



# *County of Yuba*

## Community Development & Services Agency

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

### Planning Department

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### DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

**MEETING DATE:** August 06, 2020

**TO:** DEVELOPMENT REVIEW COMMITTEE

**FROM:** Vanessa Franken, Planner I

**RE:** TENTATIVE PARCEL MAP TPM 2020-0005 (Anwar)

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**REQUEST:** The applicant is requesting approval of a tentative parcel map to subdivide a 1.41 acre parcel, located at 1838 Fourteenth Street (APN: 014-023-005), in the community of Olivehurst, into four parcels.

**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 2020-0005 subject to making the necessary findings and the conditions of approval contained herein (Attachment 2).

**BACKGROUND/DISCUSSION:** The 2030 General Plan designates the land use as Valley Neighborhood and the zoning as Single Family Residential (RS). The proposed parcel map would subdivide a 1.41 acre parcel and create four parcels; the parcels ranging from 0.31± to 0.40± acres in size. Parcel 1 is currently developed with two single-family residences. Parcel 2 is currently developed with a single family residence. Parcels 3 and 4 are currently vacant. Density requirements are met on parcel 1 and two, parcels 3 and 4 may be developed in the future to meet density requirements. All parcels have direct access off of Fourteenth Street, which is improved to Yuba County road standards. Existing parcels are currently serviced by Olivehurst Public Utility District, separate connections for newly created parcels will be a requirement as part of this map. Both 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. Countywide lot and site design standards dictate that lots less than 330 feet in width (average) shall not have a lot depth greater than three times the average width of the parcel. Per section 11.44.020 of the Yuba County Development Code, a waiver has been applied for and approved to allow for the proposed lot depth that exceeds the section 11.44.020 lot depth requirement.

### SURROUNDING USES

	GENERAL PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
North	Valley Neighborhood	Single Family Residential	Single Family Residential
East	Valley Neighborhood	Single Family Residential	Single Family Residential
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 1 acre in size. The surrounding properties to the east, west, south and north all share the consistent zoning of Single Family Residential. All of the immediate adjacent properties are currently developed with single-family residences. 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 may allow for additional residences 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). 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

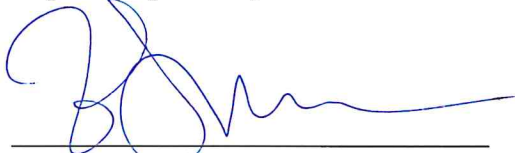
1.41 acre project site is flat (slope is less than 1%), is void of any wetlands or watercourses, and contains no habitat for protected biological resources.

The proposed project meets all the requirements of Section 15315. The project is two parcels and is located in an urbanized area; it is consistent with both the General Plan and zoning; access exists to the site via Linda Avenue; Linda County Water District 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):  
N/A

FINDINGS: The necessary environmental review and tentative parcel map findings are contained in (ATTACHMENT 2) to this report.

Report Prepared By:



Vanessa Franken  
Planner I

Reviewed by:



Kevin Perkins  
Planning Manager

#### ATTACHMENTS

1. Site Map
2. Conditions of Approval

cc: Nick Johnston/Chris Benedict

## LEGEND

A. P. N.	ASSESSOR'S PARCEL NUMBER
W80	WATER METER BOX
WV	WATER VALVE
SSCO	SEWING/SEWER CLEANOUT
JP	JOINT POLE
SP	SERVICE POLE
GM	GAS METER
UB	UTILITY BOX
EP	EDGE OF PAVEMENT
PNO	PROBONO
X7T	TRUNK SIZE IN INCHES
D1	DRAIN INLET
	INDICATES CONCRETE
	INDICATES PAVEMENT
OH	OVERHEAD TELEPHONE/ELECTRICAL LINE
CLF	CLIP LINE
CLF	CHAIN LINK FENCE
BPD	BACK FLOW DEVICE
MB	MAILBOX
CL	CENTERLINE
TC	TOP OF CONCRETE
EB	ELECTRICAL BOX
CM	CONCRETE METAL PIPE

1. THE TYPES, LOCATION, SIZES AND DEPTHS OF EXISTING AND PROPOSED SUBSURFACE OBSTRUCTIONS SHALL BE DETERMINED FROM SOURCES OF AVAILABLE RECORDS, SUCH AS OLD RECORDS, EXCAVATIONS WILL REVEAL THE TYPES, LOCATIONS, SIZES, DEPTHS AND DEPTHS OF SUCH SUBSURFACE UTILITY LINES (A SCHEDULE OF RECORDS WILL BE PROVIDED BY THE CITY UTILITIES). HOWEVER, THE SLEETER OPERATOR IS NOT RESPONSIBLE FOR THE COMPLETENESS OR ACCURACY OF HIS OR HER INFORMATION OF SUCH SUBSURFACE UTILITY LINES. THE SLEETER OPERATOR SHALL BE RESPONSIBLE FOR THE DEPTHS WHICH MAY BE ENCOUNTERED BUT WHICH ARE NOT SHOWN ON THIS PLAN.

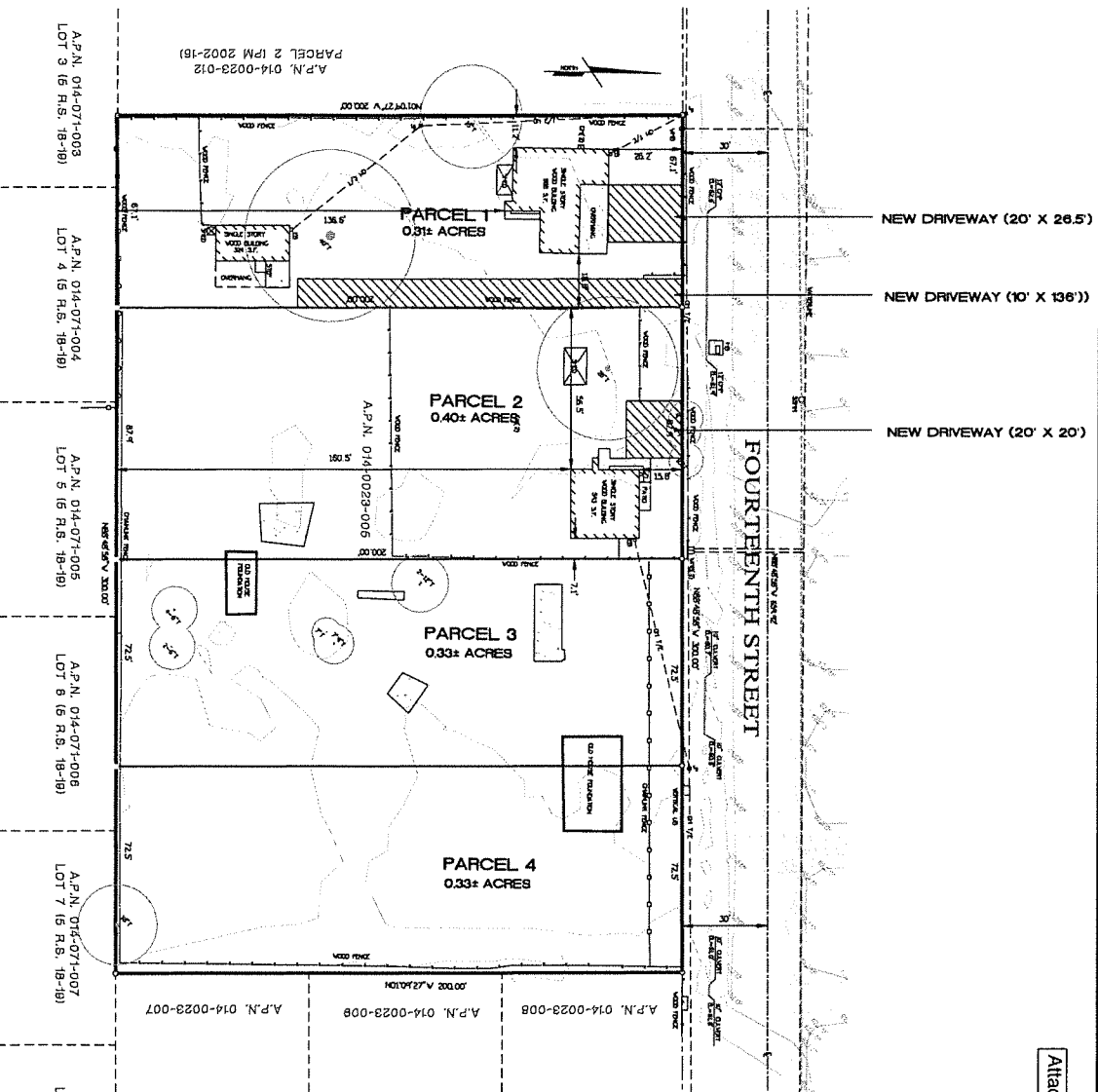
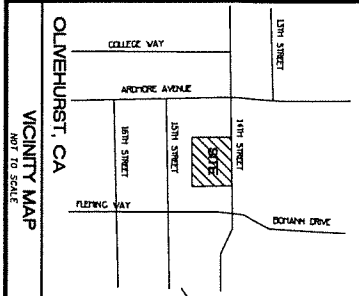
2. THIS SURVEY WAS PREPARED IN PART WITH INFORMATION FROM THE PREVIOUSLY TITLED REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY, ORDER NO. 34215-133312. DATED JANUARY 10, 2020.

### LEGAL DESCRIPTION

[illegible]

## SURVEY OF 8 STATEMENTS

THIS UNANNOUNCED EXHIBIT WAS PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH SECTION 8761, 1 OF THE PROFESSIONAL LAND SURVEYOR'S ACT.



**1) OWNER/SUBOWNER**

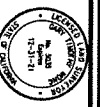
2) **MEMPHIS**  
 1500 MEMPHIS DRIVE  
 MEMPHIS, TN 38103  
 TEL: 901/521-3051  
 FAX: 901/521-3051  
 TEL: 901/521-3051

3) **MEMPHIS**  
 1500 MEMPHIS DRIVE  
 MEMPHIS, TN 38103  
 TEL: 901/521-3051  
 FAX: 901/521-3051  
 TEL: 901/521-3051

8) ASSASSIN'S PAROLE, 10	APR. 04-03-05
9) SNAKE DISPOSAL	
10) WATER SUPPLY	CONFESEST PLEAD UN
11) DRAINAGE	CONFESEST PLEAD UN
12) FIRE PROTECTION	CONFESEST PLEAD UN
13) SCHOOL DISTRICT	HANDMADE COPY SCHOOL
14) ADDRESS	1376 AC
15) DRAINAGE UNITS	ONE (1)
16) PREPARED UNITS	FOUR (4)
17) LOT SIZE	PARCEL 1 - 0.315 AC
	PARCEL 2 - 0.405 AC
	PARCEL 3 - 0.315 AC
	PARCEL 4 - 0.315 AC

WONG &amp; ASSOCIATES

LENGTH	4'4"	SCALE:  1" = 20'
DATE	1997	
DRAWN BY	CIV	

[illegible]

TENTATIVE PARCEL MAP

ON MARCH 1957

**Author's Address:** Department of Psychology,  
University of Illinois at Chicago,  
Chicago, IL 60607-7181.  
E-mail: jay@uic.edu

## **FINAL CONDITIONS OF APPROVAL**

**Applicant: Tabish Anwar**

**Case Number: TPM 2020-0005**

**Owner: Tabish Anwar**

**DRC Hearing Date: August 06, 2020**

**APN: 014-023-005**

**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 “what the exemption number” (15315 Minor Land Division)
- II. Approve Tentative Parcel Map 2020-0005 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;
  - 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 August 17, 2020. Tentative Parcel Map TPM 2020-0005 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 August 06, 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 dedicate to the County of Yuba sufficient right-of-way easement to provide a 24-foot strip of land adjoining the centerline of 14th Street, classed as an Urban Residential Road, lying within the bounds of this property.
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 14th 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 14th 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 14th 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.
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

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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 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



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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.
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).

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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 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.

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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.

### **ENVIROMENTAL HEALTH DEPARTMENT:**

32. Owner shall submit to Environmental Health a "Will Serve" letter from Olivehurst Public Utility District for water and sewer services and facilities for parcel(s) 3 and 4.
33. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
34. All existing trash and debris shall be removed from the subject site.
35. 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".
36. All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.

### **PLANNING DEPARTMENT:**

37. Minor modifications to the final site configuration may be approved by the Community Development & Services Agency Director.
38. 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.
39. Owner shall meet all requirements of the Feather River Air Quality Management District during any project related construction.

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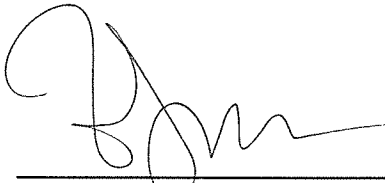
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40. Should any prehistoric or historic artifacts, including human remains be exposed during construction and excavation operations, work shall cease and the Community Development & Services Agency shall be immediately notified and will ensure adherence 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.
41. All trash, junk, and debris shall be removed from the subject site prior to map approval.
42. Prior to final owner shall remove all fences crossing property lines.
43. Prior to final owner shall remove or destroy all home foundations that cross property lines from the subject site.
44. Prior to final existing access on all parcels shall meet applicable paving requirements, owner shall pave all driveways for existing homes.
45. Prior to final all building department violations shall be completed to the Building Department's satisfaction.
46. Owner shall obtain building permits for all applicable work on all parcels.



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Vanessa Franken, Planner I