

**TRINITY COUNTY SUBDIVISION REVIEW COMMITTEE
STAFF REPORT**

APPLICANT: Steven Johannsen

REPORT BY: Ruth Hanover

AGENT: Hunt Land Surveying

APN: 024-440-11-00

PROJECT DESCRIPTION: One-year time extension of tentative map approval to create three parcels from 1.10 acres (Exhibit A).

LOCATION: 1260 Main Street, Weaverville (Exhibit B).

PROJECT INFORMATION:

- A) Planning Area: Weaverville Community Plan
- B) Existing General Plan Designation: Commercial
- C) Existing Zoning: General Commercial (C-2)
- D) Existing Land Use: commercial/bakery/residence
- E) Adjacent Land Use Information:

	<u>Land Use</u>	<u>Zoning</u>	<u>General Plan Des.</u>
North:	Baptist Church	C-2	Commercial
South:	Residence	R-2	MultiFamily Residential
East:	Motel	HC	Commercial
West:	Tire shop	C-2	Commercial

Background Information:

On September 7, 2018 the Planning Department received a formal request for a one-year time extension from Hunt Land Surveying on behalf of Steven Johannsen, the property owner and subdivider, for his tentative map to create three parcels (Exhibit C). The Johannsen tentative map was approved on September 10, 2009, subject to several conditions (Exhibit D). Applicant states he is in the process of completing his county encroachment permit and is also finalizing his building permit for his garage remodel per Condition C of the Resolution.

Project Description:

The project is located in the commercial district of Weaverville, which centers along Main Street (aka State Hwy 299). Parcel 3, which fronts on Mountain View Street, a County-maintained street, is developed with a dwelling and detached garage. Parcel 2, which fronts on Main Street (or Hwy 299) is developed with a commercial building presently housing a bakery. Parcel 1, which fronts on Main Street but also abuts Mountain View Street on its west side, was formerly developed with a hamburger stand/frosty, which was raised to the ground.

Future plans are for the eventual construction of a commercial building on Parcel 1. All utilities currently serve the site. The site is surrounded by development, and has itself been developed for many years with commercial and residential use. Adjacent to the east is a motel. Adjacent to the south is a residence. To the north is the highway, and across the highway is a used car dealership. To the west is Mountain View Street, and across the street is an auto oil and lube/tire shop.

Tentative Map Extensions:

A tentative map is initially approved for twenty-four (24) months, and can be extended for an additional 12 months upon approval by the county. (Other time lines can apply, but for this three-parcel division the standard would be 24 months, plus 12 months.) The subject subdivision was approved by the Subdivision Review Committee, with conditions, on September 10, 2009 (Exhibit D). The applicant is still eligible for an extension because the state legislature granted "special" extensions to maps during the recession. Those extensions have now ended. The applicant is requesting the one-year extension of the map using the normal provisions of the Subdivision Map Act and the County Subdivision Ordinance. This subdivider (Johannsen) is eligible for an extension of tentative map approval of up to twelve (12) months.

Commission Authority:

The Subdivision Ordinance (Trinity County Code, Chapter 16; adopted March 4, 1986) identifies the Planning Commission as the Advisory Agency having the authority to approve subdivisions and other actions. By resolution 86-01, adopted on March 27, 1986, the Planning Commission delegated some authority to approve parcel maps and some other more routine actions to the Subdivision Review Committee (refer to definition of "Advisory Agency" in the Subdivision Ordinance for the authority to delegate). The reason it is scheduled for Planning Commission review is that there is no business before

Subdivision Review Committee, so rather than call a special meeting for the purpose of this extension it is being placed on the Commission's agenda.

The Commission can do the following:

- Approve a time extension of tentative map approval for up to 12 months.
- Deny the request for a time extension. This will result in a map expiration date of September 10, 2018.

Despite language suggesting otherwise in the Subdivision Ordinance, the county cannot modify, add or delete conditions of approval. (The process for the subdivider to do that would be a post subdivision modification.)

In *El Patio v. Permanent Rent Control Bd*, 110 Cal. App. 3d (1980), the Court determined that new conditions could not be added. The only condition allowed would pertain directly to the length of time for the map extension. There has been some debate regarding adding conditions based upon findings that pertain to health and safety issues, but generally adding or changing conditions is not a good idea because it affects due process and because the county has other methods available to the applicant to seek relief from a condition, such as the post subdivision modification process. In any case, such changes would require notice and public hearing. The applicant, neighboring property owners and possibly review agencies may have an interest in participating in the discussion.

There are provisions that could allow the county to add conditions, but only if the subdivider agrees to the change. (*Rosco Holdings, Inc. v. State of Cal.*, 212 Cal. App. 3d 642 (1989)). Why would a subdivider agree to a new or modified condition? Because when faced with the alternative of having the map extension denied or adding a new condition, the subdivider may find that the added condition is preferable to starting the map approval process over again.

STAFF RECOMMENDATION:

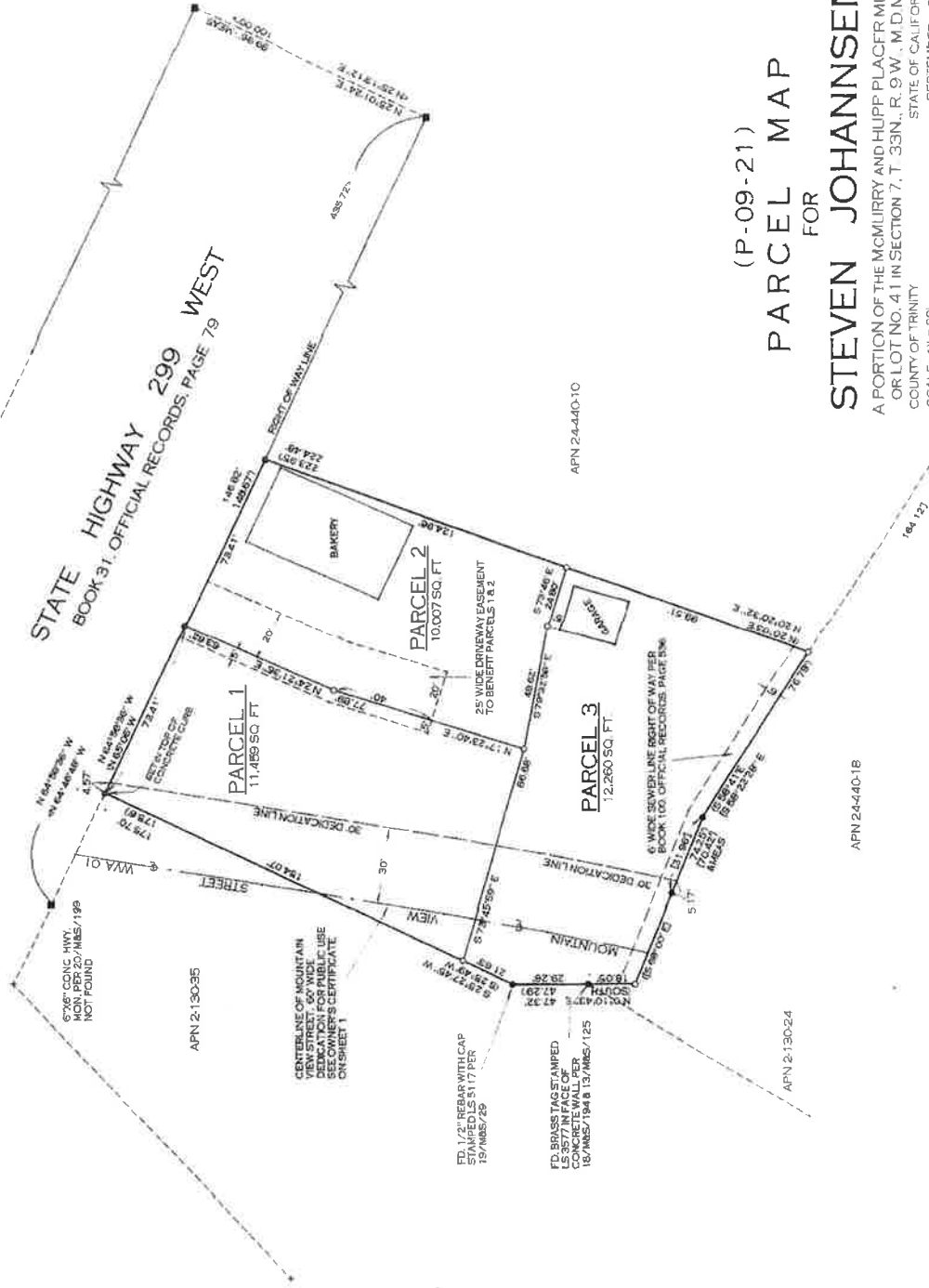
Staff recommends that the Commission:

Grant a twelve (12) month time extension for the Johannsen subdivision, APN: 024-440-11 (Planning File No. P-09-21). The new expiration date shall be **September 10, 2019**.

BASIS OF BEARINGS:
BOOK 18, MAPS & SURVEYS, PAGE 194,
TRINITY COUNTY RECORDS



STATE HIGHWAY 299 WEST
BOOK 31, OFFICIAL RECORDS, PAGE 79



(P-09-21)

PARCEL MAP
FOR

STEVEN JOHANSEN

A PORTION OF THE McMURRY AND HUPP PLACER MINE
OR LOT NO. 411 IN SECTION 7, T. 33N., R. 9 W., M.D.M.
COUNTY OF TRINITY
STATE OF CALIFORNIA
SCALE: 1" = 20'
SEPTEMBER, 2009
T.A.C. 71-001
APN 24-440-11

HUNT LAND SURVEYING, INC.
540 W. AVENUE, SUITE 100
SHEAVILLE, CA 96082
530.873.9622

SHIFT 2 OF 2

BOOK _____ MAPS & SURVEYS, PAGE _____

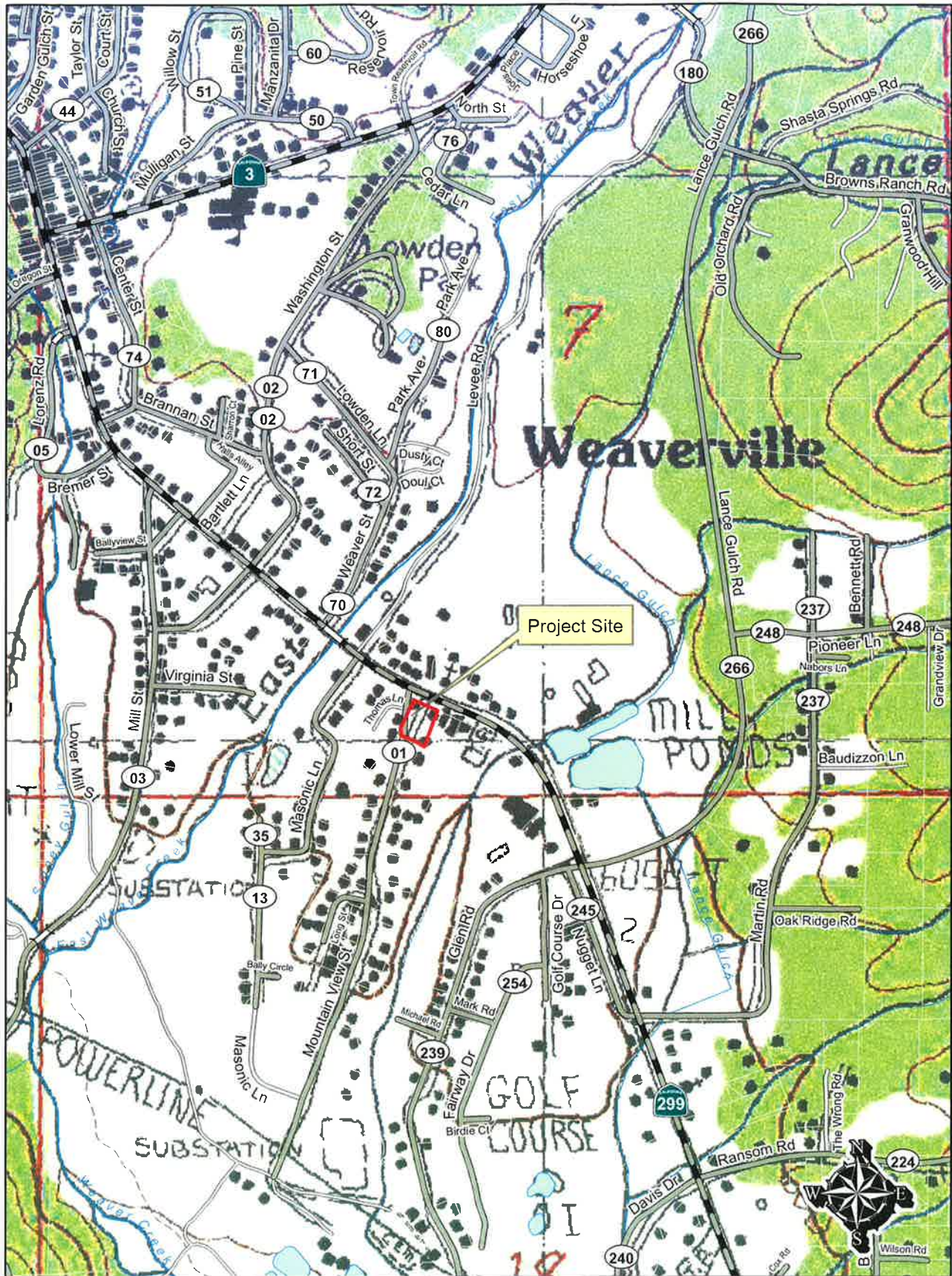
LEGEND

- 1) INDICATES DATA PER DOCUMENT #200804404, TRINITY COUNTY RECORDS
- [] INDICATES DATA PER BOOK 18, MAPS & SURVEYS, PAGE 194 AND BOOK 20, MAPS & SURVEYS PAGE 2, TRINITY COUNTY RECORDS.
- <>> INDICATES DATA PER BOOK 20, MAPS & SURVEYS, PAGE 199, TRINITY COUNTY RECORDS.
- INDICATES A FOUND 1/2" REBAR WITH PLASTIC CAP, SET AMPED LS 5117 PER BOOK 18, MAPS & SURVEYS, PAGE 194, UNLESS OTHERWISE NOTED
- INDICATES A FOUND 3/4" REBAR WITH ALUMINUM CAP, SET AMPED "CAL TRANS" PER BOOK 20, MAPS & SURVEYS, PAGE 199
- INDICATES A 5/8" REBAR WITH PLASTIC CAP STAMPED LS 4569 SET BY THIS SURVEY
- INDICATES A CONCRETE NAIL WITH BRASS TAG STAMPED LS 4569 SET BY THIS SURVEY

EXHIBIT A

PROJECT LOCATION MAP

Johannsen TM Extension P-09-21



HUNT LAND SURVEYING
544B MAIN ST. / P.O. BOX 1622
WEAVERVILLE, CA 96093
530-623-6022 & FAX
September 7, 2018

RECEIVED

SEP - 7 2018

TRINITY COUNTY
PLANNING DEPARTMENT

Trinity County Planning Department
Attn: John Jelecich/Ruth Hanover

Re: Johannsen Parcel Map (P-09-21)

John/Ruth,

Pursuant to Section 16.16.050 of the Trinity County Subdivision Ordinance we hereby request a one year extension on the above referenced project. Our client is in the process of completing his county encroachment permit and is also finalizing his building permit for his garage remodel per condition C. of the resolution.

Respectfully,



Greg Lowden
Hunt Land Surveying

RESOLUTION NO. PC-2009-03

ADOPTED BY THE TRINITY COUNTY PLANNING COMMISSION
A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING
A TENTATIVE MAP FOR JOHANNSEN
(P-09-21)

WHEREAS, the Planning Commission, on September 10, 2009 , held a public hearing on the request for approval of a tentative map for property located at 1260 Main Street, Weaverville; and

WHEREAS, all governmental and utility agencies affected by the development of the proposed subdivision have been notified and given the opportunity to respond; and

WHEREAS, the Planning Commission has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration; and

WHEREAS, the Planning Commission has considered the effects that approval of the proposed subdivision would have on the housing needs of Trinity County and has balanced these needs against the public service needs of residents, and available fiscal and environmental resources;

NOW, THEREFORE, BE IT RESOLVED BY THE SUBDIVISION REVIEW COMMITTEE OF TRINITY COUNTY THAT:

1. The Negative Declaration has been prepared in compliance with CEQA, State and County Guidelines, and the Commission has reviewed and considered the information contained therein.
2. None of the conditions described in Government Code Section 66474, subsections (a) through (g) inclusive, exist with respect to the proposed subdivision.
3. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the County General Plan, and Section 16.12.150 of the Subdivision Ordinance, and Fire Safe Ordinance 1162.
4. The discharge of waste from the proposed subdivision will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Control Board.
5. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
6. The tentative map for the proposed subdivision is hereby approved, subject to the following conditions, which must be satisfied prior to the filing of the parcel map unless a different time for compliance is

specifically noted:

A. Roads

- 1) A 60-foot dedication, lying 30 feet each side of existing centerline, along Mountain View Street (County Road No. WVA 01), where said dedication lies within the subject property.
- 2) All existing or proposed encroachments onto Mountain View Street shall conform to Department of Transportation standards. An "Encroachment Permit" is required for the encroachments on Parcel 1 and work shall be completed prior to the recording of the Parcel Map.
- 3) The proposed 20-foot easement located along the western boundary of Parcel 2 shall be extended another five feet (5') into the Parcel 1 to accommodate for 25 feet of backing area for the six parking spaces along the western side of Susie's Bakery (which is located on Parcel 2).

B. Caltrans

Provide proof that a valid Caltrans Encroachment Permit is in the name of the current owner for Parcel 2, or obtain one.

C. Property lines

The garage that sits on the boundary line between Parcels 2 and 3 shall either be removed, or the garage door can be moved to the west side or south side, and the boundary line adjusted so that it meets a five foot side yard setback. A Building Permit will be required for demolition or changes to the door.

D. Notice of Environmental Constraint

A Notice of Environmental Constraint shall be recorded, and noted on the map, which includes the language listed below. The Notice shall be submitted to the Planning Director for review and approval prior to being notarized and recorded.

- 1) Prior to development of Parcel 1, a Caltrans Encroachment Permit will be required for access to the State Highway. Any change in ownership requires a new permit or record change.
- 2) This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise,

vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- 3) Due to proximity to the airport, any development shall have to comply with the following conditions:
- a) Development shall not interfere with navigational signals or radio communications.
 - b) Any outdoor security lighting must be designed so that it is distinguishable from airport lighting. Lighting shall not create glare that may interfere with the operations of aircraft.
 - c) All building materials shall be non-glare.
 - d) No building or use on the parcel may provide an attraction for birds. Any question as to whether a use may or may not be allowed shall be determined by the Trinity County Airport Manager.
 - e) If any portion of the building protrudes into FAR Part 77 Air Space, the applicants shall obtain approval from the FAA prior to issuance of the building permit. Any conditions of the FAA shall be incorporated as conditions of the building permit. A copy of FAA approval shall be provided to the Chief Building Inspector prior to issuance of the building permit.

AYES: Commissioners Ray Bushman, Tom McKnight, Chuck Johnson and Keith Groves

NOES: None

ABSTAIN: None

ABSENT: Commissioner Jungwirth



ACTING CHAIRMAN – Keith Groves

ATTEST:


Secretary of Trinity County
Planning Commission

NOTE: Approval of this tentative map will expire on September 10, 2013 (AB 333). Any requests for a time extension must be received by the Trinity County Planning Department 30 days prior to this expiration date.