TRINITY COUNTY PLANNING COMMISSION STAFF REPORT

APPLICANT: Thomas and Patty Doerpinghaus

PROPERTY OWNER: Same as applicant.

REPORT BY: Planning Director Kim Hunter and SHN

LOCATION: 541 Browns Ranch Road (APN 024-410-02)

ZONING DISTRICT: Rural Residential 5-acre minimum (RR-5)

GENERAL PLAN DESIGNATION: Rural Residential (RR)

SITE CHARACTERISTICS:

The project site is approximately 13.1 acres and is located between Browns Ranch Road and Shasta Spring Road in the community of Weaverville. The site is surrounded by rural residential development and is approximately 1/3 mile southeast of Highway 3. The site is traversed by Lance Gulch and contains slopes ranging from 15 to 46 percent north of the gulch and slopes ranging from 3 to 25 percent south of the gulch. The majority of the site is covered in a variety of tree, shrub, and grass species. The eastern portion of the site is currently developed with a single-family residence, several accessory structures, and associated infrastructure.

PROJECT DESCRIPTION:

Thomas and Patty Doerpinghaus propose a Minor Subdivision of parcel 024-410-02 in the Rural Residential – 5-acre minimum (RR-5) zoning district. The proposed Minor Subdivision would divide the existing 13.1-acre property into two lots (Parcel 1 and Parcel 2). Parcel 1 would be approximately 5 acres and Parcel 2 would be approximately 8.1 acres (see attached Tentative Parcel Map). As a result of the Minor Subdivision, Parcel 1, which is currently vacant, would be available to be developed per the requirements of the RR-5 zoning district for residential uses. Parcel 2 would contain the existing single-family residence on the property. There is also the potential for development of Accessory Dwelling Units (ADUs) on Parcels 1 and 2, consistent with State housing law and the County's ADU requirements.

ENVIRONMENTAL REVIEW:

The proposed project requires discretionary approval from Trinity County and is therefore subject to the requirements of the California Environmental Quality Act (CEQA). Since the applicant proposes a Minor Subdivision of land zoned residential into four or fewer parcels, the project could be found to be categorically exempt per §15315 (Minor Land Divisions) of the CEQA Guidelines. In order for a project to be found exempt from CEQA per §15315, it must meet several conditions. Below is a discussion of the project's compliance with the conditions contained in §15315.

(a) The project consists of the division of property zoned for residential, commercial, or industrial use in conformance with the General Plan and zoning.

The project has a General Plan designation of Rural Residential (RR) and is in the RR-5 zoning district. The existing low-density residential development on the project site is consistent with the County's General Plan and Code of Ordinances. The project proposes to divide the project site to create two parcels that are 5 acres (Parcel 1) and 8.1 acres (Parcel 2). Any future development on proposed Parcels 1 and 2 must comply with the requirements of the County General Plan and Code of Ordinances. Therefore, the proposed project consists of the division of property zoned for residential use in conformance with the General Plan and Zoning.

(b) The project consists of a division of property into four or fewer parcels.

The project proposes to divide an existing 13.1-acre parcel into two parcels. As such, the project consists of a division of property into four or fewer parcels.

(c) The project does not consist of a variance or exception.

The applicant is not requesting a variance or exception as part of this Minor Subdivision application.

(d) All services and access to the proposed parcels to local standards are available.

Parcel 1: Parcel 1 would be served by a new driveway from Browns Ranch Road. The County Department of Transportation has reviewed the project and determined that the potential driveway location would comply with County road standards. Parcel 1 is outside of the Weaverville Sanitary District and would be served by an onsite wastewater treatment system (OWTS). The proposed primary and reserve leachfield locations that would serve future development on Parcel 1 are illustrated on the Tentative Parcel Map. Parcel 1 would receive water service from the Weaverville Community Services District (WCSD). The WCSD has confirmed that there is adequate capacity to serve any future development on the project parcels and that no extension of the water main line is required. Parcel 1 would receive electrical service from the Trinity Public Utilities District (TPUD). Existing power and telecommunication poles are located adjacent to Parcel 1

along Browns Ranch Road. Gas service will be provided to Parcel 1 by an onsite propane tank.

<u>Parcel 2</u>: Parcel 2 contains an existing single-family residence that is accessed from an existing driveway off Browns Ranch Road. The existing residential development on Parcel 2 is currently served by the same utility providers and onsite infrastructure (e.g., OWTS and propane tank) that would serve any future development on Parcel 1. As noted on the Tentative Parcel Map, Parcel 2 has an onsite well. As indicated in the project referral comments provided by WCSD, a water meter was installed in 2018 to serve the existing residence on Parcel 2.

(e) The parcel was not involved in a division of a larger parcel within the previous two years.

The project site was not involved in a division of a larger parcel within the previous two years. The Trinity County Planning Department previously received an application to subdivide the property from an unrelated applicant. However, the processing of the previous application was never completed and is considered expired/obsolete.

(f) The parcel does not have an average slope greater than 20 percent.

As identified on the Tentative Parcel Map prepared by Trinity Valley Consulting Engineers (TVCE), the slopes on the project site range from 3 to 46 percent. According to the average slope calculations provided by TVCE, Parcel 1 will have an average slope of 20 percent and Parcel 2 will have an average slope of 14.2 percent. Therefore, the proposed parcels will not have an average slope greater than 20 percent.

The CEQA Guidelines also contain exceptions to the use of categorical exemptions, which are contained in §15300.2. Below is a discussion of the project's compliance with the exception contained in §15300.2.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

The project is being considered for exemption under Class 15 (Minor Land Divisions). Therefore, this exception to the use of a categorical exemption does not apply.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project proposes to divide an existing residentially-zoned property in the community of Weaverville into two parcels. The development of the project site under the RR General Plan designation and RR-5 zoning district was previously analyzed in the EIR prepared for the Trinity County General Plan. Any future development on proposed Parcels 1 and 2 must comply with the requirements of the County General Plan and Code of Ordinances. Although, the project site is surrounded by rural properties that have been developed in a similar manner, in compliance with the County's General Plan and Code of Ordinances and other applicable regulatory requirements, it is not anticipated that the project would result in cumulative impacts.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to the unusual circumstances.

The project proposes to divide an existing residentially zoned property in the community of Weaverville into two parcels. The development of the project site under the RR General Plan designation and RR-5 zoning district was previously analyzed in the EIR prepared for the Trinity County General Plan. No unusual circumstances were identified as being present in this area of Weaverville during the prior General Plan planning and environmental review process. Any future development on proposed Parcels 1 and 2 must comply with the requirements of the County General Plan and Code of Ordinances. Therefore, it is not anticipated that the project would result in significant effects on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

According to the Caltrans Scenic Highway Mapping System, there are no officially-designated state scenic highways in the project vicinity. The closest highways to the project site (Hwy 3 and Hwy 299) are listed as "Eligible State Scenic Highways" but are not officially designated "State Scenic Highways." The project site does not contain any landmark trees, historic buildings, rock outcroppings, or similar scenic resources. Therefore, the proposed project will not cause damage to scenic resources within an officially-designated state scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

According to the sources of information available on the CalEPA Cortese List, including the State Water Resources Control Board Geotracker website and the California Department of Toxic Substances Control Envirostor Database, the project is not located on a site containing hazardous materials. Therefore, the proposed project will not be located on a hazardous waste site.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The community of Weaverville lies within the traditional territory of Wintu populations, who used the local region for seasonal and/or permanent settlement, as well as for the gathering of plants, roots, seeds, domestic materials, and hunting seasonal game. Historically, the Euro-Americans utilized the region for timber, mining, and transportation opportunities.

According to the Wintu Educational Center and Cultural Council of Northern California, Inc. (Wintu Educational Center), there are no records of archaeological and cultural resources on the project site. According to the records at the Northeast Center of the California Historical Resources Information Center, two recorded historic sites have been identified adjacent to the project area. However, the project does not have the potential to adversely impact these resources.

In their comments on the project, the Wintu Educational Center and Cultural Council of Northern California, Inc. recommended the presence of cultural monitors during any future development and ground-disturbing activities on the project parcels. This recommendation for monitoring during future ground disturbing activities will be included as a condition by the County for approval of the Tentative Parcel Map. In compliance with the proposed conditions of approval for the project, the project will not cause a substantial adverse change in the significance of a historical or cultural resource.

PROJECT EVALUATION/DISCUSSION:

General Plan: As noted above, the project site has a General Plan Designation of Rural Residential (RR). The intent of the RR designation is described in the General Plan Land Use Element, which states the following:

"Rural Residential intends to describe locations of rural type residential development. Minimal county services would be provided and, in general, are not desirable in this area. Densities are designed to ensure the long-term opportunity for individual water and sewer systems. High density will be one dwelling unit per acre or larger as determined by the county sanitarian and the Regional Water Quality Control Board to allow the use of both individual water and sewer systems on the same parcel. Low density will be one dwelling unit per ten acres. This is to allow limited residential development in outlying areas of the county where minimal impacts are desirable and the overall character of the landscape as well as potential for open space, recreation, or resource production is to be preserved. Special attention should be directed toward the protection of sensitive environmental resources such as water quality, unstable slopes, critical wildlife habitat, etc. This designation should not be construed as discouraging resource production activities, such as logging or grazing.

This description should also provide for small home businesses, for small-scale agriculture, and for small industrial operations, subject to controls to prevent nuisances."

The proposed project would be consistent with the intent of the Rural Residential designation since it would create two parcels that are greater than 5 acres in an area containing low-density residential development on the edge of the community of Weaverville. These properties would be served by onsite infrastructure where community services are not available (e.g., OWTS and propane tank). Parcel 1 would be available to be developed with uses allowed under the RR-5 zoning district and Parcel 2 contains an existing single-family residence.

The Trinity County Housing Element was last revised for the 5th Housing Element planning cycle and adopted by the Trinity County Board of Supervisors on August 16, 2016. Trinity County was allocated 10 housing units to provide during the 5th planning cycle and was recently allocated 2 housing units for the 6th planning cycle. This project proposes a Minor Subdivision of APN 024-410-02 to create one new parcel (Parcel 1) that will be available for future development under the RR-5 zoning district. The RR-5 zone allows a single-family dwelling and certain agricultural uses by right. It is anticipated that Parcel 1 would be developed with a single-family residence. There is also the potential for development of ADUs on Parcels 1 and 2, consistent with State housing law and the County's ADU requirements. If these parcels are developed with new residential uses in the future, it will assist Trinity County in providing its share of the regional housing need. As such, the proposed project is determined to be consistent with the Trinity County General Plan and State housing law.

Weaverville Community Plan: The Weaverville Community Plan was adopted by the Trinity County Board of Supervisors in September 1990 and establishes a framework and guidelines for private and public projects within the Plan Area. The project site is located in the Plan Area in an area of Weaverville that is primarily developed for low-density housing. The proposed Minor Subdivision would create a new 5-acre lot that has the potential to result in the development of additional low-density housing. As noted above, proposed Parcel 1 and 2 have the potential to be developed with an additional single-family residence and two ADUs. As such, the project is consistent with several of the goals of the Plan including, but not limited to, the following:

- Retention of rural character of the community by emphasizing the importance of existing neighborhood characteristics and requiring growth to be consistent with these characteristics and zoning.
- Encourage the area's high level of environmental quality by providing for growth on existing privately-held lands adjacent to those areas already developed.
- To establish a variety of housing types and prices compatible with the services capacity and character in each community area in order to provide housing opportunities for all income groups.
- To preserve the natural, rural, small-town and historic character of Trinity County while providing adequate housing for its residents.

Therefore, the proposed project is determined to be consistent with the Weaverville Community Plan.

Chapter 16.12 – Tentative Map: Chapter 16.12 of the Trinity County Subdivision Code contains the requirements for Tentative Parcel Maps. The Tentative Parcel Map prepared for this Minor Subdivision project has been reviewed by County Staff and several revisions have been made to the map to address the comments received. The current draft of the Tentative Parcel Map (dated September 26, 2019) has been determined to be consistent with Title 16 (Subdivision) of the County Code of Ordinances and the Subdivision Map Act. As shown on the Tentative Parcel Map, existing parcel 024-410-02 is proposed to be split, resulting in two parcels that are labeled as Parcels 1 and 2.

In reviewing a Tentative Parcel Map, the Planning Commission may condition approval of the map on such measures as will promote and protect the public health, safety, comfort, convenience, and general welfare (Section 16.12.150[K] of Title 16 [Subdivision] of the Trinity County Code of Ordinances).

ALTERNATIVES:

The following alternatives are available:

- 1) Modify the conditions of approval of the Parcel Map.
- 2) Continue the public hearing to request additional information.
- 3) Deny the Parcel Map. With this alternative, the Planning Commission would need to make findings that the Parcel Map is inconsistent with the General Plan, Title 17 Zoning Ordinance or the Subdivision Ordinance.

STAFF RECOMMENDATION:

Findings: If the Planning Commission wishes to approve this project application, then specific findings that the project is consistent with the County's General Plan and Code of

Ordinances, Subdivision Map Act, and California Environmental Quality Act should be made. Staff recommends the Planning Commission approve the project with the findings included in Resolution PC-2019-05 with the Conditions of Approval.

ATTACHMENTS:

- 1) Draft Resolution PC-2019-05 and Conditions of Approval
- 2) Location Map
- 3) General Plan Area Map
- 4) Zoning Map
- 3) Tentative Parcel Map P-18-21

RESOLUTION NO. 2019-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TRINITY APPROVING TENTATIVE PARCEL MAP

(Doerpinghaus, P-18-21)

WHEREAS, the Planning Commission, on November 14, 2019, held a public hearing and considered all written and oral comments regarding the request for approval of a Tentative Parcel Map for property located on at 541 Browns Ranch Road, Weaverville (Applicant: Thomas & Patty Doerpinghaus H. Hayes, APN: 024-410-02); 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 Planning Commission 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 Planning Commission of the County of Trinity make the following findings:

- 1. Makes the following environmental findings:
 - A. The project is categorically exempt pursuant to Section 15315 (Class 15) of the CEQA Guidelines, exempting division of properties into four or fewer parcels when certain specifications can be met. Specifically, the Planning Commission finds as follows:
 - i. The project consists of the division of property zoned for residential use in conformance with the General Plan and zoning;
 - ii. The project consists of a division of property into four or fewer parcels;
 - iii. The project does not consist of a variance or exception;
 - iv. All services and access to the proposed parcels to local standards are available:
 - v. The parcel was not involved in a division of a larger parcel within the previous two years; and
 - vi. The parcel does not have an average slope greater than 20 percent.
- 2. Makes the following map findings:
 - A. The Parcel Map, as conditioned, is in substantial conformance with the Trinity County General Plan, Title 16 (Subdivision) of the Trinity County Code of Ordinances, and the Subdivision Map Act.

- B. In accordance with Section 16.12.150 (Conditions of Approval) of Title 16 (Subdivision) of the Trinity County Code of Ordinances and Government Code Section 66474, the Tentative Parcel Map is complete and complies with the subdivision improvement standards:
 - i. The Parcel Map is consistent with the general plan and applicable Weaverville Community Plan, and meets the requirements of the subdivision improvement standards and relevant provisions of the county zoning ordinance, excepting subsection (L) of this section;
 - ii. The site of the proposed subdivision is physically suitable for the type of development and density proposed in the Rural Residential 5-acre Minimum (RR-5) Zoning District;
 - iii. The design of the Parcel Map and proposed improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause public health problems;
 - iv. The design of the Parcel Map and the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision, or, if such conflict does exist, that alternate easements will be provided and that these will be substantially equivalent to ones previously acquired by the public. ("Easements," as used in this subsection, refers only to easements of record or to easements established by judgment of a court of competent jurisdiction.); and
 - v. Future development on the resulting parcels will be served by onsite wastewater treatment systems and will not be connected to an existing community sewer system.
 - vi. No evidence has been presented which would require denial of this Parcel Map under the Subdivision Map Act.
- 3. Makes the following findings consistent with Government Code Section 66474.02:
 - 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;
 - B. Structural fire protection and suppression services will be available for the lots created by this Parcel Map from the Weaverville Fire Protection District;
 - 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.
- 4. Approves Tentative Parcel Map P-18-21, Subject to the conditions set forth in Exhibit A to this resolution and incorporated herein.

Resolution No. 2019-05 November 14, 2019

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By:	KIMBERLY HUNTE Secretary of the Plant County of Trinity, Sta	ning Commission						

EXHIBIT "A" to Resolution PC-2019-05

TENTATIVE PARCEL MAP CONDITIONS OF APPROVAL

(Doerpinghaus, P-18-21)

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:

General

- 1. A Notice of Environmental Constraint shall be recorded concurrent with the Parcel Map that shall provide for the following provisions:
 - A. 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 or within a 50-foot buffer of the discovery location. The owner/developer shall avoid the materials and their contents. The Trinity County Planning Director shall be notified immediately, and a qualified archaeologist shall be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. Prehistoric materials which could be encountered include: obsidian and chert debitage or formal tools, grinding implements, (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits or shell, faunal remains, and human burials. Historic archaeological discoveries may include nineteenth century building foundations, structural remains, or concentrations of artifacts made of glass, ceramics, metal or other materials found in buried pits, old wells or privies. 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.
 - B. 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.
- 2. The requirements of all concerned governmental agencies having jurisdiction including, but not limited to, the issuance of appropriate permits shall be met.

3. Applicant shall pay all fees required for a subdivision application according to the County's current fee schedule.

Planning

- 4. Approval is for the project as illustrated on the Tentative Parcel Map (dated September 26, 2019).
- 5. The applicant shall comply with the recommendations of the Wintu Educational Center and Cultural Council of Northern California, Inc. This includes the following requirement as specified in the project referral comments dated January 14, 2019:
 - A. Qualified cultural monitors shall be present during any future development and ground-disturbing activities on the project parcels. The applicant shall be responsible for coordinating with Tribal Chair John Hayward of the Nor Rel Muk to ensure that cultural monitors, acceptable to the Tribe, are present during future ground disturbing activities. Any fees charged for the services provided by the cultural monitors shall be the responsibility of the applicant.
- 6. The Parcel Map shall show 100-year flood inundation areas (1% chance of flood). A flood study shall be completed by a Civil Engineer registered in the State of California to determine the limits of the 100-year flood inundation area. The flood study shall also evaluate the capacity of the existing 30-inch culvert pipe where Lance Gulch crosses Brown's Ranch Road.
- 7. All easements within the development shall be dedicated on the Parcel Map or by separate instrument.

Department of Transportation

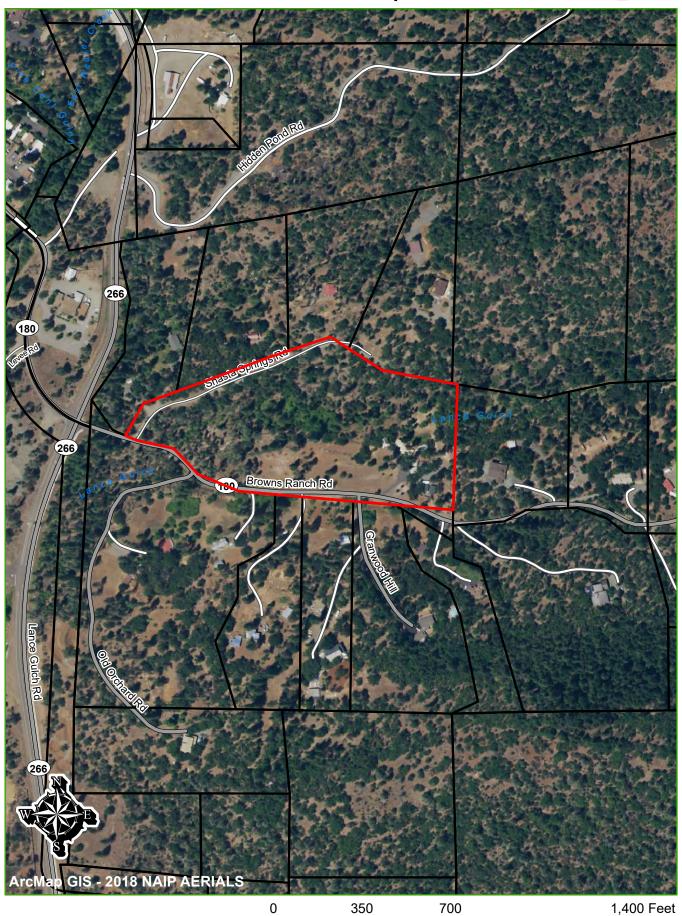
- 8. The applicant shall comply with all requirements of the County Department of Transportation. These include, but are not limited to, the following airport requirements specified in the project referral comments dated January 9, 2019:
 - A. An Avigation and Hazard easement must be dedicated to Trinity County for the area of the subject property within Zone B2. The easement shall restrict construction of structures within Zone B2, and shall be consistent with the requirements of Section 10.1 of the Trinity County Airport Land Use Compatibility Plan.
 - B. A deed notice shall be recorded for each parcel as required by Section 10.2 of the Trinity County Airport Land Use Compatibility Plan.
- 9. The applicant shall comply with all requirements of the County's consulting surveyor. These include, but are not limited to, the requirements as specified in the project referral comments dated December 26, 2018.

- 10. 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 Browns Ranch Road, Co. Rd. No. 180, where said dedication lies within the subject property.
- 11. A designated driveway area for Parcel 1 shall be shown on the Final Parcel Map. The driveway location shall be reviewed and approved by the Director of Transportation or his designee. The following note shall be included on the Final Parcel Map:
 - A. The driveway location depicted for Parcel 1 has been approved by the Trinity County Department of Transportation, but an encroachment permit must be obtained from the Department of Transportation prior to construction of any access to Brown's Ranch Road, County Road No. 180. If an alternate access location is desired, the location must be pre-approved by the Department of Transportation.
- 12. A drainage study shall be completed to determine impacts to the existing 30" culvert which conveys Lance Gulch under Browns Ranch Road, and to the existing 18" culvert which crosses Browns Ranch Road. Future development impacts of Parcel 1 shall be estimated and incorporated into the study. The study shall be submitted for review and approval by the Trinity County Director of Transportation. Culvert improvement or other approved mitigations, as recommended by the drainage study and approved by the Director of Transportation, shall be constructed by the developer prior to approval of the Parcel Map.
- 13. A minimum 60-foot wide, irrevocable public road and utility easement must be offered for dedication, lying 30 feet each side of the existing centerline of Shasta Springs Road, where said dedication lies within the subject property. Dedication is required in order to provide for the orderly development of APN 024-420-15, 024-420-16 and 024-070-40.

NOTE: Approval of this tentative map will expire on November 14, 2021. Any request for a time extension and accompanying fees must be received by the Trinity County Planning Department 30 days prior to this expiration date.

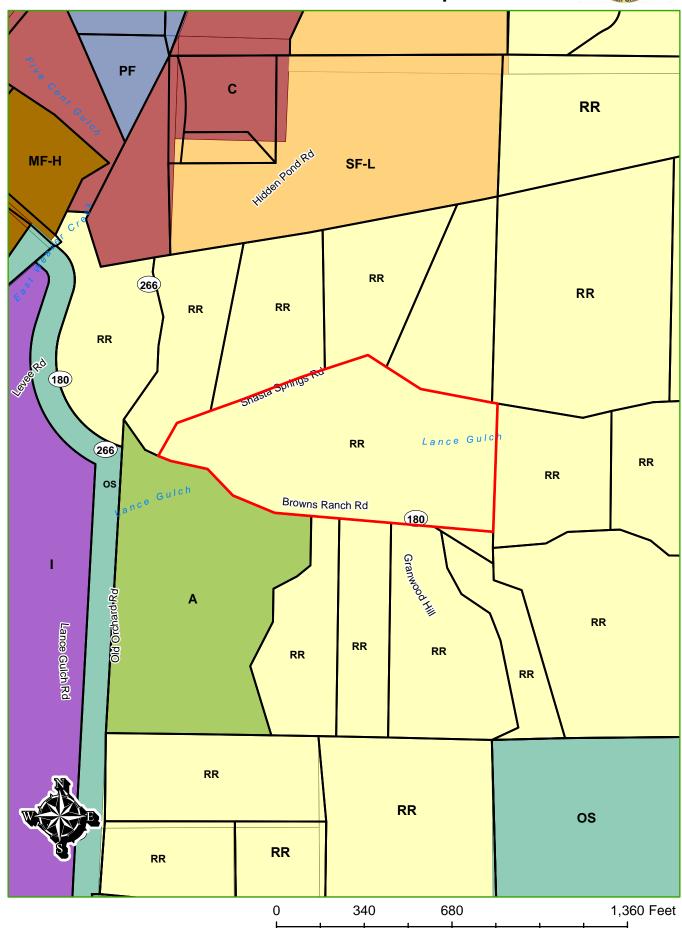
ATTACHMENT 2 P-18-21 T. Doerpinghaus APN 024-410-02-00 Location Map





ATTACHMENT 3 P-18-21 T. Doerpinghaus APN 024-410-02-00 General Plan Area Map





ATTACHMENT 4 P-18-21 T. Doerpinghaus APN 024-410-02-00 Zoning Area Map



