

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: JANUARY 9, 2018

Item 1 REQUEST FOR A VARAINCE FROM COUNTY CODE SECTION 17.28.060, "EASEMENTS," TO ALLOW LOTS #1 AND #2 IN PARCEL MAP #2868 TO HAVE PUBLIC USE AND ACCESS EASEMENTS WHICH ARE OFFSET FROM PROEPRTY LINES

Applicant: Paul L. and Barbara I. Miller Revocable Living Trust
Supervisory District 2
Location: 5990 Tonzi Road (APN 011-020-044).

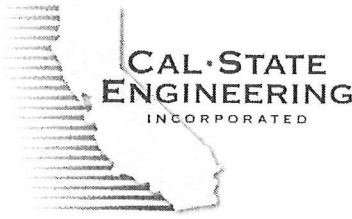
- A. Current Zoning Designation:** "X," Special Use District
- B. Current General Plan Designation:** A-G, Agricultural-General (40-acre density).
- C. Description:** The applicant is seeking a variance from County Code Section 17.28.060, "Easements," for proposed lots #1 and #2 in Tentative Parcel Map #2868 to have public use easements which are offset from their property lines. Tentative Parcel Map #2868 was approved by the Planning Commission on December 12, 2017 with a condition that easements created by the land division must follow property lines unless a variance is granted by the Board of Supervisors.

County Code Section 17.28.060 is intended to require easements for access and utilities to run parallel to property lines to avoid development constraints caused when restricted areas traverse the more useable portions of a parcel. The applicant's request will allow the access to the affected parcels to follow a more direct route across an existing driveway, and achieve a reduction in roadway grading that would be required if the access were to follow property lines.

- D. Staff Recommendation:** The variance, if granted, will have a reduced impact on environment while maintaining adequate emergency vehicle access. Staff has no technical objection to the Planning Commission recommending approval of the variance to the Board of Supervisors and recommending the adoption of a Notice of Exemption, subject to the findings included in the staff report.
- E. Planning Commission Action:** If the Planning Commission recommends approval of the variance to the Board of Supervisors, the following findings are suggested:

Findings:

1. This variance does not constitute the granting of a special privilege inconsistent with the limitations to which other lots in the vicinity with like zoning are subject;
2. This variance will not have a significant adverse effect on the environment and is categorically exempt according to Section 15305, Class 5 (minor variances not resulting in the creation of a new parcel) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.



CIVIL ENGINEERING
WATER
WASTEWATER
DRAINAGE STUDIES
GRADING PLANS
LAND DEVELOPMENT
SOIL TESTING

December 13, 2017
CSE 170189

Mr. Chuck Beatty, Director
Amador County Planning Department
810 Court Street
Jackson, CA 95642

Re: Miller Parcel Map No. 2868

Dear Chuck,

Yesterday the Planning Commission approved our tentative map for the Miller project, Map no. 2868. The Planning Commission added a condition which requires the applicant to secure a variance from certain provisions of Municipal Code section 17.28.060, which reads as follows:

17.28.060 Easements.

Easements established pursuant to this title shall be located along lot lines. Lots shall be designed so that existing easements shall be located along lot lines unless said easements are relocated so that they are along lot lines. Easements for public overhead electric power transmission lines designed to carry twenty-one thousand volts or more are excluded from these requirements. (Ord. 586 §2, 1977; Ord. 573 §6, 1977). [emphasis added]

The approved map depicts a 30-foot access & public utility easement which aligns with an existing driveway serving the existing home located on Parcel 1. The newly-created parcel (Parcel 1) was designed so that the westerly lot line aligns with the driveway and new easement, however to the south the easement passes through a portion of Parcel 1 beyond the common property lines between parcels. This condition is best understood by reviewing the approved tentative map, attached.

The easement was aligned with the existing driveway because doing so eliminates the need to move the driveway to align with property lines. To create a new driveway which complies with the strict language of Chapter 17.28.060 would represent an environmentally inferior project, as new and unnecessary grading would be required for no other reason than to comply with the Code. At this time therefore, we request a variance from Chapter 17.28.060 to allow a portion of the new easement to depart from new or existing property lines as shown on the approved tentative map.

Amador County Planning Department
December 13, 2017
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Thank you for your consideration. Please be certain to contact me with any questions or comments.

Very truly yours,
Cal State Engineering, Inc.

A handwritten signature in black ink, appearing to read 'R. D. Peters', with a large, sweeping flourish at the end.

Robin D. Peters, P.E.
Principal Engineer

Att: Variance processing fee of \$444
Reduced copy of approved Vesting Tentative Parcel Map no. 2868

Cc: Miller

RDP:st

Miller Variance Application
ENVIRONMENTAL INFORMATION

General Information

Project Name: Vesting Tentative Parcel Map No. 2868 - Miller

Applicant & Landowner: Paul L. and Barbara I. Miller Trust
Scott Miller
P.O. Box 130
Ione, CA 95640
209-274-6010

Agent: Robin D. Peters, P.E.
Cal State Engineering, Inc.
427 Broadway
Jackson, CA 95642
(209) 223-1441
rpeters@calstateengineering.com

Assessor's Parcel No.: 011-020-044

Existing Zoning District: X

Existing General Plan: A-G

Existing Use of Parcels: Agriculture & rural residential

Proposed Use of Parcels: No change

Written Project Description

Parcel Map no. 2848 proposes to create one 40-acre parcel from a 204-acre parcel located on Tonzi Road west of Willow Creek Road. The division is proposed for estate planning purposes. No changes in land use are proposed.

1. Site Size: Approximately 204 acres.
2. Square Footage of Existing/Proposed Structures: One single-family dwelling approximately 3,400 s.f. in size exists on Parcel 1.
3. Number of Floors of Construction: One
4. Amount of Off-street Parking: N/A

5. Source of Water: Individual on-site domestic wells
6. Sewage Disposal: Individual on-site septic systems
7. Plans: N/A
8. Proposed Scheduling of Construction: N/A
9. Phasing: N/A
10. Associated Projects: None
11. Land Division Project: See attached Vesting Tentative Parcel Map

Additional Information. Are the following items applicable to the project or its effects?

YES NO

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17. Change in existing features of any lakes or hills, or substantial alteration of ground contours. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 18. Change in scenic views or vistas from existing residential areas, public lands, or roads. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. Change in pattern, scale or character of general area of project. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 20. Significant amounts of solid waste or litter. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 21. Change in dust, ash, smoke, fumes or odors in the vicinity. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 22. Change in lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Substantial change in existing noise or vibration levels in the vicinity. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Site on filled land or has slopes of 10 percent or more. |
| <i>Ground slopes on the subject property vary, with several areas greater than 10 percent.</i> | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 25. Use or disposal of potentially hazardous materials such as toxic substances, flammables or explosives. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). |

- 27. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).
- 28. Does this project have a relationship to a larger project or series of projects?

Environmental Setting

- 29. Existing Site: The project comprises approximately 204 acres of land located on Tonzi Road west of Willow Creek Road approximately 3.5 miles north of the City of Lone. The project site currently supports a single-family dwelling with a small outbuilding, together with associated residential infrastructure and improvements (well, septic system, power, etc.). The site slopes gently to moderately, with slopes ranging from nearly level to roughly 25 percent. Vegetative cover consists primarily of stands of oak, gray pine and non-native grasses. Soils are mapped by the USDA as those of the Auburn series. Auburn series soils are well drained, shallow silt loams of amphibolite schist parent. An intermittent drainage traverses the property from south to north, and Dry Creek passes through the far northwesterly corner of Parcel 1.
- 30. Surrounding Properties: Surrounding land uses consist of rural-density single-family dwellings and agriculture (east) and natural resource production (north, south and west). Surrounding property sizes range from roughly five acres to more than one thousand acres.
- 31. Hazardous Excavations: The presence or absence of mine shafts, tunnels, air shafts or open hazardous excavations has not been confirmed.

Proposed Improvements

No improvements are proposed at this time, although eventually a single-family dwelling and related residential infrastructure will be constructed on Parcel 2.

Military Installations & Airspace Considerations

The project site is not located within 1000' of a military installation, beneath a low-level flight path, or within special use airspaces.

CONDITIONS OF APPROVAL

PROJECT: Tentative Parcel Map No. 2868.

SUBDIVIDER: Paul L. and Barbara I. Miller Revocable Living Trust

DESCRIPTION: Tentative Parcel Map No. 2868, by Paul L. and Barbara I. Miller Revocable Living Trust, proposes the division of 204+/- acres into 2 parcels of 164+/- and 40+/- acres each. The project is located approximately 1200 feet west of Willow Creek Road, being 5990 Tonzi Road (APN 011-020-044).

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration.

PLANNING COMMISSION APPROVAL DATE:

NOTICE OF INTENT (TO FILE A NEGATIVE DECLARATION): November 15, 2017

NOTICE OF DETERMINATION DATE:

TENTATIVE PARCEL MAP EXPIRATION DATE:

EXTENSION OF EXPIRATION DATE:

IMPORTANT NOTES:

NOTE A: It is suggested the subdivider contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing the preceding conditions. Improvement work shall not begin prior to the review of the plans and the issuance of a permit by the Public Works Department. The Inspector must have a minimum of 48 hours notice prior to the start of any construction.

NOTE B: An extension of time for completion of this tentative map is possible, provided said extension is applied for by the applicant, to the Planning Department, in writing, prior to the expiration date of the tentative map.

NOTE C: Information concerning this map can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

FISH AND GAME FEES:

- 1. No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Wildlife Filing Fee for a Notice of Determination or a No Effect Determination from Fish and Wildlife. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.***

PARCEL MAP RECORDATION CONDITIONS:

- 2. Prepare and submit Parcel Map. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.**

CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM

Project: Parcel Map No. 2868 – Miller Trust

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3. Submit Preliminary Title Report as evidence of ownership. A Parcel Map Guaranty must accompany the map at the time of recording. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
4. A Registered Civil Engineer or Licensed Land Surveyor must survey all parcels. Monuments are to be set, reset, or verified (if existing) according to County Standards. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
5. Pursuant to Section 66463.1 of the Government Code (Subdivision Map Act) multiple Parcel Map(s) may be filed prior to the expiration of the tentative map. Any multiple Parcel Map(s) so filed shall be reviewed by the Board of Supervisors for Parcel Map approval. The shape and size and development of any single unit or multiple units will be subject to Public Works Agency and Environmental Health Department review of traffic circulation and sewage disposal. MONITORED BY THE SURVEYOR'S OFFICE, PUBLIC WORKS AGENCY, AND ENVIRONMENTAL HEALTH DEPARTMENT.

SOILS:

6. Preliminary Soils Report:
_____ Submit Preliminary Soils Report by a Registered Civil Engineer required in Section 17.28.240 of the County Ordinance Code.
 X Waived as defined in Section 66491 (a) of the Subdivision Map Act.
NO MONITORING NECESSARY.

EASEMENTS:

7. Prior to recordation of any Parcel Map, provide easements as required for utilities by County Code Section 17.28.030. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

TAXES:

8. All current and delinquent taxes must be paid. Security, in the form of a cash deposit, must be posted for estimated taxes, and special assessment collected as taxes, which are a lien against the subject property, but which are not yet payable. The Tax Collector shall draw upon this cash deposit to pay the taxes, and special assessments collected as taxes when they become payable. When all current and/or delinquent taxes have been paid, and any required security has been posted with the County Tax Collector, the Tax Collector will submit a letter to the County Surveyor's

Office stating that this condition has been satisfied. (Note: Please refer to Amador County Code Sections 17.72.120, 17.72.130 and 17.72.140 {amended May 15, 2007}, and Government Code Sections 66492 and 66493). THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

PUBLIC REPORT:

9. Complete the form for the Subdivision Public Report for recording--must be notarized. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

SEWAGE DISPOSAL:

10. Prior to recordation of any final map, the subdivider shall demonstrate compliance with Amador County Code Section 14.12.130 by retaining the services of a qualified professional to complete the following:
 - A. Perform soil profile testing in the sewage disposal sites for all undeveloped parcels.
 - B. Perform percolation testing in the sewage disposal sites for all undeveloped parcels.
 - C. Unless waived by the Environmental Health Department, perform wet weather testing in the proposed sewage disposal site for all undeveloped parcels.
 - D. Submit a report to the Environmental Health Department for review and approval which includes a plot plan for each proposed parcel locating and dimensioning the proposed sewage disposal site(s), soil profile logs, percolation test results, and wet weather testing results. The plot plans shall show the designated disposal site polygon(s) including dimensions and at least one tie to a property corner pin, the locations of pertinent field testing, any existing or proposed wells within 200 feet of the disposal sites, and any waterways within 100 feet of the disposal sites. The proposed sewage disposal sites must comply with Amador County Code Section 14.12.130 and all applicable sections of the Amador County Onsite Wastewater Treatment System Regulations. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

PUBLIC ROAD IMPACT FEE:

11. Prior to issuance of a building permit, the developer shall pay the Regional Traffic Mitigation Fee and Local Traffic Impact Fee in accordance with County Ordinance Code 7.84 at the rate(s) in effect at the time of payment. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

DRIVEWAY IMPROVEMENTS:

12. Prior to recordation of any Parcel Map, the residential driveway shall conform to the requirements pertaining to Driveways in County Code Chapter 12.08.035 and 15.30. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.
13. Prior to recordation of any Parcel Map, subdivider shall provide evidence that each parcel is a participant in a Homeowner's Private Road Maintenance Agreement covering the driveway from Tonzi Road to the point of departure for the private driveway to proposed Parcel 2. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

EASEMENTS:

14. Prior to recordation of any Parcel Map, provide easements as required for common driveway access for Parcel 1 and Parcel 2 by County Code 12.08.035. The 30-foot easement, 15 feet on each side of the centerline of the existing driveway shall be located as shown on Tentative Parcel Map #2868. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM

Project: Parcel Map No. 2868 – Miller Trust

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15. All Public Use Easements shall comply with County Code Section 17.28.060, "Easements," unless a variance has been granted by the Amador County Board of Supervisors. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

FIRE PROTECTION:

16. To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640, the developer shall participate in the formation of, or annexation to the County's proposed Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conduction the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION.

ARCHAEOLOGICAL, CULTURAL, HISTORICAL MITIGATION:

17. Prior to recordation of any Parcel Map(s), the applicant shall provide a statement, for review and approval by the Planning Department, that if historic archaeological, and/or paleontological resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Planning Department of the discovery. In such case, the developer shall, at their expense, retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Planning Department for review and approval a report of findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

RECREATION:

18. Pursuant to County Code Chapter 17.50 (Ordinance No. 1198- Amador County Recreation and Fees Ordinance) a dedication of land, payment of fees, or a combination of both for park and recreational purposes shall be provided by the developer prior to the recordation of the Parcel Map. THE AMADOR COUNTY RECREATION AGENCY SHALL MONITOR THIS CONDITION.

Chairperson
Amador County Planning Commission

(1) Applicant	(6) Surveying Office
(2) Preparer of Map	(7) Amador Fire Protection District
(3) Building Department	(8) Fish and Wildlife
(4) Environmental Health Department	(9) California Department of Forestry
(5) Public Works Agency	

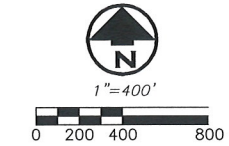
VESTING TENTATIVE PARCEL MAP No. 2868
for
SCOTT MILLER

BEING A PORTION OF SECTION 6, TOWNSHIP 6 N, RANGE 10 E, M.D.M.
AMADOR COUNTY, CALIFORNIA
August, 2017 - REVISED OCTOBER 25, 2017

OWNER:
Paul L. and Barbara I. Miller Trust
P.O. Box 130
Ione, CA 95640

SUBDIVIDER:
Scott Miller
7800 S. Shadow Oaks Lane
Granite Bay, CA 95746
(916) 257-1075

PREPARED BY:
Cal State Engineering Inc.
Robin D. Peters, P.E. RCE No. 58604
427 Broadway
Jackson, CA 95642
(209) 223-1441



GENERAL NOTES

1. DEED REFERENCE: INS. NO. 1999-008421
2. MAP REFERENCES: N/A
3. ASSESSOR'S PARCEL NUMBER: 011-020-044
4. TOTAL ACREAGE: 204± AC.
5. TOTAL NUMBER OF PARCELS: 2
6. EXISTING LAND USE: AGRICULTURAL/RURAL RESIDENTIAL
7. PROPOSED LAND USE: NO CHANGE
8. EXISTING ZONING: X
9. PROPOSED ZONING: NO CHANGE
10. EXISTING GENERAL PLAN DESIGNATION: A-G
11. PROPOSED GENERAL PLAN DESIGNATION: NO CHANGE
12. WATER SUPPLY: PRIVATE WELLS
13. SEWAGE DISPOSAL: ON-SITE SEPTIC SYSTEMS
14. POWER: PACIFIC GAS & ELECTRIC CO.
15. TELEPHONE SERVICE: A.T. & T.
16. SCHOOL DISTRICT: AMADOR COUNTY UNIFIED SCHOOL DISTRICT
17. FIRE PROTECTION: AMADOR FIRE PROTECTION DISTRICT
18. CONTOUR INTERVAL: 20 FEET BASED ON USGS 7.5' QUADRANGLE "IRISH HILL"
19. BUILDING SETBACKS ARE TO COMPLY WITH COUNTY ZONING CHAPTER 19.44 AND WITH CHAPTER 15.30 (FIRE AND SAFETY REGULATIONS). THIS PROPERTY IS SUBJECT TO 25' FRONT YARD BUILDING SETBACKS & 30' SIDE & REAR BUILDING SETBACKS.
20. THIS PROPERTY IS NOT WITHIN 1000 FEET OF A MILITARY INSTALLATION, BENEATH A LOW LEVEL FLIGHT PATH OR WITHIN SPECIAL AIRSPACE AS DEFINED IN SECTION 21098 OF THE PUBLIC RESOURCE CODE AND IS NOT WITHIN AN URBANIZED AREA AS DEFINED IN SECTION 65944.

AGENT'S CERTIFICATE:

I AM THE AGENT FOR SUBDIVIDER, SCOTT MILLER, WHO CONSENTS TO THE FILING OF THIS PARCEL MAP APPLICATION IN COMPLIANCE WITH THE REQUIREMENTS OF TITLE 7 DIVISION 2 OF THE CALIFORNIA GOVERNMENT CODE, THE SUBDIVISION MAP ACT.

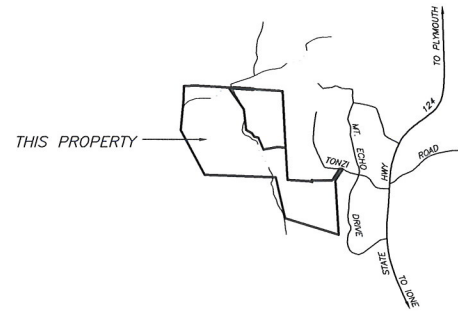
[Handwritten Signature] 10-25-17
ROBIN D. PETERS, P.E. DATE:
RCE No. 58604



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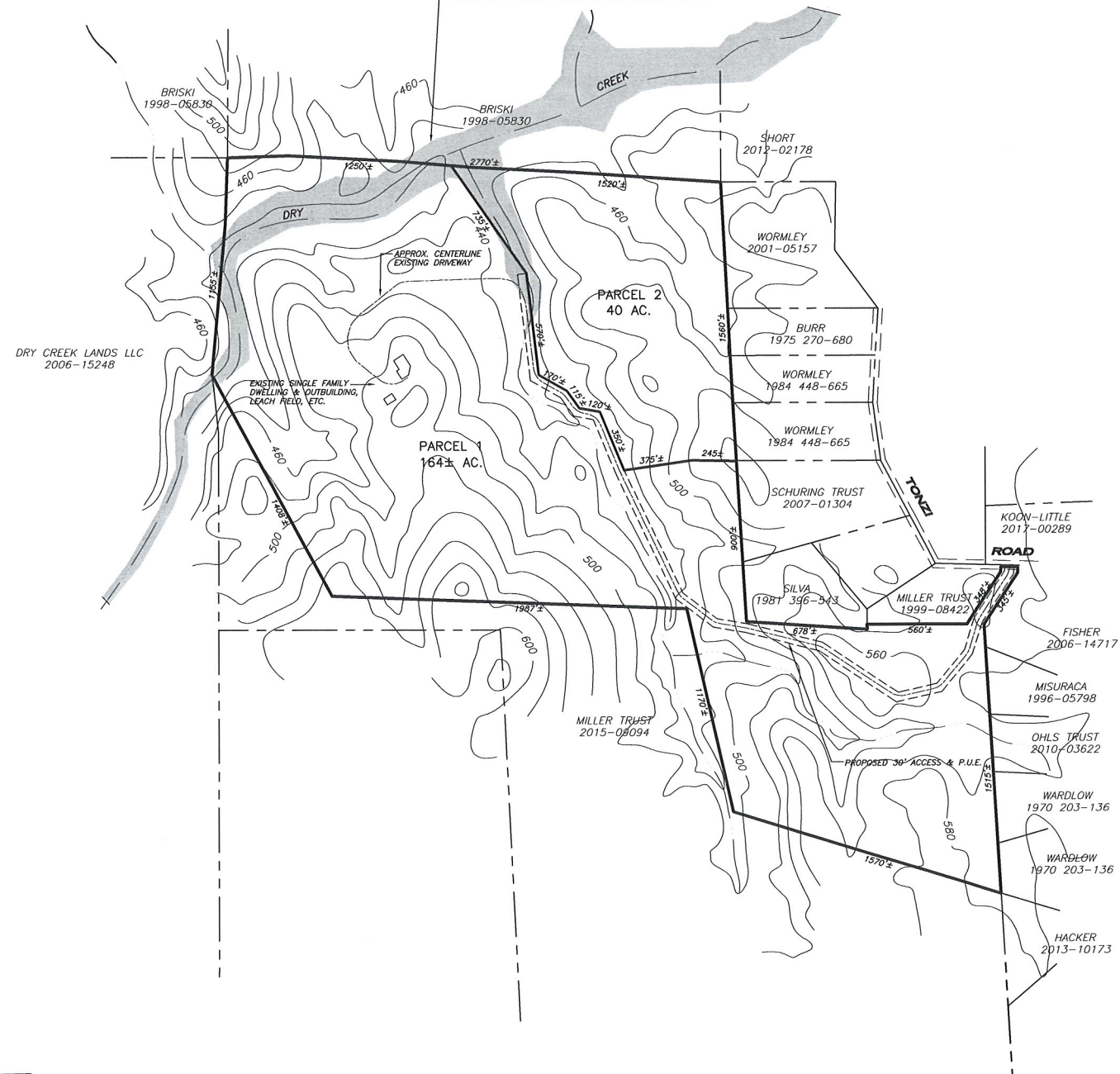
OCT 25 2017

AMADOR COUNTY
PLANNING DEPARTMENT



VICINITY MAP
NOT TO SCALE

SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD PER FEMA FIRM 08050325F (MAY 20, 2010). SPECIAL FLOOD HAZARD AREA BOUNDARY WILL BE STAKED BY A LICENSED SURVEYOR PRIOR TO CONSTRUCTION.



CAL STATE ENGINEERING
INCORPORATED

427 BROADWAY JACKSON, CA. 95642
PHONE: (209) 223-1441
FAX: (209)-223-5044

REVISED 10-25-17 - 08050325F - 08050325F - 08050325F