

**TRINITY COUNTY PLANNING COMMISSION STAFF REPORT  
PARCEL MAP EXTENSION OF TIME**

**APPLICANT:** Stephen & Susan Adams

**AGENT:** Allan Baird

**PROJECT DESCRIPTION:** The second one-year extension of the tentative approval of a parcel map to create three parcels of approximately 40-acres each. The California Subdivision Map Act allows for map extensions of time for up to six years (GC Section 66463.5(c)).

For further project information, please refer to Attachment 2.

**BACKGROUND:** The applicant has reported that the required improvements are nearly complete and that the conditions of approval for this project are complete. However, additional time is needed to certify completion. With the October 12, 2019 expiration date of the map quickly approaching, an extension is necessary to avoid any potential for the map to expire.

**ENVIRONMENTAL DETERMINATION:** The proposed extension of time of the approved tentative map is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and 15061(b)(3).

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission adopts Resolution PC-2019-04 extending the life of the map for an additional 12-months with a new expiration date of October 11, 2020.

**ALTERNATIVES:** The Planning Commission may recommend modifications to the proposed amendments to the Bylaws or deny the proposed amendments.

**ATTACHMENTS:**

1—Resolution PC-2019-04

2—Staff Report from 10/12/17 with Exhibits A & B

**RESOLUTION NO. PC-2019-03**

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

**Approving a 12-month extension of time for Tentative Map P-11-22 (Adams)**

**WHEREAS**, the Trinity County Planning Department has considered a request for an extension of time for Tentative Map P-11-22, filed by Stephen and Susan Adams, in accordance with Title ##, Subdivisions, of the Trinity County Code; and

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

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

**WHEREAS**, the Planning Commission held a public hearing and considered this matter at the regular meeting held on September 12, 2019.

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

1. Finds the requested extension of time to be exempt from the requirements of the California Environmental Quality Act under the General Rule exemption 15061(b)(3) on the basis that there are no substantial changes to the project or to circumstances under which the project is proposed to be undertaken, and no new information has become available or been made known showing unanalyzed environmental effects; and
2. Makes the following map findings:
  - A. That an extension of time to October 11, 2020, may be granted in accordance with the Subdivision Map Act Section 66452.6(e).
  - B. That no evidence has been presented which would substantiate denial of the extension of time.
  - C. That the map is substantially the same as the original approved map.
  - D. The required improvements are necessary for the orderly development of the area; and
3. Approves the 12-month extension of time to October 11, 2020, for Tentative Parcel Map P-11-22, subject to the conditions of approval adopted on October 11, 2012.

Resolution No. PC-2019-03  
September 12, 2019

**DULY PASSED AND ADOPTED** this 12<sup>th</sup> day of September, 2019 by the Planning Commission of the County of Trinity by motion of Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_, and the following vote:

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:  
RECUSE:

\_\_\_\_\_  
Mike McHugh, CHAIRMAN  
Planning Commission  
County of Trinity  
State of California

ATTEST:

Kim Hunter  
Secretary of the Planning Commission

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

<p><b>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</b></p>
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**APPLICANT:** Stephen & Susan Adams

**REPORT BY:** Colleen O’Sullivan

**AGENT:** Allan Baird

**APN:** 018-210-16

**PROJECT DESCRIPTION:**

One year time extension of tentative map approval to create three parcels of approximately 40 acres each (Exhibit A))

**LOCATION:** Located on Van Duzen Road, approximately 6.8 miles south of the intersection with State Highway 36, at Scott Glade, Mad River area (Refer to attached Exhibit B)

**PROJECT INFORMATION:**

- A) Planning Area: Southern Trinity
- B) Existing General Plan Designation: Resource (RE)
- C) Existing Zoning: Ag Forest: B – 40 acre minimums
- D) Existing Land Use: vacant and residential
- E) Adjacent Land Use Information:

<u>Adjacent Uses</u>	<u>Zoning</u>	<u>General Plan</u>	
North:	vacant	Unc	Resource
South:	vacant	AF	Resource
East:	vacant	Unc	Resource
West:	vacant	Unc	Resource

**Background Information:**

On October 3, 2016 the Planning Department received a formal request for a one year time extension from the Steve Adams, Susan Adams and Cameron Holmgren, the property owners and subdividers, for their tentative map. The Adams tentative map was approved on October 11, 2012, subject to several conditions (Exhibit D) and see minutes of October 11, 2012 regarding discussion concerning the road work (Exhibit E). Of particular concern has been meeting the requirements for road improvements. Other conditions appear to have been met. Staff has discussed the road issues with the Department of Transportation which has advised that the subdivider is making continued progress on the design improvements and road construction; however, another construction season will probably be necessary to complete the work, given the exceptionally wet winter of 2016-2017. They have no objection to a time extension. The one year map extension was granted. It is set to expire October 11, 2017.

**Project Description:**

One of the three lots is vacant. Parcels One and Two are currently developed with unpermitted homes. The homes are identified on the map (Exhibit A) as belonging to the owners of the property and the division of land would therefore assist in separating their interests and resolve the current density situation. The subdividers (Adams/Holmgren) have submitted building plans to the Building Department to resolve this issue, but the building permit cannot be issued until the parcel map process has been completed.

Surrounding properties are also within the Resource land use designation, and the property to the south was subject of a relatively contemporary land division, known as the "Lost Bridge Subdivision" (Etter, file #P 09-09) which would create a total of 13 parcels upon completion of all phases. This property was also zoned Ag Forest as part of its subdivision process.

**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 three parcel division the standard would be 24 months, plus 12 months.) The subject subdivision was approved by the Subdivision Review Committee, with conditions, on October 11, 2012 (Exhibit D). 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 (Adams) is eligible for an additional 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 11, 2017.

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.

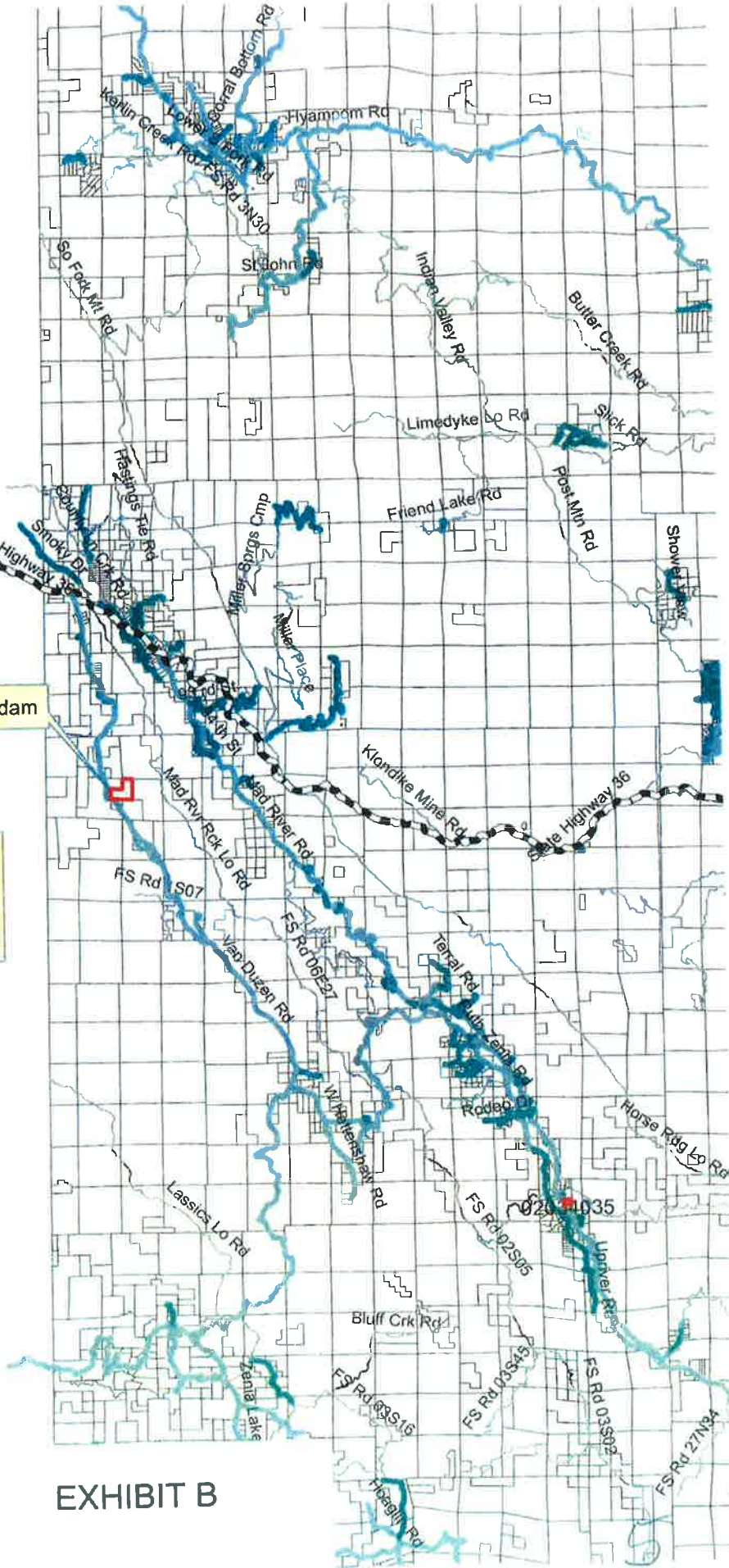
**STAFF RECOMMENDATION:**

Staff recommends that the Commission:

Grant a twelve (12) month time extension for the Adams subdivision, APN: 018-210-16 (file: P-11-22). The new expiration date shall be October 11, 2018.







P 11-22 Adam

Humboldt County

EXHIBIT B

