




TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING - ENVIRONMENTAL HEALTH - PLANNING
61 AIRPORT ROAD, P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1354, FAX (530) 623-1353

Kim Hunter, Director

MEMORANDUM

DATE: September 12, 2019
TO: Chair McHugh, Members of the Planning Commission
FROM: Kim Hunter, Planning Director 
SUBJECT: Agenda Item 7 – Parcel Map Extension of Time (Adams, P-11-22)

The action being requested at tonight's meeting is approval of a third 12-month extension of time for the tentative map approval. (State Law provides for an extension of time up to six years so this is not the last extension that can be granted per the Subdivision Map Act.) However, the applicant has also requested a modification to the conditions of the map. The attached correspondence was originally received in July from applicants Steve and Susan Adams, and Cameron Holmgreen,

Although the required improvements are nearing completion, the extension of time will provide the time for to: (1) Determine if the modification request is necessary and that it meets the required findings and conditions (Trinity County Code Section 16.50.020) for a modification; (2) Confirm that all of the conditions of approval have been met; and, (3) Verify that the road improvement standards, and that all conditions of approval, have been met for both the Trinity County Department of Transportation and Cal Fire.

Should the applicants' modification request meet the criteria as established by the Subdivision Ordinance, then a separate agenda item will come before the Planning Commission at a later date.

Attachments:

1. Adams Subdivision (P-11-22) Modification Request (July 24, 2019)
2. Trinity County Code Chapter 16.50 – Subdivision Modifications
3. Resolution No. SRC-2012-02 (with mitigations and conditions for P-11-22)

Adams Subdivision (P 11-22) Modification Request

7/24/2019

Dear Trinity County Representative:

The Adams Subdivision (P 11-22) is requesting a modification per Section 16.50 of the Subdivision Ordinance to be approved by the Planning Commission.

The Adams Subdivision (P 11-22) last extension is set to expire in October 2019, and there is no possibility of another extension. A.M. Baird Engineering & Surveying was hired to complete the subdivision. Much of the past 6 plus years was spent sending paperwork back and forth between A.M. Baird Engineering and Trinity County DOT. Review and response times have been lengthy by both parties. In the fall of 2016, Trinity County DOT representative called the subdivision applicants (Steve & Susan Adams and Cameron Holmgren) saying that approved road plans were finally going to be accepted and that work on the road improvements could begin. The applicants decided that starting a roadwork project in mid September right before the rainy season would not be a good idea. In early 2017 communication between A.M. Baird Engineering and the applicants occurred, and the road work to be performed in the summer of 2017 was discussed.

The subdivision applicants had multiple road contractors look at the project using the road plans that were said to be approved. The road contractor that was chosen was from Southern Trinity and has decades of experience, including reconstructing Trinity County Roads and constructing U.S.F.S. roads. An encroachment permit was obtained from Trinity County by the subdivision applicants. The engineered road plans and fixed measurement points were used by the contractor to complete the road improvements. Before the project was completed, Trinity County DOT and Supervisor representatives were shown the road improvements. Several onsite recommendations were made; including extending roads widths at the existing culverts, rock lining an inside ditch, extending the gate width to 20', and replacing an existing rock armored 36" culvert with a new rock armored 48" culvert without a vertical drop into the creek below. The county encroachment was also looked at by the Trinity County Engineer, and he concluded paving the encroachment could occur.

A paving contractor was hired to pave the encroachment in the late fall of 2017, but cold and wet weather came early, and the paving was postponed. In the summer of 2018, the paving was completed with stop and road signs. The subdivision applicants were under the assumption the project was completed. To the surprise of the subdivision applicants, A.M. Baird Engineering & Surveying and Trinity County DOT said they still needed to do more paperwork before the subdivision could be approved.

Now it is the summer of 2019, the last year of the subdivision. Trinity County DOT and A.M. Baird Engineering & Surveying are again still requesting more paperwork to be done. Apparently the approved road improvement plans were never signed or something. The subdivision applicants are not gamblers and would have never hired a licensed contractor to complete the road improvements on an as-built basis. There is a lot of frustration between A.M. Baird Engineering & Surveying and Trinity County DOT, and the two sides haven't been able to get the paperwork figured out.

There is a possibility of paving a few short segments of the road that are a fraction of a percent over what the county road design allows. However, paving any additional part of the road would not make sense for the Ag Forest Zoning. The parcels all have harvestable timber and will be logged from time to time. Any paving would be destroyed during future logging operations. Additionally, the parcels are located at higher elevations with frequent heavy winter snowfalls that require the road to be plowed by machinery that could destroy any additional pavement.

The first 1,300 feet of the existing road was already approved for multiple parcels by Trinity County in a previous subdivision. Prior to any road improvements, two separate CAL FIRE battalion chiefs inspected the existing road and were satisfied with the existing road grade and curve radiuses. The main concerns were with brush along the roadside, low hanging limbs and more and bigger turnouts and hammerhead turn arounds. On June 9, 2019, a third CAL FIRE battalion chief, Tim Whitehurst, inspected the current road. CAL FIRE was satisfied with the road grade and width, turn radiuses, turnouts, turnarounds and the fire safe access to all existing and future residences. CAL FIRE is ready to send an acceptance report to the Trinity County Planning Department once the Planning Department formally requests the document. To request the CAL FIRE document email (KyleJohnson@fire.ca.gov).

The subdivision applicants have paid over \$200,000 to complete everything that was requested by all parties involved. Money is not a reason for this modification request. The contractor who did the road improvements moved as much material as was feasible for the size and shape of the topography. In the opinion of the road contractor and the Registered Professional Forester #2929 Cameron Holmgren, any additional road work could be detrimental to the adjacent watercourses and geological conditions and would be impractical to conform to the strict application of the county road design. The existing road is almost up to the Trinity County Road Standards. The State of California lead agency CAL FIRE is ok with the current road conditions. Furthermore in late June of 2019 the subdivision applicants videoed a +40' single truck and trailer driving up the current road with now issues (See attached video). There are no longer conditions in the subdivision area that are detrimental to public health, safety or welfare.

It is the hope of the subdivision applicants to finally clear up the clouded title for parcel 018-210-016 and begin to move forward with completing the submitted building plans for the existing homes all while increasing county tax revenue.

Sincerely,

Steve & Susan Adams and Cameron Holmgren

Enclosures: Videos.

Chapter 16.50 - SUBDIVISION MODIFICATIONS

Sections:

16.50.010 - Modification authority.

The advisory agency or other duly authorized body may, in accordance with the provisions of this chapter, grant, conditionally grant or deny requests by a subdivider for modifications to the requirements or standards imposed by this title; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning commission to authorize variances from the regulations and requirements of the zoning ordinance. A minor change in the design of a subdivision which is not violative of the requirements or standards imposed by this title shall not be deemed to be a "modification" as the term is used in this title.

(Ord. 1080 §1(part), 1986)

16.50.020 - Required findings and conditions.

Before granting any modification, the advisory agency shall make all the following findings :

- A. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical or undesirable in the particular case to conform to the strict application of this title;
- B. That cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;
- C. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;
- D. That granting the modification is in accordance with the intent and purposes of this title and is consistent with the general plan and with all other applicable specific plans of the county. In granting a modification, the advisory agency or other duly authorized body shall impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the general plan, with all applicable Specific Plans, and with the intent and purposes of this title.

(Ord. 1080 §1(part), 1986)

16.50.030 - Modification of filing time.

- A. Modification requests shall either be filed with the tentative map or shall be filed during the period of time between approval of the tentative map and acceptance of the final map or parcel map by the county surveyor or public works director.
- B. For the purposes of this chapter, modifications filed prior to the approval of the tentative map shall be referred to as "concurrent modifications," and modifications filed after approval of the tentative map

shall be referred to as "post modifications."

- C. Action by the advisory agency or other duly authorized body on any post modification shall not extend the time for filing the final map or parcel map with the county surveyor.

(Ord. 1080 §1(part), 1986)

16.50.040 - Application requirements.

Applications for concurrent modifications shall be filed, in writing, by the subdivider in the county planning department upon a form and in the number of copies required for that purpose in conjunction with the tentative map application.

- B. Applications for post modifications shall be filed, in writing, with the planning department upon a form and in the number of copies required for that purpose.
- C. Each application shall state fully the nature and extent of the modification required, the specific reasons therefor, and the facts relied upon. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section 16.50-.020.

(Ord. 1080 §1(part), 1986)

16.50.050 - Fees.

An application for a subdivision modification shall be accompanied by a filing fee as established in the county fee resolution.

(Ord. 1080 §1(part), 1986)

16.50.060 - Referrals.

- A. The planning director shall transmit copies of the concurrent modification application for review and comment to members of the subdivision review committee and to such other public or private agencies or departments affected by the proposed subdivision as he deems appropriate.
- B. The advisory agency or other duly authorized hearing body, may in its discretion transmit post modification applications to the subdivision review committee for review and comment if it determines that the review is appropriate under the circumstances.

(Ord. 1080 § 1(part), 1986)

16.50.070 - Hearing requirement.

Prior to approving, conditionally approving or disapproving the subdivision modification, the advisory agency or other duly authorized body shall hold a public hearing. Notice of the hearing shall be published in a newspaper of general circulation at least ten working days prior to the hearing. In addition, all persons owning property within three hundred feet of the proposed lot line adjustment or merger shall be sent written notice of the hearing by mail or other means at least ten days prior to the hearing.

(Ord. 1080 §1(part), 1986)

**SUBDIVISION REVIEW COMMITTEE
COUNTY OF TRINITY, STATE OF CALIFORNIA
OCTOBER 11, 2012**

RESOLUTION NO. SRC-2012-02

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVAL OF THE
TENTATIVE MAP FOR
Adams (P-11-22)

WHEREAS, the Subdivision Review Committee, on October 11, 2012 held public hearings on the request for approval of a tentative parcel map for property located the South Fork Trinity River Road; 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 has Subdivision Review Committee concluded upon its review of the project in its entirety that the project is consistent with the General Plan and Zoning Ordinance of Trinity County; and,

WHEREAS, the ha Subdivision Review Committee 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 Subdivision Review Committee 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, the County Zoning Ordinance and Fire Safe Ordinance 1162.
4. The discharge of waste from the proposed subdivision will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Control Board.

5. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
6. The negative declaration and tentative map for the proposed subdivision is hereby approved by the Subdivision Review Committee, 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:

The project has been approved with the following mitigations and conditions:

A. Site Development:

- 1) An engineered grading, drainage and erosion control plan shall be prepared by a licensed engineer prior to any further earth disturbance of the property. The report shall be submitted for the review and approval of the Director of Trinity County Building and Development Services, and to the Trinity County Department of Transportation for any portions that involve roadwork. A copy of the approved report shall be maintained by the Trinity County Planning Department.
- 2) Building sites for each of the parcels as shown in the Soils report prepared by Allan Baird, RCE dated July 30, 2003, and shall be designated on the parcel map.
- 3) Water for fire suppression shall be provided for the parcels by installing 2500-gallon water storage tanks for each parcel at the time of development.
- 4) Prior to the recordation of the Parcel Map the subdivider shall provide written clearance from the California Department of Forestry and Fire Protection (CalFire) indicating a clearance of improvements consistent with the Trinity County Fire Safe Ordinance.
5. The subdivider shall secure any required permit from the Regional Water Quality Control Board for any site disturbance that would be under that agency's jurisdiction.

B. Cultural Resources

A Notice of Environmental Constraint shall be recorded concurrent with the Parcel Map containing the following caveats:

1. In the event that previously unidentified cultural or paleontological resources are encountered during construction, there shall be no further excavation or disturbance of that area. The construction crews shall stop work or avoid the materials and their context. The Environmental Compliance Specialist shall be notified immediately. A qualified archaeologist shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical, paleontological or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archaeologist have been implemented.

2. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

C. Access:

1) The access roads that serve the parcels shall be improved to meet the requirements of the Trinity County Fire Safe Ordinance. CDF shall be consulted for further detail prior to construction. All road work shall be completed, reviewed and approved by CDF prior to recordation of the map.

2. An encroachment permit shall be acquired and improvements installed connecting the access road to Van Duzen Road to the satisfaction of the Trinity County Department of Transportation. The encroachment shall be capable of providing access for the following AASHTO design vehicle: single unit truck. The design vehicle must be able to make the turn onto the access road from both directions of travel on road 511 without stopping or backing up. This minimum turning radius is to accommodate emergency response vehicles. The pavement of the access road shall be for a minimum distance of twenty feet from the edge of travel way (the white line) on Van Duzen Road, #511 or to the edge of the county right of way, whichever is greater.

3. Non-exclusive road and utility easements must be provided to parcel 018-210-13 and parcel 018-210-14 to provide for potential future development.
4. For reference to the proposed subdivision map, roads shall be defined as "all road segments which are commonly shared by two or more parcels." Roads must meet the following requirements:
 - a. All roadways must be constructed in accordance with the County Fire safe ordinance and the Subdivision Ordinance Category D road. For conflicting requirements between the Fire Safe ordinance and the Category D road, the most restrictive requirement must be met.
 - b. The roadway structural section must be constructed of class 2 base rock or other rock surfacing capable of supporting a forty thousand pound load. The minimum thickness of six inches of base rock material is required. The structural section must be based upon engineering analysis of sub-grade materials and native soils. Material to be used for roadway surfacing and structural section design must be pre-approved by the Department of Transportation before construction of the improvements. Testing results and the engineered structural section design must be submitted to the Department of Transportation prior to approval.
 - c. The Department may sample and test materials before and after construction or may select a firm to provide independent materials testing.
 - d. The roadway structural section must be constructed to a minimum width of 18 feet. The minimum inside curve radius for all curves must be 50'. All curves with inside radii less than 100' must have a minimum roadway width of 20', and all curves with inside radii between 100' and 200' must have a minimum roadway width of 22'.
 - e. The maximum allowable road grade is 12% and the minimum allowable grade is 1%. The maximum allowable grade may be increased to 14% for short distances if approved by the road department.
 - f. The minimum crown or cross slope must be 3% on all unpaved roads. The minimum crown or cross slope is 2% on all paved roads.

- g. Cut and fill slopes are to be approved by the Department of Public Works.
 - h. Roadway drainage must be adequate to protect the road and adjacent properties. A hydrology study showing adequate drainage is required and must be approved by the Department of Transportation. The minimum allowable culvert size is 18 inches diameter.
5. For reference to the proposed subdivision map, driveways shall be defined as "those roads which serve a single parcel and are not commonly shared." All driveways must meet the County Fire Safe Ordinance requirements including the following:
- i. A structural section capable of supporting a forty thousand pound load,
 - j. A maximum 16% grade
 - k. A minimum structural section width of 10 feet,
 - l. A turnout at the midway point for driveways exceeding one hundred and fifty feet, but less than eight hundred feet,
 - m. Turnouts every 400 feet for driveways longer than 800 feet in length, and
 - n. A turnaround within fifty feet of the building for driveways in excess of three hundred feet in length.
6. Private roads and public utility easements shall be offered for dedication. All commonly shared private improvements shall exist within non-exclusive road and utility easements. The easements shall also grant the right to enter thereon to the personnel, agents, and equipment from the County, Fire District, and all required utilities.
7. Where roadway earthwork extends beyond the road rights of ways, additional slope easements shall be provided to a point 5 feet beyond the catch point.
8. Road names shall be submitted to the Planning Department for approval in accordance with Title 12, chapter 12.17 of Trinity County code of ordinances.
9. Install road name signs at all intersections. A "Stop" sign and associated pavement markings shall be installed at the intersection with Van Duzen Road. The roadway shall have centerline striping. Roadway signs and markings shall be installed as required by the 2010 California MUTCD.
10. Prior to recordation of the Parcel Map the subdivider shall create to the satisfaction of Trinity County Counsel and the Trinity County

Department of Transportation an organization or association for the maintenance of the private roads and appurtenant drainage systems within the subdivision or show evidence of the existence of such an agreement or organization.

11. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the County Engineer when such improvements have been completed.

12. All improvements required for this development and as described in these conditions of approval shall be shown on construction drawings (the final improvement plans) to be submitted along with the Final Map to the Trinity County Department of Transportation for review and approval. An encroachment permit shall be obtained from the Department of Transportation prior to beginning any work on this development within a public right-of-way.

D. Notice of Environmental Constraint

A Notice of Environmental Constraint shall be recorded, and a reference to same shall be noted on the parcel map. This notice will serve to put future owners/developers on notice that: "A Preliminary Engineering Geologic R-2 Soils Report, dated July 30, 2003, prepared by Allan M. Baird, RCE, prepared for the previous subdivision of this land identified issues on the property that may require specific mitigation for future development, such as foundation design standards, consideration of seismic events, erosion control measures, and grading related concerns.

F. Fish and Game Filing Fee:

This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Trinity County Planning Department. Said fee of \$2151.50 shall be made payable to the Trinity County and submitted to the Trinity County Planning Department. prior to October 30, 2012 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Trinity County Planning Department. until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline

shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

PASSED AND ADOPTED by the Subdivision Review Committee of the County of Trinity, State of California, at a regular meeting of said Board, held on October 11, 2012, upon the motion of Frank Lynch, seconded by Andrew Pence, and on the following vote,


AYES: Frank Lynch, Andrew Pence, Scott Wood and Ray Bushman

NOES: None

ABSENT: Peter Hedtke


ABSTAINING: None

The foregoing resolution is hereby adopted.



Chairman of the Subdivision Review Committee,
County of Trinity, State of California

ATTEST.



County of Trinity, State of California

NOTE: Approval of this tentative map will expire on October 11, 2014. Any request for a time extension must be received by the Trinity County Planning Department 30 days prior to this expiration date.