

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

OWNER: T. Thompson & H. Hayes

REPORT BY: Ruth Hanover

AGENT: Trinity Valley Consulting Engineering

APN: 008-820-01-00

PROJECT DESCRIPTION:

One-year time extension of tentative map approval to create two parcels. (Exhibit A).

LOCATION: 531 School House Road, Burnt Ranch Road. (Exhibit B).

PROJECT INFORMATION:

- A) Planning Area: Salyer/Burnt Ranch
- B) Existing General Plan Designation: Rural Residential
- C) Existing Zoning: Rural Residential – 5-acre minimum with a Mobile Home overlay. (Exhibit C).
- D) Existing Land Use: dwelling on proposed parcel 1; outbuildings on proposed parcel 2
- E) Adjacent Land Use Information:

	<u>Land Use</u>	<u>Zoning</u>	<u>General Plan Des.</u>
North:	Residential	RR-5 (MH)	Rural Residential
South:	Residential	RR-5 (MH)	Rural Residential
East:	Residential	RR-5 (MH)	Rural Residential
West:	USA (forestry)	Unclassified	Resource

Background Information:

On March 8, 2019 the Planning Department received a formal request for a one-year time extension from Tyler Thompson, one of the property owners and subdividers, for their tentative map to create two

parcels (Exhibit D). The Thompson-Hayes tentative map was approved on June 8, 2017, subject to several conditions (Exhibit E). Applicant, Tyler Thompson, states it has taken extensive time to meet conditions of the County Road Department and CalFire.

Project Description:

The applicants propose to subdivide a 15.4+- acre parcel into two parcels of 5.1 acres (Parcel 1) and 10.35 acres (Parcel 2), reference Exhibit "A". The parcel is lot 32 of Burnt Ranch Estates and is zoned for Rural Residential use with a minimum parcel size of five acres and with a Mobile Home Overlay. Access to Parcel 1 is directly off of Pony Express Way (also identified as School House Road) and access to Parcel 2 is off of a private extension of Powder House Road, which connects to Pony Express Way.

Tentative Map Extensions:

A tentative map is initially approved for twenty-four (24) months, and can be extended for an additional 12 months upon approval by the county. (Other time lines can apply, but for this two-parcel division the standard would be 24 months, plus 12 months.) The subject subdivision was approved by the Planning Commission, with conditions, on June 8, 2017 (Exhibit E). The applicants are requesting the one-year extension of the map using the normal provisions of the Subdivision Map Act and the County Subdivision Ordinance. These subdividers (Thompson & Hayes) are eligible for an extension of tentative map approval of up to twelve (12) months.

Commission Authority:

The Subdivision Ordinance (Trinity County Code, Chapter 16; adopted March 4, 1986) identifies the Planning Commission as the Advisory Agency having the authority to approve subdivisions and other actions. By resolution 86-01, adopted on March 27, 1986, the Planning Commission delegated some authority to approve parcel maps and some other more routine actions to the Subdivision Review Committee (refer to definition of "Advisory Agency" in the Subdivision Ordinance for the authority to delegate). The reason it is scheduled for Planning Commission review is that there is no business before Subdivision Review Committee, so rather than call a special meeting for the purpose of this extension it is being placed on the Commission's agenda.

The Commission can do the following:

- Approve a time extension of tentative map approval for up to 12 months.
- Deny the request for a time extension. This will result in a map expiration date of June 8, 2019.

Despite language suggesting otherwise in the Subdivision Ordinance, the County cannot modify, add or delete conditions of approval. (The process for the subdivider to do that would be a post subdivision modification.)

In *El Patio v. Permanent Rent Control Bd*, 110 Cal. App. 3d (1980), the Court determined that new conditions could not be added. The only condition allowed would pertain directly to the length of time for the map extension. There has been some debate regarding adding conditions based upon findings that pertain to health and safety issues, but generally adding or changing conditions is not a good idea because it affects due process and because the county has other methods available to the applicant to seek relief from a condition, such as the post subdivision modification process. In any case, such changes would require notice and public hearing. The applicant, neighboring property owners and possibly review agencies may have an interest in participating in the discussion.

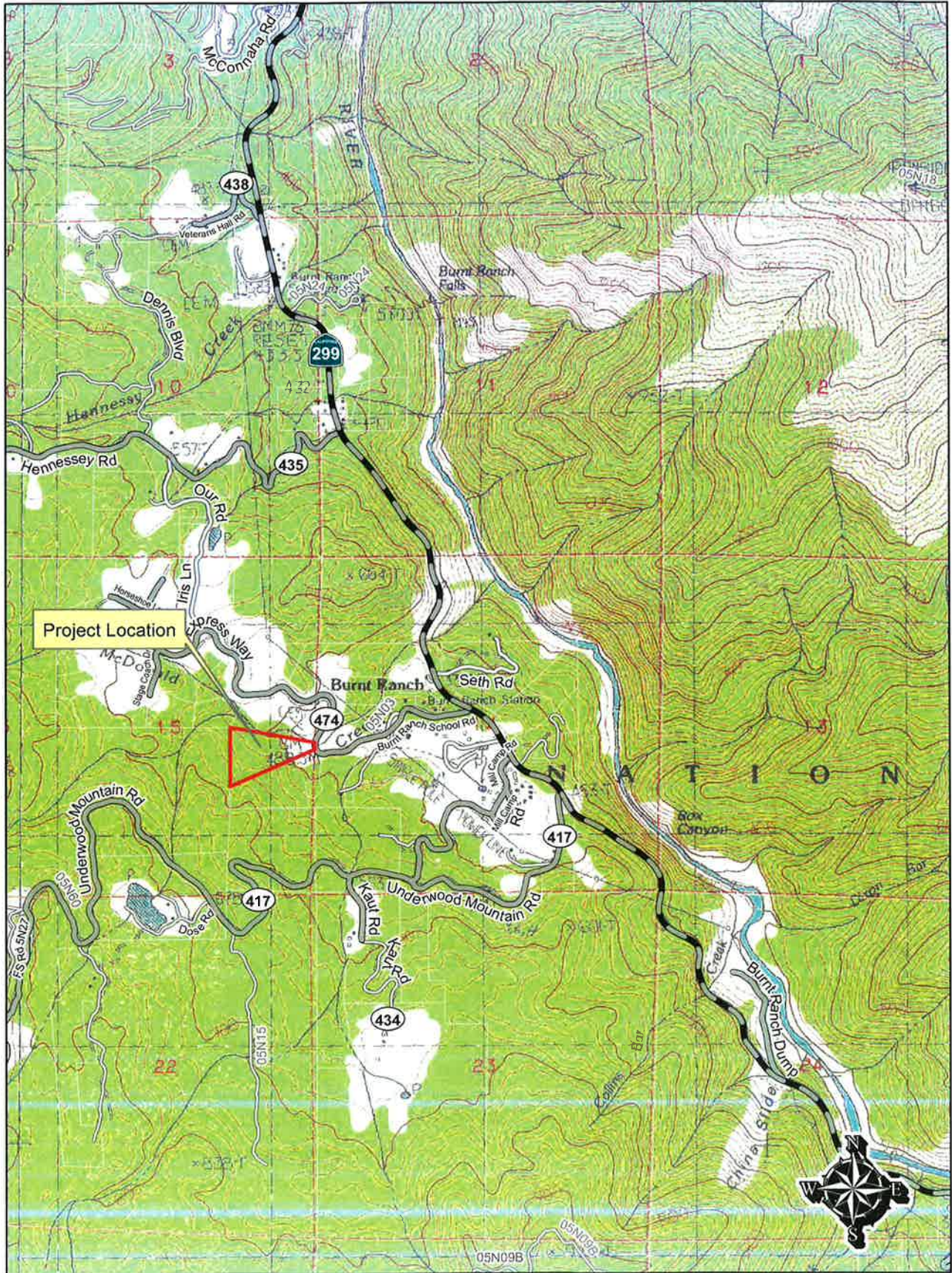
There are provisions that could allow the county to add conditions, but only if the subdivider agrees to the change. (*Rosco Holdings, Inc. v. State of Cal.*, 212 Cal. App. 3d 642 (1989)). Why would a subdivider agree to a new or modified condition? Because when faced with the alternative of having the map extension denied or adding a new condition, the subdivider may find that the added condition is preferable to starting the map approval process over again.

STAFF RECOMMENDATION:

Staff recommends that the Commission:

Grant a twelve (12) month time extension for the Thompson-Hayes subdivision, APN: 008-820-01-00 (Planning File No. P-16-25). The new expiration date shall be **June 8, 2020.**

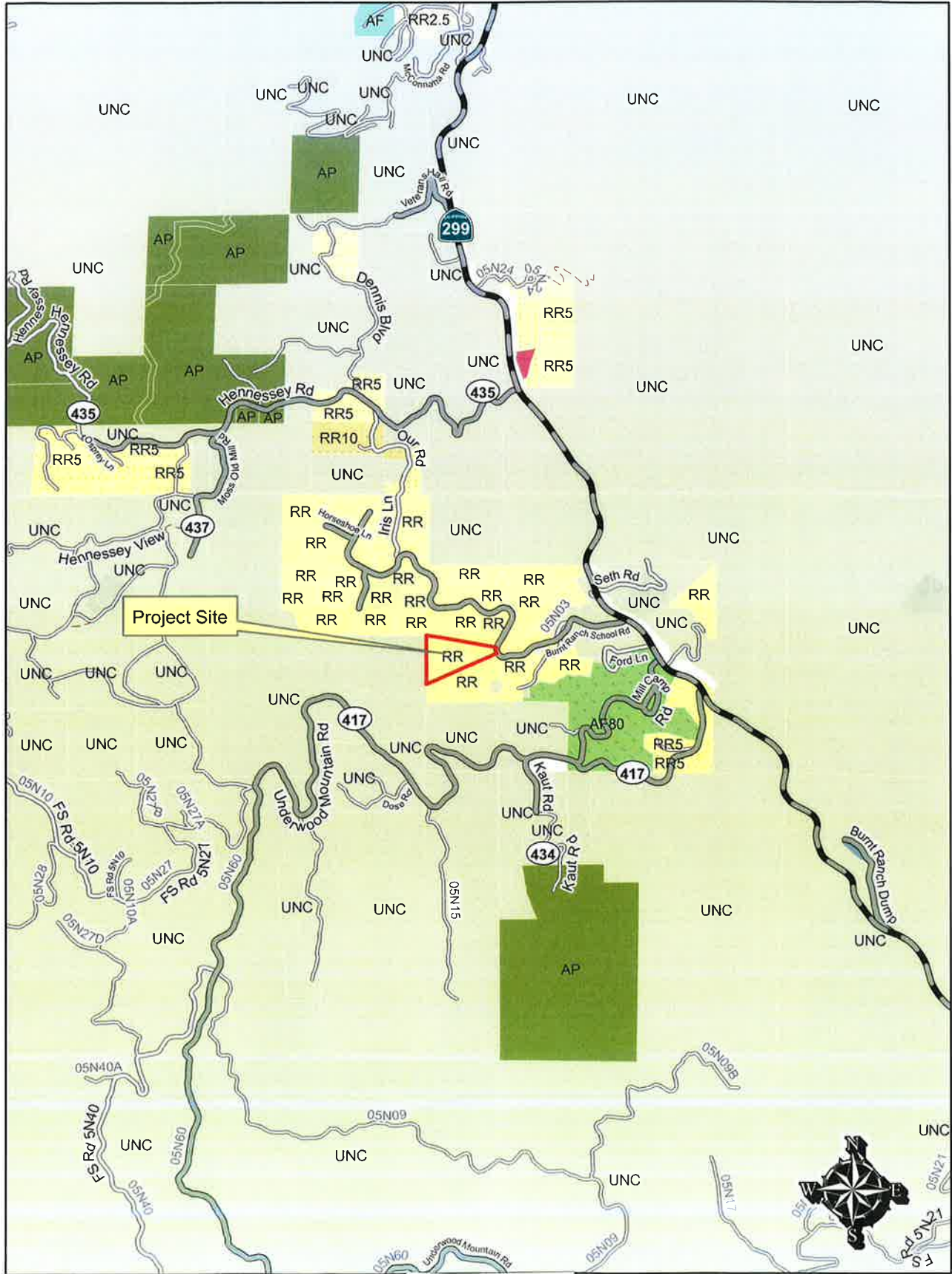
PROJECT LOCATION MAP
Thompson-Hayes Map Extension
P-16-25



ZONING

Thompson-Hayes Map Extension

P-16-25



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EXHIBIT C

Ruth Hanover

From: Tyler Thompson <tigrethompson@yahoo.com>
Sent: Tuesday, February 26, 2019 1:38 PM
To: Ruth Hanover
Subject: extension for file P1625 Thompson/Hayes subdivision

Hi Ruth,

I would like to request a one year extension for my subdivision project. It has taken extensive time to figure out details with the county road dept. and Cal-Fire. The current deadline for the project in June will be hard to meet. I will mail in a check to the planning dept. as well.

Thank You,

Tyler Thompson

Fee Pet 3/8/18
Receipt # PL2019-012
RH

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EXHIBIT D

RESOLUTION NO. 2017-02

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
APPROVING TENTATIVE PARCEL MAP
(Thompson/Hayes, P-16-25)**

WHEREAS, the Planning Commission, on June 8, 2017, held a public hearing on the request for approval of a tentative parcel map for property located on at 531 School House Road, Burnt Ranch (Applicant: T. Thompson & H. Hayes, APN: 008-820-01); 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:

- A. Approves the project Mitigated Negative Declaration, finding that on the basis of the whole record before the Planning Commission, 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 mitigated negative declaration reflects the Board's independent judgment and analysis; and
- B. Approves the Tentative Parcel Map (T. Thompson & H. Hayes; File # P-16-25), 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;

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EXHIBIT E

- b) Structural fire protection and suppression services will be available for the subdivision through the Hawkins Bar Volunteer Fire Company, 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, Section 16.12.150 of the Subdivision Ordinance, and the County 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 based on the conditions of map approval.
 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 8th day of June, 2017 by the Planning Commission of the County of Trinity by motion of Commissioner Hoard, seconded by Commissioner Stewart, and the following vote:

AYES: Commissioners Stewart, Frasier, Hoard and Matthews
NOES: None
ABSENT: Commissioner McHugh
ABSTAIN: None
RECUSE: None



Graham Matthews, CHAIRMAN
Planning Commission
County of Trinity
State of California

ATTEST:

By: 

RUTH HANOVER
Clerk of the Planning Commission

EXHIBIT "A"

TENTATIVE MAP

CONDITIONS OF APPROVAL

(T. Thompson & H. Hayes, P-16-25)

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. 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.

B. Miscellaneous:

1. All easements within the development shall be dedicated on the Parcel Map or by separate instrument.

C. Utilities:

1. A ten-foot wide public utility easement shall be provided along the southern boundary of parcel 1 to the eastern boundary of parcel.

D. Roads:

1. The primary access road (a.k.a. Powder House Road) to the subdivision shall be constructed to the Trinity County "Roadway Category D" standards from Pony Express Way (a.k.a. School House Road) (Co. Rd. No. 474) to the southern boundary of Parcel 2. Trinity County Fire Safe Ordinance standards and PRC 4290 shall also apply when the requirements exceed Roadway Category D standards. This shall include, but is not limited to:
 - a. A minimum roadbed width of 18' with additional curve widening as prescribed by the Fire Safe Ordinance. The 3:1 sloped "shoulder" as shown on the tentative map typical section is not to be considered part of the roadbed width; and
 - b. A maximum gradient of 12%, which may be increased to 14% for short distances, subject to the approval of the Department of Transportation; and
 - c. A minimum centerline curve radius of 50 feet; and
 - d. Structural section shall be based upon an engineering analysis of subgrade material and native soils with approval of the Department of Transportation. Surfacing shall be a minimum of 6" thick class 2 aggregate base, or native crushed rock (shale) may be used upon approval by the Department of Transportation.
2. All access roads shall exist within irrevocable, non-exclusive, private road easements with adequate widths to contain all elements of the design cross section, drainage, utility accommodations and border areas.
3. A turnaround is required on the access road to Parcel 2 at the southern boundary of Parcel 2 or somewhere within Parcel 2. The turnaround shall meet Trinity County Subdivision and Fire Safe design requirements, including PRC 4290, and must be within the private road easement.

4. On dead end access roads, turnarounds shall be provided at a maximum of one thousand three hundred twenty foot intervals. Turnarounds shall be constructed to meet the requirements of the Trinity County Fire Safe ordinance and must be within the private road easement. Driveways are allowed to utilize the turnaround as permitted by CalFire.
5. An encroachment permit from the Trinity County Department of Transportation is required for the Parcel 2 access road onto County maintained Pony Express Way (Co. Rd. No. 474). The encroachment shall conform to the County Department of Transportation standards for a private road.
6. An encroachment permit from the Trinity County Department of Transportation is required for the Parcel 1 driveway onto County maintained Pony Express Way (Co. Rd. No. 474). The encroachment shall conform to the County Department of Transportation standards for a driveway.
7. A hydrology study showing the ability to convey 100 year storm flows through all culverts on the access road shall be approved by the Director of Transportation. All driveway and ditch relief culverts shall be 18" diameter 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.
8. Road names shall be submitted to the Planning Department for approval in accordance with Title 12, Chapter 12.17 of the Trinity County Code.
9. Road name signs shall be installed at all intersections.
10. 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 Parcel Map to the Trinity County Department of Transportation for review and approval. Approval of the construction drawings is required prior to Parcel Map Acceptance.
11. Prior to construction of improvements, the construction drawings shall be stamped by an engineer and approved by the County Engineer.
12. 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.
13. The Developer will be responsible for all actual costs on a hourly basis associated with the subdivision improvements, including review of construction improvement plans, developing Development Agreements, performing improvement inspections, and all other related costs.

14. 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 private roads within the subdivision or show evidence of the existence of such an agreement or organization.
15. It is understood that the improvements will be completed prior to recording of the map. Should the developer wish to do otherwise, a Subdivision Improvement Agreement shall be required.

E. Environmental Health:

1. Well recovery rate documentation for Parcel 1 shall be provided to the Director of Environmental Health for approval of water supply. Adequate water availability shall be demonstrated, subject to the approval of the Director of Environmental Health.
2. Documentation shall be provided to the Director of Environmental Health demonstrating that Parcel 2 is/does belong to Burnt Ranch Estates Mutual Water Company, and stating what that membership provides. Adequate water availability shall be demonstrated, subject to the approval of the Director of Environmental Health.

F. Erosion Control:

1. 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. 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, Storm Water Pollution Prevention Plan (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 during wet weather and to one year after completion of construction.

- e. Projects less than one acre are exempt from obtaining a 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/constpermits.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.

NOTE: Approval of this tentative map will expire on June 8, 2019. Any request for a time extension must be received by the Trinity County Planning Department 30 days prior to this expiration date.