

NEVADA COUNTY ZONING ADMINISTRATOR
STAFF REPORT

OWNER/APPLICANT: Eric Koch

HEARING DATE: September 27, 2017

FILE NO: PLN17-0038; PM15-002, LA16-018; MGT17-0005; MGT17-0006; EIS15-013

PROJECT: A combined application proposing a Tentative Parcel Map to subdivide property located in Penn Valley at 16510 Southridge Drive into four residential lots varying in size from five acres to twenty-five acres; an equal area exchange Lot Line Adjustment between the property at 16510 Southridge Drive and 16686 Southridge Drive to provide the required minimum frontage for one of the proposed parcels; a Management Plan to allow disturbance within the setback to a Nevada Irrigation canal for minor secondary access road work; and a Management Plan to allow disturbance within Landmark Oak Groves and near Landmark Oaks. Grading for minor primary access improvements to Southridge Drive and secondary access improvements to Eddy Ranch Road would include approximately 5,100 cubic yards of cut and fill. Fire protection would be provided by the existing 20,000-gallon water storage system located within proposed Parcel C connected to the existing hydrant within proposed Parcel D in conjunction with a new hydrant proposed to be located on Southridge Drive. A standard turnout with tapered ends would be constructed at the new hydrant location.

LOCATION: 16510 & 16686 Southridge Drive, Penn Valley, California, approximately 1.5-miles south of the Penn Valley Drive/Spenceville Road intersection.

ASSESSOR'S PARCEL NO: 51-340-58 & 51-340-60

PROJECT PLANNER: Janeane Martin, Assistant Planner

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| General Plan: RUR-5 | Water: Well |
| Zoning: AG-5 | Sewage: Septic |
| Flood Zone: 608 / 625 Zone X | Schools: Penn Valley Unified School District |
| ZDM #: 16 & 16a | Recreation: Western Gateway Park & Rec District |
| Sup. Dist.: IV | Fire: Penn Valley Fire Protection District |
| Parcel Size: 40.0 acres | Date Filed: 8/6/15 Refiled: 6/16; 7/16; 2/17; 5/17 |
| Farmland Map Designation: Farmlands of Local Importance, Grazing Land | |
| Prev. File No(s): FM91-004; LA93-011; FM93-006; SD00-001 | |

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Initial Study/Mitigated Negative Declaration
3. Vicinity, Zoning & Public Notice Map

4. Tentative Parcel Map
5. Tentative Lot Line Adjustment Map
6. Oak Woodland & Landmark Oak Management Plan and NID Canal Non-Disturbance Buffer Zone Management Plan

RECOMMENDATIONS:

- I. Environmental Action: Adoption of Mitigated Negative Declaration
- II. Project Action: Conditional Approval of Oak Resource Management Plan MGT17-0005
- III. Project Action: Conditional Approval of NID Canal Non-Disturbance Buffer Zone Management Plan MGT17-0006
- IV. Project Action: Conditional Approval of LA16-018
- V. Project Action: Conditional Approval of Tentative Parcel Map PM15-002

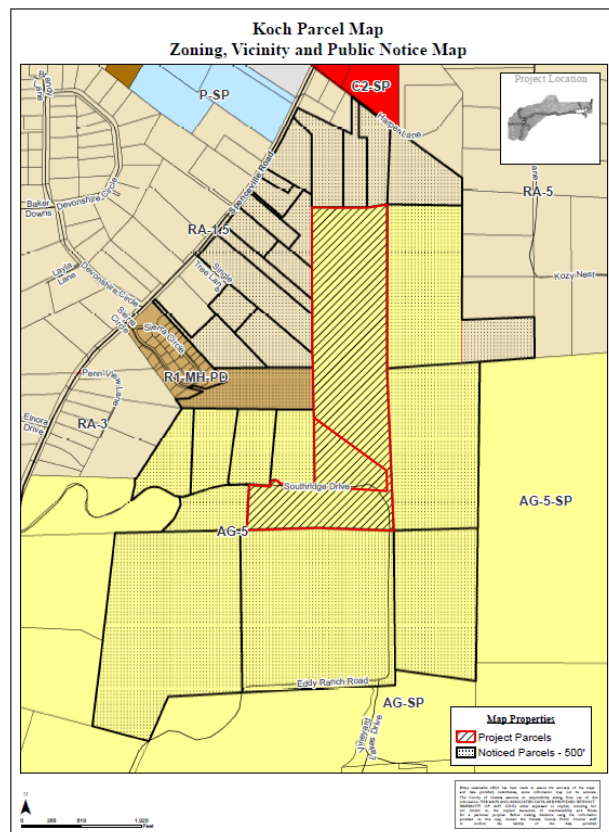
Project Site and Surrounding Area Details: The property is located at 16510 and 16686 Southridge Drive, in Penn Valley, approximately 1.5 miles south of the intersection of Penn Valley Drive and Spenceville Road. Both Penn Valley Drive and Spenceville Road are publicly maintained. Southridge Drive is maintained by the owners whose properties take access along that roadway, through a road maintenance agreement. Secondary emergency access will be provided along Eddy Ranch Road which is also privately maintained. The project parcel is composed of a mix of Montane Hardwood forest, which includes oak woodlands, along with smaller areas of annual grasslands. The elevation of the property ranges from approximately 1,480 to 1,860 feet above mean sea level.

Figure 1

The project site has a Rural (RUR-5) General Plan designation with a five-acre minimum parcel size requirement. Figure 1, right, shows the subject parcels and the zoning of the area. The project site is zoned General Agriculture (AG-5) with a minimum five-acre parcel size.

Zoning of directly adjacent lands varies, including:

- Residential Agricultural with a 1.5-acre minimum parcel size (RA-1.5)
- General Agricultural with a five-acre minimum parcel size, some with the Site Performance combining district (AG-5 / AG-5-SP), and
- Residential with a Mobile Home Park and Planned Development Combining District (R1-MH-PD).



Properties directly adjacent to the subject property vary greatly in size, ranging from as small as 2.10-acres up to 40-acres in size.

The site is currently developed with many improvements and rural residential uses including both a primary and secondary residence, landscaping, swimming pool, solar array, a storage/barn structure and several shipping containers clustered under a roof. The property is also used as a contractor's equipment yard. The adjacent 5-acre parcel that is proposed to be part of the lot line adjustment application is developed with a driveway, well, septic system and a residence. Surrounding properties are similarly developed with rural residential improvements and uses.

Project Description:

The project is a combined application with several components, including:

- PM15-002 - A Tentative Parcel Map to subdivide 40-acres into four residential lots varying in size from five acres to twenty-five acres;
- LA16-018 - An equal area exchange Lot Line Adjustment between the property at 16510 Southridge Drive and 16686 Southridge Drive to provide the required minimum frontage for one of the proposed parcels;
- MGT17-0005 - A Management Plan to allow disturbance within Landmark Oak Groves and near Landmark Oaks; and
- MGT17-0006 - A Management Plan to allow disturbance within the setback to a Nevada Irrigation ditch for minor secondary access road work;

The project includes grading for minor primary access improvements to Southridge Drive and secondary access improvements to Eddy Ranch Road totaling approximately 5,100 cubic yards of cut and fill. Fire protection would be provided by the existing 20,000-gallon water storage system located within proposed Parcel C connected to the existing hydrant within proposed Parcel D in conjunction with a new hydrant proposed to be located on Southridge Drive. A standard turnout with tapered ends would be constructed at the new hydrant location.

Existing improvements would meet setbacks to the closest proposed property line. New wells and septic systems would be required for each of the new parcels prior to parcel development. PG&E provides electricity to the area. The project site is within the boundaries of the Penn Valley Fire Protection District and is subject to District requirements.

STAFF COMMENT: Several agencies and existing policy documents were consulted to determine the adequacy of this project on this site. The agency comments and the results of Staff's policy review are discussed below.

Figure 2, below, is the proposed tentative map depicting various site features including the proposed new property lines.

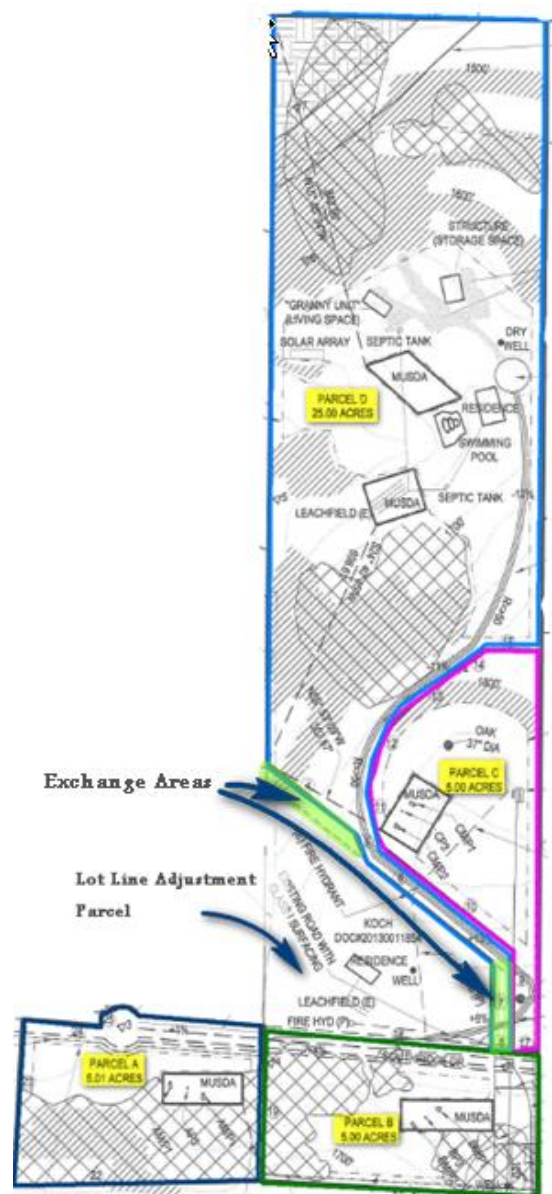
Lot Line Adjustment: The project proposes a lot line adjustment with an adjacent 5.0 parcel (shown in Figure 2 below) which is required to provide the minimum required frontage width (50-feet as a flagpole lot) for proposed Parcel D. The adjustment would be an equal area exchange because the property zoning and General Plan designation do not allow either of these parcels to be less than five-acres in size as they are both currently conforming in size. In exchange for the acquired land to be used as a flagpole, Proposed Parcel D would give up a strip along its south boundary line to allow the adjacent property to retain the required minimum parcel size of 5-acres. The proposed area exchange would not result in conflicts with County requirements; existing improvements on both parcels would remain in compliance with site development standards. Proposed Condition of Approval D.10 would require the lot line adjustment to be completed prior to the parcel map recordation to ensure that the required frontage was in place. This lot line adjustment is in keeping with both the General Plan and zoning designations as to minimum parcel size and prescribed site development standards.

Figure 2

Parcel Map: The parcel map proposes a four-way land division. Proposed Parcels A & B would both be five-acres in size and located southerly of Southridge Drive. Proposed Parcel C would also be five-acres in size but would be a flagpole lot located on the northerly side of Southridge Drive. Proposed Parcel D would also be a flagpole lot located on the northerly side of Southridge Drive and would be the largest of the parcels at 25-acres in size. Proposed Parcels C & D would share the existing driveway that is currently in use. Proposed Parcel D would contain all the existing improvements.

The tentative map and application materials were prepared with letters designated for each of the proposed new parcels; however, typically parcels are designated with letters when they are meant to be non-buildable parcels such as common areas. Parcels meant for development are more typically designated with numbers. To avoid future confusion, proposed Condition of Approval (COA) A.7 requires the parcel map to be revised to designate the parcels as Parcels 1 through 4 instead of parcels A through D.

At 25-acres in size, proposed Parcel D would retain density, potentially allowing a future five-way land division of the parcel. If a further land division were sought, a new application would be required with an environmental study to prove the proposal would meet required standards and not result in significant



impacts. The study would be followed by a public hearing for project action by the appropriate hearing body.

Access & Traffic: Primary access to the property is from Southridge Drive via Spenceville Road. Eddy Ranch Road would be improved and utilized as secondary emergency access. Spenceville Road is publicly maintained. Both Southridge Drive and Eddy Ranch Road are privately maintained. The amount of traffic generated by the addition of three rural residential/agricultural parcels is not anticipated to result in significant impacts to traffic flow in the vicinity of the project area.

Southridge Drive is a dead-end road, with only one parcel beyond the subject property. Proposed Conditions of Approval (COA) D.7 and D.8 require the applicant to improve a small portion of Southridge Drive and a portion of Eddy Ranch Road to Fire Safe Road standards such that there would be a through connection for use as secondary access in an emergency. This connection would provide emergency personnel with a second way into the area if one of the roadways were to be blocked and would also provide residents a second way out in the case of an emergency, providing greater safety to the area.

Due to the requirement for roadway improvements, plan and profile details were required as part of the application review and are included herein as Attachment 4. The details adequately demonstrate that County standards could be achieved for the improvements required on each roadway. Additionally, appropriate traffic mitigation impact fees would be required at the time of building permit issuance for new residences (COA D.4). Staff finds that the project would not result in negative traffic impacts.

To ensure continued maintenance of Southridge Road, a condition of approval (COA D.5) is proposed which would require either annexation into the existing Southridge Road Maintenance Agreement or creation of a new agreement for the maintenance of this roadway.

Parcels C and D would be flagpole parcels that would share the existing driveway. Due to the length of this driveway, fire department approval is required to ensure that the driveway meets Fire Safe Driveway standards including turnouts and turnarounds. As the driveway crosses both proposed parcels, an easement is required to ensure legal access and maintenance rights are in place for both parcels (COA D.9), and a Shared Driveway Maintenance agreement would also be required (COA A.26).

Environmental Resources & Management Plans: Greg Matuzak prepared the Biological Inventory Survey for the project. Landmark Oak Groves and Landmark Oaks are dispersed throughout the property, both of which are considered sensitive resources and are protected under the Nevada County Land Use & Development Code (LUDC) under LUDC Section L-II 4.3. Similarly, while no natural aquatic features were found on the property, Nevada Irrigation District's Stinson Ditch bisects the northerly portion of the property and the Smith-Gordon Canal crosses under Eddy Ranch Road through a culvert; these features are also protected under LUDC Section L-II 4.3. In response to the protected resources found onsite that could potentially be impacted by the project, the project biologist prepared an Oak Woodland Management Plan for Landmark Oak Groves and Landmark Oaks and a Canal Setback Management Plan.

In proposed Parcel A, the proposed Minimum Usable Sewage Disposal Area (MUSDA) is located within the area shown as Landmark Oak Grove. A meeting with the project biologist onsite proved that the location of the proposed MUSDA is actually on the northerly edge of the Landmark Oak Grove where a large open area exists wherein installation of a septic system, and a second system if required in the future, could be achieved without damaging or negatively impacting the grove. Additionally, road improvements to both Eddy Ranch Road and Southridge Drive are near Landmark Oaks and Landmark Oak Groves such that the Management Plan contains protection measures for these trees to ensure the resources would not be negatively impacted by the project.

The Canal Setback Management Plan contains protection measures to ensure that the Smith-Gordon Canal is not negatively impacted by the required Eddy Ranch Road improvements. The project was originally distributed to Nevada Irrigation District for review and comments in 2015. No comments were received. The applicant's representative, Cranmer Engineering designed the minor emergency access road improvements. Cranmer utilized Nevada Irrigation District's standard culvert installation detail which includes the District's sandbag wall protection requirements for protection of the existing culvert installation. No work on the actual culvert is proposed.

Conditions of Approval A.15 through A.19, A.22 and A.24 (Mitigation Measures 4A through 4E, 6B and 9A) are proposed to ensure adequate protection of trees, the canals, and wildlife minimizing project impacts to the greatest extent possible. These measures include:

- protection of nesting raptors and migratory birds through pre-construction surveys, construction timing and disturbance buffers (MM4.A);
- protection of Landmark Oaks and Landmark Oak Groves through delineation of non-disturbance buffers and Environmentally Sensitive Area designations for each and use of Best Management Practices (MM4B through 4D);
- protection of the free movement of wildlife through a requirement placed on potential future perimeter fencing (MM4E); and
- protection of water quality through proper permitting and Best Management Practices (MM 6B and 9A)

Staff finds that the environmental resources found onsite would be adequately protected with these proposed Conditions of Approval.

Steep Slopes: Steep slopes are defined in Nevada County Land Use & Development Code Section L-II 4.3.13 as slopes of 30% or greater and are a protected resource. Many areas of steep slopes exist on the subject property. Proposed Parcel A contains steep slopes in the southwest portion of the parcel, which is also designated as Landmark Oak Woodland. Proposed Parcel B does not contain steep slopes. Proposed Parcel C has a small area of steep slopes at the northerly side of the parcel. The largest proposed parcel, Parcel D, has the bulk of the steep slopes with these slopes located in the south, north and west of the parcel. This parcel is the developed parcel with both a primary and secondary residence, swimming pool, landscaping, solar array, storage/barn structure and shipping containers clustered under a roof. These improvements are in

the middle of the property in areas with more gentle slopes. To ensure steep slopes are protected, Condition of Approval A.23 is proposed which would require these slopes to be delineated as Environmentally Sensitive Areas on the supplemental data sheets that would record with the parcel map, with a note that no disturbance within these areas is allowed unless a Management Plan is approved (Mitigation Measure 6C). Further, the project has been designed with building envelopes that avoid the areas containing steep slopes. Condition of Approval A.16 (Mitigation Measure 4B) requires building envelopes to be delineated on the supplemental data sheets that would record with the parcel map. No grading or disturbance is proposed as part of this project and therefore Staff finds that with the inclusion of the proposed conditions of approval and mitigation measures, steep slopes are adequately protected.

Farmlands of Local Importance: While much of the property and surrounding lands are mapped as Grazing Land, there is an area within the northerly portion of the property that is mapped as Farmlands of Local Importance (FLI). This portion of the property is where the existing development is. The Nevada County Agricultural Commissioner determined that a Management Plan was not required for the project due to the location of the FLI and the existing development both on the subject property and adjacent properties and that the FLI would be adequately protected with the inclusion of proposed Conditions of Approval A.9 through A.11, which require:

- recordation of a Right to Farm Notice (MM2.A);
- a note on the recorded parcel map clarifying that non-habitable agricultural accessory structures are allowed outside of building envelopes (MM2.B); and
- a note on the recorded parcel map specifically prohibiting deed restrictions and/or private covenants that would limit or discourage farming/agricultural operations (MM2.C).

Archaeological Resources: In May of 2015 the North Central Information Center determined that the potential to encounter pre-historic or historic-period cultural resources is low. This determination was based on the environmental setting of the subject site in conjunction with negative findings of reports within 1/8-mile of the subject site and negative findings of five separate reports that had covered portions of the subject property. The United Auburn Indian Commission was invited to consult on the project but after reviewing the project area, they determined a site visit was not necessary. While the potential to find cultural resources onsite is low, Condition A.20 (MM5A) is included in the proposed Conditions of Approval to require work to be halted and a professional archaeologist be consulted in the unlikely event that cultural resources are encountered during improvement construction.

Water/Sewage Disposal: The proposed parcels would be served by wells and individual septic systems. Nevada County LUDC Section L-X 4.2 requires land divisions proposing parcels that are five or less acres in size to drill wells on 50% of the proposed parcels prior to map recordation. With one active well on the property, another well would be required by proposed Condition of Approval C.5. Two wells are inactive and would be required to be properly destroyed or otherwise sealed to the satisfaction of the Environmental Health Department prior to map recordation (COA C.5).

The existing primary and secondary residences on proposed Parcel D each have an existing septic system and septic tank, with proposed Minimum Useable Sewage Disposal Areas

(MUSDAs) designated around the leachlines. Percolation testing and soil mantle investigations have been performed for each of the three proposed new parcels. The tentative map includes the locations of the soils testing within proposed MUSDAs that would be established on the map prior to recordation (COA C.1). The testing within these areas proved adequate soil capability for sewage disposal and is sized to include room for both an initial system and a future repair area should the initial system ever fail.

Standard conditions of approval are included that sewage disposal and water availability is not guaranteed on any parcel of the map (COA C.4 and C.6). Staff finds that with the inclusion of the proposed conditions of approval the addition of three new parcels to the area would not negatively affect water availability or sewage disposal capability.

Land Use Compatibility: The project site is located in the unincorporated area of western Nevada County. As such, the Nevada County General Plan serves as the overall guiding policy document for this project. The property is designated with a General Plan Land Use Designation of Rural (RUR-5) with a five-acre minimum parcel size and a corresponding zoning designation of General Agricultural (AG-5) with a five-acre minimum parcel size.

The RUR-5 designation intends to provide for development of compatible uses within a rural setting including rural residential at five-acre density, agricultural operations and supporting agricultural production, among other things. The four-way land division, proposing resulting parcels of 5-acres and 25-acres in size for rural residential use is consistent with the RUR-5 General Plan designation.

The AG-5 zoning district allows a minimum parcel size of five acres for General Agricultural type uses. The proposed parcels would be in compliance with the minimum allowable parcel size and it is anticipated that the resultant parcels would be used for rural residential uses as allowed within the district and therefore, would be compatible with the district. Parcel D is proposed to be 25-acres in size which would leave this parcel with the density for five potential parcels per both the zoning and General Plan designations. Any further division of this property would require a new application, environmental study proving the proposal would not result in significant impacts and approval at a public hearing.

Proposed Parcel D is currently utilized for rural residential uses and is also the base for a construction business. Contractor's equipment yards are allowed within the Service Commercial zoning district (C3), and both the Light and Heavy Industrial districts (M1, M2) with approval of a Use Permit; they are not allowed within the General Agricultural zoning district per Nevada County General Plan Policy 1.7.9. Condition of Approval A.25 (MM 10A) would require the applicant to discontinue use of the existing contractor's equipment yard on the subject property prior to recordation of the Parcel Map.

The property contains many improvements including several shipping containers clustered under a roof. To ensure all structures are constructed to required Building Department standards, Condition of Approval B.1 would require any unpermitted structures to be properly permitted through the Nevada County Building Department.

With the approval of the proposed Lot Line Adjustment, Parcel Map, Management Plans and the proposed Conditions of Approval, the project would be consistent with the existing zoning district and General Plan land use designations as outlined above, and specifically with the Land Use & Development Code Rural standards, Section L-II 2.3. Additionally, the design of the proposed land division has been reviewed for consistency with the applicable comprehensive site development standards contained in the LUDC and found to be consistent with the County's standards, regarding parcel size, frontage and density.

GENERAL PLAN GOAL & POLICY CONSISTENCY: The project furthers several of the goals and policies of the County's General Plan which are outlined below:

Land Use Element Goals & Policies:

- Policy 1.2.4.f which is intended to provide for development of compatible uses within a rural setting including rural residential at maximum densities ranging from 5.0 to 160 acres per dwelling and agricultural operations and supporting agricultural production in the RUR General Plan designation. At 5-acres and 25-acres, the resultant parcels proposed by the land division are in compliance with this policy. The mitigation measures protecting agricultural opportunities also further this policy.

Public Facilities & Services Element Policy:

- Policy MV-4.2.5 requires the County to consider the effect of proposed discretionary development on the area wide transportation network along with the effect of the proposed development on the road network and transportation facilities in the immediate vicinity of the project. The Nevada County Department of Transportation performed this review for the project and found that the amount of traffic generated by the addition of three rural residential parcels is not anticipated to result in significant impacts to traffic flow in the vicinity of the project area.

Wildlife & Vegetation Policies:

- Policy 13.1 requires clustering and non-disturbance buffer areas to protect resources, avoiding fragmentation of existing habitat areas and preserving movement corridors between related habitats. In keeping with these policies, proposed mitigation measures include non-disturbance areas, building envelopes and other protections that will protect these resources.
- Policy 13.2A requires a project specific biological inventory report, as was completed for this proposed land division.
- Policies 13.8 and 13.9 require discretionary projects to minimize disturbance to heritage and landmark trees and groves as is provided by the project specific Oak Resources Management Plan.

Agriculture Element:

- Policy 16.5, 16.8 and 16.9 strongly encourage agriculture in rural regions requiring clustering for development, and a recording of a declaration acknowledging proximity of agricultural resources and the potential for conflict. Clustering is proposed and mitigation measures are included to require these protections, in keeping with these policies.

With the adherence to proposed conditions of approval, the project has been found to be compliant with both the Zoning Regulations and the County General Plan.

ENVIRONMENTAL REVIEW: The County Planning Department prepared a draft Initial Study/Mitigated Negative Declaration (MND) for this project which was circulated for public comment from September 1, 2017 to September 20, 2017 (Attachment 2). No adverse comments have been received. Seventeen mitigation measures were prescribed for the project to ensure adequate protection of resources and to ensure project impacts are less than significant.

SUMMARY: Eric Koch proposes a combined application with several components, including:

- PM15-002 - A Tentative Parcel Map to subdivide 40-acres into four parcels varying in size from five acres to twenty-five acres;
- LA16-018 - An equal area exchange Lot Line Adjustment between the property at 16510 Southridge Drive and 16686 Southridge Drive to provide the required minimum frontage for one of the proposed parcels;
- MGT17-0005 - A Management Plan to allow disturbance within Landmark Oak Groves and near Landmark Oaks; and
- MGT 17-0006 - A Management Plan to allow disturbance within the setback to a Nevada Irrigation ditch for minor secondary access road work;

A Mitigated Negative Declaration was prepared and circulated and available for a 30-day comment period with no adverse comments received. No significant issues have been identified that are unresolved. This tentative map is consistent with the Subdivision Map Act, the Nevada County Subdivision Ordinance, and development standards for land division. Recommended mitigation measures and conditions of approval will protect the resources located onsite and ensure site development standards are maintained.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

- I. After reviewing and considering the proposed Mitigated Negative Declaration (EIS15-013), adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan pursuant to Section 15074 of the California Environmental Quality Act Guidelines, making the following findings A-D:
 - A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment;
 - B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Zoning Administrator;
 - C. That the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels; and

- D. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.
- II. Approve the Oak Woodlands Management Plan (MGT17-0005), subject to the attached Mitigation Measures and Conditions of Approval, which have been incorporated into the Mitigated Negative Declaration (EIS15-013) for the Tentative Parcel Map, and making Findings A & B pursuant to Section L-II 4.3.3.B of the Nevada County Zoning Code in that encroachment into oak canopies is necessary in order to provide project infrastructure:
- A. That the project has been designed to reduce the impacts to landmark oaks and oak groves to the maximum extent possible; and
- B. All of the anticipated impacts to oak canopy encroachment will be minimized by the protection measures specified in the Management Plan and in the Conditions of Approval and Mitigation Measures.
- III. Approve the Management Plan (MGT17-0006), to allow disturbance within the setback to Smith-Gordon Ditch, a Nevada Irrigation District ditch, subject to the attached Mitigation Measures and Conditions of Approval, which have been incorporated into the Mitigated Negative Declaration (EIS15-013) for the Tentative Parcel Map, and making Findings A & B:
- A. That the issuance of this Management Plan is consistent with the provisions of Section L-II 4.3. Resource Standards of the Nevada County Land Use & Development Code; and
- B. That minimization of potential impacts has been attained through the use of mitigation measures as contained in the project specific Management Plan prepared by Greg Matuzak.
- IV. Approve the equal area exchange Lot Line Adjustment (LA16-018) subject to the attached Mitigation Measures and Conditions of Approval, which have been incorporated into the Mitigated Negative Declaration (EIS15-013) for the Tentative Parcel Map and making findings A through C as set forth in Section L-II 4.1.3.E of the Nevada County Land Use & Development Code:
- A. The proposed adjustment would not conflict with the AG-5 – General Agricultural site development standards in Table L-II 2.3.E of the Nevada County Land Use & Development Code;
- B. The proposed adjustment would not result in any additional parcels, additional density or the potential for further division of these parcels beyond that what currently exists; and

- C. The proposed adjustment would not adversely affect the future development potential of these parcels. The Nevada County Environmental Health Department has reviewed the proposed boundary line adjustment and has not identified any conflicts that may result from the proposed adjustment.
- V. Approve the Tentative Parcel Map (PM15-002), subject to the Mitigation Measures and Conditions of Approval shown in Attachment 1 of this Staff Report, pursuant to Section L-IV 2.4 of the Nevada County Land Use & Development Code and California Government Code Sec. 66474 and make the following findings A-H:
- A. That the proposed division, together with its design and existing improvements, is consistent with the Nevada County General Plan, and is consistent with the Nevada County Land Use & Development Code;
- B. That adequate public services exist within the project area and are available to serve the project, including water, sewage disposal, fire service and other utilities as determined by the applicable public service district or agency;
- C. That no finding is made pursuant to Government Code Section 66474 that requires project denial;
- D. That the site is physically suitable for the type of development and the proposed density of development and the Resource Standards of County Zoning Regulations, evidenced by its consistency with the General Plan and the ability to comply with site development standards of the AG-5 zoning district;
- E. That the design of the proposed subdivision and its improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or the type of improvements required is not likely to cause serious public health and safety problems as evidenced by correspondence by the County Department of Environmental Health, County Fire Marshal and Penn Valley Fire Protection District;
- G. That the design of the subdivision or the type of improvements required will not conflict with any easement acquired by the public at large for access through or use of property within the proposed subdivision; and
- H. That roads are adequate to serve the project as determined by the Department of Public Works and the County Fire Marshal's office.

Respectfully Submitted,



Tyler Barrington, Principal Planner