

<p>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</p>

APPLICANT: Stephen & Susan Adams

REPORT BY: Colleen O’Sullivan

AGENT: Allan Baird

APN: 018-210-16

PROJECT DESCRIPTION:

One year time extension of tentative map approval to create three parcels of approximately 40 acres each (Exhibit A))

LOCATION: Located on Van Duzen Road, approximately 6.8 miles south of the intersection with State Highway 36, at Scott Glade, Mad River area (Refer to attached Exhibit B)

PROJECT INFORMATION:

- A) Planning Area: Southern Trinity
- B) Existing General Plan Designation: Resource (RE)
- C) Existing Zoning: Ag Forest: B – 40 acre minimums
- D) Existing Land Use: vacant and residential
- E) Adjacent Land Use Information:

<u>Adjacent Uses</u>	<u>Zoning</u>	<u>General Plan</u>	
North:	vacant	Unc	Resource
South:	vacant	AF	Resource
East:	vacant	Unc	Resource
West:	vacant	Unc	Resource

Background Information:

On October 3, 2016 the Planning Department received a formal request for a one year time extension from the Steve Adams, Susan Adams and Cameron Holmgren, the property owners and subdividers, for their tentative map. The Adams tentative map was approved on October 11, 2012, subject to several conditions (Exhibit D) and see minutes of October 11, 2012 regarding discussion concerning the road work (Exhibit E). Of particular concern has been meeting the requirements for road improvements. Other conditions appear to have been met. Staff has discussed the road issues with the Department of Transportation which has advised that the subdivider is making continued progress on the design improvements and road construction; however, another construction season will probably be necessary to complete the work, given the exceptionally wet winter of 2016-2017. They have no objection to a time extension. The one year map extension was granted. It is set to expire October 11, 2017.

Project Description:

One of the three lots is vacant. Parcels One and Two are currently developed with unpermitted homes. The homes are identified on the map (Exhibit A) as belonging to the owners of the property and the division of land would therefore assist in separating their interests and resolve the current density situation. The subdividers (Adams/Holmgren) have submitted building plans to the Building Department to resolve this issue, but the building permit cannot be issued until the parcel map process has been completed.

Surrounding properties are also within the Resource land use designation, and the property to the south was subject of a relatively contemporary land division, known as the "Lost Bridge Subdivision" (Etter, file #P 09-09) which would create a total of 13 parcels upon completion of all phases. This property was also zoned Ag Forest as part of its subdivision process.

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 three parcel division the standard would be 24 months, plus 12 months.) The subject subdivision was approved by the Subdivision Review Committee, with conditions, on October 11, 2012 (Exhibit D). The applicant is still eligible for an extension because the state legislature granted "special" extensions to maps during the recession. Those extensions have now ended. The applicant is requesting the one year extension of the map using the normal provisions of the Subdivision Map Act and the County Subdivision Ordinance. It took some research, but staff has traced back the time and the "special" legislative extensions. This subdivider (Adams) is eligible for an additional 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). It is the Subdivision Review Committee (SRC) that approved the Adams Subdivision before you tonight. The reason it is scheduled for Planning Commission review is that there is no business before

SRC, 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 October 11, 2017.

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 Adams subdivision, APN: 018-210-16 (file: P-11-22). The new expiration date shall be October 11, 2018.

Humboldt County

P 11-22 Adam

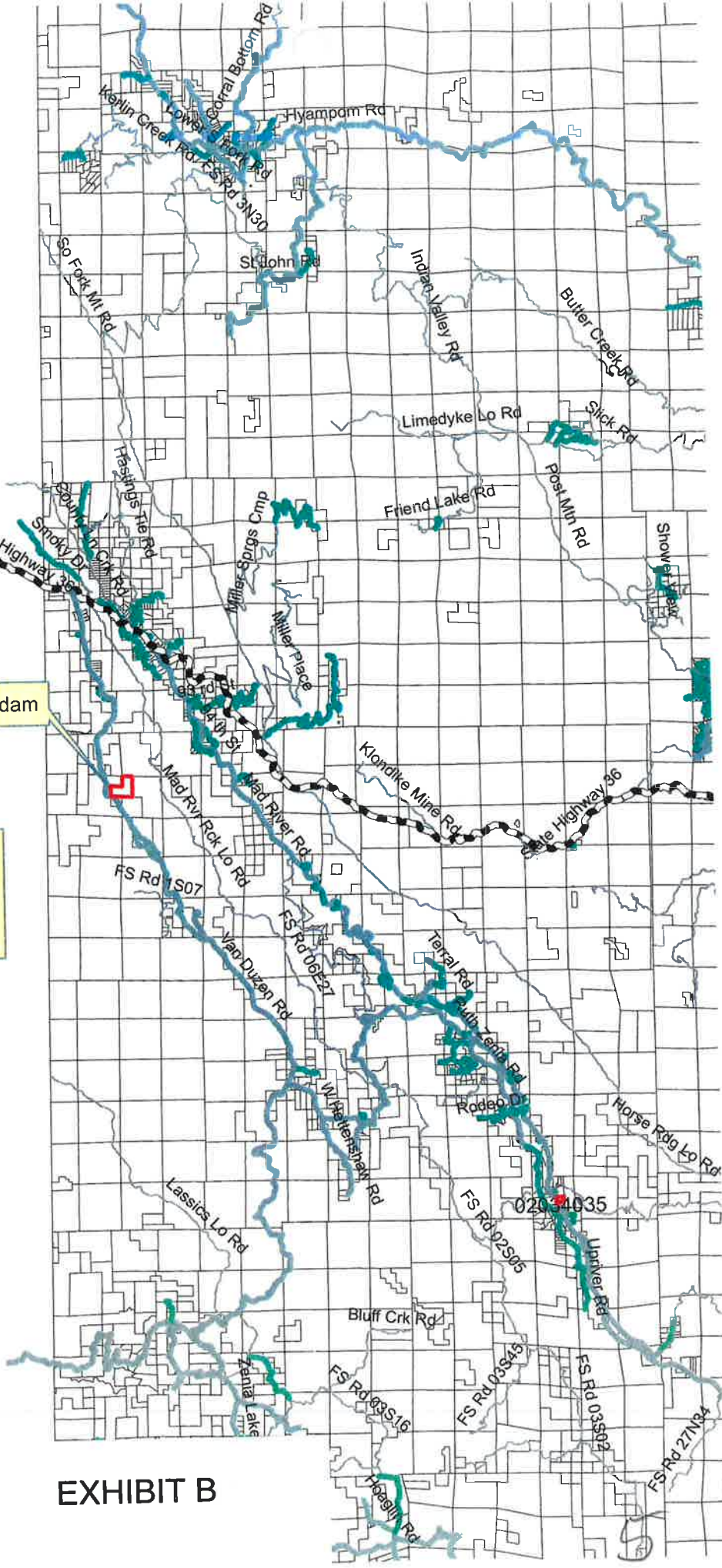


EXHIBIT B

EXHIBIT "C"



TRINITY COUNTY PLANNING DEPARTMENT

P.O. BOX 2819 – 61 AIRPORT ROAD
WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 FAX (530) 623-1353
Email: cosullivan@trinitycounty.org

22 September 2017

A.M. Baird Engineering & Surveying
Box 396
Fortuna, CA 95540

Cameron Holmgren, RPF
Box 247
Fortuna, CA 95540

Stephen and Susan Adams
1742 Cecil Ave
Fortuna, CA 95540

Dear Mr. Holmgren,

I am in receipt of your check (check number 153) in the amount of \$450.00 for a one year extension on your tentative parcel map (P-11-22). I have enclosed the county's receipt for your records.

The Tentative Map Time Extension is tentatively scheduled for October 12, 2017 before the Planning Commission.

If there are any questions, please don't hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Colleen O'Sullivan".

Colleen O'Sullivan
Associate Planner

Cc: Ruth Hanover
File P-11 22

EXHIBIT C

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EXHIBIT "C"

Colleen O'Sullivan

From: Colleen O'Sullivan
Sent: Friday, September 08, 2017 2:52 PM
To: 'holmgrenforestry@hotmail.com'
Cc: Leslie Hubbard; Richard Tippet; Andrew Pence; John Jelicich; Ruth Hanover
Subject: RE: Adams Subdivision Extension

Dear Mr. and Mrs. Adams and Mr. Holmgren,

You can request an extension for the "Adams Subdivision" and the Planning Department can bring it before the Planning Commission on October 26, 2017 for hearing. Your email suffices as a request; however, we will need the \$450.00 fee for map extension in order to bring it to hearing. Get that to us as soon as possible so that we can move this request along.

Please call if you have any questions (Colleen O'Sullivan, 530-623-1351, ext. 5) or the email above. I do not have current phone or email contact information for the Adams, so please pass this along to them.

Colleen O'Sullivan
Associate Planner

From: Cameron Holmgren [<mailto:holmgrenforestry@hotmail.com>]
Sent: Tuesday, September 05, 2017 5:08 PM
To: tc dot <tcdot@trinitycounty.org>; Leslie Hubbard <hubbard@trinitycounty.org>
Subject: Adams Subdivision Extension

Dear Leslie Hubbard and Richard Tippet,

I am writing to request an extension for the "Adams Subdivision" – APN 018-210-016. Per a recent phone conversation with engineer A.M. Baird, this project is set to expire in October 2017. He suggested we contact the planning department for an extension. The project is near completion. Please extend the project deadline by one year.

If you have any questions regarding this request, or if you require anything additional, please contact me by email or phone at (707) 599-6416. Please let me know if I need to send a hard copy of this request as well. Thank you for your time.

Sincerely,

Steve Adams
Susan Adams
Cameron Holmgren

Cameron Holmgren, RPF #2929
Holmgren Forestry
PO Box 247
Fortuna, CA 95540
(707) 682-6227 Office
(707) 599-6416 Cell

EXHIBIT C

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**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 Transportation 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 511 without 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.

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- 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,
 - l. 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

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 Frank Lynch, seconded by Andrew Pence, and on the following vote,

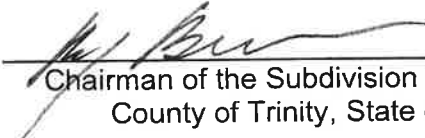
AYES: Frank Lynch, Andrew Pence, Scott Wood and Ray Bushman

NOES: None

ABSENT: Peter Hedtke

ABSTAINING: None

The foregoing resolution is hereby adopted:



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

ATTEST.



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.

TRINITY COUNTY SUBDIVISION REVIEW COMMITTEE

Regular Meeting

October 11, 2012 at 3:00 p.m.

Trinity County Library Meeting Room,

Weaverville

MINUTES

1. **CALL TO ORDER**

Chairman Ray Bushman called the meeting to order at 3:07 p.m. Members present: Andrew Pence, CDF Battalion Chief Scott Wood, and Frank Lynch. Members absent: Peter Hedtke by pre-arrangement.

2. **PUBLIC COMMENT**

Members of the public may address the Planning Commission concerning matters within their jurisdiction, which are not listed on the agenda and to request that a matter be agendaized for a future meeting. No action may be taken on these matters at this meeting.

None

3. **MINUTES** - The approval of the minutes of September 13, 2012 were continued to the next SRC meeting as only one SRC member present was at the previous meeting.

4. **DEPARTMENTAL REPORTS AND COMMUNICATIONS:**

None

5. **OLD BUSINESS:**

None

6. **New Business:**

Proposed Mitigated Negative Declaration and Tentative Parcel Map - P-11-22

Applicant: Adams

APN: 018-210-66

Agent: Allan Baird Land Surveying

Planner Frank Lynch provided an overview of the project' history, current issues and history

Mr. Steve Adams and Mr. Cameron .Holmgren, land partners indicated that they had reviewed and understood the conditions.

The Committee members discussed the conditions as they related to permit authority of the Regional Water Board and the fire agencies.

There was a discussion about the payment of the Fish and Game CEQA filing fees.

Chair Ray Bushman indicated that he could support the project but acknowledged that the grading work would be expensive.

UPON MOTION by Frank Lynch, second by Andrew Pence and unanimously carried, the Committee approved the project as recommended.

The Committee adjourned at 3:22 pm.