Item Number: 02 Meeting Date: December 8, 2022 Project Number: P-22-18

TRINITY COUNTY PLANNING COMMISSION STAFF REPORT

PROJECT TITLE: Extension of Time Request for Tentative Parcel Map P-17-36

APPLICANT: Kris Yordanov

PROPERTY OWNER: Zhulieta Shushkova

REPORT BY: Skylar Fisher, Associate Planner

LOCATION: 420 Blake Mountain Trl., Hyampom (APN 011-210-035)

ZONING DISTRICT: Rural Residential with a 20-acre minimum

GENERAL PLAN DESIGNATION: Rural Residential

PROJECT DESCRIPTION:

The applicant is requesting an extension of time of P-17-16, a tentative parcel map to create four parcels and a remainder.

Location	Land Use	Zoning District	General Plan Designation
North	Single Family Residential/Forest Service	Unclassified	Resource
South	Timber Preserve	Timber Production Zone	Resource
East	Residential Mobile/Manufactured Homes/Vacant/Forest Service	Rural Residential/Unclassified	Resource/Rural Residential
West	Forest Service	Unclassified	Resource

Table 1: Surrounding Land Uses to Project Site

PROJECT BACKGROUND:

In July 2018, the Trinity County Board of Supervisors approved P-17-36. This approved the project's Mitigated Negative Declaration, the Tentative Parcel Map, and amended the Trinity County Zoning Ordinance (Ordinance No. 315) to change the zoning district of the parcel from Unclassified to Rural Residential with a 20-acre minimum. The conditions and originally approved tentative parcel map can be found as Attachment C

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and Attachment D. Failure to record a parcel map within twenty-four months from the date of approval or conditional approval of a tentative map shall terminate all proceedings unless there is a timely filing of an extension.

In July 2021, correspondence went out to the applicant's surveyor from the Planning Department, citing concern that a modification may be required of the map and that, while the map was originally set to expire in July 17, 2020, AB 1561 extended the map to January 17, 2022. An application to extend tentative parcel map P-17-36 was not submitted prior to the January 17, 2022 date.

While processing the subdivision modification application, it was determined that an extension of time was not submitted in time for the tentative map, causing it to be expired. An email was sent to the applicant's agents of the map expiration in June 2022.

In August 2022, the applicant submitted an extension of time request for the tentative map (P-22-18). The planning director denied the application. This decision was appealed and went to the Planning Commission on October 27, 2022. The Planning Commission upheld the appeal, reversing the decision to deny the application.

The Subdivision Map Act, through Government Code Section 66463.5(c), provides the parameters that an approved or conditionally approved tentative map may be extended by a legislative body or advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. As the tentative parcel map was originally approved on July 17, 2018, the end of the six-year period would be July 17, 2024.

SITE INFORMATION:

The project parcel is 297.100 acres. There are two ponds fed by an unnamed stream that enters the South Fork Trinity River. There is one pond close to the northern border of the project parcel. Kerlin Creek cuts through the northwestern edge of the property. Access to the property is provided by Kerlin Creek Road (which is a public US Forest Service road) and by Lower South Fork Road.

PROJECT EVALUATION/DISCUSSION:

The California Subdivision Map Act (SMA) specifies the terms of approval and limitations for extensions of time for approved tentative maps. Initial tentative map approval is for 24-months. Tentative maps may be extended by State legislative action or by the local authorized advisory agency upon timely application by the subdivider. The Trinity County Subdivision Ordinance (TCSO) identifies the Planning Commission as the Advisory Agency having authority to grant extensions of time in addition to the original 24-month approval. Additional extensions may be granted not to exceed the maximum time allowed by the Subdivision Map Act.

Project Consistency with the California Environmental Quality Act (CEQA)

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The proposed request for an extension of time will not pose any significant additional new environmental impacts which have not been previously addressed in the initial approval of Tentative Parcel Map P-17-36 and adopted with Trinity County Board of Supervisors Resolution No. 2018-042 and Exhibit A — Conditions of Approval. A 1-year or 2-year extension to Tentative Parcel Map P-17-36 is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission move to:

- 1. Find the project to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301(b)(3);
- 2. Adopt Resolution No. PC-2022-16; and
- Approve a 2-year extension of time for Tentative Parcel Map P-17-36 based on the recommended findings and subject to the conditions of approval found in Trinity County Board of Supervisors Resolution No. 2018-042 and Exhibit A – Conditions of Approval

ATTACHMENTS:

- A. Resolution No. PC-2022-16
- B. Trinity County Board of Supervisors Resolution No. 2018-042 and Exhibit A Conditions of Approval
- C. Tentative Map P-17-36
- D. Location Map
- E. Zoning Districts Map
- F. General Plan Designations Map

RESOLUTION NO. PC-2022-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TRINITY APPROVING AN EXTENSION OF TIME

(Yordanov, 24-Month Map Extension of Time, P-22-18)

WHEREAS, the Trinity County Planning Department has considered a request for a third extension of time for Tentative Map P-17-36, filed by Kris Yordanov, in accordance with Title 16, 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 December 8, 2022.

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 July 17, 2024, may be granted in accordance with the Subdivision Map Act Section 66463.5(c).
 - 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 24-month extension of time set to expire June 17, 2024, for Tentative Parcel Map P-17-36, subject to the conditions of approval.

Resolution No. PC-2022-16 December 8, 2022

DULY PASSED AND ADOPTED this 8th day of December, 2022 by the Planning Commission of the County of Trinity by motion of Commissioner McIntosh, seconded by Commissioner Barrett, and the following vote:

AYES: NAYS: ABSENT: ABSTAIN: RECUSE:

> WILLIAM SHARP, CHAIRMAN Planning Commission County of Trinity State of California

ATTEST:

By:

EDWARD PRESTLEY
Secretary of the Planning Commission
County of Trinity, State of California

RESOLUTION NO. 2018-042

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY APPROVING REZONE AND TENTATIVE MAP (M. Aratlakova, P-17-36)

WHEREAS, the Planning Commission, on April 12, 2018, held a public hearing on the request for approval of a rezone and tentative parcel map for property located between Lower South Fork Road and Kerlin Creek Road on the west side of Hyampom (Applicant: M. Aratlakova, APN: 011-210-35); and

WHEREAS, the Planning Commission deliberated and concluded that they would recommend approval of the project; and

WHEREAS, the Board of Supervisors conducted a public hearing on July 17, 2018, considered the Planning Commission's recommendation and deliberated the case, and has exercised its own independent judgment; and

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

WHEREAS, the Board of Supervisors 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 Mitigated Negative Declaration; and

WHEREAS, the Board of Supervisors has considered the effects that approval of the proposed project, including the change to the zoning and the subdivision which they have concluded would have a beneficial effect on addressing 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 that the Board of Supervisors of the County of Trinity:

- A. Approves the project Mitigated Negative Declaration, finding that on the basis of the whole record before the Board, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that a mitigation negative declaration reflects the Board's independent judgment and analysis; and
- B. Introduces, waives the reading of and enacts an ordinance amending Trinity County Zoning Ordinance (Ordinance No. 315) pertaining to the change of zoning for the subject parcel(s); and
- C. Approves the Tentative Parcel Map (M. Aratlakova; File # P-16-14), based on the following findings and subject to the conditions of approval set forth in Exhibit A,

attached hereto:

- 1. None of the conditions described in Government Code Section 66474, subsections (a) through (g) inclusive, exist with respect to the proposed subdivision; and
- 2. The findings of Government Code Section 66474.02 are met as follows:
 - a) The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code, because conditions have been applied to the subdivision to meet these standards and County's Fire Safe Ordinance and Building Code standards require construction to meet these regulations; and
 - Structural fire protection and suppression services will be available for the subdivision through the Hyampom Community Services District, which provides fire suppression services to the area; and
 - c) To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and applicable County ordinances, because the road improvement conditions of map approval have been imposed to address this issue.
- 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.
- 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.

DULY PASSED AND ADOPTED this 17th day of July, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Morris), and the following vote:

AYES:

Supervisors Morris, Fenley, Mines and Groves

NOES:

None

ABSENT:

Supervisor Chadwick

ABSTAIN:

None

RECUSE:

None

KEITH GROVES, CHAIRMAN

Board of Supervisors County of Trinity State of California

ATTEST:

RICHARD KUHNS, Psy.D. Clerk of the Board of Supervisors

Bv:

Deputy

EXHIBIT "A"

TENTATIVE MAP CONDITIONS OF APPROVAL

(M. Aratlakova, P-16-14)

The following conditions of tentative map approval shall be satisfied prior to the filing of the parcel map, unless a different time for compliance is specifically noted:

A. General:

- 1. A Notice of Environmental Constraint shall be recorded concurrent with the Parcel Map that shall provide for the following provisions:
 - a. The Subdivider shall show on the parcel map a 100-foot setback from ponds, springs, watercourses and wetlands. A note shall be placed on the Parcel Map that states that no development shall be allowed within this buffer area as delineated on the parcel map.
 - b. If surface water is proposed for agricultural purposes a water study shall be completed to determine measures to assure downstream beneficial uses are met.
 - c. Kerlin Creek shall not be used as a source of domestic water supply for any new parcel.
 - d. 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 of that area. The owner/developer shall avoid the materials and their contents. The Trinity County Planning Director shall be notified immediately, and an archaeologist shall be 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.
 - e. 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/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.

B. Miscellaneous:

- 1. All easements within the development shall be dedicated on the Parcel Map or by separate instrument.
- Provide a geotechnical report verifying that there are no landslides, rock fall areas, or soil settlement issues on the property. If certain areas are determined to be susceptible to slope instability, these areas must be delineated and labeled on the map.
- 3. Parcel 4 shall not be configured as a flag lot (condition completed with revised tentative map).
- 4. Parcel 1 shall not have the irregular extension into Parcel 2 as depicted on the tentative map. Parcel 1 and Parcel 2 shall be reconfigured to have roughly square shapes.

C. Utilities:

1. All utilities outside of roadways on subject properties shall be a minimum of ten-foot width easements centered on the utility that serves the subject and adjoining parcels.

D. Roads:

- A minimum 60-foot wide public road and utility easement must be offered for dedication, lying 30 feet each side of the existing centerline along Lower South Fork Road, Co. Rd. No. 311, where said dedication lies within the subject property. The existing easement dedicated for Lower South Fork Road appears to be incorrectly stated. If it is determined that the easement is incorrect, then abandonment of easement shall be noted on the Parcel Map.
- 2. The existing road easement for Kerlin Creek appears to be incorrectly located within the subject property. The easement shall be corrected on the map, and abandonment of the old easement shall be noted on the Parcel Map. As this is a public Forest Service road maintained by the US Forest Service, coordination with and acceptance of the new easement by the Forest Service shall be required prior to approval of the Parcel Map.
- The proposed encroachment onto Lower South Fork Road, Co. Rd. No. 311, shall conform to Department of Transportation standards for a private road. An encroachment permit must be obtained for the existing encroachment of the access road onto Lower South Fork Road, Co. Rd. No. 311.
- 4. The proposed access road from Lower South Fork Road to the intersection of Parcels, 3, 4 and the remainder shall be constructed to the Trinity County "Roadway Category No. 1" standard. A 20 mile per hour or higher design standard speed shall be used. Roadway design shall also meet the local road design guidelines of the AASHTO A Policy on Geometric Design of Highways and Streets, including the supplementary AASHTO Geometric Design Guidelines for Very Low-Volume Local Roads, and shall meet the requirements of the Fire Safe Ordinance. This shall include, but is not limited to:

- a. A minimum roadbed width of 20' with additional curve widening as prescribed by the Fire Safe Ordinance, and
- A maximum gradient of 10%, which may be increased to 12% for short distances, subject to the approval of the Department of Transportation; and
- c. A minimum centerline curve radius of 75'; and
- d. The crown or cross slope shall be a minimum of 3% for aggregate surfaces or 2% for paved surfaces.
- 5. The proposed driveways, labeled as key note number 9 on the tentative map, running along the boundary line between said parcels, shall be constructed as a shared driveway. These shared driveways shall meet the requirements of the Fire Safe Ordinance for a driveway, including a minimum width of 10'. Driveways exceeding one hundred fifty feet in length, but less than eight hundred feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds eight hundred feet, turnouts shall be provided no more than four hundred feet apart.
- 6. A turnaround shall be constructed at the end of the proposed roadway, at the intersection of parcels 3, 4 and the remainder. Turnarounds shall be constructed to meet the requirements of the Trinity County Subdivision Ordinance and shall be within dedicated road easements. Driveways are allowed to utilize the turnaround as permitted by the Fire District.
- A turnaround shall be provided at all building sites on driveways over three hundred feet in length, and shall be within fifty feet of the building.
- 8. A minimum 40-foot-wide public road and utility easement must be offered for dedication for all access roads. Easement width shall be 20 feet each side of centerline, where said dedication lies within the subject property. Road easements are not to be accepted for public use at this time, but an irrevocable offer of dedication for public use is required.
- 9. Additional on-site slope easements shall be dedicated in all areas where elements of the road design do not fit within the road easement. The slope easements shall include any area within 5 feet of the design elements. The slope easement may be described on the map as "a slope maintenance easement 5 feet beyond toe of fill or top of cut."
- 10. A minimum 40-foot-wide public road and utility easement must be offered for dedication for the unimproved road running northerly from the southern boundary of Parcel 1, to the boundary between Parcel 3 and the remainder, and then terminating at the turnaround shown at the intersection of Parcels 3, 4 and the remainder. Easement width shall be 20 feet each side of centerline, where said dedication lies within the subject property. This Road easement is for future use, and is not to be accepted for public use at this time, but an irrevocable offer of dedication for public use is required.
- 11. The structure on Parcel 4 is not provided with a fire safe driveway with legal access. A driveway with legal access meeting the requirements of the Trinity County Fire Safe Ordinance must be provided to the structure on Parcel 4. Developer has indicated that they will remove the structure on Parcel 4. If structures on Parcel 4 are removed, no driveway will be required.
- 12. A hydrology study showing the ability to convey 100-year storm flows in all culverts and ditches shall be approved by the Director of Transportation. All culverts shall be 18" diameter or larger unless an alternative size is approved by the Director of Transportation. Ditches shall be designed and constructed to prevent 100-year flows from encroaching more than 2 feet into the travel way.

- 13. 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.
- 14. Road name signs shall be installed at all intersections.
- 15. 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 to the Trinity County Department of Transportation for review and approval. Approval of the construction drawings is required prior to Parcel Map Acceptance.
- 16. Prior to construction of improvements, the construction drawings shall be stamped by an engineer and approved by the county Engineer.
- 17. Inspection of the improvements will be performed by Trinity County Department of Transportation staff or a County-selected inspection firm. The developer will coordinate inspections with the Department of Transportation prior to start of construction.
- 18. The developer will be responsible for all actual costs on an hourly basis associated with the subdivision improvements, including review of construction improvement plans, developing Development Agreements, performing improvement inspections, and all other related costs.
- 19. The applicant and/or subsequent grantees 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 roads within the subdivision or show evidence of the existence of such an agreement or organization.
- 20. It is understood that the improvements will be completed prior to recording of map. Should the developer wish to do otherwise, a Subdivision Improvement Agreement shall be required.

Erosion Control

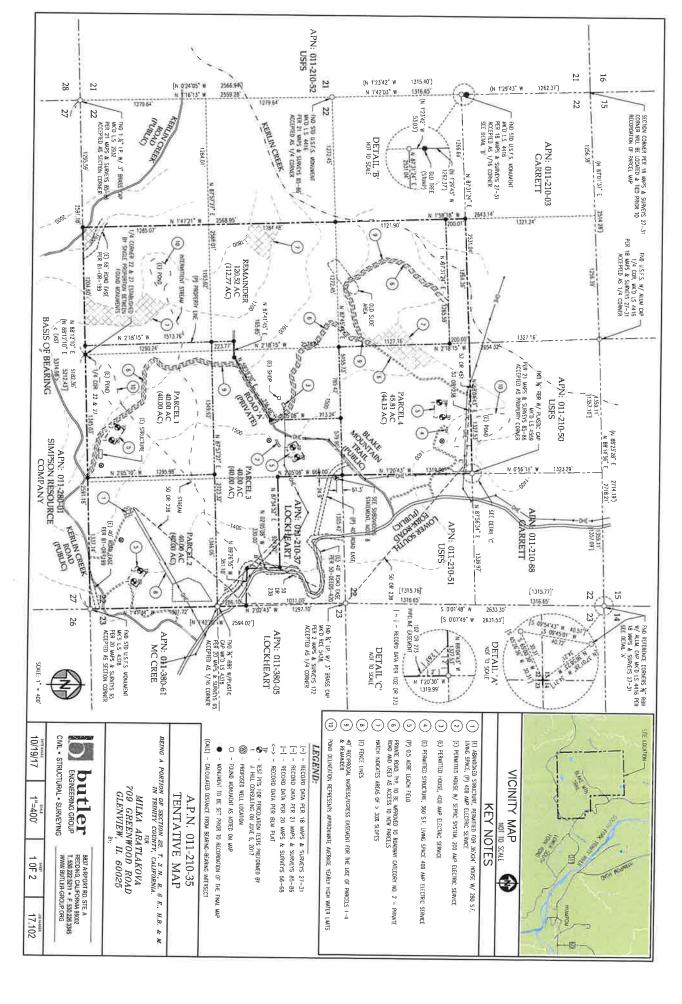
- 21. The improvement plans shall include a grading plan and erosion and sediment control plan, which incorporates standard erosion control practices and best management practices, subject to the approval of the County Engineer for disturbed areas. The plan shall be prepared by a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD) and shall be included in an agreement with the construction contractor. The following measures shall be included:
 - a. Any mass grading shall be restricted to dry weather periods between April 1 and October 31.
 - b. If other grading activity is to be undertaken in wet-weather months, permanent erosion and sediment controls shall be in place by October 15, and construction shall be limited to areas as approved by the County Engineer. A winterization plan shall be submitted by September 15 and implemented by October 15.
 - c. In the event construction activity including clearing, grading, disturbances to the ground such as stockpiling, or excavation result in soil disturbances of at least one acre of total land area, the applicant shall obtain and provide a Notice of Intent (NOI) from the Regional Water Quality Control Board.
 - d. Should a NOI be required, a SWPPP shall be provided prior to issuing a construction permit. The SWPPP shall have provisions to provide at minimum monthly monitoring reports to the County Department of Transportation during wet weather and for 1 year after completion of construction.

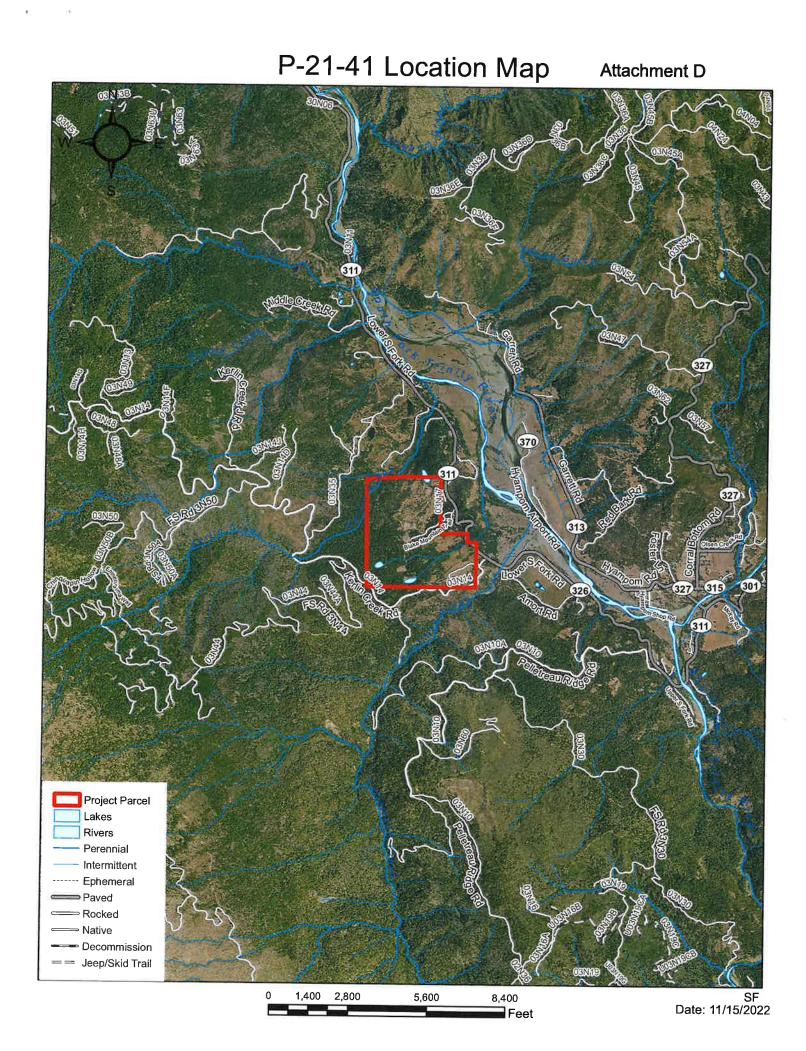
- e. Projects less than one acre are exempt from obtaining an NOI unless construction activity is expected to create soil disturbances that could cause significant water quality impairment.
- f. The internet site for information and application on the NOI can be found at http://waterboards.ca.gov/waterissues/programs/stormwater/construction.shtml.
- g. Sedimentation basins, traps, or similar BMP controls shall be installed prior to the start of grading.
- h. Mulching, hydro seeding, or other suitable revegetation measures shall be implemented. Planting shall also occur on areas of cut and fill to reduce erosion and stabilize exposed areas of later construction phases. All disturbed areas with a slope greater than 5% shall receive erosion control.
- i. Excavated materials shall not be deposited or stored where the materials could be washed away by storm water runoff.

E. Fish and Wildlife:

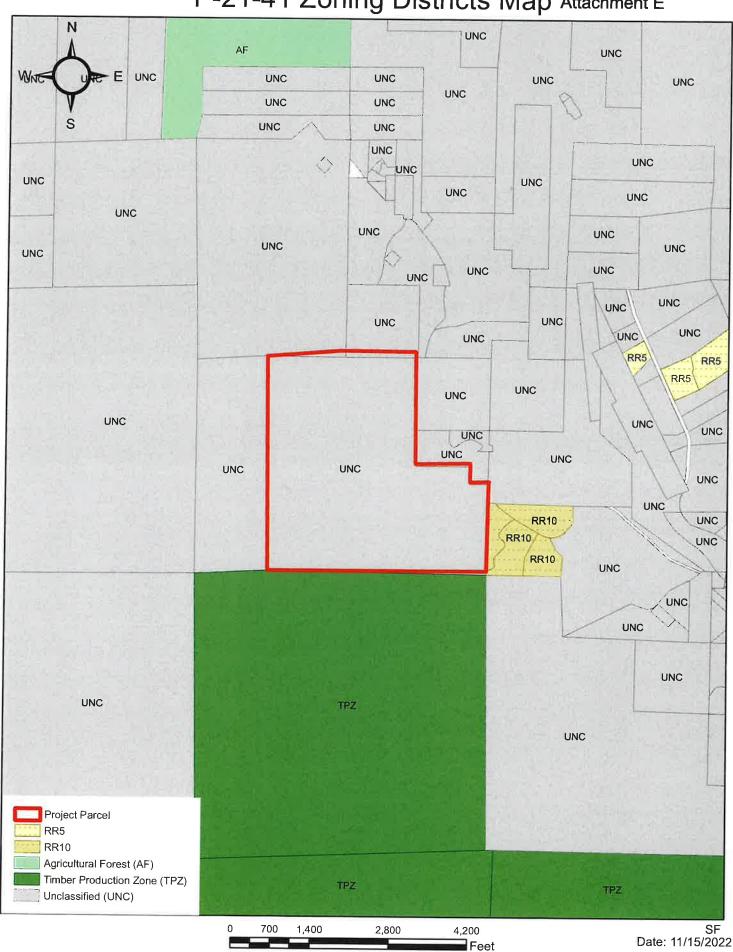
 Pursuant to Fish and Game Code 1602 the subdivider or his authorized agent shall obtain a "Lake and Streambed Alteration Agreement" for any surface water sources (spring or stream diversion) or wells that are hydrologically connected to surface water sources.

<u>NOTE:</u> Approval of this tentative map will expire on _____. Any request for a time extension must be received by the Trinity County Planning Department 30 days prior to this expiration date.





P-21-41 Zoning Districts Map Attachment E





P-21-41 General Plan Designations Map

