



CALAVERAS COUNTY PLANNING DEPARTMENT
891 Mountain Ranch Road,
San Andreas, California 95249
(209) 754-6394

Planning Commission Staff Report

Hearing Date	January 09, 2020
Project Number/Name	EOT for 2015-078 TPM for Catherine Powell
Supervisory District Number	District 2
Assessor's Parcel Number(s)	016-017-030
Planner	Scott Speer, Planner II

PROJECT DESCRIPTION: A request for a two-year extension of time to extend the expiration date of approved Tentative Parcel Map 2015-078 for Catherine Powell.

APPLICANT/LANDOWNER: Catherine Powell, 10704 Hwy 49, Mokelumne Hill, CA 95245

PROJECT LOCATION: The subject property is located at 10704 Highway 49 in Mokelumne Hill. APN 016-017-030 is a portion of the SW ¼ of Section 01, T05N, R11E MDM.

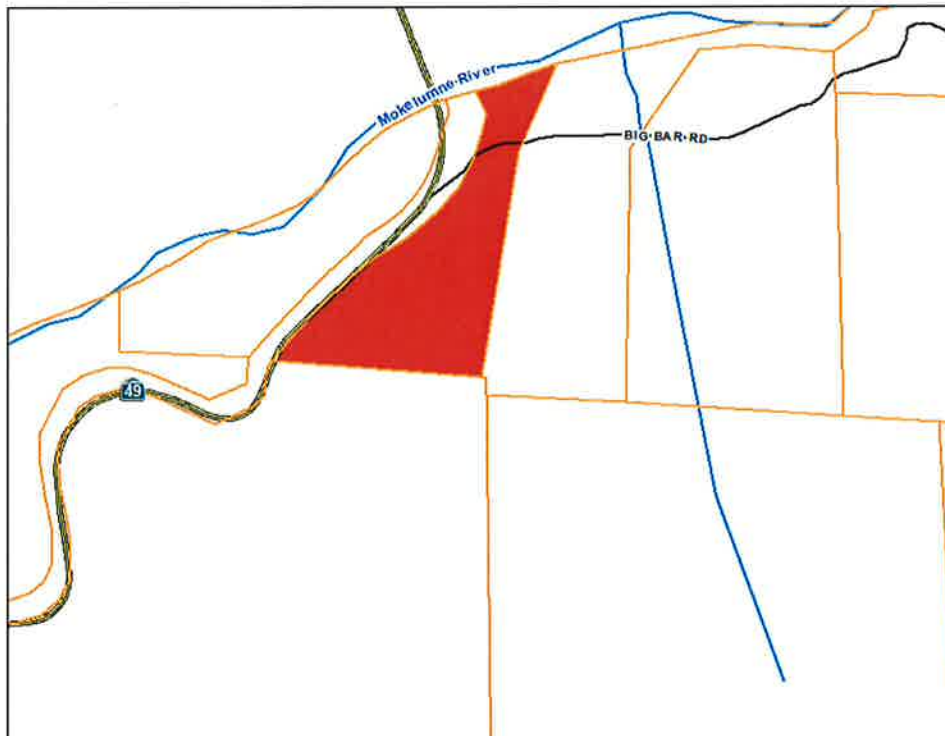


Figure 1: Location Map

On September 22, 2016, the Planning Commission approved a Tentative Parcel Map for Catherine Powell dividing a 15.75 acre parcel into two parcels, 5.09 and 10.66 acres in size. The map was conditionally approved for 36 months, leaving the map to expire on September 22, 2019.

Nearing expiration, all the conditions necessary to record the map were not completed. Therefore, on September 13, 2019, Catherine Powell submitted a request for a two year extension of time. In order for the map to remain active and eligible for recordation, an extension must be approved.

ANALYSIS:

The provisions allowing for extensions of time for Tentative Parcel Maps and Tentative Subdivision Tract Maps are found in County Code §16.08.040. Unlike a Tentative Subdivision Tract Map, no specific findings are required to approve an extension of time for a Tentative Parcel Map (TPM). Nonetheless, evidence toward a good faith effort to complete the conditions of approval is often used to persuade the Planning Commission to approve extensions for TPMs. The conditions of approved TPM 2015-078 are set forth in Planning Commission Resolution No. 2016-029. These conditions include payment of the California Fish and Wildlife fees, roadway improvements, dedication of utility and road easements, delineation of flood inundation areas and easements on the final map, and the development of a new well.

In the submitted request (attachment 2), Mrs. Powell states that she has either completed or is in the process of completing a number of the Map conditions. These include having paid the CFW fees, engineering the required road improvements, surveying the parcel, and hiring a well driller. As part of the work necessary for the road improvements, an application for a grading permit has been submitted to the County Public Works Department. Mrs. Powell anticipates that it may take over a year to properly finalize the conditions required to record the map, and is therefore requesting a two year extension of time.

In Summary, no specific findings are required to approve an extension of time for a TPM, however, a good faith effort to record TPM 2015-078 has been demonstrated by Mrs. Powell. Many project conditions are either in process or have been completed, showing that the applicant is committed to recording the map. The granting of an extension of time is discretionary and should be granted only for the length of time necessary to record the map. Planning staff has no objections to Mrs. Powell's request for a two year extension.

ENVIRONMENTAL REVIEW: An Initial Study and Negative Declaration was prepared in accordance with CEQA. The initial study and negative declaration was available for public review for 30 days prior to the approval of the project. The Planning Commission adopted the negative declaration for the project on September 22, 2016. There are no changes in circumstances that would necessitate recirculation.

RECOMMENDATION

Staff recommends the Planning Commission adopt Resolution 2020-001 approving a two year Extension of Time for approved Tentative Parcel Map 2015-078 for Catherine Powell based upon the findings included therein.

ATTACHMENTS

1. Resolution 2020-001
2. Request for EOT by Catherine Powell
3. Planning Commission Resolution 2016-029 Conditionally Approving TPM 2015-078
4. Calaveras County Code §16.08.040

ATTACHMENT 1

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2020-001

**>>A RESOLUTION APPROVING A 2 YEAR EXTENSION OF TIME TO TENTATIVE
PARCEL MAP 2015-078 FOR CATHERINE POWELL**

WHEREAS, on September 22, 2016 the Planning Commission conditionally approved Tentative Parcel Map 2015-078 for Catherine Powell; and

WHEREAS, the Tentative Parcel Map was approved for 36 months and would expire September 22, 2019 if not recorded; and

WHEREAS, on September 13, 2019, the County of Calaveras Planning Department received a request to extend the filing period of Tentative Parcel Map 2015-078; and

WHEREAS, The property is located at 10704 Highway 49 in Mokelumne Hill, APN 016-017-030 being a portion of the SW ¼ of Section 01, T05N, R11E MDM.; and

WHEREAS, during a duly noticed public hearing on January 9, 2020, the County of Calaveras Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting; and

BE IT THEREFORE RESOLVED that the County of Calaveras Planning Commission approves the request for an extension of time for TPM 21015-078, for Catherine Powell for a period of two (2) years to September 22, 2021 based on the following findings:

1. Calaveras County Code §16.08.040 grants the Planning Commission the ability to extend the expiration of a tentative parcel map for a period of up to five years. The Planning Commission has determined that evidence sufficient to grant the requested extension has been presented by the applicant.

EVIDENCE: The applicant has completed or is currently in process of completing the conditions of approval, showing that the applicant is committed to completing the project.

2. A Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act.

EVIDENCE: An Initial Study and Negative Declaration were prepared and available for public review for 30 days prior to the approval of the project. The Planning

Commission adopted the Negative Declaration for the project on September 22, 2016. There are no changes in circumstances that would necessitate recirculation.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on January 9, 2020 on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:
NOES
ABSTAIN:
ABSENT:

Chair, Planning Commission

ATTEST:

Scott Speer, Planner II

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

ATTACHMENT 2

Catherine Powell

Post Office Box 20 · Mokelumne Hill, California, 95245

September 11, 2019

Mr. Scott Speer, Planner II
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

Re: Powell parcel map TPM 2015-078

Dear Scott,

My tentative parcel map was originally approved by the Calaveras County Planning Commission on September 22, 2016. The parcel map was approved with a number of conditions and we have been diligently working to satisfy the conditions so that the parcel map may be recorded. For example, to date we've accomplished the following:

- We hired an engineer to identify a septic system area on the newly created parcel;
- We hired an engineer to prepare improvement plans for the on-site road system and we've been working with the Public Works Department to refine and revise the site layout to save money on or eliminate the need for road and/or driveway construction;
- We've already paid the Fish & Game NOD fee;
- We've surveyed the property and are currently preparing the parcel map;
- We recently hired a well driller to drill a well on the newly created parcel.

At this time most of the conditions have been satisfied with only a few remaining; additional time will be needed to complete the remaining conditions. Chapter 16.08 of the County Municipal Code provides for extensions of time up to a total of five years in cases where a good faith effort has been demonstrated toward meeting the map's conditions. At this time we are requesting a two-year extension of map life pursuant to the provisions of Chapter 16.08.

Thank you for your cooperation. With the extension of time in place we look forward to delivering a high-quality, environmentally responsible project that the County will be proud of.

Very truly yours,



Catherine Powell
Owner

Cc: Robin D. Peters, P.E. – Cal State Engineering, Inc.

RECEIVED

SEP 13 2019

Calaveras County
Planning Department

ATTACHMENT 3

COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION

RESOLUTION NO. 2016-029

>>A RESOLUTION ADOPTING A NEGATIVE DECLARATION AND APPROVING
TENTATIVE PARCEL MAP 2015-078 FOR CATHERINE POWELL

WHEREAS, the Planning Department of the County of Calaveras received an application on November 20, 2015 from Catherine Powell requesting a permit to divide 15.75 acres into two parcels of 5.09 acres and 10.66 acres in size, and

WHEREAS, the Planning Commission set consideration of the project request pursuant to the Calaveras County General Plan, Title 17; Zoning Code, Title 16 Subdivision Ordinance, and the procedures of the Planning Commission; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN: 016-017-030, a portion of Section 01, T05N, R11E, MDM. The subject parcel is located at 10704 Hwy 49, Mokelumne Hill; and

WHEREAS, an Initial Study/Negative Declaration was prepared and circulated for the project site, pursuant to the requirements of the California Environmental Quality Act (CEQA), which adequately addressed any potentially significant impacts associated with the proposed project; and

WHEREAS, the Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting:

BE IT THEREFORE RESOLVED, that the Planning Commission adopts the Negative Declaration and approves the Tentative Parcel Map based upon the following findings and Exhibit A, Tentative Parcel Map;

CEQA Findings

1. On the basis of the whole record, there is no substantial evidence that the project as designed and conditioned will have a significant effect on the environment. A focused Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Negative Declaration reflects the independent judgment and analysis of the preparer.

Evidence: Pursuant to California Environmental Quality Act (CEQA) guidelines, County staff prepared an Initial Study/Negative Declaration. A focused document was prepared due to the high archeological sensitivity of the site, and its possible

aesthetic and biological impacts to the riparian corridor. It was determined that the project would not create an impact to any other discussion areas and therefore the focused document was prepared. The Initial Study/Negative Declaration was distributed for a 20 day review and comment period between July 22, 2016 and August 11, 2016. One comment letter was received from East Bay Municipal Utility District (EBMUD). This letter contained standard recommendations and conditions. The comments provided did not warrant revisions to the document or modify significance levels for the impact areas discussed.

Tentative Parcel Map Findings

1. Requirements for safe, adequate access to accommodate future land uses and users as set forth in this code;

Evidence: The subject parcel currently has access from Big Bar Road. The Public Works department has conditioned the project to provide a minimum service road to proposed parcel 1B with a turnaround meeting the provisions of Fire and Life Safety code §8.10.340(D)2. These improvements will ensure that access to the project site is adequate and meets the minimum County road standards.

2. Proof of an adequate supply of potable water at a usable sustained yield;

Evidence: Proposed parcel 1A is currently served by a domestic well, while proposed parcel 1B is vacant with no current water source. Having an established well on the subject property already shows the ability to find an adequate water source. Prior to recordation of the Final Map, the Environmental Health Department requires that a well will be developed on parcel 1B that meets all county regulations. This requirement will ensure that the proposed new parcel will have an adequate potable water supply.

3. Proof of adequate sewage disposal;

Evidence: Proposed parcel 1A is currently served by a private on-site septic system. The soils in this area are adequate for on-site septic given that one currently exists. The Onsite Wastewater Department requires that the applicant obtain a written approval of a wastewater system prior to the Final Map being recorded.

4. Conditions necessary to ensure that new development will not result in overcrowding of schools;

Evidence: The project was routed to Calaveras Unified School District for comments related to any impact the project may have on the existing school system. The agency has not commented on the project. The creation of two parcels will not generate a school age population increase that would impact or overcrowd the

existing school capacity. New construction is required to pay school impact fees which in turn are used by the district for facility needs.

5. Any other requirements necessary to protect the public health, safety and general welfare.

Evidence: The project as proposed will not have any impact to the public health, safety and general welfare. The project does not create hazardous roadways, delay level of service operations, reduce response times or impact existing emergency services provided to the area. Utilities can be safely and adequately supplied to the proposed parcel while the existing residence continues to utilize currently available services.

BE IT FURTHER RESOLVED, that the Planning Commission approves the Vesting Tentative Parcel Map based on the following conditions;

I. GENERAL CONDITIONS

- I-1 The Applicant(s) and Owner(s); and their Heirs, Successors, and Assigns shall abide by all terms of the Indemnification Agreement, dated November 19, 2015 and on file in the Planning Department's records for 2015-078.
- I-2 The applicant shall meet all the requirements of the Calaveras County Zoning Ordinance, Title 17 and Subdivision Ordinance, Title 16.
- I-3 The Tentative Parcel Map approval is valid for a period of 36 months or until September 22, 2019. An extension of time may be granted pursuant to Title 16 as long as a request and required fees are submitted to the Planning Department prior to expiration of the map.

II. PLANNING DEPARTMENT

- II-1 This approval is for a Tentative Parcel Map to divide 15.75 acres into 2 (two) lots of 10.66 and 5.09 acres in size.
- II-2 Within five (5) calendar days from the date of approval, the applicant shall file the Notice of Determination and pay all applicable County Administrative fees (\$50) and Department of Fish and Wildlife fees (\$2,210.25) to the County Recorder's Office.

III. PUBLIC WORKS

III-1 The applicant shall improve the road based on the following design criteria:

- a. improve the proposed minimum service road to Template G standards, two 9-foot travel lanes within a minimum 30-foot right-of-way from Highway 49 to the turnaround at the end of the road (located at the northern boundary of the property).
- b. The structural section shall be minimum 4" Class 2 A.B.
- c. Maximum grade of road shall not exceed 16 percent slope
- d. Turnaround at the terminus of onsite road shall have a roadbed diameter of 84 feet with a road surface diameter of 80 feet. With concurrence of the responsible fire protection agency, a hammerhead may be constructed in lieu of a cul-de-sac. Hammerhead shall meet the provisions of Fire and Life Safety Code §8.10.340(D)2, "if a hammerhead/T is used, the top of the 'T' shall be a minimum of sixty feet in length."

III-2 Provide the following information on the Parcel Map:

- a. A 30 foot road and public utility easement for parcel 1B is to be dedicated through the extent of the project property owned by the applicant.
- b. A 100-foot diameter road and public utility easement is to be dedicated for the turnaround of the proposed internal road. If a hammerhead as approved by the responsible fire protection agency, adequate easement to contain the hammerhead, including shoulders and drainage, is to be dedicated for the turnaround.
- c. Delineate and cite all existing road and public utility easements including setbacks.
- d. All proposed road and public utility easements are to be offered for dedication unless roads are to be private. The rights-of-way or easements are to extend five (5) feet beyond the top of cuts or toe of fills.
- e. All areas subject to inundation due to a 100-year storm event are to be shown on the Parcel Map. If there are no such areas, a statement certified by a Registered Civil Engineer is to be placed on the map stating so.
- f. Omission of roads or easements from Parcel Map does not constitute abandonment of any legally existing rights. If applicant wishes owners of affected easements to abandon such rights, he must formalize the action or have all affected parties sign such agreement on the Parcel Map.
- g. All roads shall be named on the Parcel Map subject to the approval of the County Technology Services Department.

- h. For disclosure purposes, the existence and location of and/or reference to recording data, if so recorded, for any maintenance arrangement shall be noted on the Parcel Map.
- III-3 Submit the following prior to recording the Parcel Map:
 - a. Hydrology/hydraulics analysis in support of determination of areas of inundation from 100-year storm.
 - b. Consistent with Road Ordinance §12.02.340, if the applicant wishes to record the Parcel Map prior to construction of any improvements, the applicant shall submit:
 - i. An engineer's estimate of probable costs that includes 5% engineering costs, 20% prevailing wage rates, 10% contingencies and 3% administrative costs for the Project Improvements.
 - ii. Enter into a Project improvement Agreement and submit appropriate securities. Securities may be in the form of a performance bond and a labor and materials bond, each in the amount of 100% of the engineer's estimate of probable cost. Securities in other forms acceptable to County Counsel may be used.
 - c. Evidence of inclusion of project parcels in a road maintenance agreement or other funding mechanism and administrative entity to provide road maintenance through the life of the subdivision in compliance with Board of Supervisors Resolution 06-56.
- III-4 Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) as required and obtain a State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) permit for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (General Permit No. CAS000002).
- III-5 Implement Best Management Practices (BMPs) to manage storm water quality during project operations and post-construction. Identified BMPs shall be compliant with General Permit No. CAS000002 requirements, and may consist of, but would not be limited to: measures to detain storm water on the project site; measures to attenuate the concentration time of storm water; measures to attenuate peak flows at the boundary of the project; measures to prevent contamination of storm water within the project; measures to actively treat storm water; and measures to passively treat storm water.
- III-6 Comply with all applicable provisions of the Calaveras County's Grading, Drainage, and Erosion Control Manual.

- III-7 The developer is required to apply for all necessary approval or permits including permits from Fish and Wildlife, Regional Water Quality Control Board, and Army Corps of Engineers. The Waste Discharge ID Number shall be placed on the plans as evidence that the developer has complied with the State Storm Water Regulations for construction activity. Permits from other agencies shall be submitted to the County along with the improvement plans.

IV. ENVIRONMENTAL MANAGEMENT AGENCY

IV-1 Complete the following items prior to recordation of final map:

- a. A well shall be developed with the required source capacity test, source capacity report and potability test (bacteriological and nitrate).
 - i. A Source Capacity Pump Test/Report (min 5 gpm for 24 hrs. or until 7200 gallons of water have been pumped, whichever is less) must be conducted by a Qualified Professional (A-1 General Engineering Contractor, C-57 Well Drilling Contractor, C-61/D21 Limited Specialty Contractor-Machinery and Pumps, Registered Environmental Health Specialist, Registered Geologists or Professional Civil Engineer).
 - ii. The Source Capacity Report shall be filed with the Department and shall include the following: identification of time and date for commencement and conclusion of pump test, well depth, static water level, identification of water level draw down as recorded every eight (8) hours, identification of water level upon conclusion of the test, time for full recovery and meter readings including total gallons pumped as recorded by a continuous meter. Well completion reports shall not be used to determine source capacity.
 - iii. Water shall be potable. Each well will require a bacteriological and nitrate test by a state certified lab.
- b. A written approval shall be obtained from the Onsite Wastewater Department in the Environmental Management Agency that the waste disposal requirement of "acceptable individual waste disposal systems" has been completed pursuant to Ordinance 2921 & Resolution 10-147.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on September 22, 2016 on a motion by Commissioner Wooster and seconded by Commissioner Muetterties.

AYES: Allured, McLaughlin, Muetterties, Wooster, Stopper

NOES:

2015-078 TPM for Catherine Powell
PC Resolution 2016-029

ABSTAIN:
ABSENT:

ATTEST:



Scott Speer, Planner II

Chair, Planning Commission



The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

ATTACHMENT 4

16.08.040 - Extensions of time for tentative parcel maps and tentative subdivision tract maps.

(§§ 66463.5(a) and 66452.6.(e)).

- A. Upon application of the subdivider filed prior to the expiration date of the approved or conditionally approved tentative parcel map, the time at which the map expires may be extended by the planning commission for a period or periods not exceeding a total of five years. The period of extension specified in this subdivision is in addition to the period of time provided by Section 16.08.010(A).
- B. Upon application of the subdivider filed prior to the expiration date of the approved or conditionally approved tentative subdivision tract map, the time at which the map expires may be extended by the planning commission for a period or periods not exceeding a total of five years. The period of extension specified in this subdivision is in addition to the period of time provided by Section 16.08.010(A).
 1. The applicant shall provide evidence to demonstrate that a good faith effort has been made in pursuit of meeting conditions of the map. These actions may include, but are not limited to:
 - a. Pursuing approval from other agencies;
 - b. Engineered design plans; and
 - c. Actual construction.
 2. If the planning commission determines to grant the extension, it shall make a finding based upon evidence in the public record that a good faith effort has been demonstrated towards meeting conditions of the map.
- C. Upon acceptance of a complete application to extend the map, including any required fee, the map shall automatically be extended for sixty days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.
- D. Public notice shall be given pursuant to Section 16.05.080.
- E. If the planning commission denies a subdivider's application for an extension, the subdivider may appeal to the board of supervisors within fifteen days after the advisory agency has denied the extension.

(Ord. 2604 § 3, Exh. A(part), 2000; Ord. 2424 § 6, 1995; Ord. 1898 § 2(part), 1987).