

<p><b>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</b></p>
---

**APPLICANT:** Mark & Valerie Hollister

**REPORT BY:** John Jelichich

**AGENT:** Hunt Land Surveying

**APN:** 007-740-40

**PROJECT DESCRIPTION:**

One year time extension of tentative map approval to create four parcels and a remainder varying from one acre to 17 acres. (Exhibit A)

**LOCATION:** Located at 1281 Carrville Loop Road, Coffee Creek (Exhibit B)

**PROJECT INFORMATION:**

- A) Planning Area: North Lake
- B) Existing General Plan Designation: Rural Residential (RR)
- C) Existing Zoning: Rural Residential, 2.5 acre min.
- D) Existing Land Use: residential
- E) Adjacent Land Use Information:

	<b><u>Adjacent Uses</u></b>	<b><u>Zoning</u></b>	<b><u>General Plan</u></b>
North:	residential	Unclassified	Rural Residential
South:	gov't/residential	Unclassified	Rural Residential
East:	residential	RR 5	Rural Residential
West:	gov't/forest	Unclassified	Resource

### **Background Information:**

The approved tentative map would create four parcels varying in size from one to 17 acres. The range in parcel size is a result of existing roads, ponds, streams and the applicants desire to retain the largest parcel for their own use. Some of the road improvements required additional engineering and review during construction. The tentative map was approved by the Planning Commission on October 8, 2009 (Resolution PC-2009-05, attached as Exhibit C). It is unlikely an additional construction season will be necessary to complete the project, but it will extend beyond the expiration date of the map (October 8, 2016). As of the Commission meeting date, December 8, 2016, there are only minor changes needed to the parcel map and recordation of notices.

### **Tentative Map Extensions:**

A tentative map is initially approved for twenty-four (24) months, and can be extended for an additional 12 months upon approval by the county. (Other time lines can apply, but for this four parcel division the standard would be 24 months, plus 12 months.) The subject subdivision was originally approved by the Planning Commission, with conditions, on October 8, 2009. The applicant is still eligible for an extension because the state legislature granted “special” extensions to maps during the recession. Those extensions have now ended. The applicant is requesting the one year extension of the map using the normal provisions of the Subdivision Map Act and the County Subdivision Ordinance. It took some research, but staff has traced back the time and the “special” legislative extensions. This subdivider is still eligible for the county extension of tentative map approval of up to twelve (12) months.

### **Commission Authority:**

The Subdivision Ordinance (Trinity County Code, Chapter 16; adopted March 4, 1986) identifies the Planning Commission as the Advisory Agency having the authority to approve subdivisions and other actions. By resolution 86-01, adopted on March 27, 1986, the Planning Commission delegated some authority to approve parcel maps and some other more routine actions to the Subdivision Review Committee (refer to definition of “Advisory Agency” in the Subdivision Ordinance for the authority to delegate). It is the Subdivision Review Committee (SRC) that approved the Adams Subdivision before you tonight. The reason it is scheduled for Planning Commission review is that there is no business before SRC, so rather than call a special meeting for the purpose of this extension it is being placed on the Commission’s agenda.

The Commission can do the following:

- Approve a time extension of tentative map approval for up to 12 months.
- Deny the request for a time extension. This will result in a map expiration date of October 8, 2016.

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

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

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

**STAFF RECOMMENDATION:**

Staff recommends that the Commission:

Grant a twelve (12) month time extension for the Hollister subdivision, APN: 007-740-40 (file: P-09-26). The new expiration date shall be **October 8, 2017**.

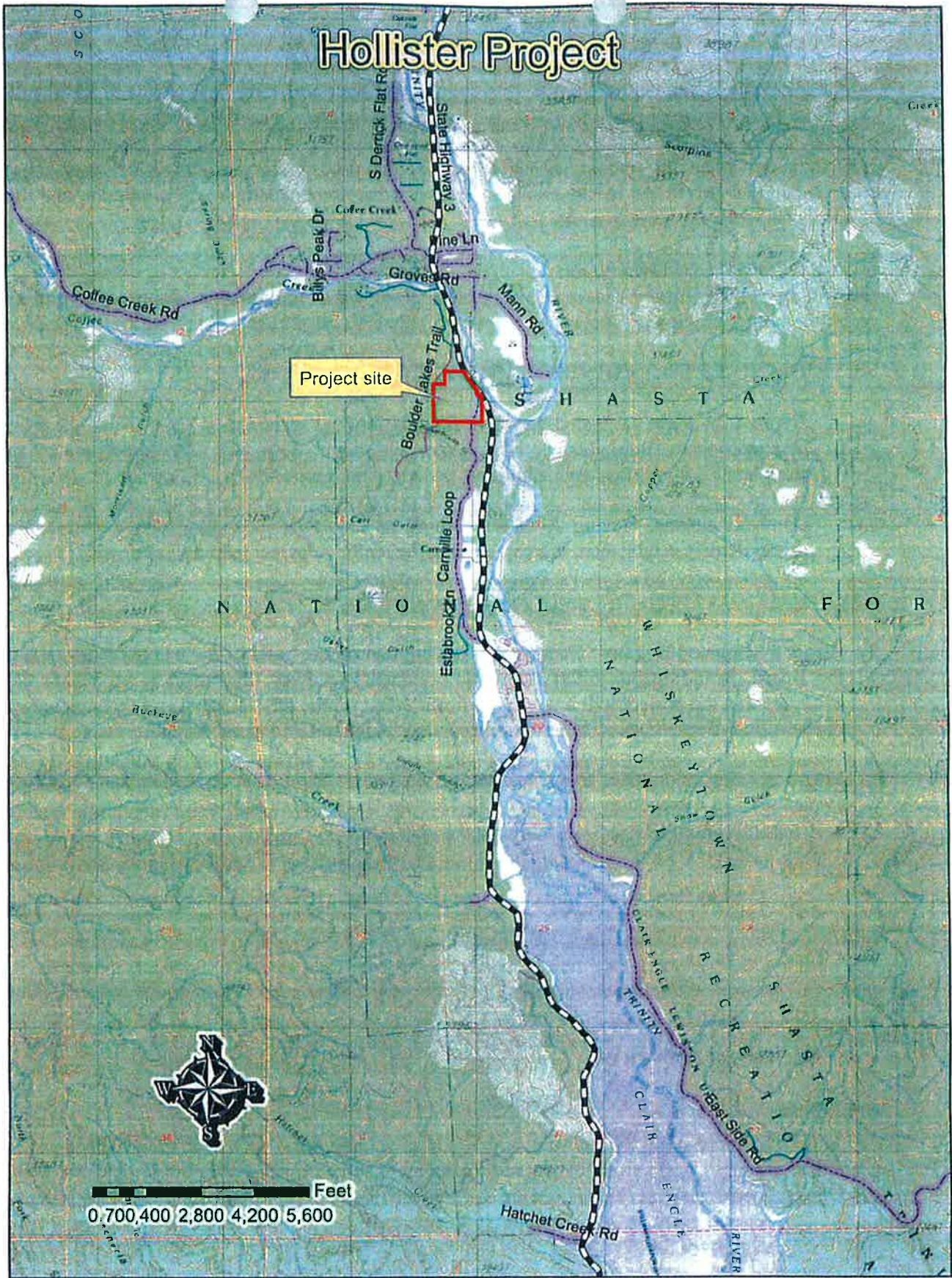
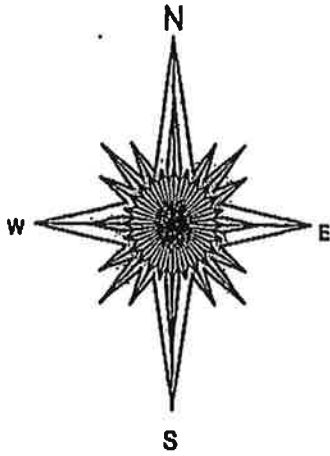


EXHIBIT A



LOCATION MAP  
 SCALE 1"=100'  
 Not to Scale

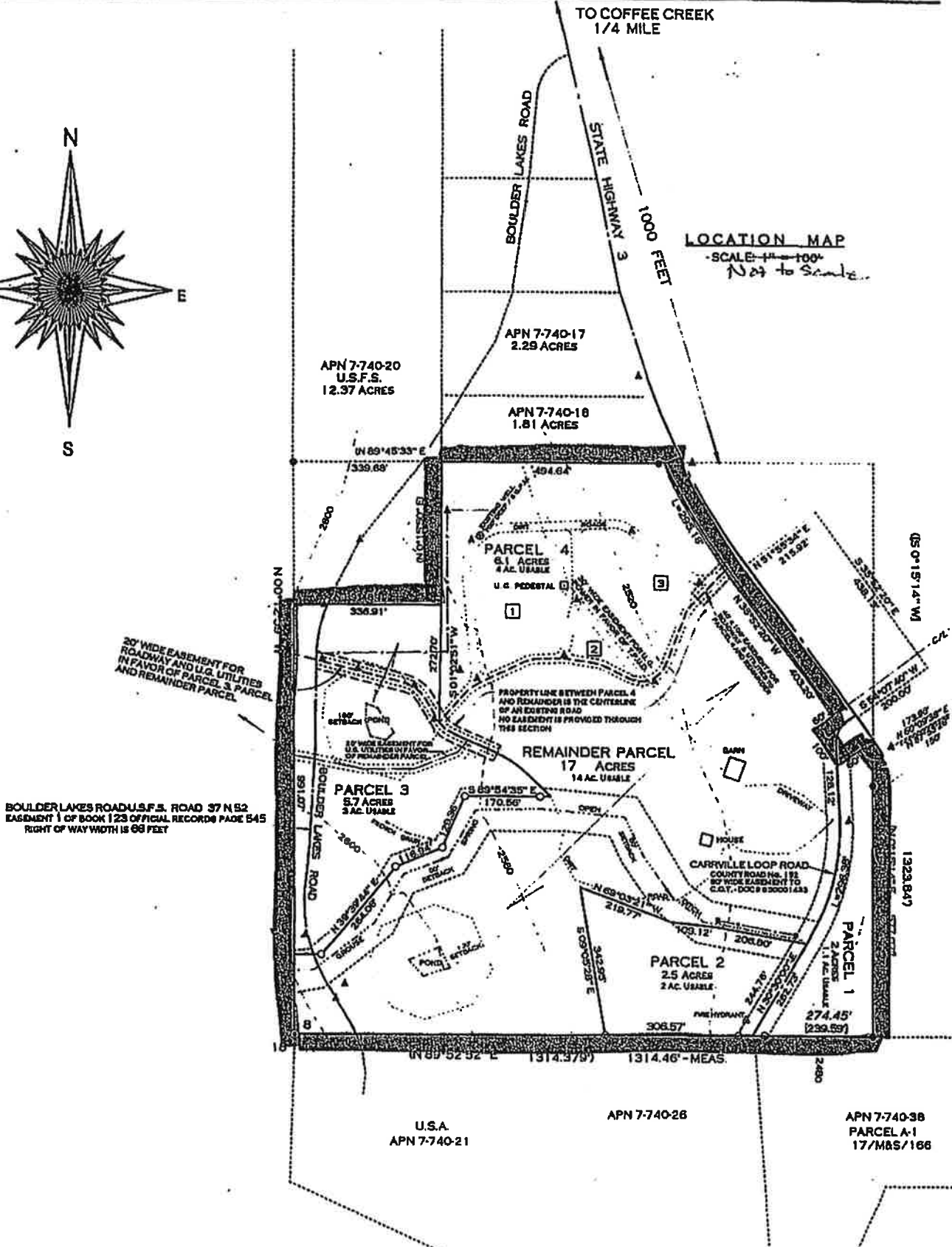


EXHIBIT B

BASIS OF BEARINGS:  
 BOOK 8, MAPS & SURVEYS, PAGE 130  
 TRINITY COUNTY RECORDS

RESOLUTION NO. PC-2009-05

ADOPTED BY THE TRINITY COUNTY PLANNING COMMISSION  
A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING  
A TENTATIVE MAP FOR HOLLISTER  
(P-09-26)

WHEREAS, the Planning Commission, on October 8, 2009, held a public hearing on the request for approval of a tentative map for property located at 1281 Carrville Loop Road, Coffee Creek area; and

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

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

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

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

1. The Negative Declaration has been prepared in compliance with CEQA, State and County Guidelines, and the Commission has reviewed and considered the information contained therein.
2. None of the conditions described in Government Code Section 66474, subsections (a) through (g) inclusive, exist with respect to the proposed subdivision.
3. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the County General Plan, and Section 16.12.150 of the Subdivision Ordinance, and Fire Safe Ordinance 1162.
4. The discharge of waste from the proposed subdivision will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Control Board.
5. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
6. Under Zoning Ordinance Section 30.3, the finding is made that the proposed parcel sizes are consistent with allowable land uses as provided by the Rural Residential zoning and General Plan designation. The

EXHIBIT "C"

smallest parcel size allowable under Rural Residential is one acre. The smallest parcel, Parcel 1 is 1.1 acres.

7. The proposed lot sizes are consistent with Environmental Health Department standards for usable area, water supply source and sewage disposal capability as provided in the Trinity County Subdivision Ordinance.
8. The proposed subdivision configuration and parcel sizes provide an efficient design with consideration of the site's topography and gulches, slope stability, natural resources management, critical wildlife habitats, protection of water quality, sewage disposal needs, access/road location and usable area.
9. The proposed subdivision will not provide for future subdivision potential capable of creating a total number of parcels greater than that permitted by the current zoning and general plan density standards.
10. The tentative map for the proposed subdivision is hereby approved, subject to the following conditions, which must be satisfied prior to the filing of the parcel map unless a different time for compliance is specifically noted:

A. Roads

- 1) The access road that serves Parcels 3, 4, and the Remainder shall conform to a Category D road design standard or Fire Safe Ordinance standard, whichever is greater, from Boulder Lakes Road to the corner of Parcels 3, 4, and the Remainder. An easement for this road shall be offered and shown on the map.
- 2) All encroachments onto Carrville Loop Road (County Road No. 152) shall conform to Department of Transportation standards. An Encroachment Permit is required for the existing encroachment on the Remainder parcel, and the work shall be completed prior to recording the map.

B. Building Permit

Prior to recording the parcel map, open Building Permits BP 8271 (for the dwelling) and BP 9370 (for a room addition) shall be Finaled.

C. Wetland Setbacks

- 1) A fifty-foot (50') non-development buffer shall be shown on the parcel map around the pond on Parcel 3 and the Remainder Parcel. The buffer shall be labeled "Non-Development Buffer".

- 2) A fifty-foot (50') non-development buffer shall be shown on the parcel map each side of the Grouse Spring drainage ditch. The buffers shall be labeled "Non-Development Buffer".

D. Rezone

The rezone to Rural Residential two and one-half -acre minimum (RR 2.5) shall be approved by the Board of Supervisors prior to recordation of the map.

E. Notice of Environmental Constraint

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

- 1) A Grading, Drainage and Erosion Control Plan shall be prepared for development of the buildign sites on Parcels 1, 2 3 and 4. The plan shall provide a drainage analysis for any culverts to be installed. The Plan shall also show how any grading or drainage revisions will affect neighboring properties and how that will be addressed. The Plan shall be submitted for review and approval to the Trniity County Department of Transportation for reivew and approval prior to any earth disturbance on the parcels, or issuance of building permits.
- 2) There is a 50-foot non-development buffer around the pond on Parcel 3 and the pond on the Remainder Parcel. There is also a 50-foot buffer that extends each side of Grouse Spring drainage ditch. These buffers are for the protection of protected plant species. No development of the gound shall occur within these buffer areas wthiout prior written approval by the California Department of Fish and Game.
- 3) 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 within 100 feet of the area. The owner/developer shall avoid the materials and their contents. The Trinity County Planning Director shall be notified immediately, and an archaeologist consulted to determine if the find is significant and make recommendations for appropriate mitigation. 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.
- 4) 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 within 100 feet of 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.

- 5) An Encroachment Permit is required for access onto State Highway 3 from Caltrans for development of Parcel 4. An Encroachment Permit is required for access onto Carrville Loop Road from the County Department of Transportation for development of Parcels 1 and 2. These permits are required at the time Building Permits are being obtained. State Encroachment Permits do not transfer to new owners. Therefore, each subsequent owner of Parcel 4 must obtain their Caltrans Encroachment Permit.
- 6) Engineered mound systems for sewage disposal will be required on Parcels 1-4, unless further testing indicates that conventional systems can be used.
- 7) Boulder Lakes Trail Road (USFS Road Number 37N52) is not a county road, and therefore, will not be winter-maintained or plowed.

AYES: Commissioners Bushman, Groves, Jungwirth and McKnight

NOES: None

ABSTAIN: None

ABSENT: Commissioner Johnson

  
\_\_\_\_\_  
CHAIRMAN – Tom McKnight

ATTEST:  
  
\_\_\_\_\_  
Secretary of Trinity County  
Planning Commission

NOTE: With a legislative extension granted by SB 1185 and AB 333, the approval of this tentative map will expire on **October 8, 2014**. Any requests for a time extension must be received by the Trinity County Planning Department 30 days prior to this expiration date.