

RESOLUTION NO. PC-2009-06

**ADOPTED BY THE TRINITY COUNTY PLANNING COMMISSION
A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING**

**A TENTATIVE MAP FOR LAY
(P-09-24)**

WHEREAS, the Planning Commission, on October 8, 2009, held a public hearing on the request for approval of a tentative map for property located at 180 Fawn Lodge Road, Lewiston; 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 Planning Commission has 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 Planning Commission 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, 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. Under Zoning Ordinance Section 30.3, the finding is made that the proposed parcel sizes are consistent with allowable land uses as provided by the Rural Residential zoning and General Plan designation. The**

smallest parcel size allowable under Rural Residential is one acre. The only parcel smaller than the requested 10-acre minimum zoning is Parcel 2, which is 9.0 acres.

7. The proposed lot sizes are consistent with Environmental Health Department standards for usable area, water supply source and sewage disposal capability as provided in the Trinity County Subdivision Ordinance.
8. The proposed subdivision configuration and parcel sizes provide an efficient design with consideration of the site's topography and gulches, slope stability, natural resources management, critical wildlife habitats, protection of water quality, sewage disposal needs, access/road location, surrounding parcel sizes and usable area.
9. The proposed subdivision will not provide for future subdivision potential capable of creating a total number of parcels greater than that permitted by the current zoning and general plan density standards.
10. The tentative map for the proposed subdivision is hereby approved, subject to the following conditions, which must be satisfied prior to the recordation of the final map unless a different time for compliance is specifically noted:

A. Roads

- 1) A 60-foot dedication, lying 30 feet each side of existing centerline, along Fawn Lodge Road, County Road No. 175, where said dedication lies within the subject property from State Hwy 299 to the "End of County Road" sign.
- 2) Fawn Lodge Road (private portion) from the "End of County Road" sign to the south line of Parcel 2/Highway Right of Way shall conform to a Category D road design standard or Fire Safe Ordinance standard, whichever is greater. An easement for this road shall be shown on the Parcel Map.
- 3) Timber Trail Road (private) from the "End of County Road" sign to the west line of Parcel 2 shall conform to a Category D road design standard or Fire Safe Ordinance standard, whichever is greater. An easement for this road shall be shown on the Parcel Map.
- 4) The status of the old highway that crosses Parcel 1 must be reviewed and possibly shown on the Parcel Map (check with Caltrans).

- 5) The status of the two "trails" must be reviewed and any existing easements shall be shown on the Parcel Map. This would include the Power and Telephone lines as well.
- 6) All existing or proposed encroachments onto Fawn Lodge Road shall conform to the county Department of Transportation standards. An "Encroachment Permit" is required for the access road to the existing structures on Parcel 1, and the work shall be completed prior to recording the Parcel Map.

B. Floodplain delineation

The 100-year Base Flood Elevation shall be determined for Parcels 1 and 2 to determine where future buildings can be located, and to demonstrate that there is adequate room on the parcels for construction of buildings and dwellings outside the 100-year floodplain. The houses on Parcel 1 are already located within the Zone A as shown on the FIRM. If it is shown with the flood study that they are in the 100-year floodplain, their location is grandfathered. However, if the houses are destroyed or demolished, they will not be allowed to be built back in their present location if it is shown that they are within the floodplain.

C. Water Quality and Riparian Habitat

In order to protect habitat, water quality and riparian corridors along Grass Valley Creek, a 75-foot non-development buffer shall be shown on the Parcel Map. The 75-foot is from top of bank.

D. Building sites

Building sites for both parcels shall be shown on the parcel map as being south of Grass Valley Creek as lands north of the creek are unbuildable either due to slope or floodplain. An asterisk and note may be placed by the building site on Parcel 1 to refer them to the Notice of Environmental Constraint regarding an alternate building site.

E. General Plan Amendment and Rezone

Board of Supervisors approval of the General Plan Amendment to Rural Residential (RR) and rezone to Rural Residential 10-acre minimum or less restrictive zoning shall be approved before the Parcel Map is recorded.

F. Notice of Environmental Constraint

A "Notice of Environmental Constraint" shall be recorded, which includes the language listed below. The Notice shall be submitted to the Planning Director for review and approval prior to being notarized and recorded.

1. An alternate building site on the north side of Grass Valley Creek may be proposed if further site evaluation is performed by a registered professional to determine:
 - That there is a building site above the 100-year floodplain
 - That there is an acceptable site for sewage disposal as approved by Environmental health
 - That a minimum 75-foot non-development setback can be maintained from the top of bank along Grass Valley Creek
2. A 75-foot non-development buffer (for water quality and riparian habitat) exists from the top of bank along Grass Valley Creek. This area is restricted from building and development. Any development that may be necessary within this buffer area shall require prior written approval by the California Department of Fish and Game.
3. Any road construction that requires a stream crossing (includes perennial as well as ephemeral streams) and requires placement of a culvert will require the following: Plans for the culvert size and placement, including calculations to determine proper culvert size, shall be submitted to the Trinity County Department of Transportation prior to construction for their review and approval. Applicants should follow the "Best Management Practices" for culvert placement as set forth in A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds, September 2003.
4. Prior to any alteration or removal of the old historic highway and bridge that runs through Parcel 1, an archaeologist shall be consulted for possible recordation of the feature(s) and recommendation on treatment and mitigation.
5. 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 and the area within 100 feet.. The owner/developer shall avoid the materials and their contents. The project archaeologist shall be notified immediately, along with the Trinity County Planning Director. The project archaeologist shall evaluate the find to determine its historical or archeological significance. If the find is determined to be a significant historical or archeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall

not resume until mitigations recommended by the archaeologist have been implemented and the Planning Director has provided written authorization to resume work.

6. 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.

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIRMAN – Keith Groves

ATTEST:

Secretary of Trinity County
Planning Commission

NOTE: With a legislative extension granted by SB 1185 and AB 333, the approval of this tentative map will expire on **October 8, 2014**. Any requests for a time extension must be received by the Trinity County Planning Department 30 days prior to this expiration date.