

ORDINANCE NO. 315-857

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
(Amendments to TCC 15.25)**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

WHEREAS, staff was directed by District 5 Supervisor, Dan Frasier, to initiate a zoning amendment to reduce the acreage requirement for parcels that have access to municipal sewer or water in order to allow more residents of Post Mountain the ability to apply for LDRD building permits; and

WHEREAS, Trinity County Code Section 15.25.030 established minimum zoning and acreage size criteria for Limited Density Rural Dwelling (LDRD) structures in Trinity County; and

WHEREAS, Planning staff requested comments from pertinent safety and fire related agencies, evaluated the comments received, responded, when necessary, verified consistency with the General Plan and Community Plans; and

WHEREAS, in accordance with Program 4.2 of the 2019-2024 Housing Element update, the County will explore the topic of limited density, owner-built rural housing/Class K Housing residential uses; and

WHEREAS, adoption of this Amendment has been reviewed with respect to the applicability of the California Environmental Quality Act of 1970 ("CEQA"), and the State CEQA Guidelines, and the Board of Supervisors herein determines that this Ordinance Amendment does not constitute a "project" within the meaning of CEQA Guidelines Section 15060(c)2) because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and CEQA Guidelines Section 15378 because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. Moreover, construction of individual limited density rural dwellings allowed by this Amendment falls within the "ministerial projects" statutory CEQA exemption set forth in CEQA Guidelines Section 15268(a) where ministerial projects are exempt from the requirements of CEQA, and 15268(b)(1) where, "in the absence of any discretionary provision contained in the local ordinance...issuance of building permits" are presumed to be ministerial and 15369 wherein "'ministerial' describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project." Adoption of this amendment enacts only minor changes in land use regulations, and it can be seen with certainty that its adoption will not have a significant effect on the environment because it will not allow for the development of any new or expanded structures beyond what is currently allowed "by right" to the maximum allowable extent within each zone listed under 15.25.030; and

WHEREAS, pursuant to timely notice as required by Chapters 17.34 and 17.35 of the Trinity County Code of Ordinances, the Planning Commission of the County of Trinity held a public hearing on February 8, 2024 to make recommendations to the Board of Supervisors on the

proposed amendment contained herein, at which hearing members of the public were provided opportunity for public comment; and

WHEREAS, as a result of public comment and discussion from the Planning Commission, the Planning Commission unanimously voted to recommend approval of the following amendments to the Board of Supervisors;

1. The minimum parcel size requirement shall be reduced from five (5) acres to one (1) acre in size, when parcels are zoned the appropriate zone AND;
2. Add section 15.25.040 (X) – Fire Safety Requirements, which lists the local and state safety codes that LDRD structures are required to comply with, which includes: CA Building Code Chapter 7A, CA Residential Code R302, PRC 4290, PRC 4291, and the Trinity County Fire Safe Ordinance (TCC 8.30) AND;
3. Amend 15.23.05 to extend the period of time that would allow applicants protection from possible penalty fees for submitting plans for an “as-built” LDRD structure from three years to five years from the date after adoption of the ordinance codified in this chapter and;

WHEREAS, pursuant to timely notice as required by Chapters 17.34 and 17.35 of the Trinity County Code of Ordinances, the Board of Supervisors first heard this amendment on March 19, 2024, heard public comment, discussed and voted to add the following amendments:

1. Add Special Use District (SUD) in Ruth Lake CSD to section 15.25.030 (Allowable Zoning) AND;
2. Trinity County Code 15.25.030 shall add section 15.25.040 (X) to read: 15.25.040 (X) – Fire Safety Requirements. All new structures shall comply with the CA Building Code Chapter 7A, CA Residential Code R302, PRC 4290, PRC 4291, and the Trinity County Fire Safe Ordinance (TCC 8.30). For the purposes of this chapter, residential fire sprinklers shall not be required in limited density rural dwellings for parcels under five (5) acres AND;
3. Trinity County Code 15.25.050 shall be amended to read: 15.25.050 – Existing Structures. Existing structures shall be eligible for permits under this chapter at discretion of building official for a period ending July 1, 2027. All septic systems shall be permitted and comply with the requirements of the environmental health department and;

WHEREAS, following Board direction, the Planning Division found that the Ruth Lake CSD SUD Guidelines had yet to have been written and formally adopted, and without such the Board of Supervisors could not justify the recommended CEQA determination without written guidelines that have been previously analyzed and;

WHEREAS, following direction from County Counsel, this ordinance amendment was presented for a first reading again due to the substantive change made by the Board during the first reading of this ordinance amendment on May 7, 2024, related to Allowable Zoning Districts and;

WHEREAS, the Board of Supervisors heard public comment, discussed and voted to direct staff to:

1. Remove the addition of the RLCSD SUD as an allowed zone AND;
2. Direct staff to bring this amendment back for a second reading at a later date to complete DEV-23-03 AND;

3. Direct staff to complete P-10-15, as building permits and Director's Use Permits cannot be approved without approved guidelines AND;
4. And bring a new amendment back at a later date to include RLCSD SUD under allowed uses and;

WHEREAS, at the May 21, 2024 Board of Supervisors Meeting, the Board conducted a public hearing, and voted to waive the reading of and enact an ordinance amending Trinity County Code Section 15.25 pertaining to Limited Density Rural Dwellings, introduced May 7, 2024.

Section I: Trinity County Code 15.25.030 shall be amended to read:

15.25.030 – Allowable Zoning.

Limited density rural dwellings are only allowed in the following zones for parcels one acre 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.

AND

Trinity County Code 15.25.030 shall add section 15.25.040 (X) to read:

15.25.040 (X) – Fire Safety Requirements.

All new structures shall comply with the CA Building Code Chapter 7A, CA Residential Code R302, PRC 4290, PRC 4291, and the Trinity County Fire Safe Ordinance (TCC 8.30). For the purposes of this chapter, residential fire sprinklers shall not be required in limited density rural dwellings for parcels under five acres.

AND

Trinity County Code 15.25.050 shall be amended to read:

15.25.050 – Existing Structures.

Existing structures shall be eligible for permits under this chapter without penalty for a period of ending July 1, 2027. All septic systems shall be permitted and comply with the requirements of the environmental health department.

Section II: Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The County hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section III: Effective Date

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 7th day of May, 2024, and passed and enacted this 21st day of May, 2024 by the Board of Supervisors of the County of Trinity by motion, second (Frasier/Gogan), and the following vote:


AYES: Supervisors Gogan, Frasier, Cox, Carpenter- Harris, and Leutwyler
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None




RIC LEUTWYLER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

TRENT TUTHILL
Clerk of the Board of Supervisors

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel