

**RESOLUTION NO. PC-2009-07**

**ADOPTED BY THE TRINITY COUNTY PLANNING COMMISSION  
A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING  
A TENTATIVE MAP FOR POULTON  
(P-09-23)**

**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 700 Lewiston 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 smallest parcel, Parcel 2 is 5.4, and Parcel 3 is 8.3 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 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 filing of the parcel map unless a different time for compliance is specifically noted:
  - A. Roads
    - 1) A sixty-foot (60') dedication, lying 30 feet each side of existing centerline, along Lewiston Road (County Road No. 202) where said dedication lies within the subject property.
    - 2) All existing or proposed encroachments onto Lewiston Road shall conform to Department of Transportation standards. An Encroachment Permit is required for the encroachment to the existing structures on the Remainder Parcel and work shall be completed prior to the recording of the Parcel Map.
  - B. Wetland Setbacks

A 75-foot non-development buffer shall be maintained around the wetland present in the southern portion of parcel 4. This buffer shall be shown and labeled on the parcel map as a "non-development, non-building area".
  - C. 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) A 75-foot non-development buffer shall be maintained around the wetland present in the southern portion of parcel 4. No development is to occur in this area without prior written approval of both the California Department of Fish and Game, and the Army Corps of Engineers.
- 2) In the event a stream crossing is needed (or crossing of the drainage ditch from the pond to the wetland), a culvert shall be installed. Placement of the culvert may require permits from the California Department of Fish and Game, the Regional Water Quality Control Board, and the Army Corps of Engineers. Prior to culvert installation, plans for the culvert size and placement, including energy calculations to determine proper culvert size, shall be submitted to the Trinity County Department of Transportation prior to stream crossing construction for review and approval.
- 3) If a culvert is required, it shall be installed in accordance with AASHTO's "A Policy on Geometric Design of Highways & Streets" and 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) 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 within 100 feet of the area. The owner/developer shall avoid the materials and their contents. The Trinity County Planning Director shall be notified immediately, and an archaeologist consulted to determine if the find is significant and make recommendations for appropriate mitigation. 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.
- 5) 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 within 100 feet of 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.

- 6) Engineered grading, drainage, and erosion control plans shall be submitted for the development of Parcels 1 and 4 due to their hillside development and the erosion potential for the soils. The Plan shall be submitted to the Department of Transportation Director for review and approval. The plan shall include information pertaining to grade, width, drainage and surfacing of the access driveways, as well as the building sites. Parcel 1 may also require a Grading Permit if the soils are determined to be Decomposed Granite.
- 7) A compaction test will be required for the building site on Parcel 4 for any fill placed on the building site.

AYES:

NOES:

ABSTAIN:

ABSENT:

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CHAIRMAN – Keith Groves

ATTEST:

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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.