

TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT

PROJECT TITLE: Amendment to the Limited Density Rural Dwellings Ordinance (Trinity County Code (TCC) Section § 15.25.030) to Reduce Acreage Requirement

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LOCATION: Countywide

ZONING DISTRICTS: Unclassified (U); Agricultural Preserve District (AP); Rural Residential (RR); Agriculture – Forest Districts (AF); Agricultural Districts (A); Timberland Preserve Districts (TPZ) and in a special circumstance, where an applicant has lost their residence due to a locally declared natural disaster, the affected applicant may seek exemption from the zoning and the minimum parcel size requirements through the planning commission.

PROJECT DESCRIPTION:

District 5 Supervisor, Dan Frasier, is requesting an ordinance amendment to Trinity County Code Section 15.25.030 that would exempt parcels from the minimum parcel acreage requirement, if located outside of the boundaries of a Community Service District (CSD) which provides sewer and water.

BACKGROUND

On April 28, 2022, the Planning Commission voted to recommend the Limited Density Rural Dwellings (LDRD) Ordinance to the Board of Supervisors. The Board of Supervisors adopted Ordinance No. 1363 to establish Trinity County Code 15.25 on September 6, 2022.

The Planning Commission previously considered an amendment request to reduce the acreage minimum at the November 9, 2023 Planning Commission meeting. The Planning Division hired a Senior Planner on December 1, 2023 and, upon review of the pending amendment, recommended that this ordinance be brought back to the Planning Commission in order to request comments from safety and construction related agencies (CALFIRE, Trinity OES, Fire Chief’s Association, Trinity County Building Division, etc.) prior to scheduling the first reading of the amendment at the Board of Supervisors.

ANALYSIS OF EXISTING ORDINANCE

LDRD Ordinance Purpose: Per Section 1 (Findings and Declarations), “The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures.”

Eligible Structure Types:

1. "Limited density rural dwelling" shall mean any structure consisting of one or more habitable rooms, not exceeding one-and one-half stories, intended and designed to be occupied by one family, with facilities for living and sleeping, with use restricted to rural areas.
2. "Appurtenant structure" shall mean a structure directly related to the primary residential use, including, but not limited to, detached bedrooms or hobby rooms used as living space, garages, or pump houses. Appurtenant structures also include, are not limited to, shops, barns, sheds, including those considered accessory to the zone.

Eligible Zoning Districts:

1. Unclassified (U)
2. Agricultural Preserve District (AP)
3. Rural Residential (RR)
4. Agriculture — Forest Districts (AF)
5. Agricultural Districts (A)
6. Timberland Preserve Districts (TPZ)

Current Exemption: Trinity County Code § 15.25.030, currently allows, in special circumstance, where an applicant has lost their residence due to a locally declared natural disaster, the affected applicant may seek exemption from the zoning and the minimum parcel size requirements through the planning commission.

No. of Permits: As of the date of this staff report, the following data is available regarding how many LDRD Building Permits are active or issued and in which communities:

Year	Structure Type	Permit Status	Community
2024	Storage Building	Open	Hayfork
2023	Residence	Open	Big Flat
2023	Residence	Open	Lewiston
2023	Storage Building	Issued	Burnt Ranch

2023	Residence	Issued	Hettenshaw
2023	Residence	Issued	Ruth
2020	Residence – permit converted to LDRD	Issued	Zenia
2019	Residence – permit converted to LDRD	Issued	Burnt Ranch
2019	Residence – permit converted to LDRD	Issued	Ruth

AGENCY COMMENTS

The table below outlines which agencies were sent a request for comment (RFC) and how the agency responded. If an agency did not respond, Planning staff reached out via phone to follow up. If an agency provided a comment, Planning staff summarized the agencies concerns or questions, provided a response in the discussion section below this table and adjusted the proposed ordinance, when appropriate.

AGENCY	RESPONSE
Assessor’s Office	No concerns/questions
Building Division	Comment–Attachment 9
Department of Transportation	No concerns/questions
Environmental Health Division	Comment–Attachment 10
Trinity County Life Support	No response, even with follow-up
Trinity County Resources Conservation District	No concerns/questions
California Department of Housing and Community Development	No response, even with follow-up
Trinity and California Office of Emergency Services	No comment status
CalTrans	No response, even with follow up
CALFIRE	Comment - Attachment 11
Trinity County Fire Chiefs Association	Comment–Attachment 12
Coffee Creek Volunteer Fire Department	Fire Chief’s Association Comment
Douglas City Volunteer Fire Department	
Downriver Volunteer Fire Department	
Hayfork Volunteer Fire Department	
Junction City Fire Department	
Lewiston Community Services District	
Lewiston Volunteer Fire Department	
Southern Trinity Volunteer Fire Department	
Trinity Center Volunteer Fire Department	

Zenia Fire	
Hawkins Bar Volunteer Fire Department	Comment–Attachment 13
Post Mountain Fire	Comment–Attachment 14
Salyer Community Services District	Comment–Attachment 15
Douglas City Community Services District	Comment–Attachment 16
Hyampom Community Services District	Comment–Attachment 17
PG&E	No response, even with follow up
Ruth Lake Community Services District	No comment
Salyer Volunteer Fire Department	No comment
Trinity Center CSD	No response, even with follow up
Trinity County Waterworks	No comment
Trinity Public Utilities District	No response, even with follow up
Weaverville Community Services District	No concerns/questions
Weaverville Sanitary District	No concerns/questions
United States Department of Agriculture	No response, even with follow up
United States Forest Service	No response, even with follow up

Building Division Comment: The Building Division has expressed concerns regarding Wildland Urban Interface (WUI) and California Fire Code. The Building Division also expressed that members of the public have tried to submit to an LDRD Building Permit but did not qualify due to parcel size.

Planning Division Response:

Section A (Technical Code) of the current LDRD Ordinance states the following:

“Technical Code. Except as otherwise required by this chapter, structures constructed pursuant to this part, and compliant to all requirements contained herein, need not conform with the construction requirements prescribed by the latest applicable edition of the codes that make up a California Building Standards Code, Title 24, California Code of Regulations, or other applicable technical codes; however, it is not the intent of this section to disregard nationally acceptable technical and scientific principles relating to design, materials, methods of construction and structural requirements for the erection and construction of structures as are contained in the uniform technical code.”

The highlighted portion of this section requires that LDRD structures comply with applicable provisions of the Trinity Fire Safe Ordinance (TCC 8.30), PRC 4290/4291 (CALFIRE Code) and Building Code Chapter 7A, even though this is not clearly expressed in the ordinance as currently written. Staff has added language in the proposed amendment to help County staff, other agencies and the public more easily comprehend the requirements related to fire concerns.

CALFIRE Comment: CALFIRE mentions LDRD structure compliance with Chapter 7A of the California Building Code for structures in WUI areas and raised concerns regarding CALFIRE’s inability to enforce public resource code 4290 requirements on structures located on parcels less than 1 acre in size. Concerns were also raised about

whether reducing the acreage requirements would reduce a property owner's ability to harvest natural materials from their own land and believes lowering the acreage limit would conflict with the Limited Density concept of the ordinance.

Planning Division Response: The Planning Division will incorporate CALFIRE's comments concerning California Building Code Chapter 7A and required acreage for enforcement of PRC 4290/4291 into the final ordinance. Density, in planning terms, is usually described in other jurisdictions as the number of allowed housing units per acres. The higher the density the more units are allowed per acre and the lower the density the fewer units are allowed per acre. Trinity County Zoning Ordinance does not contain a framework for density ratios.

Douglas City Community Services District Comment: There should be an acreage minimum, and there should not be an adverse impact on the density of rural communities for existing property owners, impacting their lifestyle and property value.

Planning Division Response: The Planning Division recommends lowering the acreage requirement to no less than one acre. Lifestyle and property value are concerns that are not within the regulatory jurisdiction of the Planning Division.

Environmental Health Comment: Trinity County Environmental Health cannot approve septic systems on parcels less than half an acre, per state law California Water Code Section 106.4.

Planning Division Response: The Planning Division recommends lowering the acreage requirement to no less than one acre to comply with CALFIRE regulations, which would also comply with CA Water Code Section 106.4.

Hawkins Bar Volunteer Fire Department Comment: Hawkins Bar Fire is against removing the acreage minimum.

Planning Division Response: The Planning Division has included this comment for Commission and Board consideration in their decision.

Post Mountain Fire: Post Mountain Fire strongly opposes any form of Class K housing and believes that this type of housing is used by those that farm marijuana illegally. Post Mountain Fire also believes that firefighters are at a higher risk of fire danger and expressed concerns related to electrical requirements.

Planning Division Response: The Planning Division will incorporate comments concerning California Building Code Chapter 7A and PRC 4290/4291 into the final ordinance.

Hyampom Community Services District Comment: Expressed concerns related to adequate ingress and egress to the buildings on the property for emergency response vehicles.

Planning Division Response: LDRD structures are required to comply with the Trinity County Fire Safe Ordinance, which includes provisions for Emergency Access in Article II.

Trinity County Fire Chief’s Association Comment: The Trinity County Fire Chief’s Association letter mentions concerns of property loss, endangerment of firefighters, homeowners and communities without Fire Safety requirements, as seen in other rural counties. The Chief’s Association also feels that the draft ordinance is inconsistent with certain adopted goals, objectives and policies set forth in the County’s Safety Element, specifically Fire Protection Standards, and does not meet the criteria for CEQA exemption. The Chief’s Association also expressed concern regarding whether firefighters would decide to protect a LDRD structure.

Planning Division Response: The Planning Division will incorporate the Fire Chief’s Association comments concerning California Building Code Chapter 7A and PRC 4290/4291 into the final ordinance. Given this, the Division believes this ordinance amendment complies with the Safety Element and discusses CEQA compliance later in this staff report.

Salyer Community Services District Comment: The chair of the Salyer Community Service District would be in favor of allowing the higher density proposal.

Planning Division Response: The Planning Division has included this comment for Commission and Board consideration in their decision.

ANALYSIS OF PROPOSED ORDINANCE AMENDMENT

Request: District 5 Supervisor, Dan Frasier, has requested that the 5-acre minimum requirement be removed in order to increase the number of eligible parcels in Post Mountain/Trinity Pines. Supervisor Frasier requested that parcels that have access to municipal sewer and water be exempt from the acreage requirement, in order to fit within the rural concept of the LDRD Ordinance.

Post Mountain PUD: Parcels that are in Post Mountain were originally created through the Trinity Pines Subdivision in three different Units in 1968. In order to assess the number of parcels in Post Mountain that are currently eligible to apply for an LDRD Building Permit, staff used GIS data of parcels within the Post Mountain Public Utility District (PUD). This area is shown as Attachment 3.

Total No. of Parcels in Post Mountain PUD	1,053
No. of Parcels 5 acres or larger:	94
No. of Parcels 3 acres or larger:	249

No. of Parcels 2.5 acres or larger:	348
No. of Parcels 1 acre or larger:	1,054

Access to Municipal Water and Sewer: Only parcels within a CSD would have access to municipal water and sewer, otherwise parcels are being served by mutual water companies, private septic, wells, compost systems, rain catchment etc. Planning staff added language to the amendment regarding CSDs so staff and the public would have a mechanism to easily verify whether a parcel is being served by municipal water and sewer through GIS data available through ParcelViewer.

The following CSDs provide both water and sewer:

1. Trinity County Waterworks District 1 (Hayfork)
2. Lewiston Community Services District (Lewiston)

Weaverville is served municipal water by the Weaverville Community Services District and sewer through the Weaverville Sanitary District, which are two different CSDs (Attachments 4-8).

Given that the intent of this amendment request was to increase the number of eligible parcels in Post Mountain, the proposed language, as is, could inadvertently increase the number of eligible parcels in Weaverville. Therefore, staff recommends the final ordinance language notates that the parcel size exemption only apply to parcels that have access to municipal water or sewer to account for the differing boundaries of the Weaverville Community Services district and Weaverville Sanitary District.

Variances: Applicants that do not meet the current parcel acreage requirement have the ability to apply for a variance per Trinity County Code 17.31. A variance is a waiver or modification of some requirement contained in the zoning ordinance. The statutory justification for a variance is that the owner would otherwise suffer unique hardship under general zoning regulations because his or her particular parcel is different from others to which the regulation applies due to size, shape, or topography.

GIS DATA: The following number of parcels are currently eligible and could be eligible given that the parcels are privately owned, zoned appropriately, not located in a CSD that proposed water or sewer and given the parcel size requirement the Commission wishes to recommend to the Board:

No. of Parcels Currently Eligible (Pvt, Zoned Appropriately and equal to or greater than 5 acres):	4,789
No. of Parcels Potentially Eligible (Pvt, Zoned Appropriately, not in CSD with water or sewer, and equal to or greater than 3 acres):	5,507
No. of Parcels Potentially Eligible (Pvt, Zoned Appropriately, not in CSD with water or sewer, and equal to or greater than 2 acres):	6,425
No. of Parcels Potentially Eligible (Pvt, Zoned Appropriately, not in CSD with water or sewer, and equal to or greater than 1 acres):	7,759

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Adoption of this Amendment has been reviewed with respect to the applicability of the California Environmental Quality Act of 1970 ("CEQA "), and the State CEQA Guidelines, and the Board of Supervisors herein determines that this Ordinance Amendment does not constitute a "project" within the meaning of CEQA Guidelines Section 15060(c)2) because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and CEQA Guidelines Section 15378 because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment.

Moreover, construction of individual limited density rural dwellings allowed by this Amendment falls within the "ministerial projects" statutory CEQA exemption set forth in CEQA Guidelines Section 15268(a) where ministerial projects are exempt from the requirements of CEQA, and 15268(b)(1) where, "in the absence of any discretionary provision contained in the local ordinance...issuance of building permits" are presumed to be ministerial and 15369 wherein "'ministerial' describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project." Adoption of this amendment enacts only minor changes in land use regulations, and it can be seen with certainty that its adoption will not have a significant effect on the environment because it will not allow for the development of any new or expanded structures beyond what is currently allowed "by right" to the maximum allowable extent within each zone listed under 15.25.030.

GENERAL PLAN CONSISTENCY

The General Plan provides a guideline for LDRD housing under Objective and Programs, program number 4.2. This program states the following:

The County will continue to encourage voluntary code compliance by providing guidance and technical assistance to residents who wish to make their own repairs. Local educational and home repair clinics will be supported in their efforts. Fliers for clinics and seminars will continue to be made available to the public. The County will explore the topic of limited density, owner-built rural housing/Class K Housing residential uses. Section 17021.6 requires that employee/farm worker housing consisting of no more than 12 units or 36 beds be treated as an agricultural use and permitted in the same manner as other agricultural uses in the same zone. Therefore, this project is consistent with the General Plan.

COMMUNITY PLAN CONSISTENCY

Given this project involves the county as a whole, therefore, specific community plans are not applicable to this project.

STAFF RECOMMENDATION

Planning staff recommends that the Planning Commission:

1. Make a motion that recommends the draft ordinance amendment (DEV-23-03) to Trinity County Code 15.25.030, as attached to this staff report, to the Board of Supervisors that includes, at minimum:
 - a. A specific acreage limit, at least one acre, the Commission would recommend for the exemption, given the discussion in this staff report and public comment and;
 - b. If the Commission wishes to use a different boundary type, other than CSDs that provide sewer or water to qualify a parcel for an exemption, to explicitly state this in the motion and;
 - c. State any other changes to the draft ordinance amendment the Planning Commission would like the Board to consider.

ALTERNATIVES

1. The Planning Commission may request continuance for additional information.
2. The Planning Commission may recommend an alternative request for modifications to be made to the Board of Supervisors.
3. The Planning Commission may deny the requested modifications.

ATTACHMENTS

1. Ordinance No. 1363 (TCC 15.25)
2. Trinity County Code Chapter 15.25.030 (Allowable zoning) & 15.25.040 (Regulations)
3. Post Mountain Public Utilities District Parcel Map
4. Trinity County Water Works District 1 Map
5. Lewiston Community Services District Map
6. Weaverville Community Services District Map
7. Weaverville Sanitary District Map
8. All CSDs Map
9. Building Division Comment
10. Environmental Health Division Comment
11. CALFIRE Comment
12. Trinity Fire Chief's Association Comment
13. Hawkins Bar Volunteer Fire Department Comment
14. Post Mountain Fire Comment
15. Salyer Community Services District Comment
16. Douglas City Community Services District Comment
17. Hyampom Community Services District Comment
18. General Plan 2019-2024 Housing Element Pages 81-82
19. Draft Ordinance Amendment

ORDINANCE NO. 1363

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ESTABLISHING Code Section 15.25 Regarding
LIMITED DENSITY RURAL DWELLINGS**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

Section I: Findings and Declarations:

- A. The purpose of this ordinance is to provide minimum requirements for the protection of life, limb, and welfare of the general public, and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures.
- B. Intent and Application: The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures.

It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest homes, vacation homes, recreational shelters, and detached bedrooms located in rural areas.

C. Findings:

1. The citizens of Trinity County have, through public hearings around the most recent Housing Element of the General Plan, expressed their desire to legalize the construction of limited density rural dwelling.
2. Trinity County is a rural county. The distance and terrain of the County create a certain degree of isolation for many parts of the County, creating a difficulty for both the builder and the inspector in any construction.
3. The adoption of regulations for limited density rural dwellings will not constitute a danger to the health and safety of Trinity County as long as standards for structural, electrical, mechanical, and sanitation facilities are maintained.
4. Affordable housing is hard to find in Trinity County and the adoption of regulations for limited density rural dwellings will allow the construction of such housing.
5. Building codes are complex, and in many cases designed for high density areas of the state, and may increase the price of a dwelling as to put it out of reach for the owner-builder.
6. Having these regulations apply to homes built by a contractor for an owner will enable owner-builders to obtain skilled help from licensed contractors.

Section II: Limited Density Rural Dwellings

The County hereby enacts the following as Trinity County Code Section 15.25 entitled Limited Density Rural Dwellings:

15.25.010 - Definitions

A. Appurtenant Structure:

An "Appurtenant Structure" is a structure directly related to the primary residential use, including, but not limited to, detached bedrooms or hobby rooms used as living space, garages, or pump houses. Appurtenant structures also include, are not limited to, shops, barns, sheds, including those considered accessory to the zone.

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B. Detached Bedroom:

A "Detached Bedroom" shall mean a separate accessory structure without kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for one family to be employed in conjunction with a main structure, which includes kitchen and sanitation facilities.

C. Enforcement Agency:

"Enforcement Agency" shall mean the Trinity County Building Department.

D. Limited Density Rural Dwelling:

A "Limited Density Rural Dwelling" shall mean any structure consisting of one or more habitable rooms, not exceeding one-and one-half stories, intended and designed to be occupied by one family, with facilities for living and sleeping, with use restricted to rural areas.

E. Owner-Built:

1. "Owner-Built" shall mean constructed by any person or family who acts as the general contractor for, or provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent, or employee occupancy.
2. For the purpose of this article, the sale, lease, renting, or employee occupancy of owner-built structures within two years shall be presumptive evidence that the structure was built for the purpose of sale, lease, or renting. A covenant shall be required to be recorded on the property for all habitable residential structures stating that the structure has been constructed in accordance with Trinity County Code section 15.25 and is not intended to be used for commercial purposes such as short-term rental, long term rental, or employee housing.
3. "Owner-Built" shall also mean constructed by a licensed contractor for occupancy by the person or persons owning the property at the time of construction.
4. An owner-builder can apply for an "Owner-Built" dwelling once every two years.

15.25.020 – Issuance of a Permit

A. Permits:

Permits shall be required for the construction of Limited Density Rural Dwellings.

B. Issuance:

The application, plans, and other data filed by an applicant shall be reviewed by the Enforcement Agency to verify compliance with the provisions of this chapter. Where the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this chapter, the agency shall issue a permit to the applicant.

C. Application:

To obtain a permit, the applicant shall first file an application with the Enforcement Agency. Permit applications shall contain the following information:

1. Name and mailing address of the applicant;
2. Address and location of proposed structure(s);
3. A general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, and construction details;

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4. A plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, water courses and driveways;
5. Approval for the installation of a private sewage disposal from the local health enforcement agency
6. Signature of the owner and/or authorized agent;
7. The use or occupancy for which the work is intended;
8. A signed verification by the applicant that the structure is to be owner-built, or built for the occupancy of the owner by a licensed contractor; and
9. Any other information as may be required by the State's regulations regarding Limited Density Rural Dwelling.

D. Plans:

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the enforcing agency. This may include a simplified diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required except for structures of complex design or unusual conditions for which the enforcement agency cannot make a reasonable judgment of conformance to this chapter based upon the general description and simplified plan(s).

E. Modifications:

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the structure is maintained, the building continues to conform to the provisions of this chapter, and the enforcement agency is notified in writing of the intended modification. The County Assessor must be notified of the modification.

F. Permit Validity:

Permits shall be valid, without renewal, for a maximum period of three years.

G. Inspection:

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency.

H. Issuance of Inspections:

An inspection of the structure(s) shall be conducted after the structure(s) is (are) completed and ready for occupancy, in order to determine compliance with the provisions of this chapter. Structures of conventional or simple construction shall be inspected at a final inspection.

I. Special Inspections:

Additional inspections may be conducted under the following circumstances.

An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions.

Inspections may be conducted where the application indicates that interior wall coverings, or construction elements will conceal underlying construction, electrical, plumbing, or mechanical systems, or where an unconventional construction method is indicated which would preclude examination at a single inspection.

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J. Inspection Waivers:

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, or modifications that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provisions of this chapter.

K. Inspection Requests and Notice:

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for inspection and to provide access to the premises. Inspections shall be requested by the applicant at least 72 hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify the applicant of the day which the inspection is to be conducted.

L. Certificate of Occupancy:

After the structure(s) is (are) completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, and a covenant is reported stating that the structure is built to Title 25 standards, the enforcing agency shall issue a certificate of occupancy for such dwelling(s) which comply with the provisions of this chapter. The certificate of occupancy will be issued and recorded with the county that it is built to the standards of this chapter. The applicant shall pay recording costs.

M. Temporary Occupancy:

The use and occupancy of a portion or portions of a dwelling prior to the completion of the entire structure shall be allowed except for farm labor housing, provided that approved sanitation facilities are available at the site, and that the completed work does not create a condition that endangers the life or health of the occupants or public. The occupants of any uncompleted structure shall assume responsibility for the occupancy of the structure or any portion thereof.

15.25.030 Allowable Zoning

Limited Density Rural Dwellings are only allowed in the following zones for parcels 5 acres or larger:

- A. Unclassified (U)
- B. Agricultural Preserve District (AP)
- C. Rural Residential (RR)
- D. Agriculture - Forest Districts (AF)
- E. Agricultural Districts (A)
- F. Timberland Preserve Districts (TPZ)

In a special circumstance, where an applicant has lost their residence due to a locally declared natural disaster, the affected applicant may seek exemption from the zoning and the minimum parcel size requirements through the Planning Commission.

15.25.040 Regulations

A. Technical Code:

Except as otherwise required by this chapter, structures constructed pursuant to this part, and compliant to all requirements contained herein, need not conform with the construction requirements prescribed by the latest applicable edition of the codes that make up a California Building Standards Code, Title 24, California Code of Regulations, or other applicable technical codes; however, it is not the intent of this section to disregard nationally acceptable technical and scientific principles relating to design, materials, methods of construction and structural requirements for the erection and construction of structures as are contained in the uniform technical code.

B. Sound Structural Condition:

A structure shall be considered to be in sound structural condition when it is constructed and maintained in substantial conformance with accepted construction principals, technical codes, or accepted performance criteria which provide minimum standards for stressing of structural members; footing sizes when related to major load-bearing points; proper support of load-bearing members; nailing schedules where essential to general structural integrity; and provisions for adequate egress, ventilation, and sanitation. Conditions that would not render a structure unsound are the minor deflections or elasticity of structural members, ceiling heights, size or arrangement of rooms, heating, plumbing, and electrification requirements, alternative materials, appliances or facilities, or methods of construction.

C. Substandard Building:

A substandard building is a structure or portion thereof in which there exists any condition to an extent that endangers the life, health, or safety of the occupants.

D. General Requirements:

Each structure shall be constructed and maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

E. Intent of General Requirements:

It shall be the purpose and intent of this chapter to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the intended purpose. To provide for the application of this chapter, it shall be necessary for the enforcing agency to exercise reasonable judgment in determining the compliance of structures with the general and specific requirements of this chapter.

F. Technical Codes as the Basis of Approval:

Except as otherwise required by this chapter, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes; however it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwellings and appurtenant structures as are contained in the uniform technical codes. Such codes shall be the basis for approval.

G. Structural Requirements:

Buildings or structures constructed pursuant to this chapter may be of any type construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition and which may constitute a substandard building are delineated by Chapter 10 of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, currently called International Code Council.

H. Foundations:

Pier foundations, stone masonry footings and foundations, pressure-treated lumber, poles, or equivalent foundation materials or designs may be used, provided that the bearing is sufficient for the intended purpose.

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I. Roofing:

Buildings or structures constructed pursuant to this chapter shall be roofed with metal roofing at a pitch of at least 6/12 and sufficient for snow to slide to reduce the possibility of overloading the roof, or if alternate materials are used an engineering structural analysis will need to be prepared to determine if alternate materials are sufficient.

J. Materials:

Owner-produced or used materials and appliances may be utilized unless found not to be of sufficient strength or durability to perform the intended function; owner-produced or used lumber may be utilized unless found to contain dry rot, excessive splitting, or other defects obviously rendering the material unfit in strength or durability for the intended purpose.

K. Mechanical Requirements:

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter shall be installed and vented in accordance with manufacturers' recommendations. Alternate materials and methods of venting may be permitted if substantially equivalent in safety and durability.

L. Heating Capacity:

A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter, however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of solid fuel or solar heating devices shall be deemed as complying with the requirements of this section. If non-renewable fuel is used in these dwellings, rooms so heated shall meet current insulation standards.

M. Electrical requirements:

No dwelling or appurtenant structure constructed pursuant to this chapter shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification.

N. Installation Requirements:

Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the National Electrical Code adopted by the Commission for single family homes.

O. Exceptions to Installation Requirements:

In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcing agency determines that electrical demands will exceed the confinement and capacity of that room(s). In such instances, the enforcement agency may require further electrification of the structure.

It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

P. Room Requirements:

There shall be no requirements for room dimensions provided that there is adequate light and ventilation and adequate means of egress. In single family dwellings not exceeding two stories in height where, due to the location or the surrounding terrain, emergency rescue from the exterior is

not feasible, egress windows from sleeping spaces may be omitted when an additional doorway or an approved exit escape hatch is provided. The doorway provided shall open directly to the exterior of the building or shall open onto corridors or passageways which lead to individual exterior exits. The corridors or passageways provided shall not cross nor shall they follow the same route in all or in part to the building's exterior. Approved exit escape hatches shall be installed in accordance with the terms of their approval.

Q. Sanitation Requirements:

Sanitation facilities, including the type, design, and number of facilities, as required and approved by the County Health Official, shall be provided to the dwelling site. It shall not be required that such facilities be located within the dwelling.

R. Plumbing Specifications:

Where conventional plumbing, in all or part, is installed within the structure, it shall be installed in accordance with the uniform plumbing code. Alternative materials and methods shall be permitted provided that the design complies with the intent of the code, and that such alternatives shall perform to protect the health and safety for the intended purpose.

S. Sanitation Facilities:

A water closet shall not be required when an alternate system is provided and has been approved by the local health official. Where an alternative to the water closet is installed, a system for the disposal or treatment of greywater shall be provided to the dwelling. Greywater systems shall be designed according to water availability, use, and discharge. The design, use, and maintenance standards of such systems shall be the prerogative of the local health official, and shall comply with the requirements of Trinity County Code.

T. Water Supply:

Potable water shall be available to the dwelling site, although such water need not be pressurized. Where water is not piped from a well, spring, cistern, or other source, there shall be a minimum reserve of 250 gallons of potable water available.

U. Connection to Water and Sewer:

Limited Density Rural Dwellings which are constructed within an area for which public water or sewer is provided, shall be connected to the public water system and/or the public sewer system which is available.

V. Septic Systems:

All septic systems shall be permitted and comply with the requirements of the Environmental Health Department.

W. Exterior Fire Siding

Nothing in this chapter shall waive an applicant's requirement to comply with applicable state regulations regarding exterior siding and public resource code.

15.25.050 Existing Structures

Existing structures shall be eligible for permits under this chapter without penalty for a period of three years after adoption of this ordinance. All septic systems shall be permitted and comply with the requirements of the Environmental Health Department.

Ordinance No 1363

October 18, 2022

Page 8 of 9

15.25.060 Recording

Each time a permit is issued pursuant to this chapter, the permit applicant shall record with the County Recorder a notice that a permit has been issued pursuant to the provisions of this chapter. This notice shall include that the structure has a building permit issued consistent with the provisions of this chapter and will be included on the deed to be available through search of the current owner's name.

15.25.070 Abatement of Substandard Buildings

- A. Every violation of the regulatory or prohibitory provisions of this chapter and all structures or portions thereof which are determined by the building official to constitute a substandard building are hereby declared to be a public nuisance and may be abated in accordance with Chapter 8.64 of the Trinity County Code and by any other means required by or available by law, unless the building official, in his/her discretion, determines that abatement should be deferred due to extreme hardship.
- B. The critical concern in the promulgation of this chapter is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this chapter, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that administrative abatement procedures should be the first remedy pursued by the building official. Notwithstanding the foregoing, this section is cumulative to all other remedies now or hereafter lawfully available to abate or otherwise regulate or prevent public nuisances or to enforce the provisions of the Trinity County Code.

15.25.080 Fees

Fees shall be required and collected by the Building Department to provide for the cost of administering the provisions of this chapter. It is the intent of this article that permit and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of this chapter.

15.25.090 – Release of Liability

As a condition of pursuing a permit pursuant to this chapter, the applicant and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, boards, or board of supervisors arising from the county's issuance of said permit. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.

Section III

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 15060(c)(2) (Activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is not possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinances to ensure protection of the environment), 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including, but not limited to, by direct referral to County Counsel as appropriate for judicial enforcement), 15302 (replacement or reconstruction) and 15303 (new construction or conversion of small structure e.g. a residential accessory building). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

Section VI

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names

Ordinance No 1363

October 18, 2022

Page 9 of 9

of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

This Ordinance will not be effective until approved pursuant to Health and Safety code section 17958.2(b).

Introduced at a regular meeting of the Board of Supervisors held on the 18th day of October, 2022, and passed and enacted this 18th day of October, 2022 by the Board of Supervisors of the County of Trinity by motion, second (Groves/Cox), and the following vote:

AYES: Supervisors Cox, Groves, Gogan, and Frasier
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: Supervisor Brown



DAN FRASIER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

LETTY GARZA
Clerk of the Board of Supervisors

By: _____



Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

15.25.030 Allowable zoning.

Limited density rural dwellings are only allowed in the following zones for parcels five acres or larger:

- A. Unclassified (U);
- B. Agricultural Preserve District (AP);
- C. Rural Residential (RR);
- D. Agriculture — Forest Districts (AF);
- E. Agricultural Districts (A);
- F. Timberland Preserve Districts (TPZ).

In a special circumstance, where an applicant has lost their residence due to a locally declared natural disaster, the affected applicant may seek exemption from the zoning and the minimum parcel size requirements through the planning commission.

(Ord. No. 1363 , § 2, 10-18-22)

15.25.040 Regulations.

- A. Technical Code. Except as otherwise required by this chapter, structures constructed pursuant to this part, and compliant to all requirements contained herein, need not conform with the construction requirements prescribed by the latest applicable edition of the codes that make up a California Building Standards Code, Title 24, California Code of Regulations, or other applicable technical codes; however, it is not the intent of this section to disregard nationally acceptable technical and scientific principles relating to design, materials, methods of construction and structural requirements for the erection and construction of structures as are contained in the uniform technical code.
- B. Sound Structural Condition. A structure shall be considered to be in sound structural condition when it is constructed and maintained in substantial conformance with accepted construction principals, technical codes, or accepted performance criteria which provide minimum standards for stressing of structural members; footing sizes when related to major load-bearing points; proper support of load-bearing members; nailing schedules where essential to general structural integrity; and provisions for adequate egress, ventilation, and sanitation. Conditions that would not render a structure unsound are the minor deflections or elasticity or structural members, ceiling heights, size or arrangement of rooms, heating, plumbing, and electrification requirements, alternative materials, appliances or facilities, or methods of construction.
- C. Substandard Building. A substandard building is a structure or portion thereof in which there exists any condition to an extent that endangers the life, health, or safety of the occupants.
- D. General Requirements. Each structure shall be constructed and maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.
- E. Intent of General Requirements. It shall be the purpose and intent of this chapter to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the intended purpose. To provide for the application of this chapter, it shall be necessary for the enforcing agency to exercise reasonable judgment in determining the compliance of structures with the general and specific requirements of this chapter.

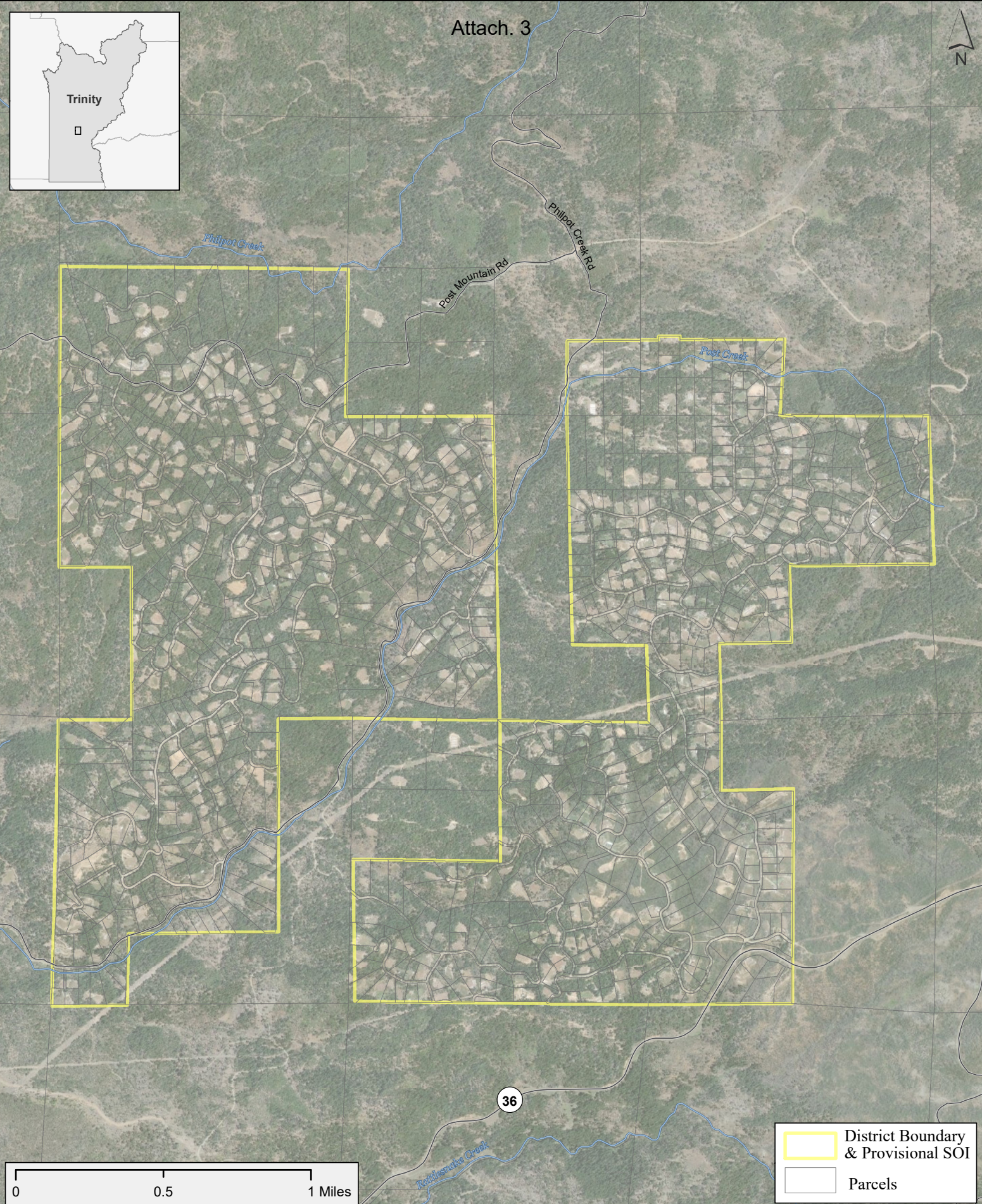
- F. Technical Codes as the Basis of Approval. Except as otherwise required by this chapter, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes; however it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwellings and appurtenant structures as are contained in the uniform technical codes. Such codes shall be the basis for approval.
- G. Structural Requirements. Buildings or structures constructed pursuant to this chapter may be of any type construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition and which may constitute a substandard building are delineated by Chapter 10 of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, currently called International Code Council.
- H. Foundations. Pier foundations, stone masonry footings and foundations, pressure-treated lumber, poles, or equivalent foundation materials or designs may be used, provided that the bearing is sufficient for the intended purpose.
- I. Roofing. Buildings or structures constructed pursuant to this chapter shall be roofed with metal roofing at a pitch of at least 6/12 and sufficient for snow to slide to reduce the possibility of overloading the roof, or if alternate materials are used an engineering structural analysis will need to be prepared to determine if alternate materials are sufficient.
- J. Materials. Owner-produced or used materials and appliances may be utilized unless found not to be of sufficient strength or durability to perform the intended function; owner-produced or used lumber may be utilized unless found to contain dry rot, excessive splitting, or other defects obviously rendering the material unfit in strength or durability for the intended purpose.
- K. Mechanical Requirements. Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter shall be installed and vented in accordance with manufacturers' recommendations. Alternate materials and methods of venting may be permitted if substantially equivalent in safety and durability.
- L. Heating Capacity. A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter, however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of solid fuel or solar heating devices shall be deemed as complying with the requirements of this section. If non-renewable fuel is used in these dwellings, rooms so heated shall meet current insulation standards.
- M. Electrical Requirements. No dwelling or appurtenant structure constructed pursuant to this chapter shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification.
- N. Installation Requirements. Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the National Electrical Code adopted by the commission for single family homes.
- O. Exceptions to Installation Requirements. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcing agency determines that electrical demands will exceed the confinement and capacity of that room(s). In such instances, the enforcement agency may require further electrification of the structure.



It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The

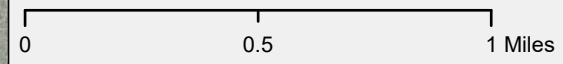
enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

- P. Room Requirements. There shall be no requirements for room dimensions provided that there is adequate light and ventilation and adequate means of egress. In single family dwellings not exceeding two stories in height where, due to the location or the surrounding terrain, emergency rescue from the exterior is not feasible, egress windows from sleeping spaces may be omitted when an additional doorway or an approved exit escape hatch is provided. The doorway provided shall open directly to the exterior of the building or shall open onto corridors or passageways which lead to individual exterior exits. The corridors or passageways provided shall not cross nor shall they follow the same route in all or in part to the building's exterior. Approved exit escape hatches shall be installed in accordance with the terms of their approval.
- Q. Sanitation Requirements. Sanitation facilities, including the type, design, and number of facilities, as required and approved by the county health official, shall be provided to the dwelling site. It shall not be required that such facilities be located within the dwelling.
- R. Plumbing Specifications. Where conventional plumbing, in all or part, is installed within the structure, it shall be installed in accordance with the uniform plumbing code. Alternative materials and methods shall be permitted provided that the design complies with the intent of the code, and that such alternatives shall perform to protect the health and safety for the intended purpose.
- S. Sanitation Facilities. A water closet shall not be required when an alternate system is provided and has been approved by the local health official. Where an alternative to the water closet is installed, a system for the disposal or treatment of greywater shall be provided to the dwelling. Greywater systems shall be designed according to water availability, use, and discharge. The design, use, and maintenance standards of such systems shall be the prerogative of the local health official, and shall comply with the requirements of Trinity County Code.
- T. Water Supply. Potable water shall be available to the dwelling site, although such water need not be pressurized. Where water is not piped from a well, spring, cistern, or other source, there shall be a minimum reserve of two hundred fifty gallons of potable water available.
- U. Connection to Water and Sewer. Limited density rural dwellings which are constructed within an area for which public water or sewer is provided, shall be connected to the public water system and/or the public sewer system which is available.
- V. Septic Systems. All septic systems shall be permitted and comply with the requirements of the environmental health department.
- W. Exterior Fire Siding. Nothing in this chapter shall waive an applicant's requirement to comply with applicable state regulations regarding exterior siding and public resource code.

(Ord. No. 1363 , § 2, 10-18-22)



	District Boundary & Provisional SOI
	Parcels



Post Mountain Public Utilities District

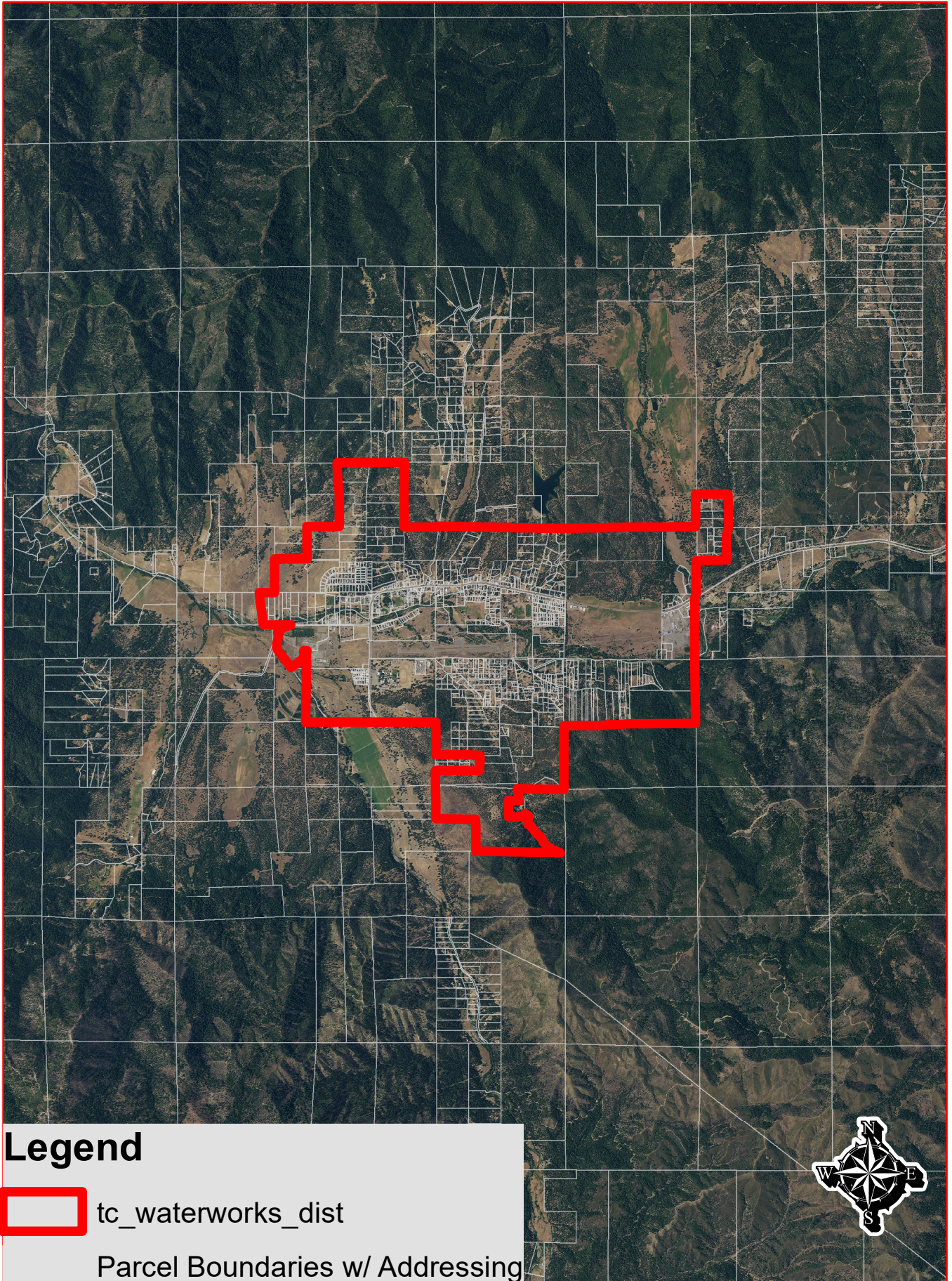
Exhibit A

Map Date: 6/12/2023


Sources: Boundaries, Roads, Parcels: Trinity County GIS.



Trinity County Water Works District 1 Aerial Map



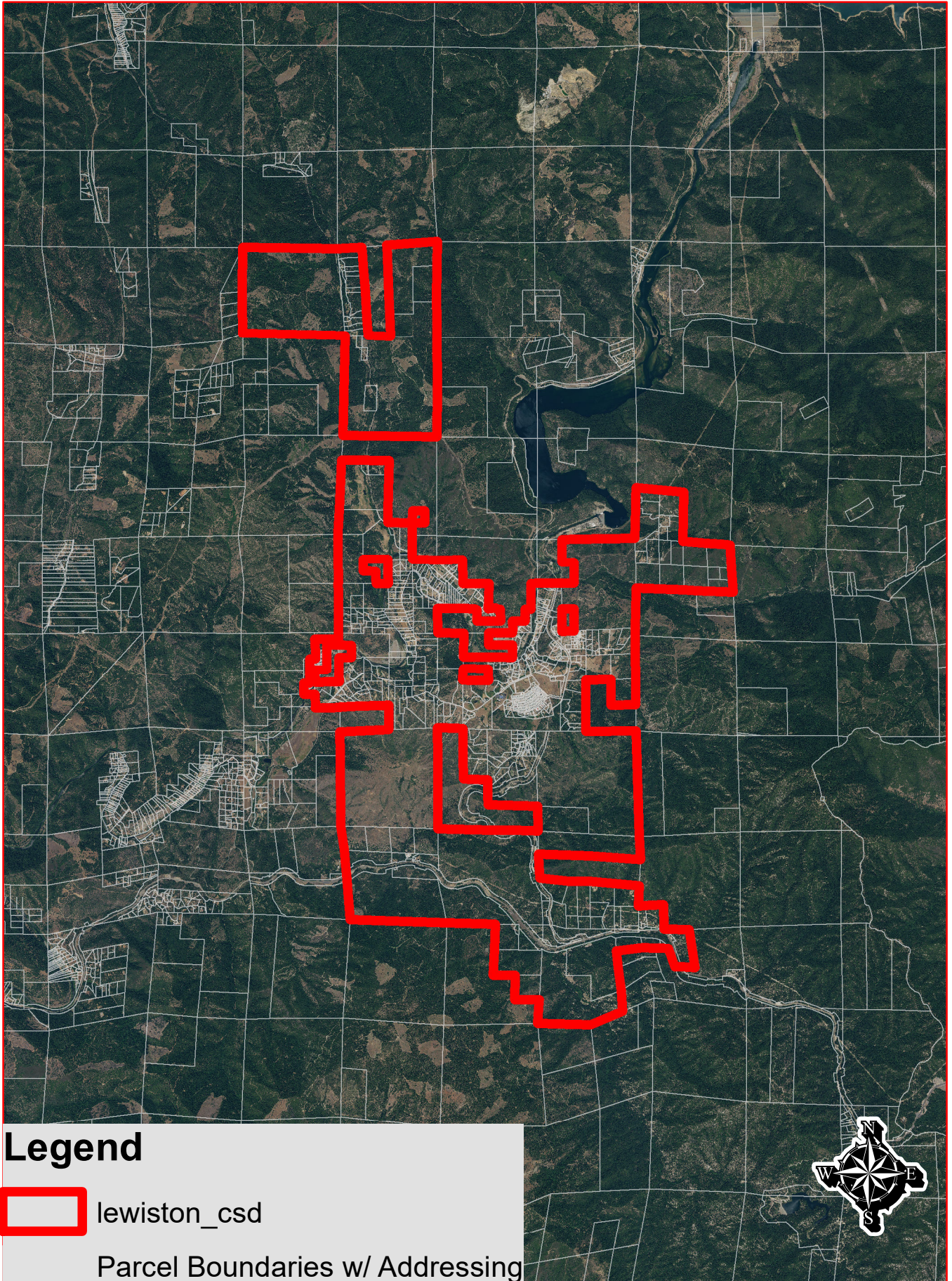
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 tc_waterworks_dist

Parcel Boundaries w/ Addressing



Attach. 5
Lewiston CSD Aerial Map



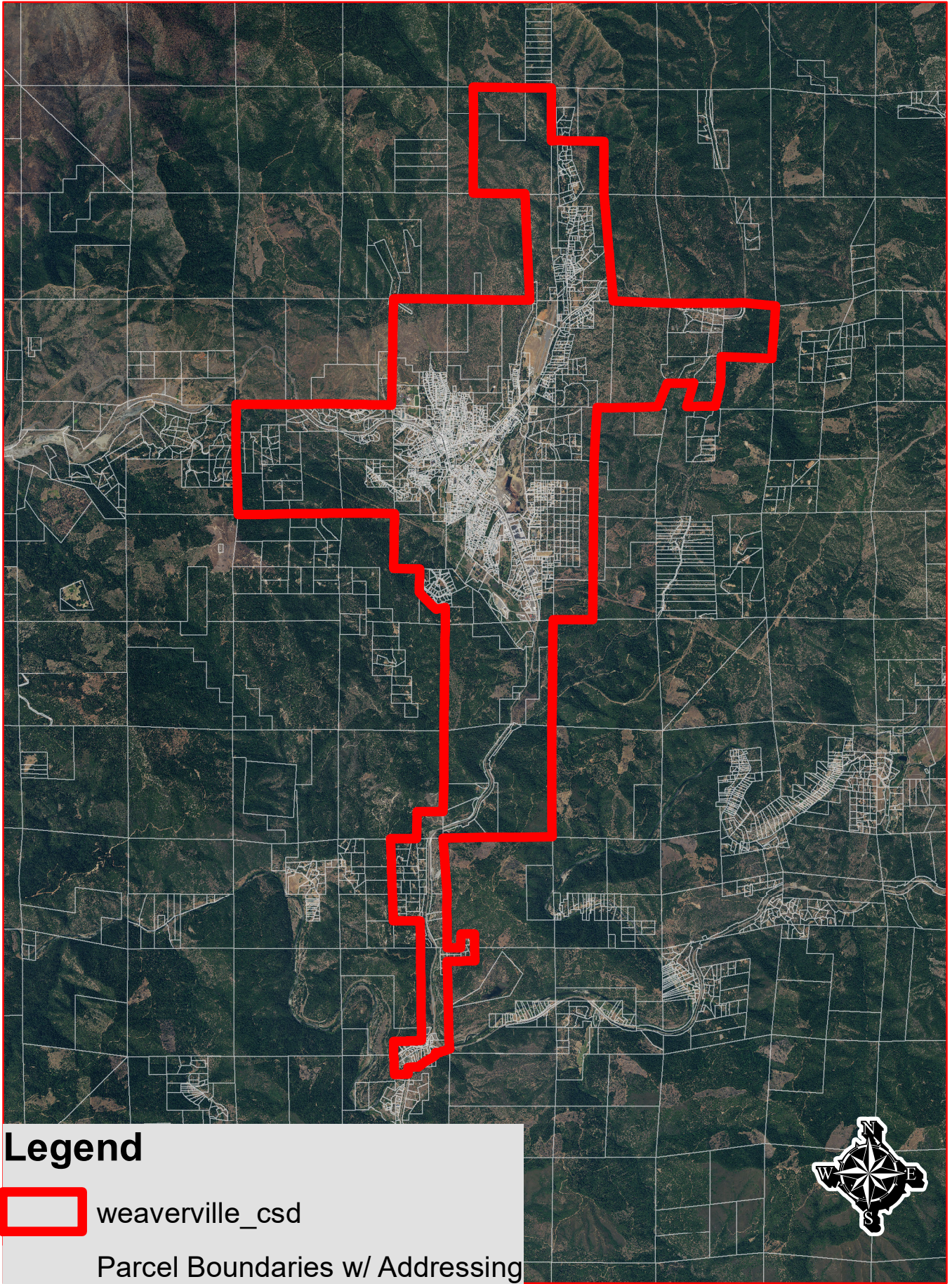
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 lewiston_csd


Parcel Boundaries w/ Addressing



Attach. 6
Weaverville CSD Aerial Map



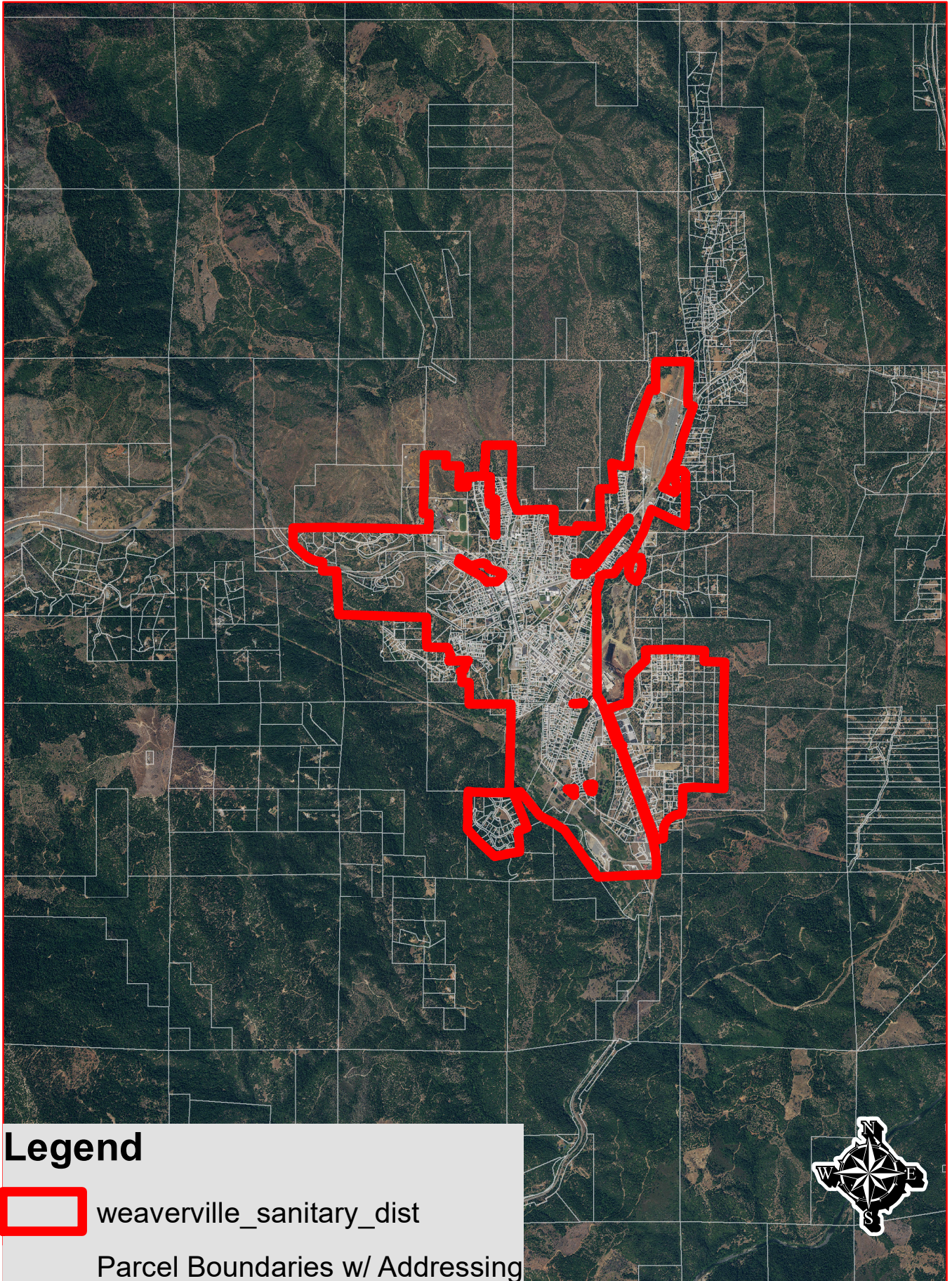
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 weaverville_csd

Parcel Boundaries w/ Addressing



Attach. 7
Weaverville SD Aerial Map



Legend



weaverville_sanitary_dist

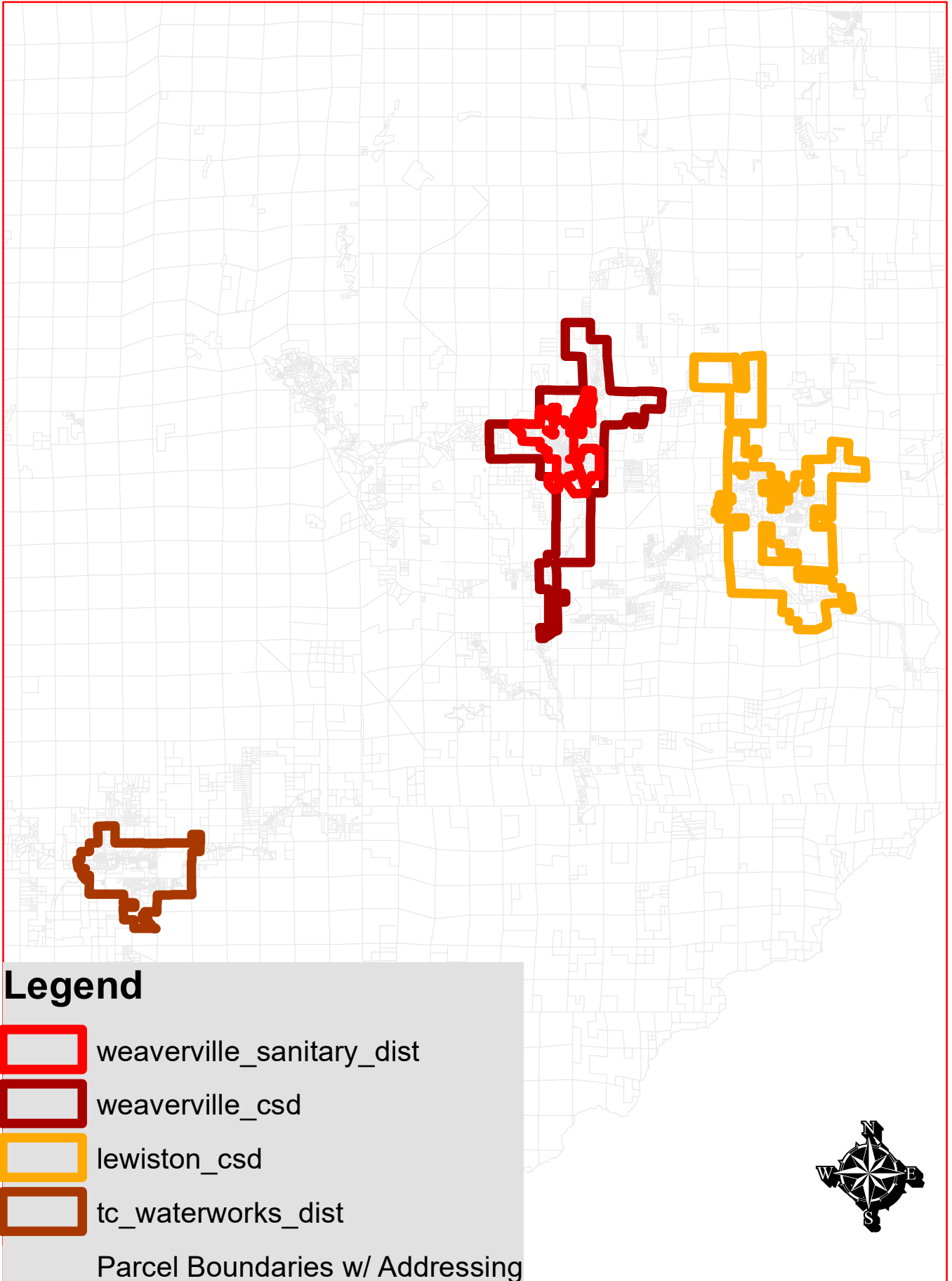
Parcel Boundaries w/ Addressing




0.85 0.425 0 0.85 Miles



Attach. 8
Trinity County CSDs



Legend

-  weaverville_sanitary_dist
-  weaverville_csd
-  lewiston_csd
-  tc_waterworks_dist

Parcel Boundaries w/ Addressing





TRINITY COUNTY
 BUILDING AND DEVELOPMENT SERVICES
 BUILDING DIVISION

61 AIRPORT ROAD, P.O. BOX 476
 WEAVERVILLE, CALIFORNIA 96093

Trinity County Building Division's comments in regards to proposed Ordinance Amendment to Trinity County Code Section 15.25.030

The Trinity County Building Division understands the intent to lower the acreage minimum in order to allow more applicants the ability to apply for the Limited Density Rural Owner Builder Dwelling permit however; Trinity County not only is in a Wildland Urban Interface area but also has an extensive history with wildland fires. In Chapter 15.04.020 – Purpose it states, “This chapter is enacted as a result of requirement of state law and the determination that within the unincorporated area of this county certain types of construction require regulations to **provide minimum standards to safeguard lives and property and protect the general public health, safety and welfare**”. In the 2022 California Fire Code Chapter 1, Section 1.1.2 Purpose, it states the following: “The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practices to **safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous condition in new and existing buildings, structures and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations**”. When we look at these codes and standards, I think it is important to remember that these standards are referred to as “minimum standards”. At this time, the Building Division has issued one permit under the Limited Density Rural Owner Building Ordinance for new construction, three existing permits switched to Limited Density Rural Owner Builder, and Two Open Permits for New Dwelling Construction. The Division has had only a handful of potential applicants reaching out that have not met the acreage minimum required. Because of this if the board wishes to approve the proposed amendment the Building Division also recommends also adding the following language to safeguard public health, safety and welfare:

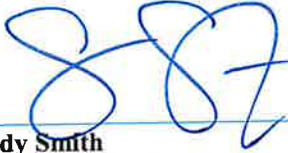
1. For parcels with acreage less than 5 acres the division is suggesting that applicants must meet the following:

Per Wildland Urban Interface Standards

- Roof airspace under roof covering
 - Roof valley flashing
 - Roof gutters
 - Vents: Ventilation openings for enclosed attics, gable ends, ridge ends, under eaves and cornices, enclosed eave soffit spaces, enclose rafter spaces formed where ceilings are applied directly to the underside of roof rafters, underfloor ventilation, foundations and crawl spaces, or any other opening intended to permit ventilation, either in a horizontal or vertical plane. Ventilation openings shall be fully covered with Wildfire Flame and Ember Resistant vents approved and listed by the California State Fire Marshal, or WUI vents tested to ASTM E2886 and listed.
 - Exterior windows, skylights and exterior glazed door assemblies of multipane glazing with a minimum of one tempered pane and have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 257, or be tested to meet the performance requirements of SFM standard.24
2. It is also recommended that the ordinance amendment reflects the following sections of the 2022 California Residential Building Code
 - Section R302 “Fire-Resistant Construction”
 - Section R314 “Smoke Alarms”

Attach. 9

- Section R315 "Carbon Monoxide Alarms"
3. The Building Division strongly recommends that for parcels less than 5 acres the Limited Density Owner Builder ordinance only be applied to new construction, so that they can meet the standards listed above.



Cody Smith
Senior Building Inspector
ICC Certified Building Official #8951037
ICC Certified Fire Marshall #8951037

Comments: DEV-23-03

- No comment.
- See attached comments.

XXX We have reviewed the above request and have the following comments:

1) Minimum acreage for Trinity County Onsite Wastewater Treatment Systems (septic systems) are .5 acres per single family dwelling according to OWTS Policy, in addition California water code §106.4: (b) A city, including a charter city, or a county shall not issue a building permit for the construction of a new residential development where a source of water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility.

Therefore;

Trinity County Environmental Health recommends against decreasing minimum property size under 1 acre as decreasing property sizes which would be allowed for limited density rural dwelling, would increase difficulty of water and sewage disposal capabilities for residence, which are required by law. As setbacks between sewage disposal and water source are a minimum of 100' apart, and regulations on slope and terrain are very strictly less than 25% for sewage disposal. This doesn't account for neighboring infrastructures, land features, etc...

Reviewing Agency:

Name/Position:

Signature:

**Kristy
Anderson**

Digitally signed by: Kristy
Anderson

DN: CN = Kristy Anderson email
= kanderson@trinitycounty.org C

= AD O = Trinity County OU =
Environmental Health

Date:

Date: 2024.01.23 15:08:54 -08'00'

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-7772
Website: www.fire.ca.gov



Trinity County Planning Commission;

This memo is in response to a Request for Comment in regards to amending the requirements regarding Class K (Limited Density Owner Built Rural Dwellings) that would drop the acreage requirements for applicants.

I've been informed by the Planning Department that the intent of the amendment is to keep all the Fire Safety elements in effect. To include Chapter 7A of the CBC which outlines construction methods and materials for home hardening in the Wildland Urban Interface and PRC 4290/4291 which outline accessibility requirements and vegetation clearance requirements. With the fire history, conditions and access challenges in Trinity County it is imperative that these requirements stay in place. PRC 4290 is not applicable to lots under one acre as it is written so there could be no enforcement of it unless the County changes those requirements in its Fire Safety Ordinance.

The intent of Limited Density Owner Built Rural Dwellings is for property owners in remote areas to build a dwelling in "Homestead", "From the Land" nature. It is not probable that someone could find the required materials on a small parcel of land to build a resilient structure that would not cause a danger to their neighbors. Who will be much closer if the acreage requirements are lowered.

The Mission Statement of Cal Fire reads; The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California. As the representative of Cal Fire I do not find that dropping the acreage requirements for an ordinance that was designed for Limited Density supports this Mission Statement.

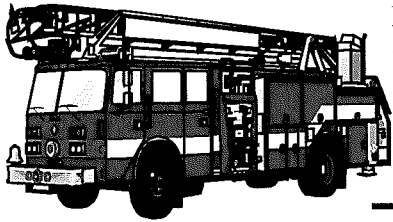
**Greg Tavalero**

Battalion Chief - Shasta Trinity Unit
Westside Relief/Trinity County 4290
875 Cypress Ave
Redding, CA 96001
(530) 448-2419 Cell
(530) 623-6326 Office



Trinity County Fire Chief's Association

P.O. Box 1296, Weaverville, CA 96093
(530)623-4226 FAX (530)623-5444



January 10, 2024

Dear Trinity County Planning Commission:

Trinity County Fire Chief's Association appreciates the opportunity to comment on the proposed amendments to "Regulations For Limited Density Owner-Built Rural Dwellings" (LDOBRD). The proposed amendments to the current ordinance, while well intentioned, present significant concerns for communities, firefighters and homeowners. It could contribute to catastrophic loss of property and potentially lives.

The draft ordinance is based on Article 8 of the California Code of Regulations, which was adopted in 2004. Since then we have seen a dramatic increase in fire intensity, acres burned, loss of structures, and most concerning - the loss of life. During that same period, local volunteer fire fighting membership has declined. We believe that it is prudent to maintain important fire safe building codes and practices to give us a fighting chance to keep structure fires from extending to wildlands and/or to reduces losses from wildland fires. Other nearby counties, including Shasta and Humboldt, have recently included Fire Safety requirements under their Basis for Approval for LDOBRD in recognition of increased fire risk. Trinity County's draft ordinance has no such provision for fire safety.

The Chief's Association feels that the draft ordinance is inconsistent with the adopted Goals, Objectives and Policies set forth in the County's Safety Element, specifically the Fire Protection Standards. Section S.5.4 (A) vi and (C) state:

New development shall meet all federal, state and local regulations for fire protection; including the encouragement of upgrading existing structures to adopted standards.

Fire Resistant Building Materials. The exterior of residential units shall be composed of fire resistant materials and designed to reduce fire vulnerability within high and very high fire hazard areas as required by state and local building codes.

The proposed ordinance conflicts with the current General Plan and would increase both risk of structure loss due to fire as well as place greater demand on the understaffed fire resources in the County. Unfortunately, fire fighters would also face very difficult decisions on determining if it is safe to enter a structure during a fire. Fire codes specify measures to slow fire movement in

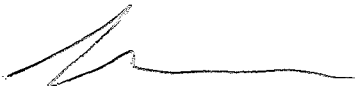
walls or between rooms, require materials designed to slow a fire in a structure, and bracing and other standards to assure structural integrity. This knowledge assists firefighters in determining if, and when, it is safe to attack a fire from the interior. The ambiguity of building standards will complicate decision making.

For example, the draft language related to room requirements uses older, confusing language regarding escape routes from sleeping quarters which may lead to fatalities during a fire. Modern, clear language used in current fire codes should be used instead.

The Chief's Association believes that the best fire prevention in the rural areas of Trinity County is to implement many of the sections of CA Building Code Chapter 7A. We believe that it is critical to build homes with the greatest self-protections that are practical and feasible. Fire resistant siding and roofing, vent screening, home hardening, vegetation clearance, smoke/fire detection, and water supply are all critical to allow us to both keep fires small and allow us to use our resources effectively and save lives.

There are many factors that need to be included in the development of new building standards and we believe that the development of those standards should not be done in a vacuum. We believe that the proposed amendments to the ordinance are inconsistent with the Safety Element, do not meet the criteria of CEQA exemption, may endanger lives and will greatly benefit from greater public input and professional review.

Respectfully submitted



Leroy Warshawer
Chair, Trinity County Fire Chiefs Association

Comments: DEV-23-03

- No comment.
- See attached comments.
- We have reviewed the above request and have the following comments:

Hawkins Bar Fire is against removing the acreage minimum.

Reviewing Agency:

Hawkins Bar VFD

Name/Position:

Todd Wright / Fire Chief

Signature:

TODD WRIGHT

Date: 1/23/24

As fire chief of the Post Mountain Volunteer Fire Department, I strongly oppose any form of Class K housing.

Seeing that my community is being touted as one of the few communities that could heavily utilize this new housing allowance, I greatly appreciate being contacted for my opinion. I believe that few, if any, Post Mountain community members would ever utilize the Class K housing standards. I do not see any benefit in this, only downfalls.

One problem with this initiative in my community is that the residents who would utilize the Class K housing are solely living here to farm marijuana illegally. That action must be shut down once and for all! Class K housing would only give illegal marijuana farmers more incentives to continue their illegal endeavors.

Class K housing would put my firefighters and community at a higher risk of fire danger than they already experience because it would eliminate many safety precautions intentionally put in place by the planning department.

It would also potentially cause more fires due to the fact that electricity is only required in the kitchen area; extension cords would undoubtedly be used for power in the rest of the residence which is another fire risk.

Hearing that Mendocino County has already implemented Class K housing and it has only had negative impacts, I absolutely don't see a reason why Trinity County would follow through with implementing it.

From: Garrett Watty <glwatty@yahoo.com>
Sent: Thursday, January 25, 2024 12:29 PM
To: Cody Smith <csmith@trinitycounty.org>
Subject: Re: Class K Housing Amendment for Minimum Parcel Acreage

Hi Cody,

I am responding to the zoning proposal you sent me. I would be in favor of allowing the higher density proposal..

Garrett Watty
Salyer Community Service District

Bella Hedtke

From: Terry Merritt <terrylm49@gmail.com>
Sent: Wednesday, January 24, 2024 9:30 AM
To: Mitchell Wexler
Subject: Re: Class K Housing Amendment for Minimum Parcel Acreage

There should be a minimum acreage requirement, probably less than current 5 acre, but certainly more than zero. There should not be an adverse impact on the density of rural communities for existing property owners, which would impact their lifestyle and property value.

Sent from my iPad

Mitchell Wexler

From: Patricia Mortensen <patmortensen68@gmail.com>
Sent: Monday, January 22, 2024 5:09 PM
To: Mitchell Wexler
Subject: Limited Density Rural Dwelling

Hi Mitchell,

The Hyampom Community Services District comment on the LDRD amendment was that they would want adequate ingress and egress to the buildings on the property for emergency response vehicles.

Pat Mortensen
District Manager
Hyampom CSD

water and wastewater providers to identify additional funding to support priority projects.

In addition, to ensure the provision of water and sewer facilities for affordable housing, the County will continue to obtain the written policies and procedures from each agency providing water and/or sewer service in the county describing how each agency does or will grant priority for the provision of water and sewer facilities for affordable housing projects pursuant to Government Code Section 65589.7. Alternatively, agencies may provide written verification indicating that sufficient water and sewer capacity and infrastructure exist to serve all parcels which have been identified in the Housing Element sites inventory. The County shall request that water and sewer providers notify the County of changes in the status of water and sewer capacity or infrastructure that could affect the development of sites in the available sites inventory. The County shall also submit the Housing Element to local water and sewer providers within one month of its adoption in accordance with State law.

Responsible Agency: Planning Department, local water and wastewater providers

Time Frame: Ongoing throughout the planning period

Funding: General Fund, grants

Objective Four: Maintenance, Rehabilitation, and Replacement of Existing Housing Stock

Trinity County will continue to assist in the rehabilitation of substandard dwelling units and the abatement of dangerous residential structures through code enforcement.

Programs:

4.1 The County will apply for State and federal assistance for housing rehabilitation to finance the rehabilitation of substandard homes in the county and will support the efforts of other agencies in pursuit of this same effort. If funded, the County will continue its existing housing rehabilitation program. In addition, the County will support the efforts of other agencies that offer home weatherization programs by providing information to the public and referrals on the weatherization programs. The County will also look for grant funding to complete a Housing Conditions Survey to help determine the rehabilitation need within the County.

Responsible Agency: Colusa-Glenn-Trinity Community Action Partnership, Planning Department

Time Frame: Annually, and as Notice of Funding Available (NOFA) are released. If funding is available, conduct a housing conditions survey by January 2023.

Funding: CDBG, HOME, USDA Rural Housing Services

4.2 The County will continue to encourage voluntary code compliance by providing guidance and technical assistance to residents who wish to make their own repairs. Local educational and home repair clinics will be supported in their efforts. Fliers for clinics and seminars will continue to be made available to the public. The County will explore the topic of limited density, owner-built rural housing/Class K Housing.

Responsible Agency: Building and Planning Departments, Board of Supervisors
Time Frame: Annually conduct code compliance workshops or provide brochures. Explore the topic of limited density, owner-built rural housing/Class K Housing during the planning period.
Funding: Permit fees, General Fund

Objective Five: Special Housing Needs

The County will encourage the construction or placement of sufficient housing units necessary to meet the needs of households with special housing requirements.

Programs:

5.1 The County will work with housing providers to ensure that special housing needs are addressed for seniors, large families, female-headed households, single-parent households with children, farmworkers, persons with disabilities and developmental disabilities, and homeless individuals and families. The County will seek to meet these special housing needs through a combination of regulatory incentives, zoning standards, new housing construction programs, and supportive services programs. Incentives and programs the County offers include density bonuses, parking reductions for senior and group care homes, and a reasonable accommodation procedure.

The County will also continue to work with lower-income housing providers and funders to construct or acquire a variety of types of lower-income housing opportunities for individuals and groups with special needs and extremely low-income households if any applicants come forward. Specific housing types include:

- Smaller units, including single-room occupancy units.
- Senior housing, including assisted living facilities.
- Units with special adaptations for people with disabilities, per California Title 24 standards.

In addition, if staffing resources allow, the County may seek funding under CDBG, HOME Investment Partnerships, federal HOPWA, California Child Care Facilities Finance Program, and other State and federal programs designated specifically for special needs groups such as seniors, persons with disabilities, and persons at risk for homelessness.

Responsible Agency: Administration Department, Planning Department
Time Frame: Annually meet with housing providers, annually apply for funding as NOFAs are released

Funding: Federal HOPWA, CDBG, HOME Investment Partnerships, California Child Care Facilities Finance Program, and other State and federal programs designated specifically for special needs groups

5.2 To comply with the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6), the County will review the Zoning Ordinance and amend it as necessary. Section 17021.5 requires the Zoning Ordinance to treat employee/farm worker housing that serves six or fewer persons as a single-family structure and permitted in the same manner as other single-family structures of the same type in the same zone in all zones allowing single-family

ORDINANCE NO. XXXX

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
(Amendment to TCC 15.25.030 and TCC 15.25.040 (A))**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

WHEREAS, Trinity County Code Section 15.25.030 established minimum zoning and acreage size criteria for Limited Density Rural Dwelling (LDRD) structures in Trinity County;

WHEREAS, staff was directed by District 5 Supervisor, to initiate a zoning amendment to reduce the acreage requirement for parcels that have access to municipal sewer or water in order to allow more residents of Post Mountain the ability to apply for LDRD building permits;

WHEREAS, Planning staff requested comments from pertinent safety and fire related agencies;

WHEREAS, Planning staff evaluated the comments received, verified consistency with the General Plan and Community Plans and;

WHEREAS, Planning staff recommends the following amendments, based on the comments received;

WHEREAS, Adoption of this Amendment has been reviewed with respect to the applicability of the California Environmental Quality Act of 1970 ("CEQA "), and the State CEQA Guidelines, and the Board of Supervisors herein determines that this Ordinance Amendment does not constitute a "project" within the meaning of CEQA Guidelines Section 15060(c)2) because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and CEQA Guidelines Section 15378 because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. Moreover, construction of individual limited density rural dwellings allowed by this Amendment falls within the "ministerial projects" statutory CEQA exemption set forth in CEQA Guidelines Section 15268(a) where ministerial projects are exempt from the requirements of CEQA, and 15268(b)(1) where, "in the absence of any discretionary provision contained in the local ordinance...issuance of building permits" are presumed to be ministerial and 15369 wherein "'ministerial' describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project." Adoption of this amendment enacts only minor changes in land use regulations, and it can be seen with certainty that its adoption will not have a significant effect on the environment because it will not allow for the development of any new or expanded structures beyond what is currently allowed "by right" to the maximum allowable extent within each zone listed under 15.25.030.

Section I: That Trinity County Code 15.25.030 and section 15.25.040 (A) shall be amended to read:

15.25.030 – Allowable Zoning.

Ordinance No. XXXX

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Limited density rural dwellings are only allowed in the following zones for parcels five acres or larger:

- A. Unclassified (U);
- B. Agricultural Preserve District (AP);
- C. Rural Residential (RR);
- D. Agriculture — Forest Districts (AF);
- E. Agricultural Districts (A);
- F. Timberland Preserve Districts (TPZ).

In a special circumstance, where an applicant has lost their residence due to a locally declared natural disaster, the affected applicant may seek exemption from the zoning and the minimum parcel size requirements through the planning commission. Parcels that are not within a Community Service District (CSD) that provides access to sewer or water, can apply for a LDRD Building Permit if the subject parcel is at least [INSERT ACREAGE] in size.

15.25.040 (A) – Regulations.

Technical Code. Except as otherwise required by this chapter, structures constructed pursuant to this part, and compliant to all requirements contained herein, need not conform with the construction requirements prescribed by the latest applicable edition of the codes that make up a California Building Standards Code, Title 24, California Code of Regulations, or other applicable technical codes; however, it is not the intent of this section to disregard nationally acceptable technical and scientific principles relating to design, materials, methods of construction and structural requirements for the erection and construction of structures as are contained in the uniform technical code, including, but not limited to, CA Building Code Chapter 7A, PRC 4290/4291 and the Trinity County Fire Safe Ordinance (TCC 8.30).

Section II: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the ____ day of _____, _____, and passed and enacted this ____ day of _____, _____ by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

- AYES: Supervisors
- NOES: None
- ABSENT: None
- ABSTAIN: None
- RECUSE: None

RIC LEUTWYLER, CHAIRMAN
Board of Supervisors

Ordinance No. XXXX

DATE

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County of Trinity
State of California

ATTEST:

TRENT TUTHILL

Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret E. Long, County Counsel