

SECTION 30.3 MINIMUM LOT SIZE (Ord. No. 315-643)

All newly created lots or parcels must be consistent with the gross acreage/density requirements established by the applied zoning, except under the following circumstances:

A. **SUBSTANDARD SIZE (SHORT) SECTION:** This provision shall apply to the division of land with Resource (RE) or Agricultural (AG) general plan land use designations, located within a substandard sized (short) section, and zoned with minimum lot densities of 40 acres or greater (AF-160, AF-40, A-40, etc.).

1. When new parcels will be created by aliquot parts within a substandard size (short) section, the minimum parcel size may be reduced to a ratio that is proportional to the difference between the substandard section and 640 acres (standard section size). However, in no event shall the parcel sizes be less than 90% of that required by zoning or 36 acres, whichever is more restrictive.

Example: Property with AF-40 zoning within a substandard section of 600 acres (945 the size of a standard section). A quarter, quarter waiver land division utilizing this provision could result in parcels with minimum sizes of 37.5 acres.

B. **TOPOGRAPHY AND/OR LAND FEATURE CONSIDERATIONS:** The purpose of this provision is to allow flexibility in subdivision lot size, when appropriate, to accommodate topography and/or other land features that occur on the project site. It shall be clear that this provision cannot be used to create or provide for a subsequent total number of lots greater than that allowed by the applied zoning and general plan density standards. The intent is to provide flexibility for the configuration of parcels generally consistent with existing natural features or roads.

1. One or more parcels in a proposed subdivision may be smaller than the minimum parcel size required by zoning, if after review by the Planning Commission, all of the following findings can be made:

Required Findings:

- a. Proposed parcel size(s) is(are) consistent with allowable land uses as provided by the applied zoning and general plan.
- b. Proposed lot size(s) is(are) consistent with Health Department standards for usable area, water supply source and sewage disposal capability as provided in the Trinity County Subdivision Ordinance.
- c. The proposed subdivision configuration and parcel sizes provide an efficient design with consideration of site topography and other natural features, slope stability, natural resources management, critical wildlife

habitats, protection of water quality, location of existing dwellings and facilities, sewage disposal needs, access/road location, and usable area.

- d. 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.

Example - Division of a 20 acre parcel zoned RR-5 acre minimum, and required findings can be met. With lot configuration consistent with the location of an existing County road and a creek, application of this Section could support creation of not more than four parcels, two smaller than five acres and two larger than five acres (Lot#1 = 3.9 ac., Lot#2 = 4.6 ac., Lot#3 = 5.3 ac., and Lot#4 = 6.2 ac.), with no lot alone having the potential for further subdivision.

- C. PROTECTION OF A PUBLIC RESOURCE: The purpose of this provision is to provide economic incentive to a private landowner to maintain important public resources in perpetuity. This section would not be applicable to land divisions where providing for a public resource is required by the Map Act, general plan policies, zoning and/or CEQA review.

1. An additional parcel, beyond that allowed based on zoning density, may be created when it is protected from private development by conservation easement, appropriate zoning, or through acquisition by a public agency. In addition, proposed lot sizes may be smaller than that required by the applied zoning. The Planning Commission may approve such requests when the findings in Section 30.3.B. (above) and the following additional finding can be made:

Required Additional Findings:

- a. The subdivision site contains an important public resource as identified by one or more of the following public entities: Trinity County, California Department of Fish and Game, Bureau of Land Management, USDA Forest Service, US Fish & Wildlife Service, or other legitimate public agency.
2. For the purpose of this section, only the following items shall qualify as important public resources:
 - a. Lands within the corridor of a federally designated Wild and Scenic River that have been identified for public acquisition in the land management plans of the Forest Service or BLM, and which the landowner is willing to trade.
 - b. Lands within riparian corridor setbacks of a wetland, river, primary stream or secondary stream as determined formally by the California Department of Fish and Game.

- c. Critical deer winter range and/or migration corridors, and other critical wildlife habitats as determined formally by the California Department of Fish and Game.
- d. Lands adjacent to a threatened or endangered species site where the California Department of Fish and Game has formally determined that the parcel will provide reasonable protection of said species.
- e. Sites of archaeological or cultural significance.
- f. Community wildland (fire) fuel break areas.
- g. Areas identified in the Trinity County General Plan and/or formally designated by resolution of the Board of Supervisors for:
 - (1) New state highway or county road route*
 - (2) Public pedestrian, equestrian or other recreation trail*
 - (3) Firehouse, maintenance yard, or infra-structure facility or site that benefits the general public and not the development specifically.

*excepting those dedications/improvements required as a condition of map approval

D. MINOR VARIATION FROM MINIMUM SUBDIVISION SIZE: This provision is intended to allow flexibility for parcel map requests (4 or fewer lots) that fall just short of the minimum project and lot size standards as imposed by zoning.

- 1. A tentative parcel map proposing a minor variation from minimum lot size, as required by the applicable zoning, may be submitted when the total area of the subdivision is 95% or more of that required to create 2-4 lots. The Planning Commission, after review, may approve the minor variation when the following finding, as well as the findings contained in Section 30.3.B. (above), can be made:

Required Additional Finding:

- a. The proposed minor variation from strict application of zoning lot density requirements is determined to be consistent with the general plan since creation of the proposed lots will not represent a significant increase in lot density within the neighborhood or surrounding community.

Example - Proposed division of a 9.86 acre parcel zoned RR-5, and required findings can be met. Application of this provision could allow the creation of two parcels, with one or both lots slightly under 5 acres in size (Lot#1 =4.9 ac., Lot#2 =4.96 ac.).

E. **PROPERTY DIVIDED BY SEPARATE GENERAL PLAN LAND USE DESIGNATIONS:** The purpose of this subsection is to provide flexibility for the division of properties that are divided by two or more general plan land use designations, and a segment is smaller in size than that required by the existing zoning minimum lot size standards.

1. A property that is divided by two or more general plan land use designations may be subdivided along the designation boundaries, regardless of zoning minimum lot size, if after review by the Planning Commission, the findings in Section 30.3.B.(above) can be made.