map and Duplex. The applicant is requesting a Tentative Parcel Map to subdivide a 0.52 acre parcel into two parcels and a Minor Conditional Use Permit to add a 2,533 square foot duplex, with each unit 1,261 square feet in size, on each parcel. The property is located at 4789 Fleming Way in Olivehurst. All documents are on TrakIt. Please forward any comments you may have, as well as COA, by Friday May 8<sup>th</sup>.

Thank you!

Ciara Fisher  
Planner II  
County of Yuba  
530-749-5470



**PUBLIC WORKS DEPARTMENT:**

1. 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.
2. Owner shall dedicate to the County of Yuba sufficient right-of-way easement to provide a 24-foot strip of land adjoining the centerline of Fleming Way, classed as an Urban Residential Road, lying within the bounds of this property.
3. 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.
4. Owner shall provide a non-exclusive easement to be reserved in deeds, for road and public utility purposes, 15 feet in width connecting Parcel 2 to Fleming Way. The easement shall be located in such a manner as to permit the construction of a rural driveway in compliance with the requirements of the Yuba County Improvement Standards.
5. Prior to map recordation road construction along Fleming Way 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.
6. The required road construction along Fleming Way 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.
7. Driveway construction for the driveway to Parcel 2 as shown on the Tentative Map, shall comply with the standards for a paved Rural Driveway as defined in the Yuba County Standards (Drawing No. 127 and 128) and Standard Specification or as modified by the Public Works Director prior to the

issuance of a Certificate of Occupancy on Parcel 2 and as provided by Section 66411.1(b) of the Subdivision Map Act and shall also include the installation of an approved driveway encroachment onto Linda Avenue under permit issued by the Department of Public Works.

8. All existing or proposed driveway encroachments onto Fleming Way 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.
9. 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.
10. 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.
11. 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.
12. 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.

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. 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 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.
19. 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.
20. 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.
21. 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).
22. 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.
23. All easements of record that affect this property are to be shown on the parcel map.
24. 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.
25. 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.

26. 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.
27. 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 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.
28. 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.

## Attachment 5

ENVIRONMENTAL HEALTH DEPARTMENT  
CONDITIONS OF APPROVAL  
TPM2020-0003  
CUP2020-0001

1. Owner shall connect parcel(s) 1 and 2 for water and sewer services and facilities prior to building permit final inspection for occupancy.
2. 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) 1-2.
3. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
4. All existing trash and debris shall be removed from the subject site.
5. 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
6. All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.