

## TRINITY COUNTY PLANNING COMMISSION STAFF REPORT

**PLANNER:** Lisa Lozier, Deputy Director of Planning

**OWNERS:** Tyler Thompson and Holly Hayes

**APN:** 008-820-01-00

**PROJECT DESCRIPTION:** Two-year extension of time of Tentative Map P-16-25

**LOCATION:** 531 School House/Burnt Ranch Road

**PROJECT INFORMATION:**

**PLANNING AREA:** Salyer/Burnt Ranch

**EXISTING GENERAL PLAN DESIGNATION:** Rural Residential (RR)

**EXISTING ZONE DISTRICT:** Rural Residential 5-acre minimum (RR5) with a Mobile Home Standards Overlay (MHS)

**EXISTING LAND USE:** One single-family residence and accessory structures.

**ADJACENT LAND USE:**

	Land Use	Zoning	General Plan
North	Residential	RR-5 (MHS)	Rural Residential
South	Residential	RR-5 (MHS)	Rural Residential
East	Residential	RR-5 (MHS)	Rural Residential
West	USA Forestry	Unclassified	Resource

**Background:**

The Planning Commission first approved Tentative Parcel Map P-16-25, a two-parcel land division of approximately 15.4 acres, for the creation of two residential parcels on June 8, 2017, subject to conditions of approval listed in Exhibit "A" of Resolution 2017-02 (Attachment 2). The first approval was granted for 24 months and would expire on June 8, 2019. On March 8, 2019, the project applicant timely applied for an additional one-year time extension which was approved by the Planning Commission on April 11, 2019 and set to expire on June 8, 2020.

**Tentative Map Extension of Time:**

The California Subdivision Map Act (SMA) specifies the term of approval and limitations for extensions of time for approved tentative maps. Initial tentative map approval is for 24 months.

Tentative maps may be extended by State legislative action or by the local authorized advisory agency upon timely application by the subdivider. Trinity County Subdivision Ordinance (TCSO) identifies the Planning Commission as the Advisory Agency having authority to grant extensions of time in addition to the original 24-month approval. Additional extensions may be granted not to exceed the maximum time allowed by the SMA. The first discretionary extension of time for one year as determined by TCSO was approved by the Planning Commission on April 11, 2019 and set to expire June 8, 2020. The applicant timely filed a request for an additional extension of time (P-20-15) on May 4, 2020. Staff is recommending a 2-year extension of time to June, 8, 2022, to allow the applicant time work with Department of Transportation and California Department of Forestry and Fire Protection (CALFIRE) to complete the required Conditions of Approval approved in Resolution 2017-02 Exhibit "A".

**ENVIRONMENTAL DETERMINATION:**

California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

**ALTERNATIVES:** The following alternatives are available:

1. Continue the public hearing to request additional information.
2. Grant the extension of time request for a period of less than 2 years.
3. Deny the request for an extension of time. Specific findings are not required.

**CONCLUSION:** Based on the information supplied by the applicant and information available to Planning staff, staff is of the opinion that approval of a 2-year extension of time for Tentative Map P-16-25 is consistent with the requirements of the State Subdivision Map Act (California Government Code Section 66463.5(c) and the Trinity County Subdivision Ordinance (Code Section 16.16.050).

**RECOMMENDATION:** Staff recommends that the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution to:
  - a) find that the extension of time is not subject to California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment; and
  - b) adopt the recommended findings listed in Resolution 2020-06; and
  - c) approve a 2-year Extension of Time P-20-15 for Tentative Map P-16-25, based on the recommended findings and subject to the Conditions of Approval listed in Planning Commission Resolution No. 2017-02.

ATTACHMENTS:

1.      Draft Resolution 2020-06
2.      Planning Commission Resolution No. 2017-02 and Exhibit "A"
3.      Letter from applicant requesting extension of time for P-16-25
4.      Location Map
5.      Zone District Map
6.      Tentative Map P-16-25 – Exhibit A

**RESOLUTION NO. PC-2020-06**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY**

**Approving a second extension of time of 24-months for Tentative Map P-16-25 (Thompson)**

**WHEREAS**, the Trinity County Planning Department has considered a request for a second extension of time for Tentative Map P-16-25, filed by Tyler Thompson and Holly Hayes, in accordance with Title 16, Subdivisions, of the Trinity County Code; and

**WHEREAS**, approved or conditionally approved tentative maps expire 24 months after initial approval; and

**WHEREAS**, the legislative bodies or advisory agency may extend the expiration date of approved and conditionally approved tentative maps in accordance with the State Subdivision Map Act and local ordinance; and

**WHEREAS**, an initial 12-month extension of time was granted by the Planning Commission on April 11, 2019 with an expiration date of June 8, 2020; and

**WHEREAS**, the Planning Commission held a public hearing and considered this matter at the regular meeting held on June 11, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the County of Trinity:

1. Finds the requested extension of time to be exempt from the requirements of the California Environmental Quality Act under the General Rule exemption 15061(b)(3) on the basis that there are no substantial changes to the project or to circumstances under which the project is proposed to be undertaken, and no new information has become available or been made known showing unanalyzed environmental effects; and
2. Makes the following map findings:
  - A. That an extension of time to June 8, 2022, may be granted in accordance with the Subdivision Map Act Section 66463.5(c).
  - B. That no evidence has been presented which would substantiate denial of the extension of time.
  - C. That the map is substantially the same as the original approved map.
  - D. The required improvements are necessary for the orderly development of the area; and
3. Approves the 24-month extension of time set to expire June 8, 2022, for Tentative Parcel Map P-16-25, subject to the conditions of approval adopted on June 8, 2017.

*Attachment 1*

Resolution No. PC-2020-06  
June 11, 2020

**DULY PASSED AND ADOPTED** this 11<sup>th</sup> day of June, 2020 by the Planning Commission of the County of Trinity by the following vote:

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:  
RECUSE:

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MICHAEL "DAN" FRASIER, CHAIRMAN  
Planning Commission  
County of Trinity  
State of California

ATTEST:

Kim Hunter  
Secretary of the Planning Commission

By: \_\_\_\_\_  
Deputy

**RESOLUTION NO. 2017-02**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY  
APPROVING TENTATIVE PARCEL MAP  
(Thompson/Hayes, P-16-25)**

**WHEREAS**, the Planning Commission, on June 8, 2017, held a public hearing on the request for approval of a tentative parcel map for property located on at 531 School House Road, Burnt Ranch (Applicant: T. Thompson & H. Hayes, APN: 008-820-01); and

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

**WHEREAS**, the Planning Commission has considered the effects that approval of the proposed project, including the change to the zoning and the subdivision which they have concluded would have a beneficial effect on addressing 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** that the Planning Commission of the County of Trinity:

- A. Approves the project Mitigated Negative Declaration, finding that on the basis of the whole record before the Planning Commission, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that a mitigated negative declaration reflects the Board's independent judgment and analysis; and
- B. Approves the Tentative Parcel Map (T. Thompson & H. Hayes; File # P-16-25), based on the following findings and subject to the conditions of approval set forth in Exhibit A, attached hereto:
  1. None of the conditions described in Government Code Section 66474, subsections (a) through (g) inclusive, exist with respect to the proposed subdivision; and
  2. The findings of Government Code Section 66474.02 are met as follows:
    - a) The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code, because conditions have been applied to the subdivision to meet these standards and County's Fire Safe Ordinance and Building Code standards require construction to meet these regulations;

- b) Structural fire protection and suppression services will be available for the subdivision through the Hawkins Bar Volunteer Fire Company, which provides fire suppression services to the area; and
  - c) To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and applicable County ordinances, because the road improvement conditions of map approval have been imposed to address this issue.
3. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the County General Plan, Section 16.12.150 of the Subdivision Ordinance, and the County 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 based on the conditions of map approval.
  5. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

**DULY PASSED AND ADOPTED** this 8<sup>th</sup> day of June, 2017 by the Planning Commission of the County of Trinity by motion of Commissioner                     Hoard                    , seconded by Commissioner Stewart , and the following vote:

AYES: Commissioners Stewart, Frasier, Hoard and Matthews  
NOES: None  
ABSENT: Commissioner McHugh  
ABSTAIN: None  
RECUSE: None

  
\_\_\_\_\_  
Graham Matthews, CHAIRMAN  
Planning Commission  
County of Trinity  
State of California

ATTEST:

By:   
\_\_\_\_\_  
RUTH HANOVER  
Clerk of the Planning Commission

**EXHIBIT "A"**

TENTATIVE MAP

CONDITIONS OF APPROVAL

(T. Thompson & H. Hayes, P-16-25)

The following conditions of tentative map approval shall be satisfied prior to the filing of the parcel map, unless a different time for compliance is specifically noted:

A. General:

1. A Notice of Environmental Constraint shall be recorded concurrent with the Parcel Map that shall provide for the following provisions:
  - a. In the event that previously unidentified cultural or paleontological resources are encountered during development of the parcel, there shall be no further excavation or disturbance of that area or within a 50 foot buffer of the discovery location. The owner/developer shall avoid the materials and their contents. The Trinity County Planning Director shall be notified immediately, and a qualified archaeologist shall be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. Prehistoric materials which could be encountered include: obsidian and chert debitage or formal tools, grinding implements, (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits or shell, faunal remains, and human burials. Historic archaeological discoveries may include nineteenth century building foundations, structural remains, or concentrations of artifacts made of glass, ceramics, metal or other materials found in buried pits, old wells or privies. Work shall not continue in the area until mitigations have been implemented and written authorization to resume work has been provided by the Planning Director.
  - b. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per state law. If the Coroner determines the remains to be Native American, he/she will contact the Native American Heritage Commission who will contact the most likely descendent who will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work shall not continue in the area until the human remains have been dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent.



B. Miscellaneous:

1. All easements within the development shall be dedicated on the Parcel Map or by separate instrument.

C. Utilities:

1. A ten-foot wide public utility easement shall be provided along the southern boundary of parcel 1 to the eastern boundary of parcel.

D. Roads:

1. The primary access road (a.k.a. Powder House Road) to the subdivision shall be constructed to the Trinity County "Roadway Category D" standards from Pony Express Way (a.k.a. School House Road) (Co. Rd. No. 474) to the southern boundary of Parcel 2. Trinity County Fire Safe Ordinance standards and PRC 4290 shall also apply when the requirements exceed Roadway Category D standards. This shall include, but is not limited to:
  - a. A minimum roadbed width of 18' with additional curve widening as prescribed by the Fire Safe Ordinance. The 3:1 sloped "shoulder" as shown on the tentative map typical section is not to be considered part of the roadbed width; and
  - b. A maximum gradient of 12%, which may be increased to 14% for short distances, subject to the approval of the Department of Transportation; and
  - c. A minimum centerline curve radius of 50 feet; and
  - d. Structural section shall be based upon an engineering analysis of subgrade material and native soils with approval of the Department of Transportation. Surfacing shall be a minimum of 6" thick class 2 aggregate base, or native crushed rock (shale) may be used upon approval by the Department of Transportation.
2. All access roads shall exist within irrevocable, non-exclusive, private road easements with adequate widths to contain all elements of the design cross section, drainage, utility accommodations and border areas.
3. A turnaround is required on the access road to Parcel 2 at the southern boundary of Parcel 2 or somewhere within Parcel 2. The turnaround shall meet Trinity County Subdivision and Fire Safe design requirements, including PRC 4290, and must be within the private road easement.

4. On dead end access roads, turnarounds shall be provided at a maximum of one thousand three hundred twenty foot intervals. Turnarounds shall be constructed to meet the requirements of the Trinity County Fire Safe ordinance and must be within the private road easement. Driveways are allowed to utilize the turnaround as permitted by CalFire.
5. An encroachment permit from the Trinity County Department of Transportation is required for the Parcel 2 access road onto County maintained Pony Express Way (Co. Rd. No. 474). The encroachment shall conform to the County Department of Transportation standards for a private road.
6. An encroachment permit from the Trinity County Department of Transportation is required for the Parcel 1 driveway onto County maintained Pony Express Way (Co. Rd. No. 474). The encroachment shall conform to the County Department of Transportation standards for a driveway.
7. A hydrology study showing the ability to convey 100 year storm flows through all culverts on the access road shall be approved by the Director of Transportation. All driveway and ditch relief culverts shall be 18" diameter unless an alternative size is approved by the Director of Transportation. Ditches shall be designed and constructed to prevent 100 year flows from encroaching more than 2 feet into the travel way.
8. Road names shall be submitted to the Planning Department for approval in accordance with Title 12, Chapter 12.17 of the Trinity County Code.
9. Road name signs shall be installed at all intersections.
10. All improvements required for this development and as described in these conditions of approval shall be shown on construction drawings (the final improvement plans) to be submitted along with the Parcel Map to the Trinity County Department of Transportation for review and approval. Approval of the construction drawings is required prior to Parcel Map Acceptance.
11. Prior to construction of improvements, the construction drawings shall be stamped by an engineer and approved by the County Engineer.
12. Inspection of the improvements will be performed by Trinity County Department of Transportation staff or a County selected inspection firm. The developer will coordinate inspections with the Department of Transportation prior to start of construction.
13. The Developer will be responsible for all actual costs on a hourly basis associated with the subdivision improvements, including review of construction improvement plans, developing Development Agreements, performing improvement inspections, and all other related costs.

14. The applicant and/or subsequent grantees shall create to the satisfaction of Trinity County Counsel and the Trinity County Department of Transportation an organization or association for the maintenance of the private roads within the subdivision or show evidence of the existence of such an agreement or organization.
15. It is understood that the improvements will be completed prior to recording of the map. Should the developer wish to do otherwise, a Subdivision Improvement Agreement shall be required.

E. Environmental Health:

1. Well recovery rate documentation for Parcel 1 shall be provided to the Director of Environmental Health for approval of water supply. Adequate water availability shall be demonstrated, subject to the approval of the Director of Environmental Health.
2. Documentation shall be provided to the Director of Environmental Health demonstrating that Parcel 2 is/does belong to Burnt Ranch Estates Mutual Water Company, and stating what that membership provides. Adequate water availability shall be demonstrated, subject to the approval of the Director of Environmental Health.

F. Erosion Control:

1. The improvement plans shall include a grading plan and erosion and sediment control plan, which incorporates standard erosion control practices and best management practices, subject to the approval of the County Engineer. The following measures shall be included:
  - a. Any mass grading shall be restricted to dry weather periods between April 1 and October 31.
  - b. If other grading activity is to be undertaken in wet-weather months, permanent erosion and sediment controls shall be in place by October 15, and construction shall be limited to areas as approved by the County Engineer. A winterization plan shall be submitted by September 15 and implemented by October 15.
  - c. In the event construction activity including clearing, grading, disturbances to the ground, such as stockpiling, or excavation result in soil disturbances of at least one acre of total land area, the applicant shall obtain and provide a Notice of Intent (NOI) from the Regional Water Quality Control Board.
  - d. Should a NOI be required, Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to issuing a construction permit. The SWPPP shall have provisions to provide at minimum monthly monitoring reports to the County during wet weather and to one year after completion of construction.

Resolution No. 2017-02  
June 8, 2017

- e. Projects less than one acre are exempt from obtaining a NOI unless construction activity is expected to create soil disturbances that could cause significant water quality impairment.
- f. The internet site for information and application on the NOI can be found at: <http://waterboards.ca.gov/waterissues/programs/stormwater/constpermits.shtml>
- g. Sedimentation basins traps, or similar BMP controls shall be installed prior to the start of grading.
- h. Mulching, hydro seeding, or other suitable revegetation measures shall be implemented. Planting shall also occur on areas of cut and fill to reduce erosion and stabilize exposed areas of later construction phases. All disturbed areas with a slope greater than 5% shall receive erosion control.
- i. Excavated materials shall not be deposited or stored where the materials could be washed away by storm water runoff.

NOTE: Approval of this tentative map will expire on June 8, 2019. Any request for a time extension must be received by the Trinity County Planning Department 30 days prior to this expiration date.

To Whom it may concern,

I am requesting another subdivision extension for P-16-25 as the project has not been completed yet. An extension was granted in 2019 as well and I have given the requested paperwork to environmental health and completed a major road improvement. A consensus has not been reached between all departments and Engineers to deem the project finalized. Ideally it would be finished by the expiration of the Tentative map on June 8th 2020 but that seems highly unlikely.

Thanks, Tyler Thompson. 4/23/2020

A handwritten signature in blue ink, appearing to read "Tyler Thompson".

RECEIVED

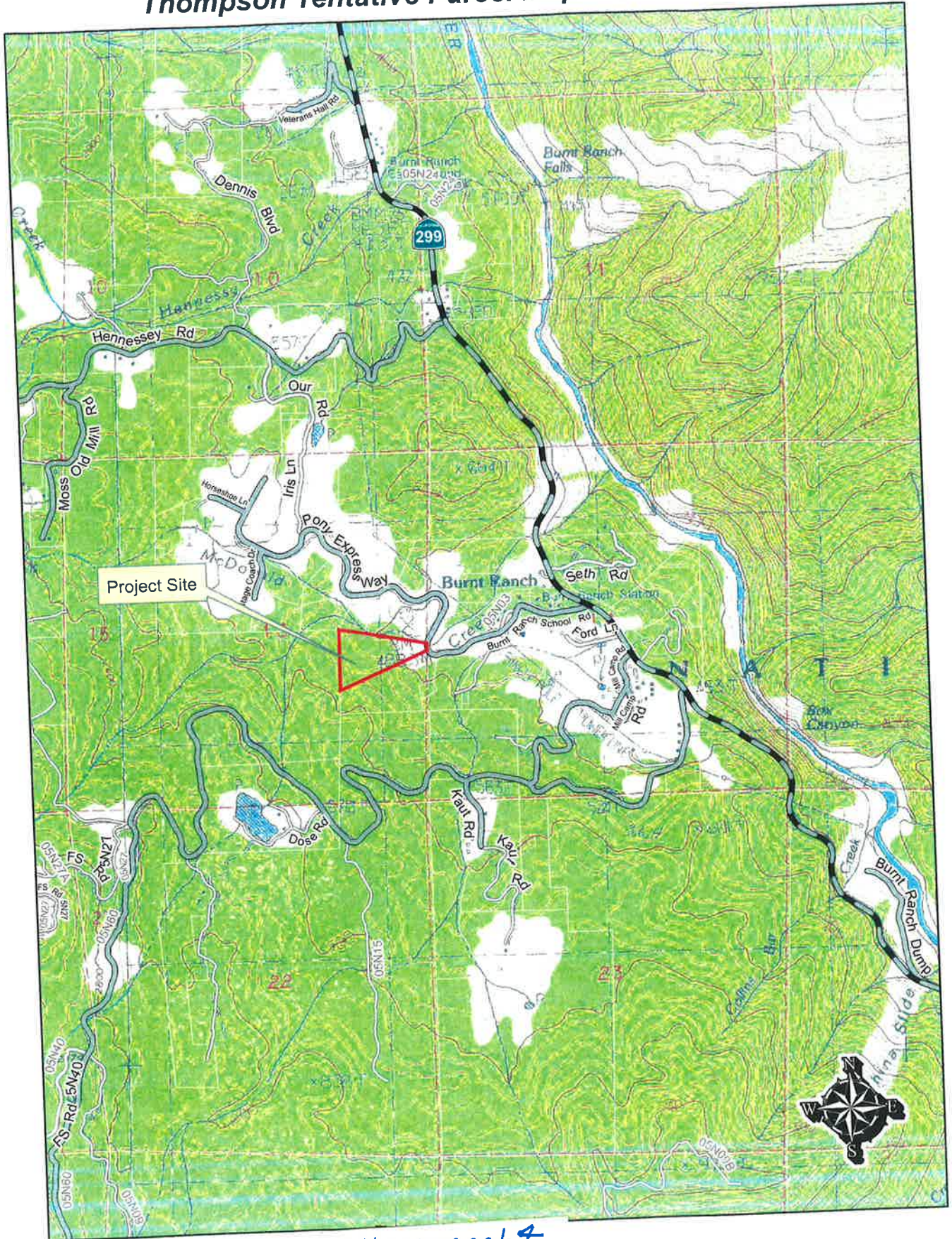
MAY 04 2020

TRINITY COUNTY  
PLANNING DEPARTMENT

Attachment 3

# PROJECT LOCATION MAP

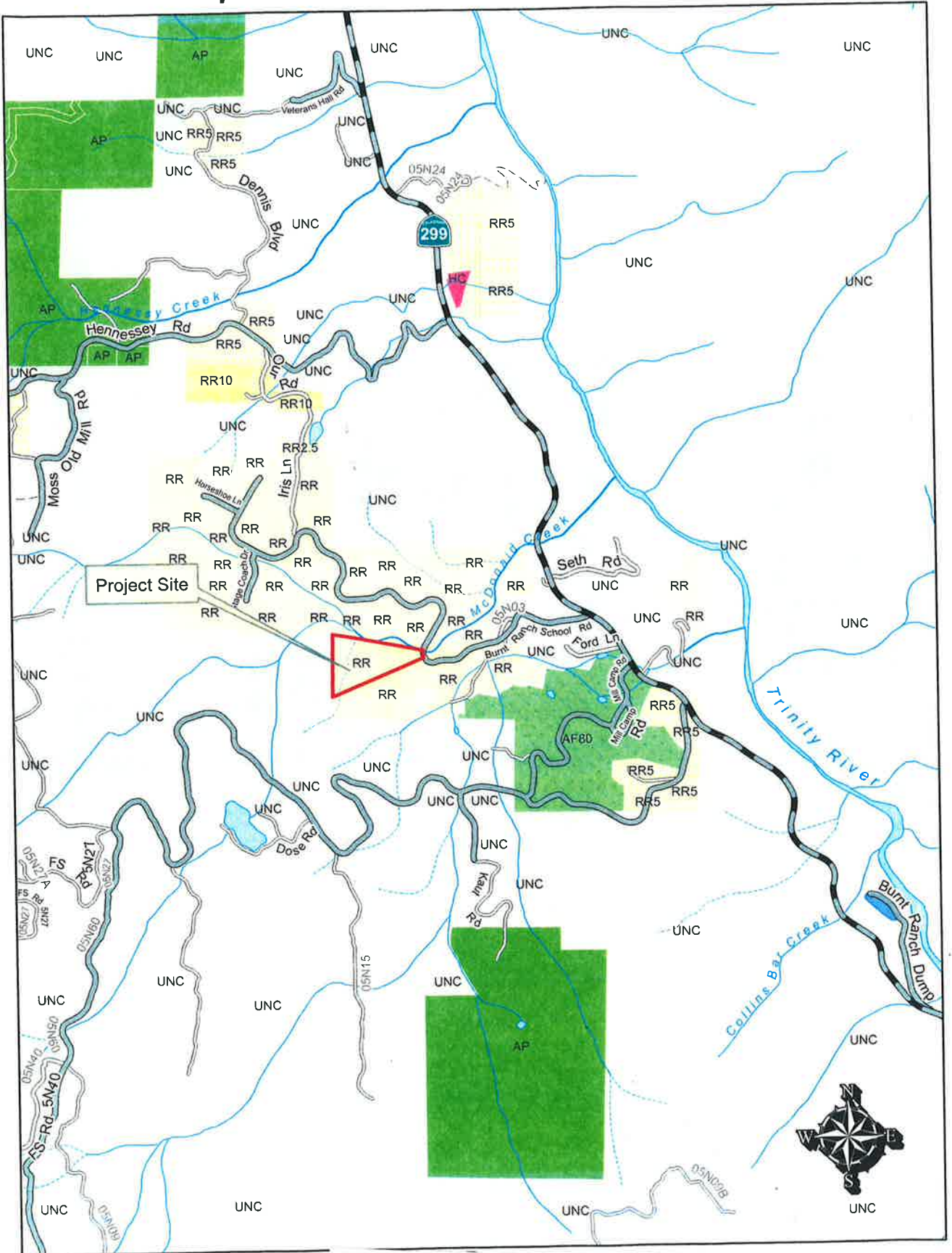
## Thompson Tentative Parcel Map P-16-25



Attachment 4

# ZONING

## Thompson Tentative Parcel Map P-16-25



Attachment 5

**NOTES:**

- 1) SHOP 2012-034
  - 2) SEPTIC 2012-009
  - 3) WELL 2013-149
- TOPOGRAHIC SURVEY CONDUCTED BY G.S.I  
ON JULY 2011 FOR POWDER HOUSE ROAD.  
APRN# 008-820-01  
PRELIMINARY TENTATIVE MAP PREPARED FROM RECORD  
AS SHOWN PER BOOK 8 OF MAPS & SURVEYS, PAGE 81
- 1) ZONING DISTRICT: (RR)
  - 2) GENERAL LANE (RL)
  - 3) FLOOD ZONE: NO
  - 4) AVIATION SERVICES: NO MUNICIPAL SERVICES
  - 5) SEWER SERVICES: NO MUNICIPAL SERVICES
  - 6) ELECTRICITY SERVICES: PACIFIC GAS & ELECTRIC
  - 7) FIRE PROTECTION SERVICES: VOLUNTEER FIRE
  - 8) CONTOUR INTERVAL: 20' DERIVED FROM USGS 30M DEM
  - 9) PRELIMINARY TITLE REPORT NO. 56679, DATED OCTOBER 6, 2011
  - 10) PRELIMINARY TITLE REPORT NO. 600, DATED JUNE 6, 2016

**<E> BUILDING PERMITS TRINITY COUNTY:**

- 1) SHOP 2012-034
- 2) SEPTIC 2012-009
- 3) WELL 2013-149

**APPLICANT:**

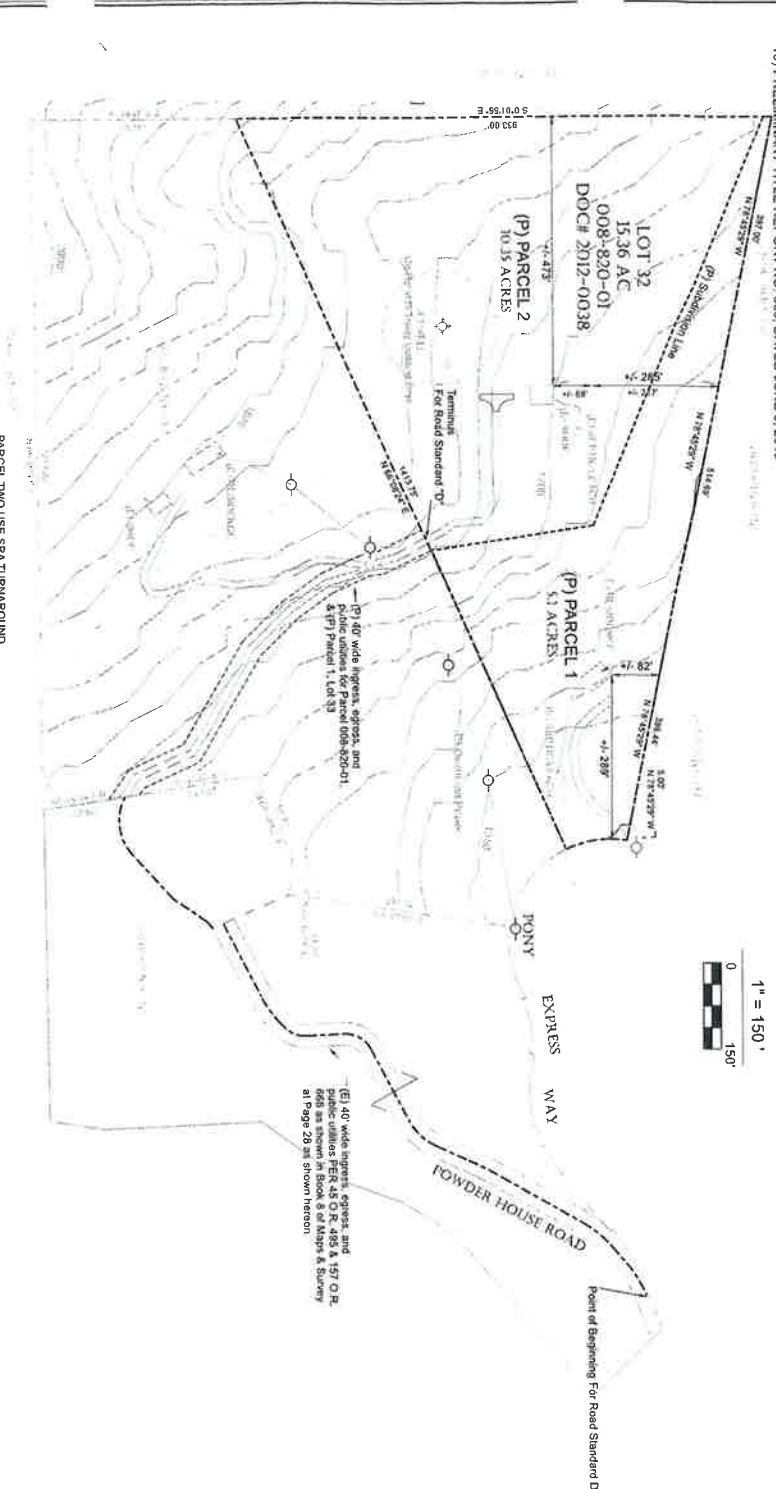
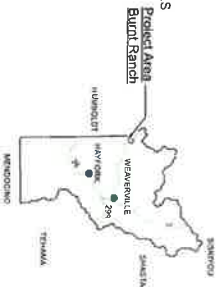
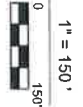
LOT 32  
TYLER THOMPSON AND HOLLY HAYES  
P.O. BOX 143  
BURNT RANCH, CA 95527

**OWNER:**

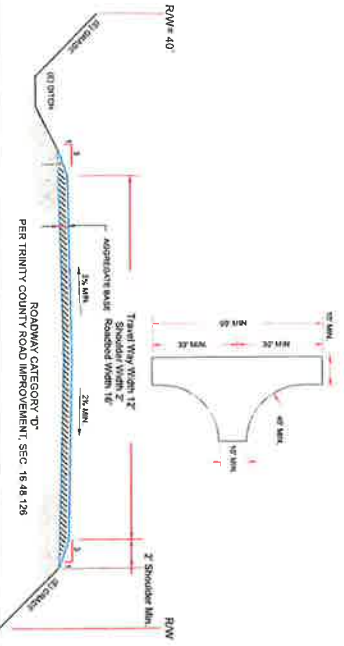
LOT 32  
TYLER THOMPSON AND HOLLY HAYES  
P.O. BOX 143  
BURNT RANCH, CA 95527



BASIS OF BEARING:  
BOOK 8 OF MAPS & SURVEYS, PAGE 28



PARCEL TWO USE SRA TURNOVER/ROUND  
HAMMERHEAD™



**SEWAGE DISPOSAL:**

- (P) Parcel One: Existing Septic and Leach as shown hereon
- (P) Parcel Two: Existing Septic and Leach as shown hereon.

**WATER SUPPLY:**

- (P) Parcel One: Existing Burnt Ranch Estates Mutual Water Company as shown hereon.
- (P) Parcel Two: Existing Well as shown hereon.

**TENTATIVE PARCEL MAP**

For  
**TYLER THOMPSON & HOLLY HAYES**  
A PROPOSED SUBDIVISION OF LOT 32  
AS SHOWN ON BOOK 8 OF MAPS & SURVEYS, PAGE 81  
BRING A PORTION OF SECTION 14 & 15, T.5N., R.6E., H.B. & M  
UNINCORPORATED AREA, COUNTY OF TRINITY,  
STATE OF CALIFORNIA



TRINITY VALLEY CONSULTING ENGINEERS INC.  
67 WALNUT WAY, WILLOW CREEK, CA 95573  
PHONE: 530-629-3000 - FAX: 530-629-3011  
May 24, 2016

- PRELIMINARY TITLE REPORT NO. 56679:  
"NUMBERED AS REFERENCED IN PRELIMINARY REPORT"
- 3) SOME RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY MAY EXIST OVER THAT PORTION OF SANDLAND LYING BENEATH THE WATERS OF MCDONALD CREEK
  - 4) 1993 IN BOOK 50 OR, PAGE 328, TRINITY COUNTY RECORDER DITCHES, WATER AND WATER RIGHTS TO BRANNARD C.
  - 5) COUNTY OF TRINITY "40 FEET RIGHT OF WAY" 1955, BOOK 61 OR, PAGE 144
  - 6) AN EASEMENT AFFECTING THE PORTION OF LAND FOR: A) BUILDING SET BACK, B) TELEPHONE AND ELECTRIC FACILITIES
  - 7) COVENANTS, CONDITIONS & RESTRICTIONS EXECUTED BY BURNT RANCH ESTATES
- ACCESS TO PARCELS:**
- Parcel One: Pony Express Way Road as shown hereon as existing legal public encroachment to Subdivider's Parcel 008-820-01
  - Parcel Two: Powder House Road as shown hereon as proposed legal public encroachment to Subdivider's Parcel 008-820-01 (P) Parcel 1™

Attachment 6