



Sonoma County Project Review and Advisory Committee STAFF MEMO

FILE: CCC20-0005
DATE: July 16, 2020
TIME: 9:05 am
STAFF: Scott Hunsperger

SUMMARY

Applicant: Dimensions 4 Engineering, Attn: Doug Donmon
Owner: Lenor Fowler
Location: 4555 Mountain Home Ranch Road, Calistoga
APNs: APN 120-200-056 **Supervisory District No.:** 1
Subject: Approval of a Conditional Certificate of Compliance for an 8.82 acre designated remainder created by PM 4316 but was never officially recorded.

Environmental

Determination: CEQA Exemption Section 15305 because it is a minor alteration in land use limitations in areas with an average slope of less than 20% and will not result in any changes in land use or density.

BACKGROUND: On January 10, 1974, EAC (Engineering Advisory Committee) approved a minor subdivision (Lot Split 4316) of a 26.74 +/- acre parcel creating a 16.74 acre parcel and 10 acre designated remainder. The conditions of approval are attached to this memo. The parcel map was never recorded but the dedication of the county road was recorded on May 24, 1974 (Book 2866 of Records, Page 703) which fulfilled the conditions set by the EAC. A subsequent EAC meeting on February 14, 1974 amended the conditions of approval by stating "If dedication is made by deed to County prior to validation, no parcel map will be required." The property owner at the time, May Schellenger, thought they had met all the requirements and never filed a Parcel Map with the County Recorder. The subject parcel stayed in the same ownership until 2001 when the current owner took possession.

Beginning last year, the current property owner has filed for the following development permits which been accepted and/or issued for the project site:

Permit #	Description	Status
WEL20-0080	New domestic water well	Issued
SEP19-0818	New non-standard septic	Approved for Plancheck



BLD19-7795	Building permit for new 1,920 sq ft SFD with decks	Plancheck comments sent – revisions submitted.
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STAFF RECOMMENDATION

Find that under California Subdivision Map Act (SMA) Section 66499.34 the site has been approved for development and approve a Conditional Certificate of Compliance subject to conditions attached as Exhibit "A".

FINDINGS FOR RECOMMENDED ACTION

The California Subdivision Map Act (SMA) regulates division of land and recognition of parcels for the purpose of lease, sale, or finance. Section 66499.34 of the SMA states:

“The issuance of a permit or grant of approval for development of real property, or with respect to improvements that have been completed prior to the time a permit or grant of approval for development was required by local ordinances in effect at the time of the improvement... shall constitute “real property which has been approved for development,” for the purposes of subdivision (c) of Section 66499.35, and upon request by the person owning the real property or a vendee of such person pursuant to a contract of sale, the local agency shall issue a certificate of compliance for the affected real property.”

Section of the SMA 66499.35(c) states:

“A certificate of compliance shall be issued for any real property that has been approved for development pursuant to Section 66499.34.”

By issuing well and septic permits, and accepting an application to construct a single family home, the subject parcel has been approved for development and issuance of a certificate of compliance is required by the Subdivision Map Act.

Attachments:

Draft Conditions of Approval as Exhibit "A"

Validated Lot Split Map 4316

EAC Conditions dated January 10, 1974

Amended EAC Conditions dated February 14, 1974

Recorded Document Book 2866 of Records, Page 703 dedicating road to County of Sonoma

Exhibit A

Draft Conditions of Approval

Time:	9:05 a.m.	Date:	July 16, 2020
Staff:	Scott Hunsperger	File No.:	CCC20-0005
Owner:	Lenor Fowler	Address:	4555 Mountain Home Ranch Rd, Calistoga
Applicant:	Dimensions 4 Engineering	APN:	120-200-056

Project Description: Request for a Conditional Certificate of Compliance to recognize an 8.82 acre parcel which was created by subdivision map MS 4316 that was never officially recorded.

NOTE: Amendments and changes to approved Certificate of Compliance conditions may be considered by the Board of Supervisors at a later date if additional information justifies the changes and does not increase the intensity of use approved by the original approval. The Director of the Permit and Resource Management Department will determine if a public hearing is necessary and if additional fees are required.

NOTE: Certificate of Compliance must record within two (2) years of issuance of conditions of approval.

PLANNING:

1. A Conditional Certificate of Compliance shall be recorded and a copy filed with the Permit and Resource Management Department.
2. Subject portion of the parcel shall meet all current pertinent zoning and density regulations together with the California State Subdivision Map Act law and Sonoma County Subdivision Ordinance.
3. All conditions of approval concerning the designated remainder as stated for and also shown on the MS(LS) 4316 shall be met to the satisfaction of the County Surveyor and Permit Resources Management Department (PRMD)/Permit Sonoma staff prior to any issuance of development permit for said Minor Subdivision (Lot Split) 4316
4. The following note shall be placed on the Certificate of Compliance (CCC) document that will be recorded with the Sonoma County Recorder's Office:

"This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval." (Subdivision Map Act Section 66499.35(f)(1)(E))

5. The applicant shall include these Conditions of Approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.
6. All grading and building permits plans involving ground disturbing activities shall include the following notes:

"If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify Permit Sonoma – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to Permit Sonoma. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish

remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify Permit Sonoma and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

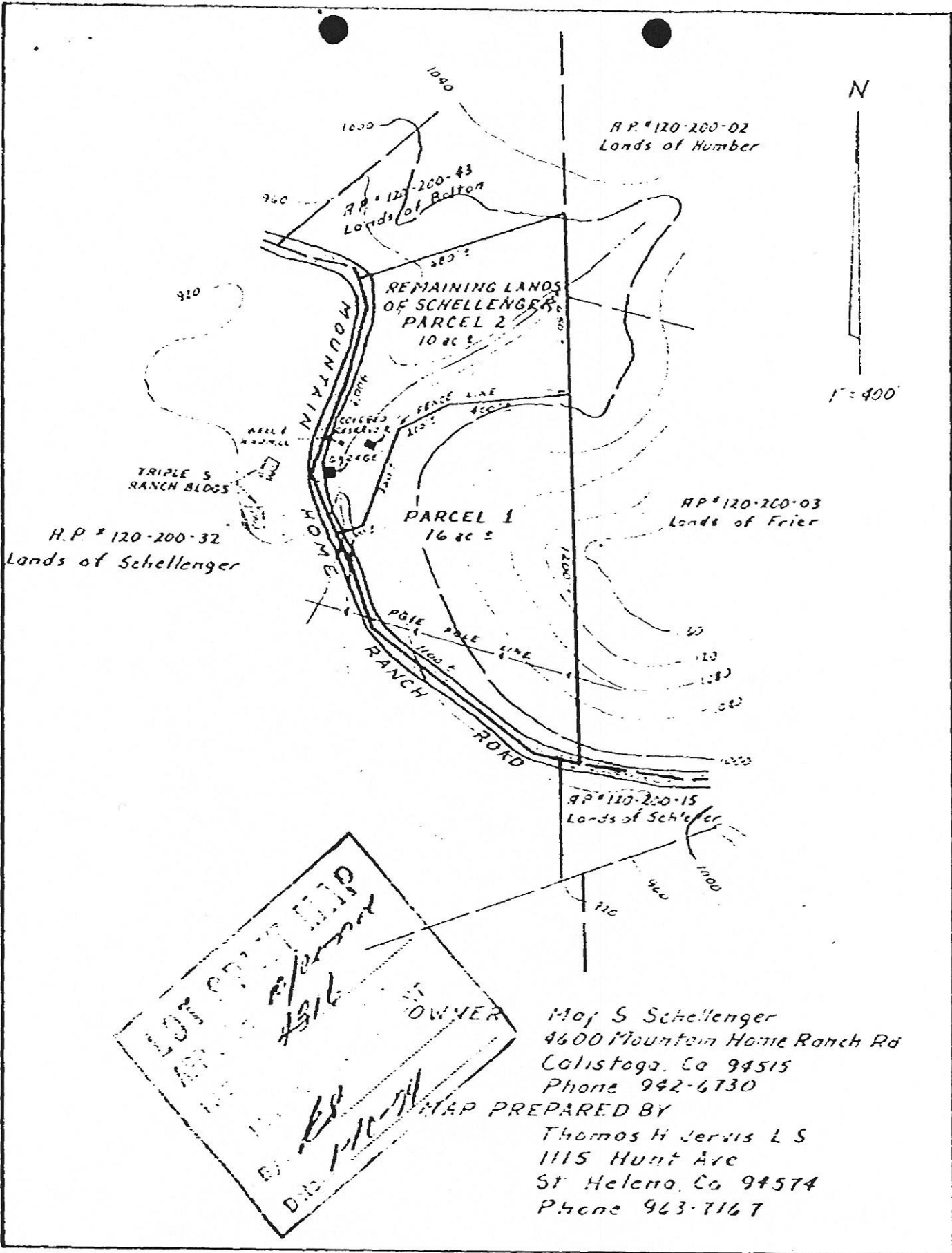
Building/grading permits shall not be approved for issuance by Permit Sonoma Project Review staff until the above notes are printed on the building, grading and improvement plans.

7. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The projects grading and landscape plans shall detail all tree protection implementation measures.

Permit Sonoma shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). Permit Sonoma Project Review staff shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

8. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved Tentative Map. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.



MOUNTAIN HOME RANCH
 OWNER
 M/S
 4316
 DND 1/10-74

May S Schellenger
 4600 Mountain Home Ranch Rd
 Calistoga, Ca 94515
 Phone 942-6730
 MAP PREPARED BY
 Thomas H Jervis L S
 1115 Hunt Ave
 St Helena, Ca 94574
 Phone 943-7167

SONOMA COUNTY PLANNING COMMISSION
Engineering Advisory Committee Report on

EAC Action Date: January 10, 1974

LOT SPLIT # 4316 MAX SHELLENGER

Approved Unconditionally

Approved w/conditions (see below) X

Denied because

CONDITIONS:

1. Applicant must provide evidence of suitable soil characteristics for subsurface sewage disposal purposes substantiated by soils percolation tests and an evaluation of soils and water table to a depth of 8 feet certified by a civil engineer on Lots each lot . The percolation report must refer to this lot split number.
2. A Parcel Map, as defined in the State Subdivision Map Act and prepared by a licensed land surveyor or civil engineer showing lots, dedication and building setback line shall be filed with the Sonoma County Surveyor's Office. Upon recordation of the map, the lot split is valid.
 Applicant shall retain a registered civil engineer to prepare road construction plans for the private road. After plan approval by the County Surveyor, applicant shall construct any necessary drainage facilities and the base portion of the road, followed by paving or an oil and rock surfacing.
3. A strip of land, 30 ft. in width, measured from the centerline of Mountain Home Ranch Road and lying across lots 1 shall be offered to the County of Sonoma.
 Each lot shall be a minimum exclusive of rights of way and easements.
4. A building setback line shall be established along the creek on lot 2 measured from the top of the bank outward at a slope of 2.5:1 plus 30 ft. or 30 ft. outward from the top of the bank, whichever is greater.

LEON ANDERSON, Acting Chairman
Engineering Advisory Committee

SONOMA COUNTY PLANNING COMMISSION
Engineering Advisory Committee Report on

EAC Action Date: February 14, 1974

LOT SPLIT # 4.016 MAY SCHELLINGER

Approved Unconditionally _____

Approved w/conditions (see below) _____

Denied because

CONDITIONS: AMENDED

- _____ Applicant must provide evidence of suitable soil characteristics for subsurface sewage disposal purposes substantiated by soils percolation tests and an evaluation of soils and water table to a depth of 8 feet certified by a civil engineer on Lots _____. The percolation report must refer to this lot split number.
- _____ A Parcel Map, as defined in the State Subdivision Map Act and prepared by a licensed land surveyor or civil engineer showing _____ shall be filed with the Sonoma County Surveyor's Office. Upon recordation of the map, the lot split is valid.
- _____ Applicant shall retain a registered civil engineer to prepare road construction plans for the private road. After plan approval by the County Surveyor, applicant shall construct any necessary drainage facilities and the base portion of the road, followed by paving or an oil and rock surfacing.
- _____ A strip of land, _____ in width, measured from the centerline of _____ and lying across lots _____ shall be offered to the County of Sonoma.
- _____ Each lot shall be a minimum _____ exclusive of rights of way and easements.
1. If dedication is made by deed to County prior to validation, no parcel map will be required.
- Delete condition 4.

LEON ANDERSON, Acting Chairman
Engineering Advisory Committee

RECORDING REQUESTED BY
COUNTY OF SONOMA

WHEN RECORDED RETURN TO
GRANTEE

RECORDED AT REQUEST OF

BOOK 2866 PAGE 703

AT 10 MIN. PAST 8 A M
Sonoma County, California

Hub. Anglin Jr. RECORDER

MAY 24 1974
OFFICIAL RECORDS

FEES \$ No fee PD.

P 940

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

MAY S. SCHELLENGER

GRANT(S) TO: THE COUNTY OF SONOMA, A POLITICAL SUBDIVISION OF THE
STATE OF CALIFORNIA

All that Real Property situated in the unincorporated area of the County of Sonoma, State of California, described as follows:

Beginning at a point on the Easterly line of Lot 15, Section 4, Township 8 North, Range 7 West, Mount Diablo Base and Meridian, said point being distant S84°36'56"E.96.24 feet more or less from a 3/4 inch iron pipe marked L.S.4093 set on the centerline of Mountain Home Ranch Road and running thence from said point of beginning Northwesterly along the centerline of Mountain Home Ranch Road N84°36'56"W 96.24 feet more or less to the above mentioned iron pipe, thence on a tangent curve to the right through a central angle of 33°13'25" with a radius of 300 feet for an arc distance of 173.96 feet, thence N51°23'31"W 469.65 feet, thence on a tangent curve to the right through a central angle of 41°41'52" with a radius of 450 feet for an arc distance of 327.49 feet, thence N9°41'39"W 60.81 feet, thence on a tangent curve to the left through a central angle of 15°10'00" with a radius of 170 feet for an arc distance of 45.00 feet to a 3/4 inch iron pipe marked L.S. 4093, thence leaving the center line of Mountain Home Ranch Road and running N65°08'21"E 30.00 feet to a 3/4 inch iron pipe marked L.S. 4093, thence on a curve to the right whose center bears S65°08'21"W through a central angle of 15° 10'00" with a radius of 200 feet for an arc distance of 52.94 feet to a 3/4 inch iron pipe marked L.S. 4093, thence S9°41'39"E 60.81 feet to a 3/4 inch iron pipe marked L.S. 4093, thence on a tangent curve to the left through a central angle of 41°41'52" with a radius of 420 feet for an arc distance of 305.66 feet to a 3/4 inch iron pipe marked L.S. 4093, thence S51°23'31"E 469.65 feet to a 3/4 inch iron pipe marked L.S. 4093, thence on a tangent curve to the

Witness

Dated 16 May, 1974

May S Schellenger

MAY S. SCHELLENGER

(Continued on Reverse) (description continued on Annex A)

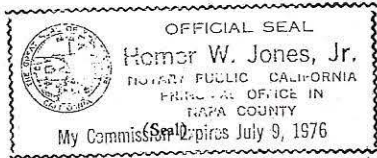
PD

STATE OF CALIFORNIA
COUNTY OF NAPA

On this 16th day of May 1976, BOOK 2866 PAGE 704

HOMER W. JONES, JR., a Notary Public, State of California,
duly commissioned and sworn, personally appeared MAY S. SCHELLENGER

known to me to be the person whose name is subscribed to the within
instrument and acknowledged to me that she executed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal in the said County of Napa the day and year
in this certificate first above written.

Homer W. Jones, Jr.
Notary Public, State of California

STATE OF CALIFORNIA
COUNTY OF _____

On this _____ day of _____, 19____, before me,
_____, a Notary Public, State of California,

duly commissioned and sworn, personally appeared _____
_____, known to me to be the same person whose name is
subscribed to the within instrument as a witness thereto, who being by me duly
sworn, deposes and says that he resides in the County of _____,
State of California, that he was present and saw _____

personally known to him to be the same person described in and whose name____
subscribed to the within instrument as a party thereto, sign and execute
the same; and that he, the affiant, then and there subscribed his name to said
instrument as a witness thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal in the said County of _____ the day and year
in this certificate first above written.

(Seal)

Notary Public, State of California

STATE OF CALIFORNIA
COUNTY OF _____

On this _____ day of _____, 19____, before me;
_____, a Notary Public, State of California,

duly commissioned and sworn, personally appeared _____
_____ known to me to be the
_____ of the corporation described
in and that executed the within instrument, and also known to me to be the
person who executed the within instrument on behalf of the corporation therein
named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal in the said County of _____ the day and year
in this certificate first above written.

(Seal)

Notary Public, State of California

CERTIFICATE OF ACCEPTANCE — This is to certify that the interest in real property conveyed above is hereby
accepted by order of the Board of Supervisors of the County of Sonoma on _____, 19____, and
grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

Chairman of the Board of Supervisors of the County of Sonoma

ANNEX A

left through a central angle of $33^{\circ}13'25''$ with a radius of 270 feet for an arc distance of 156.56 feet to a 3/4 inch iron pipe marked L.S. 4093, thence $S84^{\circ}36'56''E$ 92.54 feet more or less to the above mentioned Easterly line of Lot 15, thence Southerly along said Easterly line 30.23 feet more or less to the point of beginning.

P.M. #4316
Mountain Home Ranch Road
AP #120-200-27

C E R T I F I C A T E O F A C C E P T A N C E
(Government Code 27281)

This is to certify that the interest in real property conveyed by the deed or grant dated May 16, 19 74 from MAY S. SCHELLENGER

to the COUNTY OF SONOMA, a political subdivision of the STATE OF CALIFORNIA, is hereby accepted on May 23, 19 74 on behalf of the COUNTY OF SONOMA, a political subdivision of the STATE OF CALIFORNIA, pursuant to the authority conferred by Resolution No. 26311 of the BOARD OF SUPERVISORS as adopted on June 2, 1969, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: May 23, 19 74.

DONALD B. HEAD
COUNTY SURVEYOR, COUNTY OF SONOMA


James E. Anderson
DEPUTY COUNTY SURVEYOR

PD

END OF DOCUMENT