



**PLANNING COMMISSION
STAFF REPORT
February 15, 2022**

Prepared by: Lance E. Lowe, AICP, Principal Planner
Reviewed by: Thomas Last, Community Development Director

DATA SUMMARY

Application Number: 21PLN-47
Subject: Tentative Parcel Map for the division of a ± 2 -acre parcel into two 1-acre parcels
Location/APN: 322 Hubbard Road/035-200-065
Applicant: Sandy Jansen, California Survey Company
Owner: Susan Coats, Trustee
Zoning/General Plan: Residential Estate (RE) Zone/Urban Estate
Environmental Status: Categorical Exemption

RECOMMENDATION:

Staff recommends the Planning Commission approve the Tentative Parcel Map, which includes the following actions:

1. Determine the project Categorically Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adopt Findings of Fact for approval of the Tentative Parcel Map as presented in the Staff Report; and,
3. Approve the Tentative Parcel Map in accordance with the Conditions of Approval, as presented in this Staff Report.

PROJECT DESCRIPTION:

A Tentative Parcel Map for the division of a ± 2 -acre parcel into two equal 1-acre parcels. Parcel 1 of ± 1 -acre contains an existing single-family dwelling, carport and shed. Access is provided via an existing bridged driveway at the northwest corner of the property connecting with Hubbard Road. The proposed irregular property line configuration adheres to the minimum 1-acre parcel size and is consistent with existing fencing, garden, and other site improvements.

Parcel 2 consists of a ± 1 -acre undeveloped property proposed for single family residential use. The applicant owns the property in trust and desires to divide the property for personal ownership of Parcel 2 (**Attachment 3 – Site Photographs** and **Attachment 4 – Coats & Huntly TPM**).

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The area consists of rural residential 1-acre and larger properties. The subject property has access from Hubbard Road, which is a 12-foot gravel road ± 900 feet in length. Hubbard Road connects with Atkins Road at the subject property. Atkins Road is a 20-foot paved roadway with a private gated access easement connecting with Glennwood Pines Court, a public road. A 12.5-foot Nevada County Traction Company Railroad right-of-way parallels the entirety of the southern boundary.

ENVIRONMENTAL DETERMINATION:

The project qualifies for a Class 15 Categorical Exemption. A Class 15 Exemption consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is 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 previous 2 years, and the parcel does not have an average slope of greater than 20 percent.

GENERAL PLAN, ZONING AND DESIGN ANALYSIS:

General Plan: The Grass Valley 2020 General Plan identifies the site as Urban Estate. The UE is the lowest density residential land use in the General Plan. The UE requires one unit per gross acre. The designation is utilized in areas already subdivided into estate-sized lots.

Zoning: The property is within the Residential Estate (RE) Zone. The RE Zone is applied to areas of the City that are appropriate for single dwellings, but where infrastructure limitations and/or environmental constraints limit the ability for development to achieve urban densities.

ANALYSIS:

The project area encompasses one of the few rural residential areas in the City reflecting existing residential uses, limited access, utilities, and services. The City's General Plan and Zoning consider these deficiencies by establishing larger acreages (i.e., 1 acre) than are typical of urban residential areas (i.e. 6,000 sq. ft).

Tentative Parcel Map – The minimum density and parcel size of the Urban Estate and Residential Estate (RE) Zone is 1 gross acre with a minimum parcel width of 120 feet. Although, the parcel configuration is irregular and much of the acreage of proposed Parcel 2 is unusable given its irregular shape, the parcels meet the minimum 1 gross acre prescribed by the General Plan and Zoning.

Access – Access is provided via Hubbard Road, which is a 12-foot-wide gravel road, ± 900 -feet in length that serves ± 17 single family dwellings in the area. At the subject property, Hubbard connects with Atkins Road, which is a 20-foot paved secondary ingress/egress roadway with a private gated access easement connecting with Glennwood Pines Court, a public street.

According to City Fire Department comments Hubbard Road does not provide adequate width for fire apparatus ingress simultaneously with resident vehicle egress in the event of an emergency. The California Fire Code (CFC) requires fire apparatus access roads to be a minimum of 20-feet in width; however, there is an exception that allows access roads to be less than 20 feet with the installation of fire sprinklers. Considering the CFC requires all new residential dwellings to have fire sprinklers installed, the CFC exception applies to the project.

Moreover, the area is in a Very High Fire Hazard Severity Zone and the construction of more than one single family dwelling will require improvements to the access infrastructure including but not limited to road width. This condition is for safety and consistent with previous proposed parcel divisions with new residential construction on access roads that are less than CFC standards.

Accordingly, due to limited access on Hubbard Road, Condition of Approval No. C – 1 requires the division to be limited to one single family dwelling on proposed Parcel 2. No ADU's shall be constructed on either parcels 1 or 2. Said restriction shall be included on the Final Map, which shall be reflected in the deeds for each parcel to the satisfaction of the Community Development Director. As conditioned, the Tentative Parcel Map permits no further development of the properties than currently exists.

Nevada County Traction Company Right-of-way – The 12.5-foot Nevada County Traction Company Railroad right-of-way parallels the entirety of the southern boundary and continues along the Glennwood Pines Court Subdivision. The Community Development Department has received periodic vegetation complaints within the right-of-way. However, upon due diligence of the ownership of the right-of-way, it has come to the City's attention that the ownership has dissolved. That is, the railroad ownership is likely defunct with no responsible heirs for ownership and maintenance.

Utilities: Water Supply, Sanitary Sewer, and Dry Utilities – Water Supply will be provided by Nevada Irrigation District (NID) by existing water lines in the area. Prior to the provision of water for Parcel 2, the applicant shall be required to extend the NID water service.

Sanitary Sewer is provided by the City with existing sewer lines along Atkins Road. Prior to service, the applicant shall be required to pay the appropriate sewer connection fees and complete the necessary improvements in accordance with City Standards.

Dry Utilities such as electric, gas, and telephone are provided by the respective utility provider for the area. Existing dry utilities are located along Atkins Road.

Drainage – A drainage report has not been prepared for the project at this time. Subsequent development of Parcel 2 will require drainage improvements consistent with the City's development standards. Specifically, drainage improvements shall be required to ensure that drainage does not impact adjoining properties.

Ultimately, staff's recommendation of approval of the TPM balances private property rights with the minimum fire, life, and safety standards. Specifically, the TPM comply with the minimum standards of the General Plan, Zoning and provision of minimum fire, life, and safety standards of the CFC.

More importantly, it is imperative that ingress/egress can be provided, and that adequate fire, emergency and other services are met. Conditions of approval have been imposed on the Tentative Parcel Map, consistent with the Fire Code, City's Development Code, Subdivision Map Act, and local ordinances enacted thereto. As conditioned, findings for approval of the Tentative Parcel Map can be made in the affirmative.

FINDINGS:

1. The City received a complete Tentative Parcel Map Application (21PLN-47).
2. On February 15, 2022, the Planning Commission reviewed and considered the Tentative Parcel Map Application.
3. The project qualifies for a Class 15, Categorical Exemption in accordance with Section 15315 of the California Environmental Quality Act (CEQA) Guidelines for Minor Land Divisions. This determination is the independent judgement of the City of Grass Valley, as lead agency.
4. The project is consistent with the City's General Plan.
5. The proposed Tentative Parcel Map complies with the City's Development Code.
6. The site is physically suitable for the type of development.
7. The design of the subdivision will not cause substantial damage to fish or wildlife or their habitat.
8. The design of the subdivision will not cause serious public health or safety concerns.
9. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may be made if the Planning Commission finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Planning Commission to determine that the public at large acquired easements of access through or use of property within the proposed subdivision.

10. The discharge of sewage from the proposed subdivision into the community sewer system would not result in a violation of existing requirements prescribed by the California Regional Water Quality Control Board.

A. GENERAL/DESIGN CONDITIONS OF APPROVAL:

1. The approval date for this project is February 15, 2022. This project is approved for a period of three (3) years and shall expire on February 15, 2025, unless the Tentative Parcel Map has been filed with the County Recorder's Office or the applicant requests a time extension that is approved by the Grass Valley Planning Commission pursuant to the Development Code.
2. The project shall be constructed in accordance with the plans approved by the Planning Commission for Tentative Map 21PLN-47 unless changes are approved by the Planning Commission prior to commencing such changes, minor design changes may be approved by the Community Development Department as determined appropriate by the Community Development Director.
3. The applicant shall file a Notice of Exemption, including payment of associated recording fees, within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.
4. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.

B. PRIOR TO FILING OF THE FINAL MAP, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. The applicant shall submit to the City Engineer for review and approval a Final/Parcel Map prepared by a Licensed Surveyor, or Registered Civil Engineer licensed to survey in the State of California, in accordance with the City's Subdivision Ordinance No. 180 N.S. and the California Subdivision Map Act; and shall pay all appropriate fees for map check and recording.
2. For existing buildings on the project site, all existing sewer laterals to the City Sewer main shall include or be modified to include a cleanout, sewer backwater valve, and a pressure relief device.

C. FIRE DEPARTMENT:

1. Due to limited access on Hubbard Road, the division shall be limited to one single family dwelling on proposed Parcel 2. No ADU's shall be constructed on either parcels 1 or 2. Said restriction shall be included on the Final Map, which shall be reflected in the deeds for each parcel to the satisfaction of the Community Development Director.

2. The area is in a Very High Fire Hazard Severity Zone and the construction of more than one single family dwelling will require improvements to the civil infrastructure including but not limited to road width. This condition is for safety and consistent with previous proposed parcel divisions with new residential construction on access roads that are less than CFC standards.

D. NEVADA IRRIGATION DISTRICT

1. The Final Map shall include easements for all Nevada Irrigation District facilities.
2. New Parcel 1 (with existing house) will be assigned existing metered water service (Acct #18771).
3. Consider establishing easement for private plumbing from meter location to existing house if said plumbing crosses new Parcel 2.
4. New Parcel 2 will have to apply for a water meter if domestic service is needed.

ATTACHMENTS:

Attachment 1 – Location Map

Attachment 2 – Aerial Photograph

Attachment 3 – Site Photographs

Attachment 4 – Coats and Huntly Tentative Parcel Map