



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Kim Hunter, Director

MEMORANDUM

DATE: Friday, May 22, 2020
TO: Members of the Trinity County Planning Commission
FROM: Lisa Lozier, Deputy Director of Planning
SUBJECT: Agenda Item 2 - Conditional Use Permit (Grocery Outlet P-19-19 & P-19-32)

Dear Planning Commission members,

Background Summary:

Prior to the April 23, 2020 Planning Commission meeting letters received from McKinley, Conger, Jolley, Galarneau, LLP and Palesa Peralta in opposition to the project were provided to the Commission with a memorandum.

Letters from Prentice Long PC (County Counsel), Thomas Law Group (representing the applicant) in response to McKinley, Conger, Jolley, Galarneau, LLP, and an email from George Bates (Trinity Democrats) in opposition to the project were received the day of the Planning Commission meeting. Staff recommended the Planning Commission continue Agenda Item 2, Conditional Use Permit (P-19-19)(P-19-32) for Grocery Outlet, to allow staff the opportunity to review and if necessary respond to letters received. Planning Commission took action to continue Agenda Item 2 to the regularly scheduled, May 14, 2020 Planning Commission meeting.

Due to on-going complications with COVID-19, the May 14, 2020 Planning Commission meeting was cancelled and all scheduled projects including Conditional Use Permit (P-19-19) (P-19-32) Grocery Outlet were continued to the regularly scheduled, May 28, 2020 Planning Commission meeting.

In the interim between the April 23, 2020 meeting and the currently scheduled April 28, 2020 meeting, additional correspondence, both in favor and opposed to the project, has been received by Planning Department staff. All additional correspondence received is attached for your review and consideration.

Staff Response to Project Related Concerns:

Email received from George Baits Georgebates@trinitydemocrates.org

Concern: Failure of the County to properly notice the public for 10 days in advanced of the hearing.

Response: The Grocery Outlet Conditional Use Permit application was originally scheduled for the April 9, 2020 Planning Commission meeting. Notice for the April 9, 2020 public hearing was posted in the Trinity County Journal on March 25, 2020, 15 days in advance of the April 9, 2020 meeting date. A notice of cancelation was posted in the Trinity Journal on April 1, 2020, and a following notice was posted in the Trinity Journal on April 8, 2020 for the Grocery Outlet Conditional Use Permit. Notice of all of the hearing dates and cancelations were also posted and available on the Trinity County, Planning Division web page and at the County Courthouse. Public notice has been provided as required by Government Code Section 65090.

Concern: The County is not properly following the Governor's executive order relaxing the Brown Act.

Response: Executive Order N-29-20, as issued on March 18, 2020, does not require public agencies to conduct public hearings at a physical location. Alternative options such as Teleconferencing are expressly permitted in order to conduct public business while reducing the spread of COVID-19. The County has offered a teleconferencing line and posted detailed instructions both on the County Web site and in the legal notices posted in the Trinity Journal. The County is in compliance with Executive Order N-29-20 (modifying Brown Act requirements).

Concern: The County should have frozen in place the comment period for the Negative Declaration in response to Executive Order N-33-20 (shelter in place order).

Response: The intent of Executive Order N-33-20 is to limit the spread of COVID-19 by limiting direct public interaction, and was not intended to bring to a halt to the business of the public. Recognizing that, through the use of alternate forms of public interaction the conduct of the business of the public by essential services may be continued as necessary. The County has and is conducting business as required by law.

Concern: The County's use of a Negative Declaration (ND) is inadequate and an Environmental Impact Report (EIR) should be prepared.

Response: The commenter is incorrect stating that a Negative Declaration (ND) was prepared for the Grocery Outlet project. The County prepared a Mitigated Negative Declaration (MND) for the Grocery Outlet project. The MND identified potential impacts for lighting, fugitive dust, nesting birds, insecticide use, cultural and archaeological resources, soils constraints design, paleontological resources, greenhouse gas emissions, and construction noise. Mitigation measures have been required to reduce all identified impacts to less than significant. These mitigation measures are enforceable through the Mitigation, Monitoring, and Reporting Program and as conditions of approval of the Conditional Use Permit. The commenter has not provided any additional substantial evidence that the project as proposed and mitigated could have a significant and unmitigated impact on the environment. Therefore, an EIR is not required for the Grocery Outlet project.

Concern: The commenter states that the County is moving forward with the Grocery Outlet hearing without completing an urban decay analysis.

Response: CEQA does not require an analysis of purely economic impacts where there is no evidence that such impacts would result in any physical impacts on the environment. The commenter has provided no factual evidence that the development of a Grocery Outlet in the unincorporated community of Weaverville would result in physical impacts to the environment such as urban decay. Because there is no evidence that urban decay is reasonably foreseeable, the MND is adequate in this regard and no further analysis is required.

Concern: The County did not thoroughly study the written recommendations about migratory nesting birds and bats submitted by the Department of Fish and Wildlife.

Response: The comment letter received from Habitat Conservation Manager Curt Babcock of the California Department of Fish and Wildlife (CDFW) did not express any concerns with the adequacy of the analysis in the CEQA MND prepared for the Grocery Outlet project. The comments provided additional recommendations related to pallid bat surveys, nesting bird surveys, and the use of native vegetation in landscaping. These comments were adequately addressed in the Staff Report prepared for the April 23, 2020 meeting under the section entitled 'Public Comments Received' (pgs. 6-7). In response to the comments from CDFW, a minor revision was made to Mitigation Measure BIO-1 to state that protective buffers for active nests at the project site will be established "in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service." A minor revision of an existing mitigation measure does not require recirculation of an MND (CEQA Guidelines §15073.5(c)). With the implementation of Mitigation Measure BIO-1, potential impacts to nesting birds will be reduced to less than significant and an EIR is not required.

Email received from Danae Miller, dcm@newdaybb.net

Concern: The commenter expresses concern that the new driveways onto State Highway 299 will add additional congestion and accumulation of traffic to SR-299 and Mountain View.

Response: A Traffic Study was completed for the project KD & Associates (August 2019) to analyze potential traffic impacts for the proposed project. The Traffic Study addresses both current and future background conditions and specifically analyzed the potential impacts of the additional project traffic at the intersections of SR-299/Levee Road/Masonic Lane and SR-200/Mountain View Street. The Traffic Study concluded that the addition of project traffic would not appreciably increase the length of delays occurring at the study intersections currently or in the future. The study intersections would continue to satisfy Trinity County's minimum Level of Service D standard. As such, traffic signal warrants are not met at any study intersection, and no mitigations are required for the proposed project. Caltrans staff reviewed the Traffic Study for the proposed project and stated in 9/23/19 and 9/25/19 e-mails that they did not identify any concerns with the analysis or conclusions. Therefore, the CEQA analysis for the project determines that less than significant traffic impacts will occur from the proposed project. For these reasons, County Staff has determined that there is no basis to require the applicant to modify the project design to move the driveway from SR-299 to Levee Road or to upgrade Levee Road for two-way traffic from SR-299 to Lance Gulch Road.

Comments in support of the project are summarized as Follows:

- Grocery Outlet is affordable for low income families, senior citizens and individuals with disabilities
- Grocery Outlet would provide local jobs and additional shopping options
- A local Grocery Outlet would lessen the need to travel to Redding for additional shopping options

- Grocery Outlet would help to strengthen the local economy by keep money local

Comments in opposition to the project are summarized as follows:

- Higher end shopping options that support local farmers should be encouraged
- Residents should support local businesses not larger chain stores
- The business model for Grocery Outlet will not support local residents or the local economy
- More effort should be spent on providing housing options instead of shopping options

prentice|LONG^{PC}

A LAW FIRM FOUNDED ON THE
PRINCIPLE OF SERVICE

Margaret Long
margaret@prenticelongpc.com

April 23, 2020

Via Email: bdie@mcjglaw.com

Becky R. Diel
McKinley, Conger, Jolley & Galarneau
3031 W. March Lane, Suite 230
Stockton, CA 95219

Re: Objections to P-19-19 and P-19-32 (Grocery Outlet Project)

Thank you for your comments, which have been reviewed by the Office of County Counsel.

The County continues to maintain that it complied with all proper noticing requirements related to the draft initial study and mitigated negative declaration. The County is very aware of *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, which only addresses when the office is “closed” on the last day of the comment period. The County offices were never closed, just closed to public traffic without an appointment as a precautionary measure due to the COVID-19 pandemic. On April 2, 2020, the office was open and staff were all working and capable of accepting all comments. There was no signage on the door that stated the office was closed. As a result, the proper 30-day notice period was provided.

In addition, the notice of the matter was first published in the Trinity County Journal on March 25, 2020. A copy of which is attached for your reference. The matter was properly continued to April 23rd, which does not require re-noticing.

Finally, I am glad to see that you are aware of the Governor’s executive orders that allow for meetings to be held via teleconference. The Trinity County Planning Commission is proceeding forward as allowed by the Governor. We strongly disagree that this hampers public comment, as anyone can participate in the hearing without leaving the comfort of their own home. As I know you are aware, jurisdictions and courts, all the way up to the Supreme Court, are using this method to keep business moving forward in light of the pandemic.

Thank you for your comments and we look forward to hearing from you at the meeting tonight, should you desire to add comment to the record.

Yours very truly,

PRENTICE, LONG & EPPERSON



Margaret Long, Partner

Attachment

CANNABIS DIVISION USE PERMIT

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on April 8, 2020 at 7:00 p.m., or as soon thereafter as may be heard, in the Trinity County Library Conference Room located at 361 Main Street, Weaverville, California, the Trinity County Planning Commission will hold public hearings regarding the following items:

CONDITIONAL USE PERMIT (P-19-32): A request for a Conditional Use Permit to develop an approximately 2.2-acre site along the north side of the SR-299 commercial corridor in Weaverville with a new 20,000 square foot Grocery Outlet grocery store. The project site is designated by the General Plan as Commercial (C) and is zoned as General Commercial (C-2). The project includes the development of two drive-way entrances, sidewalks, drive aisles, 67 on-site parking spaces, a loading dock, stormwater improvements, landscaping, utility lighting and monument signage. The proposed project site is located

at 1155 Main Street, Weaverville, APNs 002-000-000-000 and 002-000-000-000. Applicant: Green Development, Inc. Proposed CEQA Determination: Mitigated Negative Declaration. Planners: B. Hedke and K. Hunt.

APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-11): An appeal of the Planning Director's decision to deny an application for a Conditional Use Permit for the development of a 20,000 square foot Grocery Outlet grocery store on the north side of the SR-299 commercial corridor in Weaverville with a new 20,000 square foot Grocery Outlet grocery store. The project site is designated by the General Plan as Commercial (C) and is zoned as General Commercial (C-2). The project includes the development of two drive-way entrances, sidewalks, drive aisles, 67 on-site parking spaces, a loading dock, stormwater improvements, landscaping, utility lighting and monument signage. The proposed project site is located at 1155 Main Street, Weaverville, APNs 002-000-000-000 and 002-000-000-000. Applicant: Green Development, Inc. Proposed CEQA Determination: Mitigated Negative Declaration. Planners: B. Hedke and K. Hunt.

APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-12): An appeal of Planning Director's Decision to deny a Commercial Cannabis Cultivation License 2019-618 for 0121 Bear Creek Rd., Weaverville, APN 010-690-02-00. Applicant/Appellant: Dina Obrenovic.

ANNUAL INITIAL VARIANCE (COV-19-03): A request for a variance from the required 350 Cannabis cultivation setback from a neighboring residential dwelling (TCC 17-43-05D-A-5). Project site is located at 27 Log Cabin Ln., Douglas City, Assessor Parcel Number: 025-140-32-00. Applicant: S. Xodo. Planner: B. Hedke.

ANNUAL INITIAL VARIANCE (COV-20-01): A request for a variance from the required 350 Cannabis cultivation setback from a neighboring residential dwelling (TCC 17-43-05D-A-5). Project site is located at 159 Rose Ln., Assessor Parcel Number: 017-430-45-00. Applicant: C. Trac. Planner: B. Hedke.

AS PROVIDED BY GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 18, 2020, THIS MEETING WILL BE CLOSED TO THE PUBLIC.

COVID-19 TELECONFERENCING INFORMATION: Due to the mandated preparations for COVID-19 and the Governor's temporary suspension of the Brown Act, Planning Commissioners, staff members and members of the public may attend this meeting via teleconference.

Conference Bridge Number: (800)867-2581
Access Code: 6281382#

Anyone desiring to make a statement may do so in writing. Staff reports will be available on the Internet at: <https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports> and at the Planning Department office by request. Written comments may be submitted to Trinity County Planning Department, 61 Airport Road, P.O. Box 2819, Weaverville, CA 96089, (530) 623-1861, or by email to info.planning@trinitycounty.org. (Please contact staff by email or phone if you wish to submit written comments or pick up a staff report at the Planning Department office as the office is closed to the public.) Written comments must be received by the close of business on March 25, 2020, or they may not be considered by the Commission. (Note: Please contact staff via email or phone if you would like to pick up a staff report or deliver written comments on a Friday.)

If you challenge the action or proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission and/or Board of Supervisors at, or prior to, the public hearing.

March 25, 2020

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NICHOLAS S. AVDIS
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Of Counsel

April 23, 2020

Chair Dan Frasier
c/o Deputy Director of Planning Lisa Lozier
Department of Planning
Trinity County
61 Airport Road
Weaverville, CA 96093

**RE: Grocery Outlet – Weaverville Project, 1155 Main Street, P-19-19, P-19-32,
Response to McKinley, Conger, Jolley & Galarneau Letter**

Dear Chair Frasier and Members of the Planning Commission,

We are writing on behalf of the applicant, Best Development Group (Applicant), in response to the letter from McKinley, Conger, Jolley & Galarneau, LLP (MCJG Letter), dated April 21, 2020, regarding the above-referenced project, which you are scheduled to hear at your meeting this evening.

The County has taken steps to safeguard the public, its staff, and commissioners from exposure to COVID-19 in response to Executive Orders N-29-20 (modifying Brown Act requirements) and N-33-20 (shelter in place order). The MCJG Letter argues these ethically and legally required steps have resulted in a CEQA violation and will injure due process rights. The authorities cited by the MCJG Letter directly undermine its arguments. The County has proceeded as required by law and is not required to re-notice the mitigated negative declaration (MND), the meeting, or continue the matter until the meeting may be held in person.

The MCJG Letter also incorrectly alleges an environmental impact report (EIR) must be prepared, but it provides no evidence that the Grocery Outlet – Weaverville Project (Project) will have any significant environmental impacts after mitigation is imposed. As demonstrated in the MND prepared by the County, an EIR is not required.

I. The public review period was complete, and the public suffered no prejudice as a result of the County's measures in response to Executive Order N-33-20 to limit the spread of COVID-19.

Pursuant to CEQA, the public review period for the MND was required to last at least 30 days. The County satisfied this requirement by providing a public review period of 31 days, running from March 2, 2020 through April 2, 2020.

The MCJG Letter claims that the County committed a prejudicial abuse of discretion because the Planning Department was closed to the public beginning on March 20, 2020 in response to Executive Order N-33-20, issued March 19, 2020 (not Executive Order N-29-20 as stated by MCJG), to limit the spread of COVID-19. The MCJG Letter argues this means the review period only lasted for 18 days. The MCJG Letter relies on *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690 (*Rominger*), which is distinguishable from the facts at hand as discussed in greater detail below.

In *Rominger*, the court found the public review period for an MND was truncated because it ended on the Monday of Labor Day weekend, effectively making the review period 27, not 30, days. (*Rominger, supra*, 229 Cal.App.4th at pp. 707-708.) "For the noticed public review period to comply with CEQA, if the ending date is the 30th day, that date *must* be a date when the lead agency's offices are open." (*Id.* at p. 708, emphasis original.) The court found the county abused its discretion by failing to provide a 30 day review period. (*Id.* at p. 709.) However, the court also determined there was no prejudicial abuse of discretion because there was no evidence in the record that anyone was prevented from reviewing the pertinent documents or from submitting comments due to the last 3 days falling on Labor Day weekend. (*Id.* at pp. 709-710.) In the absence of prejudice, the court determined it was improper to overturn the county's decision. (*Id.* at p. 710.)

Here, there was no abuse of discretion because the Planning Department was not closed on the date that the review period ended. In response to Executive Order N-33-20 and to limit the spread of COVID-19, the Planning Department was closed to in-person public visits, but the County notice that the MCJG Letter cites includes a contact phone number and several email addresses for contacting the Planning Department and its staff. Any member of the public could have contacted the Planning Department to request assistance in viewing the MND. Additionally, the MND was posted for public viewing on the Planning Department's webpage. (A true and correct copy of the Planning Department's webpage linking the MND is attached as Exhibit I.) Because the Planning Department was not closed on the final day of the review period, *Rominger* is inapplicable.

The public review period was not truncated, and the public suffered no prejudice as a result of the County's emergency safety measures in response to Executive Order N-33-20. Therefore, there are no grounds for a new or extended public review period.

II. The County has complied with all noticing requirements, and the challenger cannot demonstrate prejudice.

The County has complied with all required noticing requirements. The claims made in the letter are incorrect.

Even if notice was untimely—which it was not—the challenger has not and cannot demonstrate prejudice. Government Code section 65010(b) prohibits courts from invalidating local proceedings for technical procedural omissions or violations. (See *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 44, 60-61 (*Rialto*.) Section 65010(b) states the actions of a public agency cannot be invalidated or set aside based on a noticing error unless the court finds that (1) the error was prejudicial; (2) the party complaining or appealing suffered substantial injury from that error; and (3) a different result would have been probable if the error had not occurred. (Gov. Code, § 65010(b); *Rialto, supra*, 208 Cal.App.4th at p. 59.) “Neither prejudice, substantial injury, nor the probability of a different result may be presumed based on a showing of error alone.” (*Rialto, supra*, 208 Cal.App.4th at p. 59.)

While the MCJG Letter alleges it has been prejudiced by lack of notice, the claim is meritless. The environmental documents—which were available online and by contacting the Planning Department by phone or email since March 2nd—has no relationship to the hearing notice because such review and comment should have been completed within the public review period, which ended April 2nd.

In sum, the County fully complied with all noticing requirements. Further, if the challenger’s allegation was accepted as true, it still provides no basis for delaying or invalidating approval of the Project because the alleged error is not prejudicial.

III. There is no due process issue.

The MCJG Letter claims that by virtue of holding the Planning Commission meeting via teleconference, the County is violating due process rights because the public cannot visually interact with the Planning Commission. The MCJG Letter ignores that Executive Order N-29-20 explicitly permits public meetings and hearings via teleconference.

As the Planning Commission is aware, Executive Order N-29-20 suspended numerous provisions of the Brown Act. During the period of social distancing, public bodies are not required to provide a physical meeting location for the public to address the body. There is no requirement that videoconferencing be used, and teleconferencing is expressly permitted. These modifications reflect the state’s concern that public bodies be capable of continuing to conduct the public’s business in a transparent manner while reducing the spread of COVID-19. By providing a

teleconference line and instructions for accessing the teleconference, the County has complied with current Brown Act requirements.

Further, the two-decade old and unofficial document cited in MCJG Letter (a true and correct copy is attached as Exhibit 2) to support its argument in fact undermines MCJG's assertion that due process requirements will be violated by the upcoming hearing. The document states *teleconferencing* provides "interesting ramifications where substantive or procedural due process rights are at stake," explaining that "in land use proceedings, maps or photographs may be crucial to a council's decision on an application or to a neighbor's appreciation of the decision's ramifications." But it explains further due process rights are likely protected when video conferencing or another technology is used that allows transmission of such documents to meeting participants. Because live video feed of the meeting will occur on YouTube, any necessary visual exhibits can be transmitted for viewing, thereby further protecting due process rights. Thus, the Planning Commission hearing complies fully with Executive Order N-29-20 and presents no due process concerns.

IV. An EIR is not required.

The MCJG Letter alleges an EIR must be prepared for the Project. It is true that "[i]f there is substantial evidence that the project may have a significant effect on the environment, then the agency must prepare and certify an EIR before approving the project." (*Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 945 (*San Mateo*)). However, an EIR is not required if "there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment." (*Ibid.*) Additionally, the party challenging an MND bears the burden of identifying substantial evidence of a potentially significant environmental impact. (See *Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161, 193.) The MCJG Letter fails to provide any evidence of potentially significant environmental impacts.

A. The MND was not required to review urban decay impacts.

The MCJG Letter alleges that the MND does not analyze urban decay impacts and claims "physical deterioration of a commercial area resulting from the economic competitive effects of a new development has long been recognized as an environmental effect subject to CEQA's requirements." However, "[g]iven its exclusive focus on environmental impacts, CEQA ordinarily does not require an EIR [or an MND] to address the economic and social effects of a proposed project." (*Placerville Historic Preservation League v. Judicial Council of California* (2017) 16 Cal.App.5th 187, 195-196.) "As defined by CEQA, urban decay is a relatively extreme economic condition. . . . In the absence of larger economic forces, urban decay is not the ordinary result. On the contrary, businesses and other activities come and go for reasons of their own, without necessarily affecting the overall health of the economy." (*Id.* at p. 197.) As the MCJG Letter states:

“when there is evidence suggesting that the economic and social effects caused by the proposed [project] ultimately could result in urban decay or deterioration, then the lead agency is obligated to assess this indirect impact.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1207, emphasis added.) However, in the absence of evidence suggesting urban decay may result, CEQA does not require an assessment of the potential for urban decay. “[I]t is the project challenger’s responsibility to adduce *substantial* evidence supporting a fair argument that the project *may* cause urban decay.” (*Visalia Retail, LP v. City of Visalia* (2018) 20 Cal.App.5th 1, 17 [rejecting challenger’s claim the city violated CEQA by failing to analyze the potential for urban decay], emphasis original.)

Because there is no evidence that the project may cause urban decay, there is no requirement to analyze urban decay pursuant to CEQA.

B. The recommendations provided by the Department of Fish and Wildlife (DFW) do not constitute substantial evidence of potential biological impacts.

DFW submitted a comment letter on March 31, 2020. It in no way alleged the Project would have significant impacts on wildlife. It merely provides additional recommendations regarding pallid bat habitat and nesting migratory birds. As explained below, the MND, including mitigation measure BIO-1, is consistent with DFW’s recommendations.

DFW commented there was a discrepancy between the Biological Report and MND whether structures that may provide pallid bat habitat are present on site. Accordingly, DFW recommended bat roost surveys *if pallid bat habit structures currently exist onsite*, and further measures *if* the survey determined the structures are occupied. Page 6 of the Staff Report clarifies that the structures were removed after the Biological Report was completed and that the environmental baseline did not include the structures. In the absence of any structures that may provide pallid bat habitat, the County has determined there is no basis for requiring pallid bat surveys. As emphasized above, the DFW letter agreed that surveys were only needed if the structures remained onsite. Because there is no potential pallid bat habitat onsite, there is no possibility of impacts to this species.

Regarding nesting migratory birds, DFW recommended ensuring that nesting surveys occur within one week of construction activities and ensuring full consultation with DFW in establishing no-disturbance buffers. These recommendations do not raise substantial evidence of significant impacts because mitigation measure BIO-1 already requires that surveys be conducted no more than 7 days prior to Project activities. Additionally, the MND has been revised to incorporate DFW’s consultation recommendation as a requirement pursuant to mitigation measure BIO-1. Accordingly, any potential impacts will be mitigated to less than significant. An EIR is not required when impacts will be mitigated to less than significant. (*San Mateo, supra*, 1 Cal.5th at p. 945.)

C. The MND mitigates all potentially significant impacts to less than significant, so no EIR is required.

Lastly, the MCJG Letter claims the fact that the MND states there may be impacts related to light pollution, noise, soil stability, and greenhouse gas (GHG) emissions “may indicate the County needs to prepare an EIR.” However, as explained in the MND, potential impacts related to light, noise, soil stability, and GHG emissions will be mitigated to less than significant. CEQA does not require an EIR when, as here, all potential project impacts will be mitigated to less than significant through implementation of mitigation measures set forth in an MND. (*San Mateo, supra*, 1 Cal.5th at p. 945.)

* * * * *

Thank you for your time and consideration of this matter. We respectfully request that you adopt the MND and Mitigation, Monitoring, and Reporting Plan and approve the Project.

Respectfully,



Tina A. Thomas

cc: Terry Johnson

EXHIBIT 1

About Trinity County (/About)	Online Services (/Online-Services)	Departments (/Departments)	Visitors (/Visitors)	Business (/Business)	I Want To... (/I-Want-To)
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Text Resize

Language

English

Trinity County Planning Department

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Business Hours:

Our office is closed to the public until further notice to limit any potential exposure to COVID-19.

Contacts:

Kim Hunter (<mailto:khunter@trinitycounty.org>), Director
Lisa Lozier (<mailto:llozier@trinitycounty.org>), Deputy Director
Bella Hedtke (<mailto:bhedtke@trinitycounty.org>), Associate Planner
Carole Roberson (<mailto:croberson@trinitycounty.org>), Administrative Coordinator

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Community Development Services

PLANNING DEPARTMENT

NOTICE: Department Policy Changes as of March 20, 2020 (/sites/default/files/Planning/Misc_Notices/COVID-19/Memo%20COVID%20-19%203.20.20.pdf) (subject to change at anytime)

GENERAL PLAN HOUSING ELEMENT 2019-2024 UPDATE (DEV-20-01) - The updated Housing Element was adopted by the Board of Supervisors on April 1, 2020 and certified by the California Department of Housing and Community Development (HCD) on April 6, 2020. The updated Housing Element identifies and analyzes existing and projected housing needs for individuals and households within the unincorporated areas of Trinity County and provides a statement of goals, policies, and programs for the preservation, improvement, and development of various types of housing. The Housing Element is mandated under California Government Code Section 65580 and is subject to review and certification by the California Department of Housing and Community Development. Proposed CEQA Determination: Addendum to the 2014-2019 Housing Element Negative Declaration / Planner: K. Hunter.

- [Final Certified 2019-2024 Housing Element](/sites/default/files/Planning/documents/PC_ITEMS/4_23_2020/Trinity%20HE%20Certification%20Draft%2003_30_20_clean-4.23.20CR.pdf) (/sites/default/files/Planning/documents/PC_ITEMS/4_23_2020/Trinity%20HE%20Certification%20Draft%2003_30_20_clean-4.23.20CR.pdf)
- [Addendum to the 2014-2019 Housing Element Negative Declaration](/sites/default/files/Planning/documents/TRIN-01.0_%20Addendum%20Final%20Draft%202_28_20.pdf) (/sites/default/files/Planning/documents/TRIN-01.0_%20Addendum%20Final%20Draft%202_28_20.pdf)
- [HCD Certification Letter](/sites/default/files/Planning/documents/PC_ITEMS/4_23_2020/triTrinityCo04062020-4.23.20CR.pdf) (/sites/default/files/Planning/documents/PC_ITEMS/4_23_2020/triTrinityCo04062020-4.23.20CR.pdf)

COMMERCIAL CANNABIS INFORMATION (<https://www.trinitycounty.org/Commercial-Cannabis>)

FLOODPLAIN MANAGEMENT INFORMATION ([/Floodplain-Management](#))

APPLICATIONS, DOCUMENTS AND FORMS (<https://www.trinitycounty.org/Planning-Documents-Forms>)

ZONING ORDINANCE 315 (SECTIONS 1-40) (<https://www.trinitycounty.org/Trinity-County-Zoning-Ordinance>)

SUBMIT A CODE VIOLATION COMPLAINT (<https://www.trinitycounty.org/Online-Complaint-Form>)

ENVIRONMENTAL REVIEW:

Grocery Outlet (Weaverville) Lot Line Adjustment/Merger and Use Permit (P-19-19 & P-19-32):

- [Notice of Availability of Draft Initial Study/Proposed Mitigated Neg. Dec.](/sites/default/files/Planning/documents/Initial_Studies/NOA_Grocery%20Outlet%20IS-MND.pdf) (/sites/default/files/Planning/documents/Initial_Studies/NOA_Grocery%20Outlet%20IS-MND.pdf)
- [Draft Initial Study/Proposed Mitigated Neg. Dec.](/sites/default/files/Planning/documents/Initial_Studies/CEQA%20IS-MND_Grocery%20Outlet_02-27-20.pdf) (/sites/default/files/Planning/documents/Initial_Studies/CEQA%20IS-MND_Grocery%20Outlet_02-27-20.pdf)

Amalgamated Growers, Inc. Type 3 CUP and Variance (CCUPT3-2018-004 & CCV-20-04):

- [Notice of Availability of Draft Initial Study/Proposed Mitigated Neg. Dec.](/sites/default/files/Planning/documents/Initial_Studies/Sharringhausen%20NOA.pdf) (/sites/default/files/Planning/documents/Initial_Studies/Sharringhausen%20NOA.pdf)
- [Amalgamated Growers, Inc. Type 3 Cannabis Conditional Use Permit and Variance \(IS-MND\)](/sites/default/files/Planning/CANNABIS/Draft_IS_MND_Sharringhausen.pdf) (/sites/default/files/Planning/CANNABIS/Draft_IS_MND_Sharringhausen.pdf)

Mines Douglas City Rezone and Cannabis Distribution Facility Project (P-17-45 & CCUPD-18-001):

- [Mines Douglas City Rezone and Cannabis Distribution Facility Project \(IS-MND\)](/sites/default/files/Planning/documents/Initial_Studies/Mines%20ISMND%20with%20Errata.pdf) (/sites/default/files/Planning/documents/Initial_Studies/Mines%20ISMND%20with%20Errata.pdf)

Hayfork Cannabis Manufacturing Project (P-19-16)

- [Hayfork Cannabis Manufacturing Project \(IS-MND\)](/sites/default/files/Planning/CANNABIS/Other_Documents/final_Hayfork%20Manufacturing%20IS-MND.pdf) (/sites/default/files/Planning/CANNABIS/Other_Documents/final_Hayfork%20Manufacturing%20IS-MND.pdf)

FOR CANNABIS PROGRAM EIR:

Draft Environmental Impact Report (DEIR) - Trinity County Cannabis Program (https://www.trinitycounty.org/sites/default/files/Planning/CANNABIS/combined_Trinity%20DEIR_05-28-19.pdf)

February 11, 2020 Special BOS Meeting

- [PowerPoint Presentation \(PDF\)](/sites/default/files/Planning/CannabisDEIR/Trinity%20County%20DEIR_2.11.2020.pdf) (/sites/default/files/Planning/CannabisDEIR/Trinity%20County%20DEIR_2.11.2020.pdf)
- [Video Link](https://youtu.be/m3jZwZEa6ll) (<https://youtu.be/m3jZwZEa6ll>)

November 19, 2019 Special BOS Meeting

- [PowerPoint Presentation \(PDF\)](/sites/default/files/Planning/CANNABIS/Programmatic_EIR/BOS_PC%20mtg%2011.19.pdf) (/sites/default/files/Planning/CANNABIS/Programmatic_EIR/BOS_PC%20mtg%2011.19.pdf)
- [Video Link](https://www.youtube.com/watch?v=IY-ryoay7q0) (<https://www.youtube.com/watch?v=IY-ryoay7q0>)

September 26, 2019 Cannabis DEIR PC Meeting

- PowerPoint Presentation (PDF) (/sites/default/files/Planning/CANNABIS/Programmatic_EIR/Commission DEIR mtg 9.26.19_final searchable.pdf)
- Video Link (https://www.youtube.com/watch?v=g8-PO7Rej_s)

September 11, 2019 CEQA Workshop

- PowerPoint (PDF) (/sites/default/files/Planning/Workshop_Materials/CEQA Workshop PresentationTrinity_CSA.pdf)
- Video Link (https://www.youtube.com/watch?v=922Ty1Gdo5s)

GIS Information (Geographic Information System):

- GIS Purchase of GIS Data Layers (/sites/default/files/Planning/documents/GIS_Req.pdf) [pdf]
- GIS Board of Supervisors District (/sites/default/files/Planning/documents/TC_Sup_Districts_2011_Adopted.pdf) (map)
- GIS Community Names (/sites/default/files/Planning/images/community_names_trinity_county.jpg)(map)

Download
 Trinity County Emergency Response Road Name Map Book, 2nd Edition (/sites/default/files/Planning/documents/911%20Map%20-%20Table%20of%20Contents.htm)

Note: The link above will take you to the Table of Contents page. Click on any link within the Table of Contents and it will take you to that particular map.

Web Mapping Applications:

[Trinity County Parcel Viewer](http://trinitycounty.maps.arcgis.com/apps/viewer/index.html?appid=320cf1c1558c43c8b1f2f70c23d35026) (http://trinitycounty.maps.arcgis.com/apps/viewer/index.html?appid=320cf1c1558c43c8b1f2f70c23d35026)

Basic Planning and Services Information for Parcels in Trinity County

Trinity County Water Resources (/Trinity-County-Water-Resources)

Water Resources Information for Parcels in Trinity County

Re Ag-Forest District Zoning District

Ag -Forest Zoning District Update Initial Study/Mitigated Negative Declaration (/sites/default/files/Planning/ag_forest_zoning_js_mnd.pdf)

Other Information:

- Ordinance No. 315-797 re: Medical Marijuana (/sites/default/files/Planning/documents/Ordinance%20No.%20315-797.pdf) [pdf]
- Recreational Vehicles and Camping on Private Lands, Ordinance No. 315-801 (/sites/default/files/Planning/documents/Recreational%20Vehicles%20%26%20Camping%20on%20Private%20Lands%20Ordinance%20315-801.pdf) [pdf]
- Accessory Dwelling Units, Ordinance No. 315-819 (/sites/default/files/Planning/Ordinances/315-832%20Accessory%20Dwelling%20Units.pdf) [pdf]
- Family Care Units, Ordinance No. 315-802 (/sites/default/files/Planning/documents/Ordinance%20re%20Family%20Care%20Units%20315-802.pdf) [pdf]
- Ordinance No. 315-812 - Keeping of Chickens (/sites/default/files/Planning/documents/Ordinance%20No.%20315-812%20-%20Keeping%20of%20Chickens.pdf) [pdf]
- FEMA Trinity River Flood Study (/sites/default/files/Planning/documents/FEMA%20Trinity%20River%20Flood%20Study.pdf) [pdf]
- Trinity County DG Map (/sites/default/files/Planning/documents/DG%20County%20Map.pdf) (5/24/19) [pdf]

Misc. Links:

- [Airport Land Use Commission \(/Airport-Land-Use-Commission\)](#)
- [Architectural Review Committee \(/Architectural-Review-Committee\)](#)
- [Subdivision Review Committee \(/Subdivision-Review\)](#)

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PLANNING COMMISSION

- District 1: Mike McHugh (mailto:tpcc.Mchugh@gmail.com), P.O. Box 387 Trinity Center, CA 96091
- District 2: Graham Matthews, P.O. Box 1516, Weaverville, CA 96093
- District 3: Diana Stewart (mailto:tpcc.stewart@gmail.com), P.O. Box 602, Hayfork, CA 96041 **Vice Chair 2020**
- District 4: Richard Hoard, P.O. Box 157, Junction City, CA 96048
- District 5: Dan Frasier, HC Box 62, Zenia, CA 95595 **Chair 2020**

Meeting Dates:

Held the second and fourth Thursday of every month

Time: 7:00 p.m.
Location: Weaverville Library BOS Conference Room

April 23, 2020 Planning Commission Meeting at 7:00 p.m.

AGENDAS, MINUTES & STAFF REPORTS (/Agendas-Minutes-Staff-Reports) - takes you to another page

Planning Department Calendar

April (https://www.trinitycounty.org/planning-calendar/month/2020-04)

< (https://www.trinitycounty.org/Planning?mini=2020-03) > (https://www.trinitycounty.org/Planning?mini=2020-05)

S	M	T	W	T	F	S
			1	2	3	4
	5	6	7	8	9	10
	12	13	14	15	16	17
	19	20	21	22	23	24
				https://www.trinitycounty.org/planning-calendar/day/2020-04-23		25
	26	27	28	29	30	

Upcoming Events

- Planning Commission Regular Meeting (/node/1812)
 Date:
 Thursday, April 23, 2020 - 7:00pm
 AS PROVIDED BY GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 18, 2020, THIS MEETING WILL BE CLOSED TO THE PUBLIC.
 TELECONFERENCING INFORMATION: Due to the Coronavirus (COVID-19) and the Governor's temporary suspension of the Brown Act, the Planning Commission will allow commissioners, staff and members of the public to attend this meeting via teleconference.

Conference Bridge Number: (800) 867-2581

Access Code: 6231382#

LIVE FEED: This meeting will also be available via live feed on the internet at: <https://www.youtube.com/user/dforslund/featured> (<https://www.youtube.com/user/dforslund/featured>)

Visit



Contact

Trinity County Planning Department

61 Airport Road
 P.O. Box 2819
 Weaverville, CA 96093
 Phone: 530-623-1351 (tel:+15306231351)
 Fax: 530-623-1353 (fax:+15306231353)

Email: [Info.Planning \(mailto:info.planning@trinitycounty.org\)](mailto:Info.Planning@trinitycounty.org)

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- [Health Officer Advisory and Order 3-25-2020 \(/node/1757\)](/node/1757)
- [Maternal Child Adolescent Health \(/MCAH-POE\)](/MCAH-POE)
- [Trinity County HHS News Conference 3-27-2020 \(/node/1764\)](/node/1764)
- [Board of Supervisors Meeting \(/node/317\)](/node/317)

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EXHIBIT 2

TELECONFERENCING UNDER THE BROWN ACT

In recent years, the California Legislature has considered various enactments to move municipalities fully into the information age. Although an amendment to the Public Records Act requiring full electronic access to city documents in electronic format appears likely to fall short of adoption in 1999 (AB 1099 - Shelley), a future enactment of these rules appears inevitable. Recent regulations relating to CEQA already encourage direct electronic public access to notices and documents. (CEQA Guidelines §§ 15062, 15075, 15085, 15201, 15202, 15205, and 15206.)

The Brown Act has also been amended to allow cities to take advantage of information age technologies for the conduct of public meetings. In comprehensive 1994 amendments, and through minor amendments in 1997 and 1998, the Legislature greatly expanded the ability of cities to conduct their business by teleconference. The 1994 amendments (codified in Government Code Section 54953 and hidden under the heading "Meetings to be open and public; attendance") allowed only "video teleconferencing", a term that required potentially costly audio and video participation by members of the city council¹ and the public at each location. The 1997 law -- supported by both the California Newspaper Association and the League -- provides greater flexibility and freedom to use the full range of conferencing technologies available.

1. Basic Provisions.

The Brown Act allows a city council to use any type of teleconferencing in connection with any meeting. (Gov't Code § 54953(b).) "Teleconference" is defined as "a meeting of a individuals in different locations, connected by electronic means, through either audio or video, or both." In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the law otherwise applicable. (Id.) Section 54953(b) contains the following specific requirements:

- Teleconferencing may be used for all purposes during any meeting.
- At least a quorum of the city council must participate from teleconferencing locations within the city's jurisdiction.
- Each teleconference location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at each teleconference location.
- Each location must be accessible to the public.

¹ Although the Brown Act term "legislative body" applies to various city decision-making bodies (Gov't Code § 54952), I use "city council" herein because city attorneys most frequently interact with this body.

The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.

All votes must be by rollcall.

These requirements are explained in detail below.

a. At least a quorum must teleconference from locations within the city.

The 1998 amendments to Section 54953 provide that at least a quorum of the city council must participate from locations within the city. (Gov't Code § 54953(b)(3).) The 1999 amendments allow local agencies to provide teleconference locations for the public where no member of the legislative body is present. (Gov't Code § 54953(b)(4).)

Although some opponents to the 1997 amendments argued that it is important to have at least a quorum in one room where the public can present face-to-face testimony, the 1998 and 1999 amendments make it clear that council members may participate from outside the city and that although a quorum must be within the city limits, they need not participate at the same location. The Southern California Association of Governments took the position in 1997 that this approach enhances public participation. SCAG argued that with regard to meetings in large jurisdictions or meetings of multi-jurisdictional regional bodies, the public's opportunity to participate is enhanced if, for example, citizens do not have to travel across town to a city council meeting or to a neighboring jurisdiction to attend a regional transit board meeting. This view prevailed in the final version of the amendments.

b. Each audio/video teleconference location must be identified in the notice and agenda of the meeting.

The Act requires public notice of all audio/video teleconferencing events. This prevents a council member who is running late to audio/video teleconference in lieu of actual attendance if public notice of the teleconference location was not given in the agenda. Although the law is not specific as to what "identification" is required in the notice, cities should give the teleconferencing location, the street address, any suite or office number, and could even provide maps to the location. (An online agenda could provide a link to "Yahoo! Maps" or some other navigational device.)

c. Agendas must be posted at all teleconferencing locations.

Section 54953(b)(3) requires that agendas be posted at all teleconferencing locations. The Act does not provide specific guidance on this requirement, but where practical, the agendas should probably be posted both outside the main facility of a teleconference location at a main entrance (e.g., outside an office building) and outside the specific teleconference location (e.g., outside the particular room or office door).

Agendas should, of course, remain visible at these locations. They should not be posted behind doors that are frequently ajar or behind counters, so as to be out of average reading distance.

d. Each audio/video teleconference location must be made accessible to the public.

While this requirement may not seem to be an obstacle, it may prove troublesome when deciding the means by which to teleconference. Because public access is not always possible, this requirement precludes some locations, such as car telephones or offices not accessible to the public. All telephones used for teleconferencing must have a functioning speaker to enable public access, even if there are no members of the public present at a particular location. The meeting must be conducted so that participants by audio alone are clearly identified.

Similarly, city staff must ensure that logistical problems do not occur in providing public access. For example, if a member is audio/video teleconferencing from his office, someone must be present to allow the public entry to the office building if it is normally locked after hours. If the office is in a location where the public is not welcome, then audio/video teleconferencing cannot occur at that location. Similarly, vacationing members wishing to teleconference must realize that the public must have access to the member's hotel room or cruise ship cabin and receive notice of that opportunity in the agenda. Presumably, the "no free admission" clause of Section 54952.2(c)(2) applies to members of the public wishing to join a member in a teleconference at these exotic locations as long as physical access is available.

The more difficult issues arise in accommodating council members confronted with hospital confinement, immunocompromising diseases, or treatments that limit public exposure. Although it appears safe to assume that dual teleconferencing facilities in the same building (e.g., one teleconference setup in an ill member's garage and another setup in his bedroom) would satisfy the spirit if not the letter of this requirement, this arrangement, unfortunately, has not gone unchallenged. In this and similarly compromised situations, counsel should be certain to obtain and document the concurrence of public speakers in the Brown Act arrangement at each location before assuming it is safe to proceed.

e. The agenda must provide the opportunity for the public to address the city council directly at each teleconference location.

This provision requires some cooperation among teleconference sites. It requires that all audio and video hookups ensure that all members of the city council can hear and respond to public comments from all locations. It requires that the public hear all council deliberations.

f. All votes must be taken by rollcall.

The Act requires that all votes, regardless of topic, be taken by rollcall. With a large body – a regional air quality board, for example – this may be cumbersome. Where it is clear on routine items such as agenda approval that all members are in accord, it may be possible to ask whether there is any dissent, and if there is none, to dispense with a member-by-member roll call.

2. New issues.

These new amendments raise several issues that require further definition at the implementation stage.²

a. Quorums and locations.

As noted above, former law provided that legislative bodies could only use video teleconferencing to hear public comment and to deliberate. Under former law, a council member was not present for the purposes of a quorum and therefore, could not vote if she teleconferenced with audio equipment such as a telephone.

The 1997 legislation not only allows the use of audio or video equipment for the purposes of teleconferencing, but allows the council to conduct all meeting functions by audio or video teleconference. Council members are present for the purposes of a quorum, are able to vote, deliberate, hear public testimony and participate in all council functions by remote location.

Further, there is no limit on the numbers of council members who may fully participate in a meeting by teleconferencing. But, as mentioned above, a least a quorum of the city council must participate from locations within the city. Conceivably, all members of the council can conduct a lawful meeting from their individual offices or homes, provided the statutory procedures are met.

b. Due process considerations.

Under former law, before a council member could participate in a meeting by video teleconference, the city was required to adopt “reasonable regulations” to protect the statutory and constitutional rights of citizens appearing before the council. The new law no longer requires cities to adopt reasonable regulations, but states that they shall “conduct teleconference meetings in a manner that protects the statutory and constitutional rights” of citizens. (Gov’t Code § 54953(b)(3).)

This provision has interesting ramifications where substantive or procedural due process rights are at stake. For example, in land use proceedings, maps or photographs may be crucial to a council’s decision on an application or to a neighbor’s appreciation of

² Michael Jenkins raised several additional issues still lacking legislative or court direction in “1998 Brown Act Amendments”, City Attorneys Department Meeting, Spring 1999.

the decision's ramifications. Although video teleconferencing, a simultaneous telecopy, or some other digital transmission of an exhibit to each location would probably provide adequate due process, it may be difficult to protect these rights when only audio teleconference equipment is used. In the same vein, disciplinary proceedings or permit revocations may hinge on witnesses' demeanor not adequately conveyed through still images. In these situations, city councils should probably refrain from any action until its voting members are physically present at duly authorized meetings.

c. Attorney/client confidentiality.

Protection of attorney/client confidences requires additional precaution where closed sessions are held by teleconference. The broad range of sophistication in technology presents a broad range of risks.

- Video teleconferencing over dedicated telephone lines. This type of teleconferencing is provided over dedicated ISDN telephone lines. Access is not shared with other users and the information passes only through conventional, secure data lines provided by the phone company. These communications are the most secure, providing security equivalent to traditional telephone communications.
- Wide area networks. These are services not provided through dedicated lines, but by a provider willing to make a portion of its wide area network (WAN) available for teleconferencing. The WAN provider employs data encryption as the means of deterring interception of the communication. Because the lines are shared, confidentiality is not assured. However, some providers will guarantee security.
- Virtual private networking. This type of teleconferencing is available in many off-the-shelf forms and can be employed with common PC's. It can provide audio coupled with serial still pictures or video "streaming" where a relatively uninterrupted video image is transmitted. Although this technology is very inexpensive, faulty encryption or the involvement of too many hosts – common Internet problems – can compromise the lawyer's duty to protect and maintain client confidentiality.

While the attorney/client privilege in Section 954 of the Evidence Code is generally protected where an electronic eavesdropper intercepts a communication, communicating by means that others could easily intercept is evidence that the communication was not intended to be confidential. (See, Jack L. White, "You've Got Mail!", City Attorneys Department Meeting, Spring 1999.)

3. Practice tips.

The city attorney should not assume that teleconference procedures will go unscrutinized. On the contrary, it is probably safe to assume that for each council member who feels sufficiently compelled to take the extra steps to patch in, there is an antagonist who would rather see the council member not participate. In order to protect council action from invalidation under the Brown Act, it is important make sure the extra steps are documented.

This is doubly important where the city attorney might be called upon later to provide an opinion on the validity of the council proceeding or action. One city attorney called upon to issue an opinion letter for a bond issue, prepared the attached script to read into the record documenting that the agenda posting, setup of teleconference facilities, attendance, and rollicalls complied with the Brown Act.

SCOTT C. SMITH

Mr. Smith wishes to acknowledge the assistance of colleagues Hayley Peterson, Steve Deitsch, and Steve DeBaun in preparing these materials.

SAMPLE SCRIPT FOR TELECONFERENCING PUBLIC MEETINGS
UNDER BROWN ACT
(Gov't Code Section 54953)

PRIOR TO ROLL CALL:

Prior to roll call, I would like to make clear for the record of this meeting, and it should be reflected in the minutes, that at least a portion of this City Council and Redevelopment Agency meeting is conducted pursuant to California Government Code Section 54953, in that Mayor Pro-Tem Hansen is on the Viking Standard Cruise Ship in or off the Coast of Mexico, and Council member Kensington is in Edinburgh, Scotland. Both Mayor Pro-Tem Hansen and Council member Kensington are participating by speaker phone. In accordance with the Ralph M. Brown Act, each teleconference location has been identified in the notice and agenda for this meeting.

Madame Clerk, it would now be appropriate for you to conduct roll call, after which I would ask the Mayor to recognize me in order to confirm certain matters for the record.

[ROLL CALL]

I would now like to request that Mayor Pro-Tem Hansen respond to the following questions:

- (1) Mayor Pro-Tem Hansen, can you hear me well?
- (2) Were you able to hear our proceedings on this end up until now?
- (3) Do you have a copy of the agenda for this meeting?
- (4) Have you posted the agenda at the location where you are?
- (5) Is your location reasonably accessible to the public, such that any member of the public could participate in this teleconference from your location if he or she wished to do so?
- (6) Is there any member of the public there with you who would like to participate in the public comment portion of this meeting, or otherwise address any agenda item for this meeting?

Next, I would like to request that Council member Kensington respond to the following questions:

[REPEAT THE SAME QUESTIONS]

I would now like to ask that any member of the City Council and Board of the Redevelopment Agency speak up at this time if such Council member and Board Member has not been able to clearly hear either Mayor Pro-Tem Hansen or Council member Kensington. Hearing no comment, the record should reflect that all Council members and Agency Board members present have indicated that they were able to hear both Mayor Pro-Tem Hansen and Council member Kensington clearly.

I would next like to ask Mayor Pro-Tem Hansen whether he has been able to hear Council member Kensington.

I would next like to ask Council member Kensington whether he has been able to hear Mayor Pro-Tem Hansen.

I would next request that any Council member and Agency Board Member, including Council members Hansen and Kensington, speak up at this time if such Council member and Board Member has any reason to believe, based on voice recognition or otherwise, that those persons representing themselves to be either Council member Hansen or Council member Kensington are not truly so. Hearing no comment, the record should reflect that no Council member has expressed doubt that Council members Hansen and Kensington are the parties participating by teleconference with Council members and Board Members present here.

I would now like to advise the Mayor and Council members and the City Clerk, that any votes taken during the teleconference portion of this meeting must be taken by roll call.

Kim Hunter

From: georgebates@trinitydemocrats.org
Sent: Thursday, April 23, 2020 12:41 PM
To: Kim Hunter
Subject: Grocery Outlet Hearing...Trinity County Planning Commission

Ms. Hunter,

Please include these comments in the public record of the hearing for this Thursday evening, April 23, regarding the proposed Negative Declaration review of the Grocery Outlet store at 1155 Main Street.

I am writing to object to the approval of this project on behalf of myself and all other Trinity County residents who are concerned about the County's actions in moving this project forward during the Coronavirus pandemic. Currently we are under a statewide stay-at-home order issued by the Governor on March 17. When the governor issued that order the county should have frozen in place the running comment period for the Negative Declaration, however you are moving forward inexplicably in a time when it is obvious that many residents are not able to easily obtain information about the planning process.

Many are unable to participate virtually and some are uncomfortable with the technology you have chosen to use to hold dubious "virtual" public meetings.

Further, the Governor's order and subsequent relaxation of the Brown Act was intended to allow local governments to function IN RESPONSE to the pandemic, not as a way to do an "end-run" around the planning process for developers looking to take advantage of this crisis. You have also failed to properly notice the public for the required 10 days in advance of the hearing. This hearing needs to wait until the public can fully participate in the process. By moving forward "virtually", you are making the applicant less accountable to the people for the drawbacks of their project. You are ignoring the intent of the the relaxation of the Brown Act, and our community will suffer for it.

As far as direct impacts of the project go, there are some specific concerns beyond the obvious failures in public noticing and comment period requirements. The County's use of a Negative Declaration is wholly inadequate. This project demands a complete Environmental Impact report. The ND does not provide a sufficient analysis of Urban Decay that an EIR would provide. When the ND was issued on March 2nd, 2020 we lived in a very different world. The economy was quite strong and employment levels were high. The pandemic has changed everything, and because it has we cannot cut corners on understanding the urban decay impacts a Grocery Outlet will have on our fragile local economy. Is the County going to attempt to argue with a straight face that the arrival of Grocery Outlet will not have a major impact on retail jobs?

And if the County does make that argument how can they without the empirical data of a CEQA-based Urban Decay study? To move forward willingly into an economic unknown risks the existing retail jobs we have for no other reason than to make life easier for a large Bay Area grocery chain with no existing ties to our County. Further, California Fish and Wildlife has expressed written concerns to the County about migratory birds and bats on the project site. Trinity County cannot cast those concerns aside without thorough study of the validity of those concerns.

A Negative Declaration is the equivalent of rubber stamp, but the law says that you, as a lead local planning agency, must act in the best interest of the people by protecting their right to fully participate in the public process. In the areas of urban decay and impacts to wildlife, the ND is totally inadequate. This project needs to be fully vetted by the public with an Environmental Impact Report and circulated for the mandatory 45 day comment period BEFORE it is heard by the Planning Commission.

Sincerely,

George Bates
georgebates@trinitydemocrats.org
530-778-0239

05/08/2020

Regarding a CUP for the Discount Grocery Outlet store

Dear Members of the Planning Commission,

As a property owner who lives near the proposed site, I am appalled that this project has gotten this far. It is no secret that Hwy 299 becomes congested with traffic during the spring, summer, and early fall months. Creating **two** new driveways and *another* commercial building that is directly accessed from Hwy 299 will only add to the congestion and accumulating traffic concerns. There are no stoplights to help mitigate the traffic issues that arise from having two **heavily populated** residential streets which enter and exit from Hwy 299. HRN and the multi-family rentals down Mountain View *plus* Susie's Bakery, Darla's food truck that never leaves, Trinity Tire and a mechanic who has multiple cars going in and out of his residence creates enough havoc. Adding *another* commercial building with exits and entrances onto 299 is only going to make it worse.

Is there a reason why the owners of the proposed retailer *isn't* moving into one of the **many** empty commercial buildings in Weaverville? How about one that already has a parking lot or driveway? For example, the big empty hole of a building that used to be Trinity Market that we all drive past, and watch disintegrate before our eyes?

Also, from just a planning standpoint, why would we need another grocery store in town? We already have a Dollar store, a natural foods market, and Holiday market. You can also get grocery items from CVS. Is there really a need for another discount grocery store when Redding is only a lovely 40-minute drive away?

Please reconsider allowing this commercial retailer to move into an already busy highway. Perhaps if the Planning Commission were to work with the owners of another, empty commercial building, there might be a solution that has less negative impact on the community.

Thank you and feel free to contact me if you have questions about my concerns,

Danea Miller

Homeowner on Mountain View St. (*directly across from the proposed site*)

PO Box 712

Weaverville, CA 96093

(707) 889-1564

dcm@newdaybb.net

From: [Judith Coumbs](#)
To: [Lisa Lozier](#)
Subject: Bringing a Grocery Outlet to Weaverville
Date: Monday, May 18, 2020 4:19:41 PM

Lisa Lozier,

This is to support bringing a Grocery Outlet to Weaverville. My husband and I are both in support of this, it would be an asset to our County and bring much needed jobs to the area. It would also help eliminate trips out of the County to purchase affordable groceries.

Thank you,
Judith Coumbs
jcoumbs@hotmail.com
William Coumbs
rcoumbs@hotmail.com

From: [Kelly L](#)
To: [Info.Planning](#)
Subject: DireNeedOfGroceryOutlet
Date: Tuesday, May 19, 2020 6:24:28 PM

To whom it may concern,

I'm a single mother who is disabled and without a license. I cannot currently get all my essentials in Trinity County or afford to do all my shopping at Holiday. Having a Grocery Outlet in Weaverville will allow me to not have to leave county for my supplies. I'm barely making it as it is and the gas to go to Redding is putting me in the red. Grocery Outlet will also provide much needed jobs to our county. Our county is not self sufficient, meaning our community needs to go elsewhere to have our needs meet. This will make us stronger and have to venture out of area less. Please please allow Grocery Outlet to be built and strengthen our economy and community. I support Grocery Outlet.

Thank you,

Kelly

From: [Amber Wilks](#)
To: [Lisa Lozier](#); [Info.Planning](#)
Subject: Grocery outlet in Weaverville
Date: Tuesday, May 19, 2020 8:21:31 PM

To whom it may concern,

I just moved to Weaverville,ca last year in May from the Bay Area. I loved having a grocery outlet near me and it being affordable. I used to work for one from 2010-2013 in Concord,Ca. With Weaverville being a small town with number of elderly people and lower income families, grocery outlet will help them be able to afford to feed their families and give some an opportunity to get a job and support their families. I hope you consider putting a grocery outlet in our town.

Amber Wilks

Sent from my iPhone

From: [dorla.conyers](#)
To: [Info.Planning](#)
Subject: Grocery Outlet
Date: Wednesday, May 20, 2020 9:16:53 AM

Please know that our family in Weaverville is very excited to have a grocery outlet moving in. We have many community members that are seniors, disabled and low income. It would leave more money in our pockets to spread to other businesses in our little town, and it will stop the Redding trip to get more for our money. Let's keep our money here in our community.

Thank You!

Sent from my Verizon, Samsung Galaxy smartphone

From: [Jerry Carmichael](#)
To: [Info.Planning](#)
Subject: Grocery outlet
Date: Monday, May 18, 2020 4:48:47 PM

Please consider voting to have a discount grocery come to our area. We are seniors and can't afford the high prices at the current store. We are getting to old to drive to Redding for food. With the pandemic it is even harder for us. Ages 70 and 80. Thank you for your consideration on this matter.

Jerry Carmichael

Alana Carmichael

From: [John & Tina Whaley](#)
To: [Lisa Lozier](#)
Subject: Grocery outlet
Date: Tuesday, May 19, 2020 7:00:57 PM

My husband and I would love to have a grocery outlet in weaverville. We currently drive to Redding to go to the one there. If we had a grocery outlet, we wouldn't have to drive to Redding, and would spend more money locally.

Thank you, Tina Whaley

Sent from my iPhone

From: [Judy McLaughlin](#)
To: [Info.Planning](#)
Subject: Grocery outlet
Date: Wednesday, May 20, 2020 4:59:13 AM

Please consider grocery outlet coming here to Weaverville we need a lot more jobs. That and we need better options for more Stores, holiday is way too expensive for some of us to shop here from month to month. It seems like if Weaverville could grow just a little bit more the economy would do a little bit better here, without hurting the history of the historical part of town. I'm hoping like many others that you let Grocery Outlet build a store here, it would be a great idea for this town thank you so much!

[Sent from Yahoo Mail on Android](#)

From: [Nancy Kline](#)
To: [Lisa Lozier](#)
Subject: Grocery Outlet
Date: Wednesday, May 20, 2020 8:14:40 AM

Because of Covid19 my husband and I will not be attending the meeting in regards to Grocery Outlet, but we would like our voice heard.

Tom and Nancy Kline of Junction City would support and encourage the addition of Grocery Outlet to Trinity County.

Thank You.

From: [Paula](#)
To: [Lisa Lozier](#)
Subject: Grocery Outlet
Date: Tuesday, May 19, 2020 7:05:28 PM

Dear Sir or Madam:

I would strongly encourage the board to approve the Grocery Outlet proposed for Main Street in Weaverville. As a resident of only 7 years I find it very difficult to justify the prices I have to pay for food to feed myself in my disabled husband. Due to his disability we find it difficult to go to Redding to buy our groceries but often find ourselves running short towards the end of the month for the funds to get his special dietary items. He is a very brittle diabetic with a very specific diet. We often find ourselves struggling towards the last week or two of the month to meet those needs. Going to Redding is very difficult for us. With his physical disabilities and just only having weekends that we can do this we find it very hard. I am also immunocompromised so going into the stores in Redding puts me at risk. Having a grocery outlet would definitely help us stay within our budget. With the variety of fresh fruits and vegetables and quality meats we would find it a lot easier to supply our home with the food items that are necessary. Again I'm a huge fan of the Grocery Outlet and I look forward to seeing it soon in our town

Paula Carpenter
Junction City

From: [Dogwoodsprings Farm](#)
To: [Info.Planning](#)
Subject: Grocery Outlet
Date: Tuesday, May 19, 2020 3:57:23 PM

Please approve the Grocery Outlet....we need this in our food desert. It is a health and safety issue. It is imperative that we have more choices and more food in town in emergencies when we are cut off because of fires or the last to get supplies in a crisis like now. It will create more jobs. It keeps people in town instead of going to Redding and other businesses thrive because of it. Weaverville should be the shopping center for all our outlying areas not Redding and Eureka. Since Dollar General opened we have saved so much not going to Redding

Solomon and Audra Homicz
Junction City Ca

From: [Veronica](#)
To: [Lisa Lozier](#); [Info.Planning](#)
Subject: Grocery Outlet
Date: Wednesday, May 20, 2020 7:45:01 AM

I would love a Grocery Outlet in Weaverville, CA .

Thank you for all you do! Have a great day!

Veronica Dudin
530-510-2295

From: [Robyn Maddux Zimmerman](#)
To: [Info.Planning](#)
Date: Monday, May 18, 2020 4:53:01 PM

I want grocerie out let

From: [Denette Brents](#)
To: [Info.Planning](#)
Subject: Proposed Grocery Outlet in Weaverville
Date: Tuesday, May 19, 2020 9:31:12 PM

It would be amazing to have a Grocery Outlet in Weaverville. My Mother and I go to Redding once a month to do shopping. The majority of the shopping is done at Grocery Outlet. If we could get the majority of our shopping in town, we would no longer need to make the trip to Redding and keep our dollars in Trinity County. I know that other members of our family also shop at Grocery Outlet.

Thank you for your consideration.

Denette Brents
Marie Gillette
Douglas City, CA

From: [ron alleson](#)
To: [Lisa Lozier](#)
Subject: Proposed Grocery Outlet
Date: Wednesday, May 20, 2020 7:25:58 AM

To whom it may concern,

I am writing to voice my support for allowing Grocery Outlet to come to Trinity County. I am a long time resident of Weaverville and have longed for more grocery shopping options in Weaverville all my adult life. I find the lack of competition has caused prices to be significantly higher for comparable products than the prices found in Redding. Thusly, I do the majority of my family's grocery shopping in Redding.

I was pleased when Dollar general was allowed to come to Trinity County, however as a general store, their grocery selection is basic at best.

Grocery Outlet is one of the stores I frequent in Redding for my monthly grocery shopping. I would be pleased if they were allowed to build a store in Trinity County, mainly for the convenience, prices and competition that will lower competitor prices. I think a nice side effect will be not only less expensive food and other items for our citizens on fixed incomes (disabled persons, seniors, ect.) but the tax money that now get spent in Redding will stay here in Trinity County where it is needed.

Thank you for your consideration,
Ron Alleson

From: [Lisa Harper](#)
To: [Info.Planning](#)
Subject: Support of Grocery Outlet
Date: Monday, May 18, 2020 4:32:55 PM

Dear Ms. Lozier:

I am writing to submit my support of the proposed Grocery Outlet store in Weaverville. I am a business owner, vacation rental manager, and farmers' market vendor and Grocery Outlet has an array of regular and organic food products which I use, fresh vegetables and fruit, and they sometimes stock products our local markets do not carry. This will provide residents with diversity of items where instead they would have to drive to Redding to obtain.

Grocery Outlet will also provide many needed jobs to the young and old in town, added sales tax, building and development fees, Chamber of Commerce membership and community participation, and Grocery Outlet will be a nice addition to what is currently an eyesore along Highway 299.

Therefore, please process Grocery Outlet's planning application with due diligence and streamline wherever possible, given the current hardship on California businesses right now. Thank you for allowing me to provide my comments.

Sincerely, Lisa Harper

Lisa Harper
530-423-6373 Home
707-330-7031 Cell
lisa.harper@yahoo.com

From: christinajohnson@wildblue.net
To: [Lisa Lozier](#)
Subject: No to Grocery Outlet
Date: Wednesday, May 20, 2020 9:09:41 AM

As a 30 year member of the Trinity County community and as a small business owner I say No to the Grocery outlet.

Lets support the few businesses that we have. We have local business owners to support. We have empty buildings that need to be filled with local small business owners.

Lets keep our community quaint. It is bad enough that we have CVS and Dollar General and Burger King.

We dont need to be like every other town USA. Let's be unique and support our local businesses instead of bringing in another chain that takes our money.

Thank you so much,
Christina

Christina Johnson
Wild Mountain Herbs
(530) 623-0233
christinajohnson@wildblue.net

From: [Christine](#)
To: [Lisa Lozier](#)
Cc: [Info.Planning](#)
Subject: Grocery Outlet no
Date: Wednesday, May 20, 2020 9:29:48 AM

No on this store. We don't have enough people to support another store. We also don't have available rentals to let people move to our county. I want to see growth but in building more apartment and houses.

Sent from my iPhone

From: [Joseph Feinstein](#)
To: [Info.Planning](#)
Subject: Against Grocery Outlet
Date: Tuesday, May 19, 2020 6:11:53 PM

We are opposed to Grocery Outlet moving to Trinity. As we understand their business model, they buy closeout, unwanted groceries and dump them on poor communities. Grocery Outlet is one of the companies commonly associated with urban blight and declining town centers. It is not a good business to bring to our area. This is one of the most beautiful places in the world. The public has a poverty mindset and may want a discount store, but this is absolutely bad for the economy. You should instead encourage a high end loca focused store like North Coast Coop. North Coast Coop could not only meet our grocery needs, they will also support local farmers. Don't give in to the rich developers or to the corporate robbers. We don't need a store that will dump poor quality food on our community. We need a real food solution that will feed our community the healthy food we want and will also support our local farms. No to Grocery Outlet.
Joseph Feinstein and Bianca Devaleria,
Full time residents of Weaverville, CA

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Joseph Feinstein
www.himalayanbowls.com