

**TRINITY COUNTY PLANNING DIRECTOR  
STAFF REPORT**

**PROJECT TITLE:** Amendment to the Limited Density Rural Dwelling Ordinance

**REPORT BY:** Mitchell Wexler, Assistant Planner

**LOCATION:** Countywide

**ZONING DISTRICT:** Unclassified (UNC); Agricultural Preserve District (AP); Rural Residential (RR); Agriculture–Forest Districts (AF); Agricultural Districts (A); Timber Production Zone (TPZ)

**PROJECT DESCRIPTION:**

This project would amend Trinity County Municipal Code section 15.25.030. It would alter the section to drop acreage minimums for parcels without municipal water or sewer utility connections on site. Currently, the section qualifies the size requirement as:

“Limited density rural dwellings are only allowed in the following zones for parcels five (5) acres or larger:”

If approved by the Board of Supervisors, the first sentence would be amended to state the following:

“Limited density rural dwellings are only allowed in the following zones: Unclassified (UNC); Agricultural Preserve District (AP); Rural Residential (RR); Agriculture–Forest District (AF); Agricultural District (A); Timber Production Zone (TPZ). In areas served by municipal water or sewer utility connections, lots shall be 5 acres or larger in size. In areas not served by municipal water or sewer utility connections, lots shall be 2.5 acres or larger in size.”

**BACKGROUND**

On April 28, 2022, the Planning Commission voted unanimously to recommend the Limited Density to the Board of Supervisors with the following recommendations:

- Under Section II-15.010-Definitions
  - C. Enforcement Agency

- *Add-* Enforcement Agency to provide a list of agencies that the individual would need to contact to receive the permit
- E. Owner Built:
  - *Add-* Can apply as an “Owner-Built” once every two years
- F. Rural:
  - *Clarity*—a minimum of 2.5 acres. ~~(2.5 or 5) acres or larger minimums.~~
  - *Add-* unless rebuilding after a disaster or bringing an existing building into compliance that was in place prior to drafting this ordinance. It will include aggregate parcels to count towards 2.5 acres and it will exclude the minimum parcel size with a Director’s exemption upon confirmation that the property complies with the spirit of rural housing
- Under 15.020- Issuance of a Permit
  - F. Permit Validity
    - ~~Permits shall be valid, without renewal, for a maximum of three years.~~ Permits shall be valid as long as “Owner-Builder” continues to show active progress and work is being completed in good faith
  - K. Inspection Requests and Notice
    - *Add-* The enforcement agency will instruct “Owner-Builder” who they have to contact for inspection and when
- Under 15.030 Allowable Zoning:
  - *Add-* Timberland Preserve Districts
- Under 15.040 Regulations:
  - B. Minimum Parcel size
    - *Clarity-* Structures shall on parcels that are at least 2.5 (2.5/5) acres in size

- J. Roofing:
  - *Add-* or an engineering structural analysis be prepared to determine if alternate materials are allowable
- T. Sanitation Facilities:
  - *Add-* added definition of 'graywater' using the Humboldt County definition
- Under 15.070 Recording:
  - *Add-* a notice that building is Class K housing will have record on the deed and available and reviewed through a title search

*Add* section of 'Liability' that makes it clear that the county and its officers are not reliable for any injury that results from these buildings.

On August 16, 2022, the Trinity County Board of Supervisors was presented with a Draft Limited Density Rural Dwelling/Class K Housing Ordinance. This ordinance included the aforementioned set of recommendations from the commission. The recommendations were addressed as questions. These questions are listed below.

1. Are the following the proper zones to allow Class K housing: Unclassified (U), Agricultural Preserve (AP), Rural Residential (RR), Agriculture–Forest (AF), and Agriculture (A)?
2. What size parcel should Class K housing be allowed on? A minimum of 2.5 or 5 acres?
3. Should permits be valid, without renewal, for a maximum period of three years or longer/shorter?
4. Should temporary occupancy prior to the completion of the entire structure be allowed?

For these questions, the following determinations were made by the Board of Supervisors:

1. Every zone listed shall be allowed to have Class K housing, with the addition of Timber Production Zone (TPZ), as suggested by the commission.
2. The Board of Supervisors rejects the recommendation of a 2.5-acre minimum for the parcel, opting for a 5-acre minimum.

3. Existing structures shall be eligible for permits under this chapter without penalty for a period of three years after adoption of the ordinance codified in this chapter. All septic systems shall be permitted and comply with the requirements of the environmental health department.
4. The use and occupancy of a portion or portions of a dwelling prior to the completion of the entire structure shall be allowed except for farm labor housing, provided that approved sanitation facilities are available at the site, and that the completed work does not create a condition that endangers the life or health of the occupants or public. The occupants of any uncompleted structure shall assume responsibility for the occupancy of the structure or any portion thereof.

With these specifics included, the Board of Supervisors opted to unanimously adopt the Draft Class K Housing Ordinance. Since its adoption, the 5-acre threshold provides a barrier to people living in Post Mountain. This is due to the fact that a majority of their parcels are less than 5 acres in size. Due to this problem, county staff are proposing to lower the threshold for a limited density rural dwelling to appropriately zoned parcels without municipal water or sewer utility connections to 2.5 acres.

### **PROJECT ANALYSIS**

Section 15.25.030 of Trinity County Municipal Code sets the allowable zoning and size of parcels for a limited density rural dwelling to be placed. It states the following:

Limited density rural dwellings are only allowed in the following zones for parcels five (5) acres or larger:

- A. Unclassified (U);
- B. Agricultural Preserve District (AP);
- C. Rural Residential (RR);
- D. Agriculture — Forest Districts (AF);
- E. Agricultural Districts (A);
- F. Timberland Preserve Districts (TPZ).

In a special circumstance, where an applicant has lost their residence due to a locally declared natural disaster, the affected applicant may seek exemption from the zoning and the minimum parcel size requirements through the planning commission.

This proposed amendment would change the first line of the code. It would lower the required acreage for parcels without municipal water or sewer utility connections to 2.5 acres. All other parcels would keep the 5-acre minimum with regards to a new limited density rural dwelling.

***Permits***

The county currently has four limited density rural dwelling permits on file. All but one of these building permits has been issued, with one remaining open. There is currently one variance in the Planning Division due to the minimum acreage requirements. Given that a substantial portion of Trinity County lives in Post Mountain, this number is expected to rise. This is due to the typical parcel in Post Mountain being less than 5 acres in size. If this 5-acre minimum standard is kept, it will mean a large number of variances for limited density rural dwellings that will crowd the Planning Department’s agenda, stifling the amount of work that can be done.

***Standard Limits***

In order to contextualize the acreage minimums with those of other jurisdictions, 7 counties have been selected to display the minimum parcel sizes required for a limited density rural dwelling. These counties include: Mendocino County, Shasta County, Humboldt County, Butte, Amador, Calaveras, and Mono County. Each of these shall be displayed in the chart below.

<b>County</b>	<b>Minimum Parcel Acreage</b>
Amador	5 acres
Butte	1 acre
Calaveras	No size requirements aside from fitting sewer disposal system setbacks to all property lines
Humboldt	No size minimum
Mendocino	1 acre
Mono	10 acres
Shasta	No size requirements aside from fitting sewer disposal system setbacks to all property lines

***Findings***

From the selected counties, as shown above, it has been found that one county exceeds our minimum size, one county matches it, two have lower minimums, and three have no concrete minimum number for acreage. The only requirement in the

counties without a number is that the size allows for a sewer disposal system to meet the required setbacks of all property lines.

**DIFFERENCE IN PERMITS**

If the size requirement were to be reduced to 2.5 acres for parcels that don't have municipal water or sewer utility connections, all sites that fall below 5 acres and are at or above 2.5 acres would conform with the new standard. Any additional permits for a limited density rural dwelling would need to either meet or exceed the 5-acre minimum, or sites with less than 5 acres and at least 2.5 would qualify for application under the new amendment.

**ENVIRONMENTAL REVIEW**

Adoption of this amendment to the ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 15060(c)(2) (activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

**STAFF RECOMMENDATION**

Planning staff recommends that the Planning Commission:

1. Adopt Resolution PC-2023-12 recommending the Board of Supervisors:
  - a. find the amendment to Chapter 15.25.030 of Trinity County Code is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 15060(c)(2) (activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment).
  - b. the Board of Supervisors approve an ordinance to amend the Zoning Code of the County of Trinity as identified in Resolution No. 2023-12 Zone Amendment (DEV-23-03)

**ALTERNATIVES**

1. The Planning Commission may request continuance for additional information.

2. The Planning Commission may recommend an alternative request for modifications be made to the Board of Supervisors, such as removing the minimum acreage requirement.
3. The Planning Commission may deny the requested modifications.

**ATTACHMENTS**

- A. Resolution PC-2023-12 Recommending Amendment of the Limited Density Rural Dwelling Ordinance
- B. April 28<sup>th</sup>, 2023 Planning Commission Meeting Minutes
- C. Trinity County Municipal Code Chapter 15.25.030

**RESOLUTION NO. PC-2023-12**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY RECOMMENDING  
AN AMENDMENT TO COUNTY CODE CHAPTER  
15.25.030**

**WHEREAS**, the Trinity County Planning Commission adopted Ordinance No. 315-854 recommending establishing Limited Density Rural Dwellings on April 28, 2022; and

**WHEREAS**, the Trinity County Board of Supervisors approved Ordinance No. 315-854 establishing Limited Density Rural Dwellings on August 16, 2022; and

**WHEREAS**, the Planning Commission held a public hearing and considered this matter at the regular meeting held on November 9, 2023.

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

- 1. Finds that the proposed amendment be exempt from the requirements of the California Environmental Quality Act under General Rule exemption 15060(c)(2) (activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment).
- 2. Makes the following findings:
  - a. A plurality of counties researched have no minimum acreage requirement for the creation of limited density Lowering the minimum acreage requirement for parcels without utilities would allow more parcels to meet the size minimum for a Limited Density Rural Dwelling
- 3. The Planning Commission of the County of Trinity hereby adopts Resolution No. PC-2023-12 to recommend reducing the minimum acreage for a Limited Density Rural Dwelling Parcel from 5 acres to 2.5 acres if there are no municipal water or sewer utilities on site.

DULY PASSED AND ADOPTED this 9<sup>th</sup> day of November, by the Planning Commission of the County of Trinity by motion of Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_ ( / ), and the following vote:

AYES:  
NOES:  
ABSENT:



ABSTAIN:  
RECUSE:

---

CAROL FALL, CHAIRPERSON  
Planning Commission  
County of Trinity  
State of California

ATTEST:

By:

---

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

## TRINITY COUNTY PLANNING COMMISSION

Regular Meeting  
Thursday, April 28, 2022  
Trinity County Library Conference Room  
351 Main St. Weaverville, CA

Chairman William Sharp  
Vice Chairman Duncan McIntosh  
Commissioner Carol Fall  
Commissioner Rory Barrett  
Commissioner Todd Heaton

### PLANNING COMMISSION MEETING MINUTES

**\*NOTE:** The public was invited to attend the public hearing via Zoom Link.

**Commissioners present:** Commissioner Sharp, Commissioner McIntosh, Commissioner Fall, Commissioner Barrett, Commissioner Heaton

**Staff Present:** Cannabis Division Director, Sean Connell; Asst. Planner Skylar Fisher; Admin. Coordinator Deborah Rogge

**CALL TO ORDER:** Chairman Sharp called the meeting to order at 6:00 p.m.

**PUBLIC COMMENT:** During the Public Comment period members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

Public comment was opened and speakers were: Gayle Goodyear, Weaverville; Tyler Thompson, Burnt Ranch; and being there were no other speakers public comment was closed.

### REGULAR CALENDAR:

**Item 1: ORDINANCE AMENDING TITLE 17 (ZONING) OF THE TRINITY COUNTY CODE ESTABLISHING LIMITED DENSITY RURAL DWELLINGS:** The purpose of the public hearing is to seek a recommendation from the Planning Commission to the Board of Supervisors for the creation of an Ordinance to provide minimum requirements for the protection of life, limb, and welfare of the general public and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures. The provisions of this ordinance shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density, owner-built rural dwellings and appurtenant structures. A Notice of Exemption may be considered for this project.

Public Comment was received from: John Brower, Junction City; Adrian Keyes, Hayfork; Angenette Taft, Trinity County; Gayle Goodyear, Weaverville; Tyler Thompson, burnt ranch; from ZOOM: Abbie Goodyear, Weaverville; Kathryn McIlveen, Coffee Creek; Jeff Ghidella, Zenia; Tom Ballanco, Douglas City; Lisa Wright, Lewiston; Amanda Barragar, Junction City; Ryan Tarbell, Hayfork; Liz McIntosh, Junction City; and being there were no other speakers public comment was closed.

By motion made and seconded (McIntosh/Fall) and approved by roll call vote 5-0 We (the Planning Commission) forward to the Board of Supervisors the recommendations set forth by this Planning Commission with the changes as specified by Margaret Long:

- Under Section II-15.010-Definitions
  - C. Enforcement Agency:
    - *Add-* Enforcement Agency to provide a list of agencies that the individual would need to contact to receive the permit.
  - E. Owner Built:
    - *Add-* Can apply as an "Owner-Built" once every two years.
  - F. Rural:
    - *Clarity--* a minimum of 2.5 acres. ~~(2.5 or 5) acres or larger minimums.~~

- *Add-* Unless rebuilding after a disaster or bringing an existing building into compliance that was in place prior to drafting this ordinance. It will include aggregate parcels to count towards 2.5 acres and it will exclude the minimum parcel size with a Director's exemption upon confirmation that the property complies with the spirit of rural housing.
- Under 15.020-Issuance of a Permit
  - F. Permit Validity:
    - ~~Permits shall be valid, without renewal, for a maximum period of three years.~~ Permits shall be valid as long as "Owner-Builder" continues to show active progress and work is being completed in good faith.
  - K. Inspection Requests and Notice:
    - *Add-*The enforcement agency will instruct "Owner-Builder" who they have to contact for inspection and when.
- Under 15.030 Allowable Zoning:
  - *Add-* Timberland Preserve Districts (TPZ)
- Under 15.040 Regulations:
  - B. Minimum parcel size:
    - *Clarity-* Structures shall on parcels that are at least 2.5 ~~(2.5/5)~~ acres in size.
  - J. Roofing:
    - *Add-* or an engineering structural analysis be prepared to determine if alternate materials are allowable...
  - T. Sanitation Facilities:
    - *Add-* added definition of 'graywater' using the Humboldt county definition.
- Under 15.070 Recording:
  - *Add-* A notice that building is Class K housing will have record on the deed and available and reviewed through a title search.

*Add* section of 'Liability' that makes it clear that the county and its officers are not reliable in jury that results from these buildings

**PLANNING COMMISSIONERS REPORT:** Commissioners Fall & Sharp commented to complaint filed and the process in responding to the Fair Political Practices Commission. Commissioner Sharp also commented with regard to a previous ruling for P-20-40. Commissioner McIntosh asked for a project/application status list, and about the Sub-Division Review committee. Commissioner Sharp responded that it was discussed to have a less formal review process to bring agencies together to discuss projects. Director Connell responded that there are still constraints to bring this to fruition. Commissioners Heaton and Sharp asked about hiring outlook and consultant participation, to which there was a lengthy discussion about staffing, outside consulting firms, and concerns of the community (business and citizens) in getting older projects completed.

**PLANNING/CANNABIS DIRECTOR'S REPORT:** Nothing to report.

**ADJOURNMENT:** The Planning Commission adjourned at 8:23 pm.

Submitted by: Deborah Rogge, Administrative Coordinator



**Sean Connell, Cannabis Division Director  
Secretary of the Planning Commission**

15.25.030 - Allowable zoning.

Limited density rural dwellings are only allowed in the following zones for parcels five acres or larger:

- A. Unclassified (U);
- B. Agricultural Preserve District (AP);
- C. Rural Residential (RR);
- D. Agriculture — Forest Districts (AF);
- E. Agricultural Districts (A);
- F. Timberland Preserve Districts (TPZ).

In a special circumstance, where an applicant has lost their residence due to a locally declared natural disaster, the affected applicant may seek exemption from the zoning and the minimum parcel size requirements through the planning commission.

( Ord. No. 1363, § 2, 10-18-22)