MEMORANDUM

TO: Trinity County Planning Commission
FROM: Kim Hunter, Building & Planning Director
DATE: January 3, 2020
SUBJECT: January 9, 2020 Agenda Item No. 2 Doerpinghaus TPM (P-18-21)

The revised resolution (Planning Commission Resolution No. 2020-01) and Conditions of Approval (COA) are attached. Revisions reflect the continuance of the agenda item to the January 9, 2020 meeting, the recommended COAs including the revised COA #12.

In addition, email correspondence between the applicant’s representative and the Department of Transportation staff is attached with provides the basis for the revisions made to COA #12.

On January 3, 2020, the attached letter was received from the applicant’s representative, Trinity Valley Consulting Engineers, Inc. Adequate time was not available for staff to adequately review the requests to remove Conditions #11 and #13, and to modify or remove Condition #12 due to the staff report completion deadline. Responses and recommendations to the requests will be provided in an additional memorandum either prior or at the Planning Commission meeting which will include staff recommendation.

Attachments:

1) Revised Planning Commission Resolution No. 2020-01 and Conditions of Approval
2) Email correspondence regarding Condition of Approval #12 (December 31, 2019)
3) Correspondence from Applicant’s Representative (Received January 3, 2020)
RESOLUTION NO. 2020-01

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 and January 9, 2020, held public hearings 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, 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.

DULY PASSED AND ADOPTED this 9th day of January, 2020 by the Planning Commission of the County of Trinity by motion of Commissioner , seconded by Commissioner , and the following vote:
Resolution No. 2020-01
January 9, 2020

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUZE:

DAN FRASIER, Chairman
Planning Commission
County of Trinity, State of California

ATTEST:

By: ________________________________
KIMBERLY HUNTER
Secretary of the Planning Commission
County of Trinity, State of California
EXHIBIT “A” to Resolution PC-2020-01

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.
Resolution No. 2020-01
January 9, 2020

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.
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January 9, 2020

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 Resulting Parcel 1 shall be estimated and incorporated into the study. The study shall provide hydrology calculations for both a 2-year and 100-year storm, and shall recommend mitigations which will result in a net-zero increase to existing drainage culverts under both calculated storm events or replacement if an increase in flow adversely affects the existing culvert. Examples of possible mitigations include detention basins, green roofs, pervious pavements, subsurface detention, rain barrels, or other approved stormwater management practices. The study shall be submitted for review and approval by the Trinity County Director of Transportation. Mitigation measures shall be implemented at the time of development. Developer shall not be required to mitigate pre-existing conditions or impacts from other upstream properties.

   A. A note shall be placed on the map as follows: No stormwater increases which negatively impact existing downstream infrastructure shall be permitted unless properly mitigated.

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.

County Surveyor

14. The engineer or surveyor shall set sufficient durable monuments, per T.C. Code 16.16060(E)(1), at all corners per Subdivision Map Act section 66495 and Trinity Code
Resolution No. 2020-01
January 9, 2020

16.16060(B)(1) and a statement per Subdivision Map Act section 66445(i) shall appear on the map.

15. Per the Subdivision Map Act section 66436 the Public Utility owner of an existing easement must sign the map or waive that right (Trinity Public Utility District is the presumed owner of the easement 120 OR 400 for 10’ R/W).

16. All boundary conflicts along the north line of the proposed subdivision must be resolved prior to submitting the final map.

Environmental Health Department

17. Prior to the recording of the Final Map, a site inspection shall be performed by the Department of Environmental Health to confirm that all of the required setbacks are met for the proposed onsite wastewater disposal system (septic system.)

*Revised language is shown as underlined and deleted language is shown as strikethrough.

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.
Re: Doeringhaus Tentative Parcel Map Conditions of Approval

December 30, 2019

Client: Tom Doeringhaus
541 Browns Ranch Rd
Weaverville CA 96093
Application #: P-18-21

Trinity County Planning Department
Director Kim Hunter, Trinity County Planning Commission
61 Airport Rd
Weaverville CA 96093

Good Day Director Hunter and Respected Commissioners

On November 14, 2019, the Trinity County Planning Commission made a motion to continue Agenda Item #2 – Doeringhaus Minor Subdivision P-18-21 to the next available Planning Commission meeting date in order for both County and Applicant to assess the impacts of existing and added condition of approval for said application. After careful review of conditions Trinity Valley Consulting Engineers (TVCE) in coordination with Mr. Doeringhaus (applicant) have made the following determinations:

The applicant has agreed to comply with the stated conditions on application P-18-21, with the exception of conditions # 10, 11, 12, and 13. A synopsis of each of these conditions with reasons as to why the applicant challenges them are stated below.

**Condition # 10**
Trinity County Department of Transportation (DOT) requests “A minimum 60-foot wide public road and utility easement, lying 30 feet each side of existing centerline along Browns Ranch Road, Co. Rd. No. 180, where said dedication lies within the subject property."

There is currently an existing 50-foot wide easement along Browns Ranch Road that serves not only Trinity County but other utility agencies. Within this easement there are two county-installed and maintained culverts, two fire hydrants, and seven power / telecommunication poles. Essentially, the current 50-foot wide easement suffices for all utility and public needs. The easement modification is unnecessary and will only add further restrictions and burdens to Mr. Doeringhaus and the other southern land owners adjacent to Browns Ranch Road. Trinity County Transportation Department has not stated the reasons for the easement modification nor has any utility agencies (which have been contacted regarding this subdivision) have requested such modification.

We request that condition # 10 be struck from the required conditions.
Condition # 11
Trinity County DOT has requested that “A designed driveway area for Parcel 1 be shown on the Final Parcel Map.”

The applicant has no immediate plan to develop Parcel 1. Therefore, the placement of the main and alternate driveway location and their respective encroachment permit should be assessed at the time of development (as is normally the standard) – whether development occurs from Mr. Doerpinghaus or whomever shall own the land - and not be required as part of this subdivision process.

We request that condition # 11 be struck from the required conditions.

Condition # 12
On Tuesday December 31st, the applicant and TVCE received a revised Condition #12 – see attachment #1. This revised condition requires that a hydrology study be conducted to evaluate the potential impact from Parcel 1 development to the existing 30 and 18 inch culverts that cross Browns Ranch Road. The condition further requires that mitigation measures be recommended that result in net-zero increase to drainage culverts.

The applicant and TVCE believe that this portion of the condition is abnormal and the requirement of this study financially arduous. This type of condition is appropriate in development of urban settings, but unheard of in Trinity County – especially for a minor rural residential development such as this. This requirement would most likely set a new precedent in County policy for future single-family developments.

TVCE urges the Planning Commission to agree on the needless requirement for this condition and remove it from the conditions based on the reasoning stated above and the following findings:

a. Attachment 2 shows the drainage area for the 30 inch culvert is 234 acres compared to the 1.7 acre (74,052 square feet) of maximum possible development for Parcel 1 (due to its Rural Residential zoning). This indicates that even the potential maximum development is negligible when comparing to the overall drainage area and would not adversely affect the current performance of the existing culvert.

b. Attachment 3 shows that the drainage area for the 18 inch ditch relief culvert is approximately 4.5 acres. Adding the 4.5 to the possible 1.7 acres of development yields 6.2 acres of total drainage area, which in turn requires a min culvert size of approximately 12 inches (using the Rational Method for 100 year flood). Thus, the existing 18 inch culvert is most likely sized appropriately to accommodate the added discharge from the potential development.
However, if the Planning Commission deems this as a necessary condition, the applicant is willing to move forward with the study and recommend mitigations as requested. There is however, one portion of Condition #12 that we completely challenge and request to have it removed all together. Referring to revised Condition # 12 in Attachment #1, the middle of paragraph states: “or replacement – of the culvert – if an increase in flow adversely effects the existing culvert.”

TVCE and the applicant have reasons why this portion of the condition is being challenged:

a) Browns Ranch Road, County Road No. 180, is a county-maintained road and the culverts in question were installed by Trinity County. Therefore, the sizing of the existing culverts, their construction, and maintenance fall under the responsibility of Trinity County and not the developer. To require the developer to take responsibility of the possible replacement of either culvert under a county owned road is a momentous task. When considering the fees, permit process thru local and state agencies, traffic control, other construction logistics, and the construction itself; this undertaking can run upwards of $100,000.

b) As stated on the Project Description, this is a Minor Subdivision – the dividing of one parcel into two. In all practicality, this is not a multiparcel subdivision or a site of large proposed development. So, to tag-on such onerous condition is completely unfeasible for the overall project, and possibly an overreach of power on behalf of the Trinity County DOT.

We request that the ‘replacement’ part of condition # 12, and if possible, the entire condition be struck from the required list of conditions.

**Condition # 13**

It is being required that “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” said to be for the purpose of orderly development of the parcels adjacent to Mr. Doerpinghaus property.

Shasta Springs Road is a private road and this is deemed as an odd request on behalf to Trinity County DOT to appropriate themselves of this private road which lays north of the applicant’s property. Furthermore, the applicant does not hold sole ownership of this right of way as it is shared with parcels 024-410-08, 09, 10, and 11. Therefore, in order for the County to obtain such dedication, the other property owners must also be in agreement.

This condition also stipulates the reason for this required easement is for the orderly development of adjacent parcels. There are currently four power and telecommunication poles, and four water meters branching off from a Weaverville Community Services Water main serving the applicants neighboring
parcels accessed from Shasta Springs Road. This is evidence that orderly development of adjacent parcels has and will continue to occur, even without county road ownership.

Lastly, Mr. Doerpinghaus has stated his intention to ‘quit claim’ the area to the adjoined property owners. This will bring his northern parcel boundary in-line with the southern easement line that is currently in place on Shasta Spring Road. By doing this the applicant will forgo all partial ownership of Shasta Spring Rd, which will render this request obsolete since he will have no rights over Shasta Springs Road.

We request that condition # 13 be struck from the required conditions.

TVCE is glad to expand on the items and reasons stated above for any of the conditions that the applicant wishes to have forgone.

Thank you for your time and consideration

Respectfully requested

Eric Keyes P. E.
Trinity Valley Consulting Engineers
Good Afternoon,

I would like to take this opportunity to provide our feedback on this condition so that all parties can be in agreement. Please see my comments in Green below:

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" ditch relief culvert which crosses Browns Ranch Road. Future development impacts of Parcel 1 shall be estimated and incorporated into the study. The study shall provide hydrology calculations for both a 2-year and 100-year storm, and shall recommend mitigations which will result in a net-zero increase to existing drainage culverts under both calculated storm events or replacement if an increase in flow adversely affects the existing culvert. Examples of possible mitigations include detention basins, green roofs, pervious pavements, subsurface detention, tree planting, rain barrels, or other approved stormwater management practices. The study shall be submitted for review and approval by the Trinity County Director of Transportation. Mitigation measures shall be implemented at time of development. Developer shall not be required to mitigate pre-existing conditions or impacts from other upstream properties. A note shall be placed on the map as follows:

No stormwater increases which negatively impact existing downstream infrastructure shall be permitted unless properly mitigated.

Let me know if you have any questions.

Thank You for your consideration.

Trinity Valley Consulting Engineers, Inc.
Eric Keyes, PE
2200 Main Street, Weaverville, CA 96093
Ph:(530) 739-5905
www.tvce.biz

On Tuesday, December 31, 2019, 12:48:09 PM PST, Kim Hunter <khunter@trinitycounty.org> wrote:

Tom & Eric,

The Trinity County Department of Transportation has provided the below revised Tentative Parcel Map condition which I'm forwarding for your review. Please contact Andy Pence at DOT regarding any questions or concerns specific to the below condition. Thank you, K.

Condition #12 Revised:
1. 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” ditch relief culvert which crosses Browns Ranch Road. Future development impacts of Parcel 1 shall be estimated and incorporated into the study. The study shall provide hydrology calculations for both a 2-year and 100-year storm, and shall recommend mitigations which will result in a net-zero increase to drainage culverts under both calculated storm events or replacement if an increase in flow adversely effects the existing culvert. Examples of possible mitigations include detention basins, green roofs, pervious pavements, subsurface detention, or other approved stormwater management practices. The study shall be submitted for review and approval by the Trinity County Director of Transportation. Developer shall not be required to mitigate pre-existing conditions or impacts from other upstream properties. A note shall be placed on the map as follows:

2.

No stormwater increases which negatively impact existing downstream infrastructure shall be permitted unless properly mitigated.

Kim Hunter

Director of Building & Planning

Building/Planning/Environmental Health/Cannabis

(530)623-1351 Ext. 2

61 Airport Road PO Box 2819

Weaverville CA. 96093-2819

www.trinitycounty.org/Building-Environmental-Health

www.trinitycounty.org/Planning

www.trinitycounty.org/Commercial-Cannabis
Tom & Eric,

The Trinity County Department of Transportation has provided the below revised Tentative Parcel Map condition which I’m forwarding for your review. Please contact Andy Pence at DOT regarding any questions or concerns specific to the below condition. Thank you, K.

Condition #12 Revised:

1. 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" ditch relief culvert which crosses Browns Ranch Road. Future development impacts of Parcel 1 shall be estimated and incorporated into the study. The study shall provide hydrology calculations for both a 2-year and 100-year storm, and shall recommend mitigations which will result in a net-zero increase to drainage culverts under both calculated storm events or replacement if an increase in flow adversely affects the existing culvert. Examples of possible mitigations include detention basins, green roofs, pervious pavements, subsurface detention, or other approved stormwater management practices. The study shall be submitted for review and approval by the Trinity County Director of Transportation. Developer shall not be required to mitigate pre-existing conditions or impacts from other upstream properties. A note shall be placed on the map as follows:

2. No stormwater increases which negatively impact existing downstream infrastructure shall be permitted unless properly mitigated.

Kim Hunter

Director of Building & Planning

Building/Planning/Environmental Health/Cannabis

(530)623-1351 Ext. 2

61 Airport Road PO Box 2819

Weaverville CA. 96093-2819
Attachment #2

30' Culvert Drainage Area 12/31/19, 12:07 PM

12/31/19, 12:15 PM
235.96 acres

30" Culvert Location:
40.73376, -122.92481

Doerpinghaus Parcel 1
(in Red)

TVCE
Drainage Map
APN: 024-410-02

Project: 1242
Tom Doerpinghaus
541 Browns Ranch Rd
Weaverville CA 96093
18" Culvert Drainage Area

18" Culvert Location:
40.73376, -122.92481

Doerpinghaus Parcel 1 (in Red)

Drainage Map
APN: 024-410-02

Project: 1242
Tom Doerpinghaus
541 Browns Ranch Rd
Weaverville CA 96093