

<p>TRINITY COUNTY SUBDIVISION REVIEW COMMITTEE STAFF REPORT</p>
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APPLICANT: Yingling Trust

REPORT BY: John Jelichich

AGENT: None

APN: 024-200-23

PROJECT DESCRIPTION:

One year time extension of tentative map approval to create four parcels of approximately two acres each (Exhibit A))

LOCATION: Located on private road (proposed as Bartolett Terrace Rd (pvt)) off of Angel Hill Road (pvt) near Highway 3, Weaverville. (Refer to attached Exhibit B)

PROJECT INFORMATION:

- A) Planning Area: Weaverville
- B) Existing General Plan Designation: Rural Residential
- C) Existing Zoning: Rural Resid. one acre minimum (Mobile Home w/stds overlay)
- D) Existing Land Use: vacant
- E) Adjacent Land Use Information:

	<u>Adjacent Uses</u>	<u>Zoning</u>	<u>General Plan</u>
North:	vacant	Open Space	Open Space
South:	vacant	RR-1(MHS)	Rural Res
East:	vacant	RR-1(MHS)	Rural Res
West:	vacant	Open Space	Open Space

Background Information:

In September 2016 an inquiry was made regarding the need to request an extension of tentative map approval for the Yingling Trust tentative map. On October 25, 2016 the Planning Department received a formal request for a one year time extension from Ron Yingling, the property owner and subdivider for the Yingling Trust tentative map (Exhibit C). The Yingling tentative map was approved on October 9, 2008, subject to several conditions.

On March 8, 2012, the Planning Commission granted a modification to the conditions of approval (Resolution PC-2012-01; Exhibit D). The conditions that were modified pertained to changing the cul-de-sac to a hammer-head turn around and modifying the surfacing requirement for the on-site road. Of particular concern for completion of this project has been meeting the requirements for drainage and road improvements. Many of the other conditions appear to have been met, but due to the slow economy and work needed to complete this four parcel division, the subdivider is requesting another construction season to finish his project.

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 Subdivision Review Committee, with conditions, on October 9, 2008. 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 (Yingling) 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 9, 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 Yingling Trust subdivision, APN: 024-200-23 (file: P-08-09). The new expiration date shall be October 9, 2017.

Yingling location map

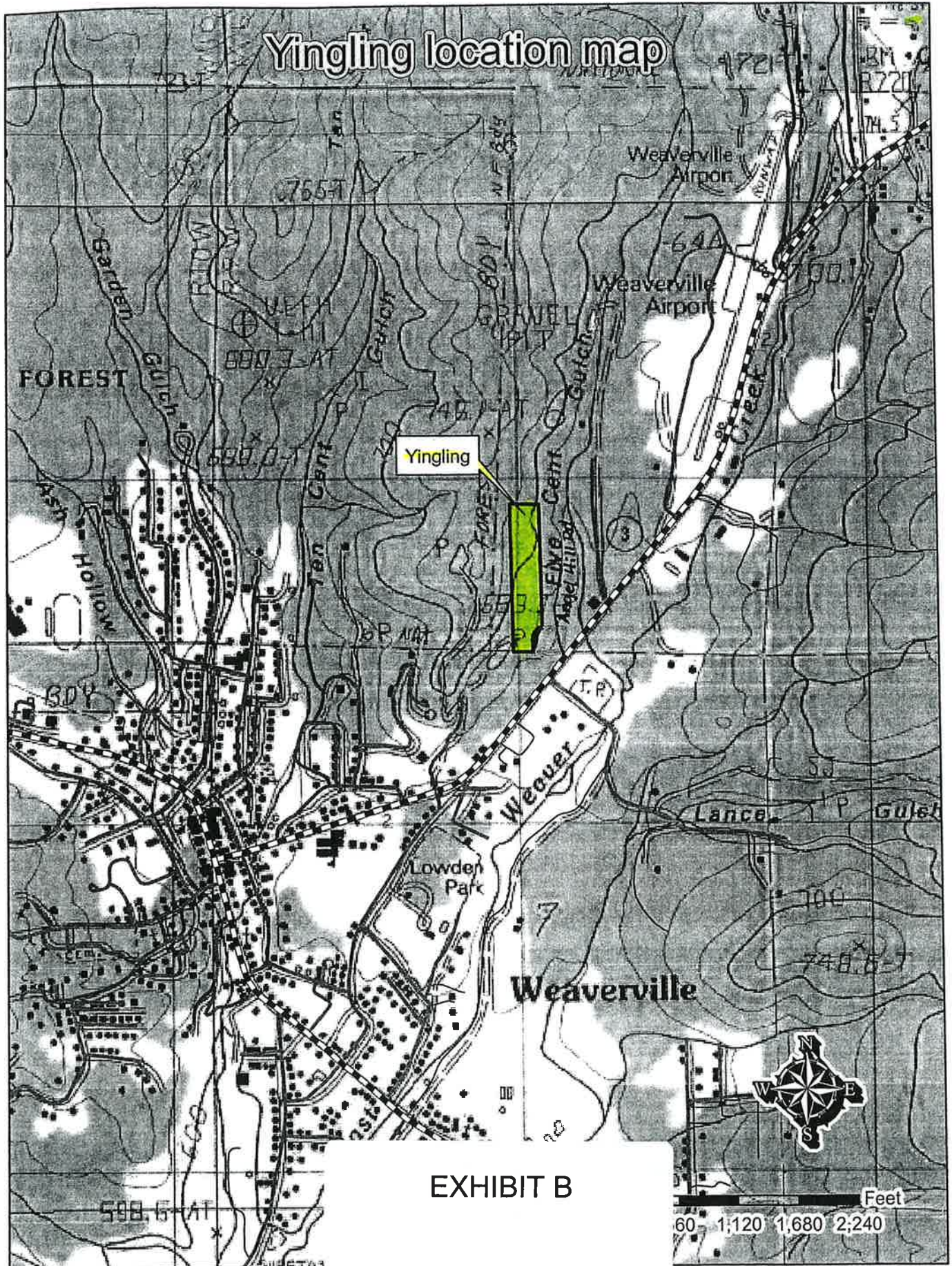


EXHIBIT B

RECEIVED

OCT 25 2016

TRINITY COUNTY
PLANNING DEPARTMENT

Oct. 25, 2016

Trinity County Planning Department
Weaverville, Ca.

To whom it may concern,

We are respectfully requesting an extension on our subdivision, located on highway 3 in Weaverville.

With the down turn of the economy and property values it has made it difficult to finish this project.

Therefore we would like to requests an extension. We appreciate your consideration on this matter.

Sincerely,



Ronald Yingling

P.O. Box 126

Junction City, Ca. 96048

530 6235811

EXHIBIT C

RESOLUTION NO. PC-2012-01
ON MARCH 8, 2012
RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING
A MODIFICATION OF CONDITIONS OF APPROVAL FOR TENTATIVE MAP
FOR
YINGLING (P-08-09)

WHEREAS, the Planning Commission, on January 12, 2012 and March 8, 2012, held public hearings on the request for approval of revised conditions for a tentative parcel map for property located at Angel Hill Road and State Hwy 3, Weaverville; and

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

WHEREAS, the Planning Commission has determined that the proposed project will not have a significant effect on the environment, and has determined that the project is exempt from further CEQA consideration per CEQA Section 15162; 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 PLANNING COMMISSION OF TRINITY COUNTY THAT:

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

A. Roads – Off-site

- 1) The road shown as “Bartolett Terrace” on the tentative map (pvt) and Angel Hill Road (pvt), from Highway 3 to the south line of Parcel 1, shall conform to a Category 1 road design standard but with a traveled-way width that meets the requirements of the Fire Safe Ordinance, which is two nine-foot lanes. Further, deviations would include an increase in gradient to a maximum of 14%. Because portions of these roads do not meet county road design standards an engineered road plan must be submitted prior to any further earth moving activities. This plan shall include information pertaining to grade, width, drainage and surfacing. Final surfacing shall be 0.20 feet of asphalt concrete.
- 2) Since the project will take access from State Highway 3 via Angel Hill Road, an “Encroachment Permit” is required for the use of the Angel Hill Road connection. Improvements such as a stop bar and sign may be required.

B. Roads – On-site

- 1 Bartolett Terrace (pvt) shall conform to a Category 1 road design standard, but with a traveled-way width that meets the requirements of the Fire Safe Ordinance, which is two nine-foot lanes. This standard shall apply from the south line of Parcel 1 to the cul-de-sac or approved turn around at the boundary of Parcels 3 and 4. Further, deviations would include an increase in gradient to a maximum of 14%. Because portions of this road do not meet county road design standards an engineered road plan must be submitted prior to any further earth moving activities. This plan shall include information pertaining to grade, width, drainage and surfacing. Final surfacing shall be 0.20 feet of asphalt concrete including the cul de sac or approved turnaround.
- 2) Bartolett Terrace (pvt), from the cul-de-sac or approved turn around to the south line of Parcel 4, shall conform to a Category D or Fire Safe Ordinance standard, whichever is greater. If portions of this road do not meet county road design standards an engineered road plan must be submitted prior to any further earth moving activities. This plan shall include information pertaining to grade, width, drainage and surfacing. Final surfacing for this section of Bartolett Terrace may be approved aggregate base.
- 3) An easement wide enough to accommodate the entire road prism shall be offered for Bartolett Terrace from the south line of Parcel 1 to the

south line of Parcel 4 and shown on the Parcel Map.

- 4) Because of observed erosion problems a Hydrology Study shall be conducted and submitted for review and approval by the county Department of Transportation, with concurrence by the Building Department and Planning Department, prior to any further earth moving activities. This study shall include possible effects that development may have on adjoining parcels to the south and east.
- 5) The cul-de-sac (turnaround) shall be located at the boundary of Parcels 3 and 4 where the roadway drops width. A "hammerhead" style turnaround may be installed in lieu of the cul-de-sac " provided it is designed and constructed as depicted on the Plan View of Tentative Map dated March 8, 2012. The Weaverville Fire District must review and approve of the "hammerhead" design alternative.

C. Road Name

A new name shall be chosen for the main road through the project, which is shown on the tentative map as "Bartolett Terrace". This is due to a conflict with an existing road within the Weaverville Basin (Bartlett Lane). The new name shall be submitted to the Planning Department for review and approval by affected agencies prior to recording the parcel map.

D. Drainage Easements

Easements delineating drainage shall be offered and shown on the Parcel Map. Said easements will likely need to extend beyond the project site boundary to adequately address the drainage issues. The developer, prior to recording the Parcel Map, shall secure these easements. This condition may be eliminated provided the subdivider can demonstrate to the satisfaction of the Department of Transportation via a report prepared by a Registered Civil Engineer or other qualified person that there will be a zero (0) net increase in off-site storm water flow.

E. Sewer

All sewer lines must be installed to District specifications. A sanitary sewer plan shall be submitted for the review and approval by the District before construction/installation of any sewer lines.

F. Water

The water main shall be extended to all lots in order to provide domestic

water service and fire protection. All improvements will be at the developer's expense.

G. Power

Easements shall be provided for all necessary power utility extensions.

H. Fire

The project will require at least two fire hydrants connected to a water main system capable of providing a 1,000 gallon per minute fire flow. The first fire hydrant can be located near the boundary between Parcels 1 and 2, and the second hydrant must be located no further than 500 feet from the first hydrant.

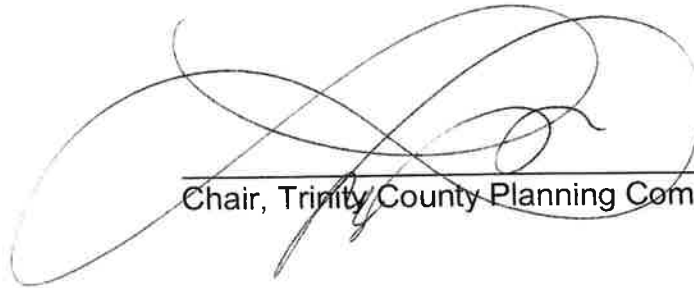
I. Notice of Environmental Constraint

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 be notarized and recorded.

- 1) In the event that previously unidentified cultural or paleontological resources are encountered during the project development, there shall be no further excavation or disturbance of that area and the area within 100 feet. The applicant shall avoid the materials and their contents. The project archeologist shall be notified immediately, along with the Trinity County Planning Director. The project archeologist shall evaluate the find to determine its historical or archeological significance. If the find is determined to be a significant historical or archeological resource, the archeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archeologist have been implemented, and the Planning Director has provided written authorization to resume work.
- 2) In the event that previously unidentified evidence of human remains area 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 Commission shall identify the persons it believes to be the most likely descendent. The most likely descendent will be given the 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

area dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

- 3) Plans for homesite development should provide for the preservation of as many trees and natural vegetation as possible to prevent soil erosion issues.
- 4) Cut banks for driveway or homesite development shall be reinforced per direction of the Building Inspector.
- 5) This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.



Chair, Trinity County Planning Commission

ATTEST:



Secretary of Trinity County
Planning Commission