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

APPLICANT: Camron Holmgren

OWNERS: Stephen and Susan Adams and Camron Holmgren

**PROJECT DESCRIPTION:** A request for a 1-year extension of time for a subdivision of approximately 120 acres into a three 40-acre parcels. Tentative Map (P-11-22) received an initial two-year approved on October 12, 2012 by resolution SCR-2012-02, this Tentative Map has previously received extensions of time consistent with the Subdivision Map Act (SMA), Trinity County Subdivision Ordinance and an extension by State legislative action. The current request for a 1-year extension would extend the Map expiration date to October 11, 2022.

**LOCATION:** The project is located at Van Duzen Road, approximately 6.8 miles south of the intersection of Van Duzen Road and State Highway 36 at Scott Glade, in the Mad River area.

ASSESSOR PARCEL NUMBER: 018-210-016-000

GENERAL PLAN DESIGNATION: Resource (RE)

**ZONING DISTRICT:** Ag Forest (AF)

**EXISTING LAND USE: Residential** 

#### **BACKGROUND DISCUSSION:**

**Subdivision Map P-11-22:** Tentative Subdivision Map P-11-22 was originally approved by the Trinity County Planning Commission on October 11, 2012 by Resolution Number SCR-2012-02 including findings and conditions for the orderly development of a proposed 3-parcel subdivision with parcels approximately 40 acres in size. The original approval granted in October 11, 2012 was set to expire on October 11, 2014.

**Extension Of Time:** The California Subdivision Map Act and Trinity County Subdivision Ordinance allow for extensions to the original two-year approval at the discretion of the approving authority when the extension of time has been requested and filed prior to the date of expiration. The owners, have timely filed for the necessary extensions of time in order to complete the Conditions outlined approved by SRC-2012-02.

This Tentative Parcel Map has also been the benefited from additional extensions of time granted by the Governor of California. The most recent request for extension of time was granted in September of 2019 for two years with new expiration date of October 11, 2021. At the June 11, 2021Planning Commission meeting the applicant requested and was granted a modification of two conditions as outline in attached Resolution PC-2021-06.

On October 6, 2021, Mr. Holmgren applied for an additional 1-year extension of time which would extend the life of P-11-22 to October 11, 2022 and allow additional time to complete

**ENVIRONMENTAL DETERMINATION:** The proposed request for a 1-year extension of time will not pose any significant additional new Environmental impacts which have not previously been addressed in the initial approval of Tentative Parcel Map P-11-22 and adopted with Resolution SCR 2012-02. A 1-year extension to Tentative Map P-11-22 is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section15061(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:

- 1. Conduct a public Hearing
- 2. Close the Public Hearing
- 3. Adopt a resolution to:
- a) Find the extension of time is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section15061(b)(3) where it can be seen with certainty that there is no possibility of causing a significant effect on the environment;
   and
- b) adopts the recommended findings listed in Resolution PC-2021-14; and
- c) approve a 1-year extension of time for Tentative Map P-11-22 based on the recommended findings and subject to the Conditions of Approval listed in SRC-2012-02 and as modified by Resolution 2021-06.

#### **ALTERNATIVES:**

- 1. The Planning Commission may deny the requested extension of time
- 2. The Planning Commission may recommend continuance for additional information

#### ATTACHMENTS:

- 1. Resolution PC-2021-14
- 2. Resolution SRC-2012-02 and Conditions of Approval (P-11-22)
- 3. Resolution PC-2021-06. Modification of Conditions
- 4. Project Location Map

#### **RESOLUTION NO. PC-2021-14**

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

# Approving an extension of time of 12-months for Tentative Map P-11-22 (Holmgren / Adams)

WHEREAS, the Trinity County Planning Department has considered a request for a 1-year extension of time for Tentative Map P-11-22, filed by Steven and Susan Adams and Cameron Holmgren 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 agencies may extend the expiration date of approved and conditionally approved tentative maps in accordance with the State Subdivision Map Act (SMA) and local ordinance; and

WHEREAS, Tentative Map (P-11-22) has previously received extensions of time consistent with the SMA, Trinity County Subdivision Ordinance and one extension by State Legislative action; and

WHEREAS, the project applicant did timely for the extension of time as required by SMA Section 66463.5(c).

WHEREAS, the Planning Commission held a public hearing and considered this matter at the regular meeting held on November 18, 2021.

**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, 2022, 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.

Resolution No. PC-2020-06 June 11, 2020

- D. The required improvements are necessary for the orderly development of the area; and
- 3. Approves the 1-year extension of time set to expire October 11, 2022, for Tentative Parcel Map P-11-22, subject to the Conditions of Approval adopted on October 12, 2012 by Resolution SCR2012-02 and as modified on June 11, 2021 by Resolution 2021-06.

**DULY PASSED AND ADOPTED** this 18<sup>th</sup> day of November, 2021 by the Planning Commission of the County of Trinity by the following vote:

AYES: NAYS: ABSENT: ABSTAIN: RECUSE:	
	DUNCAN MCINTOSH, CHAIRMAN Planning Commission County of Trinity State of California
ATTEST:	
Lisa Lozier Secretary of the Planning Commission	
By: Deputy	

## SUBDIVISION REVIEW COMMITTEE COUNTY OF TRINITY, STATE OF CALIFORNIA OCTOBER 11, 2012

#### **RESOLUTION NO. SRC-2012-02**

# RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVAL OF THE TENTATIVE MAP FOR Adams (P-11-22)

WHEREAS, the Subdivision Review Committee, on October 11, 2012 held public hearings on the request for approval of a tentative parcel map for property located the South Fork Trinity River Road; 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 has Subdivision Review Committee concluded upon its review of the project in its entirety that the project is consistent with the General Plan and Zoning Ordinance of Trinity County; and,

WHEREAS, the ha Subdivision Review Committee 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 Negative Declaration; and

WHEREAS, the Subdivision Review Committee 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 SUBDIVISION REVIEW COMMITTEE 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, the County Zoning 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 negative declaration and tentative map for the proposed subdivision is hereby approved by the Subdivision Review Committee, subject to the following conditions, which must be satisfied prior to the filing of the parcel map unless a different time for compliance is specifically noted:

The project has been approved with the following mitigations and conditions:

#### A. Site Development:

- 1) An engineered grading, drainage and erosion control plan shall be prepared by a licensed engineer prior to any further earth disturbance of the property. The report shall be submitted for the review and approval of the Director of Trinity County Building and Development Services, and to the Trinity County Department of Transporation for any portions that involve roadwork. A copy of the approved report shall be maintained by the Trinity County Planning Department.
- 2) Building sites for each of the parcels as shown in the Soils report prepared by Allan Baird, RCE dated July 30, 2003, and shall be designated on the parcel map.
- 3) Water for fire suppression shall be provided for the parcels by installing 2500-gallon water storage tanks for each parcel at the time of development.
- 4) Prior to the recordation of the Parcel Map the subdivider shall provide written clearance from the California Department of Forestry and Fire Protection (CalFire) indicating a clearance of improvements consistent with the Trinity County Fire Safe Ordinance.
- 5. The subdivider shall secure any required permit from the Regional Water Quality Control Board for any site disturbance that would be under that agency's jurisdiction.

#### B. Cultural Resources

A Notice of Environmental Constraint shall be recorded concurrent with the Parcel Map containing the following caveats:

- 1. In the event that previously unidentified cultural or paleontological resources are encountered during construction, there shall be no further excavation or disturbance of that area. The construction crews shall stop work or avoid the materials and their context. The Environmental Compliance Specialist shall be notified immediately. A qualified archaeologist shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical, paleontological or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archaeologist have been implemented.
- 2. 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 or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an 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 are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

#### C. Access:

- 1) The access roads that serve the parcels shall be improved to meet the requirements of the Trinity County Fire Safe Ordinance. CDF shall be consulted for further detail prior to construction. All road work shall be completed, reviewed and approved by CDF prior to recordation of the map.
- 2. An encroachment permit shall be acquired and improvements installed connecting the access road to Van Duzen Road to the satisfaction of the Trinity County Department of Transportation. The encroachment shall be capable of providing access for the following AASHTO design vehicle: single unit truck. The design vehicle must be able to make the turn onto the access road from both directions of travel on road 511without stopping or backing up. This minimum turning radius is to accommodate emergency response vehicles. The pavement of the access road shall be for a minimum distance of twenty feet from the edge of travel way (the white line) on Van Duzen Road, #511 or to the edge of the county right of way, whichever is greater.

- 3. Non-exclusive road and utility easements must be provided to parcel 018-210-13 and parcel 018-210-14 to provide for potential future development.
- 4. For reference to the proposed subdivision map, roads shall be defined as "all road segments which are commonly shared by two or more parcels." Roads must meet the following requirements:
  - a. All roadways must be constructed in accordance with the County Fire safe ordinance and the Subdivision Ordinance Category D road. For conflicting requirements between the Fire Safe ordinance and the Category D road, the most restrictive requirement must be met.
  - b. The roadway structural section must be constructed of class 2 base rock or other rock surfacing capable of supporting a forty thousand pound load. The minimum thickness of six inches of base rock material is required. The structural section must be based upon engineering analysis of sub-grade materials and native soils. Material to be used for roadway surfacing and structural section design must be pre-approved by the Department of Transportation before construction of the improvements. Testing results and the engineered structural section design must be submitted to the Department of Transportation prior to approval.
  - c. The Department may sample and test materials before and after construction or may select a firm to provide independent materials testing.
  - d. The roadway structural section must be constructed to a minimum width of 18 feet. The minimum inside curve radius for all curves must be 50'. All curves with inside radii less than 100' must have a minimum roadway width of 20', and all curves with inside radii between 100' and 200' must have a minimum roadway width of 22'.
  - e. The maximum allowable road grade is 12% and the minimum allowable grade is 1%. The maximum allowable grade may be increased to 14% for short distances if approved by the road department.
  - f. The minimum crown or cross slope must be 3% on all unpaved roads. The minimum crown or cross slope is 2% on all paved roads.

- g. Cut and fill slopes are to be approved by the Department of Public Works.
- h. Roadway drainage must be adequate to protect the road and adjacent properties. A hydrology study showing adequate drainage is required and must be approved by the Department of Transportation. The minimum allowable culvert size is 18 inches diameter.
- 5. For reference to the proposed subdivision map, driveways shall be defined as "those roads which serve a single parcel and are not commonly shared." All driveways must meet the County Fire Safe Ordinance requirements including the following:
  - i. A structural section capable of supporting a forty thousand pound load,
  - j. A maximum 16% grade
  - k. A minimum structural section width of 10 feet,
  - I. A turnout at the midway point for driveways exceeding one hundred and fifty feet, but less than eight hundred feet,
  - m. Turnouts every 400 feet for driveways longer than 800 feet in length, and
  - n. A turnaround within fifty feet of the building for driveways in excess of three hundred feet in length.
- 6. Private roads and public utility easements shall be offered for dedication. All commonly shared private improvements shall exist within non-exclusive road and utility easements. The easements shall also grant the right to enter thereon to the personnel, agents, and equipment from the County, Fire District, and all required utilities.
- 7. Where roadway earthwork extends beyond the road rights of ways, additional slope easements shall be provided to a point 5 feet beyond the catch point.
- 8. 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.
- 9. Install road name signs at all intersections. A "Stop" sign and associated pavement markings shall be installed at the intersection with Van Duzen Road. The roadway shall have centerline striping. Roadway signs and markings shall be installed as required by the 2010 California MUTCD.
- 10. Prior to recordation of the Parcel Map the subdivider 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 private roads and appurtenant drainage systems within the subdivision or show evidence of the existence of such an agreement or organization.

- 11. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the County Engineer when such improvements have been completed.
- 12. 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 along with the Final Map to the Trinity County Department of Transportation for review and approval. An encroachment permit shall be obtained from the Department of Transportation prior to beginning any work on this development within a public right-of-way.

#### D. Notice of Environmental Constraint

A Notice of Environmental Constraint shall be recorded, and a reference to same shall be noted on the parcel map. This notice will serve to put future owners/developers on notice that: "A Preliminary Engineering Geologic R-2 Soils Report, dated July 30, 2003, prepared by Allan M. Baird, RCE, prepared for the previous subdivision of this land identified issues on the property that may require specific mitigation for future development, such as foundation design standards, consideration of seismic events, erosion control measures, and grading related concerns.

#### F. Fish and Game Filing Fee:

This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Trinity County Planning Department. Said fee of \$2151.50 shall be made payable to the Trinity County and submitted to the Trinity County Planning Department. prior to October 30, 2012 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Trinity County Planning Department. until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline

Tentative map for P-11-22 (Adams) Page 7

shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

PASSED AND ADOPTED by the Subdivision Review Committee of the County of Trinity, State of California, at a regular meeting of said Board, held on October 11, 2012, upon the motion of <u>Frank Lynch</u>, seconded by <u>Andrew Petice</u>, and on the following vote,

AYES: Frank Lynch, Andrew Pence, Scott Wood and Ray Bushman

NOES: None

ABSENT: Peter Hedtke

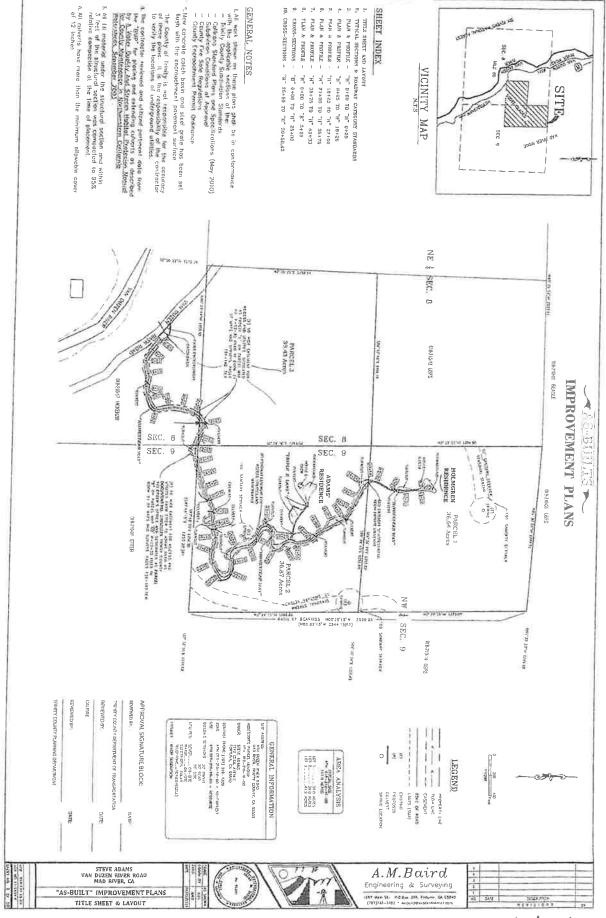
ABSTAINING: None

The foregoing resolution is hereby adopted:

Mairman of the Subdivision Review Committee, County of Trinity, State of California

County of Trinity, State of California

NOTE: Approval of this tentative map will expire on October 11, 2014. Any request for a time extension must be received by the Trinity County Planning Department 30 days prior to this expiration date.



## **REVISED RESOLUTION NO. PC-2021-06**

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

WHEREAS, the Planning Commission of the County of Trinity has considered a request for Post Approval Subdivision Modification (P-20-48) for Approved Tentative Subdivision Map (P-11-22), Assessor Parcel Number 018-210-016-000, filed by property owners Stephen and Susan Adams and Cameron Holmgren. The request for subdivision modification effects two conditions in Section C, Access: 4d and e. of Resolution SRC-2012-02; and

WHEREAS, said Subdivision Modification request was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, a duly noticed public hearing was held on April 8, 2021; and

WHEREAS, the Planning Commission of the County of Trinity has considered public comments and a report from the Planning Department.

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

- 1. Finds that the proposed request for modification will not pose any significant additional new environmental impacts which have not previously been evaluated in the Mitigated Negative Declaration prepared for Tentative Parcel Map P-11-22 and adopted with Resolution SCR 2012-02 as conditions of approval. The recommendations provided by Department of Transportation provide equivalent mitigation to Mitigation Measures XVI: 3d and 3e. of the Mitigated Negative Declaration. Mitigation Measures may be revised if the proposed mitigation (Condition Modification) achieves the same intended mitigation as the original.
- 2. Makes the following findings with the recommended change for the Subdivision Modification request:
  - a. The applicant has stated that due to the particular physical characteristics of the property additional road work could be detrimental to adjacent water courses and geological conditions and would be impractical to conform to the strict application of the County Road design.
  - b. That the Cost to the subdivider of strict or literal compliance with the regulation is not the sole Reason for granting the modification. While the property owner has expressed that a significant investment has been made in order to complete the required improvements, they are not requesting that the modifications due to cost prohibitive conditions.

- c. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity. The modifications as proposed would not be detrimental to the health, safety and welfare of other properties in the vicinity of the proposed project.
- d. That recommendations provided by Department of Transportation, deleting the asphalt requirement, and written approval provided by CALFIRE for the post approval subdivision modifications to Resolution SCR 2012-02 would provide the same practical effect and as recommended would promote public health, safety and convenience, and general welfare and meet the intent of conditions C: Access: 4d and 4e. The recommendations would also provide equivalent mitigation to Mitigation Measures XVI: 3d and 3e. of the Mitigated Negative Declaration
- 3. Approves the request for Post Approval Subdivision Modification P-20-48, for Approved Tentative Subdivision Map (P-11-22), Assessor Parcel Number 018-210-016-000, subject to the required findings that the recommended modifications meet the guidelines of the Trinity County General Plan, are consistent with the Trinity County Subdivision Ordinance and Trinity County Fire Safe Regulations.

**DULY PASSED AND ADOPTED** this 8<sup>th</sup> day of April, 2021 by the Planning Commission of the County of Trinity by the following unanimous vote:

AYES: Sharp, McHugh, Heaton, Stewart

NAYS: ABSENT: ABSTAIN: RECUSE:

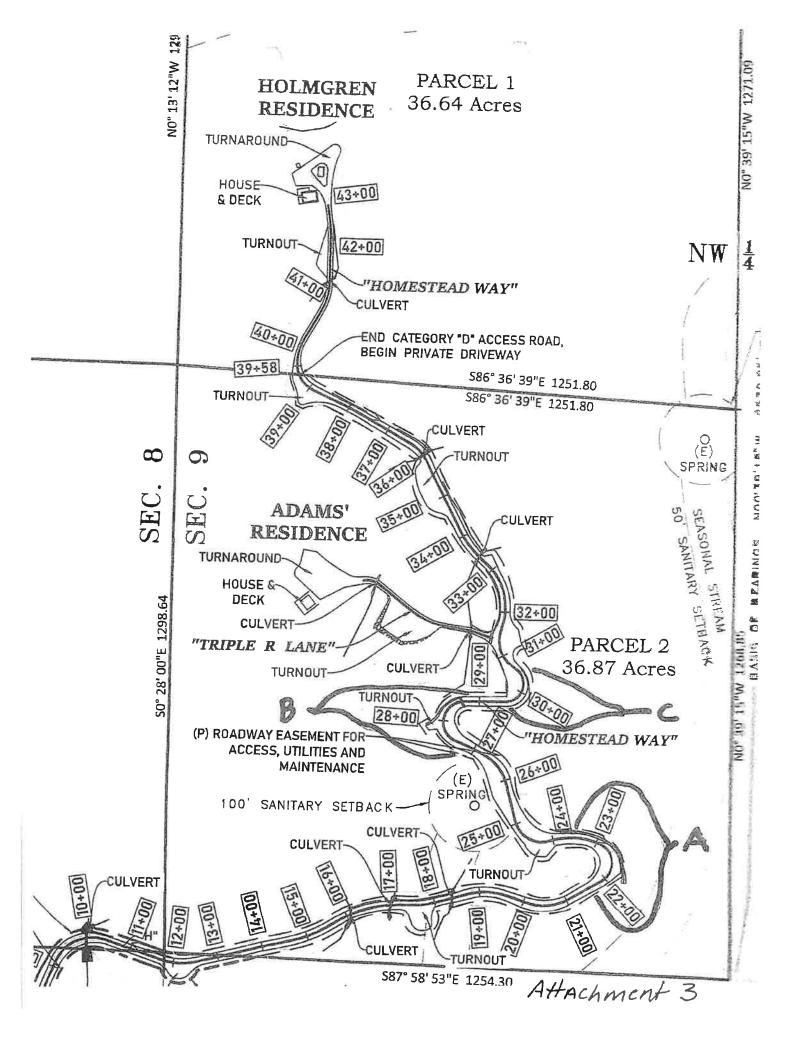
DIANA STEWART, CHAIRMAN

Planning Commission County of Trinity State of California

ATTEST: Kim Hunter

Secretary of the Planning Commission

By: Deputy





## TRINITY COUNTY

## COMMUNITY DEVELOPMENT SERVICES

BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093 PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Kim Hunter, Director

#### **MEMORANDUM**

TO:

Notice to the file (P-20-48)

FROM:

Lisa Lozier, Deputy Director of Planning as recommended by the Trinity County

Planning Commission

SUBJECT:

Post Approval Modification of Conditions (P-20-48)

April 8, 2021 the Trinity County Planning Commission heard a request for post approval modification of Conditions for Parcel Map P-11-22 – Adams. The applicant requested the modification of two conditions originally approved by Resolution No. SRC-2012-02, Resolution Adopting Findings of Fact and Approval of the Tentative Map P-11-22.

Based on Revised Resolution No. PC-2021-06 for P-20-48, duly passed and adopted by the Planning Commission of the County of Trinity on April 8, 2021 by unanimous vote. The Trinity County Planning Commission recommended the following modified conditions 4d and 4e from Section C. Access to replace the original conditions as approved by Resolution No. SRC-2012-02.

#### Original Condition 4d:

The roadway structural section must be constructed to a minimum width of 18 feet. The minimum inside curve radius for all curves must be 50°. All curves with a radii less than 100° must have a minimum roadway with of 20°, and all curves with inside radii between 100° and 200° must have a minimum roadway width of 22°.

#### **Modified Condition 4d:**

CalFire has written a letter stating that the road as currently constructed and described by Battalion Chief Whitehurst meets the "same practical effect" of the Trinity County Fire Safe Ordinance because this meets the County Subdivision requirements, and Cal Fire has approved the construction. County staff agrees that this curve radius modification meets the intent of the code to "promote public health, safety and convenience, and general welfare."

## Original Condition 4e

The Maximum allowable road grade is 12% and the minimum allowable grade is 1%. The maximum allowable grade may be increased to 14% for short distance if approved by the road department.

#### **Modified Condition 4e:**

The Maximum allowable road grade is 12% and the minimum allowable grade is 1%. The maximum grade as currently constructed is not to exceed 14.5% and has been described by Battalion Chief Whitehurst to meet the "same practical effect" of the Trinity County Fire Safe Ordinance.

The conditions as revised have also been determined as sufficient substitution for the corresponding mitigation measures designated as Mitigation Measures for Section XVI Transportation and Traffic: 3d and 3e respectively for the Mitigated Negative Declaration prepared for Parcel Map p-11-22.

