

Item No. 4  
August 11, 2016



# TRINITY COUNTY PLANNING DEPARTMENT

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

## STAFF REPORT August 11, 2016

From: Carson Anderson, Senior Planner  
To: Planning Commission  
Re: Potential Recommendations to the Board of Supervisors – Countywide Water Resource Policy Changes per Northwest California Resource Conservation and Development Council Input

### **Requested Action**

The Board of Supervisors has tasked the Planning Commission with reviewing the proposals for water resource policy changes presented in this staff report. It is the prerogative of the Commission to decide what to recommend for adoption, whether it would be some of the recommendations or all of them. Those items the Commission chooses not recommended to the Board can be tabled for further discussion at a later date.

It is the recommendation of the Planning Commission recommend the following actions to the Board of Supervisors, finding that on the basis of the whole record before the Commission, including previous Trinity River Watershed planning and environmental studies, such as the North Coast Integrated Regional Management Plan, further assessment guidance conducted by the Northwest California Resource Conservation and Development Council/Five Counties Salmonid Conservation Program (5C), and comments received, that the policy changes proposed (project) will not have a significant effect on the environment:

1. Recommend amending Zoning Ordinance Section 29.2 (“Critical Water Resource Overlay Zone”) as proposed in this staff report;
2. Recommend amending Zoning Ordinance Section 30 D.7 and Section 30 H, as proposed in this staff report;
3. Recommend amending Subdivision Ordinance Sections 16.08 and 16.08.195 (adding a definition of “Surface Water “), and 16.48.123 (“Public Water Supply”) and 16.48.124 (“Individual or On-Site Water Availability”), as proposed in this staff report;
4. Recommend revising the overall watershed-related objective on page 56 of the Open Space Element and page 31 of the Conservation Element of the County General Plan, inserting a new recommendation (Recommendation #5) as follows: “...Protect streams and surrounding habitats to maintain and improve all beneficial uses of water for present and future generations. as well as a new set of related Policies numbered 5.1 through 5.4 (as proposed on page 4 of this staff report);
5. Recommend revising Recommendation 2 – Page 56 of the Open Space Element and Page 32 of the Conservation Element to read as follows: Assist water districts, mutual water companies and other water purveyors in developing capital improvement plans that are realistic and based on sound planning and development patterns, and that will ensure reliable water

supplies for present and future generations. Add Policies 2.1 through 2.3 related to Recommendation 2 as updated, as proposed on page 4 of this staff report.

6. Recommend taking action, as proposed on page 3 of the staff report, to amend Part III (Open Space Considerations) Section G, page 28 of the Open Space Element of The General Plan by deleting the assertion "...Water supply is more than adequate to take care of both agriculture and domestic requirements for the foreseeable future.."

7. In reference to growing concerns regarding groundwater supply, recommend that the County take action consistent with Board Resolution No. 2002-022 "Resolution Approving Amendments to the Open Space and Conservation Elements of the Trinity County General Plan," which defined the beneficial uses associated with groundwater in our County and call for sustainable groundwater management practices, carrying capacity analysis, and establishing well water quality and quantity testing protocols, consistent with 5C guidance.

### **Background**

The Commission has held three separate workshop sessions, all of which were advertised in order to receive public input. These meetings took place on December 10, 2015, April 14, 2016 and on July 14, 2016 (all dates occurred during 2016, unless noted). The Commission's July 14 staff report summarizes the discussion focus at each meeting and outlines emerging policy options for the Commission's consideration at a future time (Attachment A). The Board also held a public workshop and received a similar presentation from 5C on August 4, 2015, and based upon that discussion, directed Staff to seek the Commission's input on the recommendations put forth by the Northwest California Resource Conservation and Development Council (5C). Due to the size of the 5C Board backup document and the effort and cost involved in reproducing it a second time, please refer to the July 14 staff report Exhibit A ("BOS Backup Detail 08/04/15") provided as part of the July 14<sup>th</sup> packet.

As part of its discussion of possible changes to countywide water resource policy, the Commission, at the April 14 meeting, provided direction to staff, recommending that updates to the Zoning and Subdivision Ordinances, per 5C input, become the current focus, with a more thorough-going effort on water resources policy to come at a later date. Verbatim Minutes from the April 14, 2016 meeting provide the detail from that discussion and are attached for reference as part of Agenda Item # 3 - "Minutes."

### **Recommendation #1 - Proposed Policy / Text Changes to Zoning Ordinance**

As referenced in the July 14 and April 14 staff reports the CWR overlay currently applies to isolated areas in the County, chiefly in Hayfork outside the water district service area, and also Douglas City, Browns Creek and Little Browns Creek, Democrat Gulch, and the lower, upper, and east branches of East Weaver Creek. 5C's recommendation is to extend the current CWR proof of water standards for all future subdivision actions to the entire county (as most residents living outside a community water systems district "...have more challenges meeting water needs in a dry year or drought"—particularly when multiple property owners draw from a common water source).

The existing standard would no longer be called CWR, but would be newly delineated as part of (Action #1) Zoning Code in Zoning Ordinance Section 29.2 – "Critical Water Resource Overlay Zone 'CWR'" and (Action #2) Section 30 – "General Provisions and Exceptions." Attachment B shows the existing text in the zoning code in strikeout format followed by the proposed rewritten section with the wording underlined to highlight the changes. The proposed standards would impose new development standards in regards to water. Criteria for documenting proof of water would be much stricter and would also require a greater level of evidence. More standards for water conservation would be enacted as well, including measures taken by staff in promoting conservation by encouraging voluntary compliance with best management practices already identified and presented on the 5C website (<http://www.5counties.org/waterconservation.htm>).

## **Recommendation #2 - Proposed Policy / Text Changes to Subdivision Ordinance**

There are a small number of specific changes proposed revisions to the County's Subdivision Ordinance recommended for adoption – some of which carry forward water supply/water availability policy changes referenced in the Zoning Ordinance discussion of CWR. A definition of "Surface Water" would be added to the definitions in Section 16.08. Sections 16.48.123 and 16.48.124 would be modified "...for clarity and protection of water resources to prevent unsafe division of land..." that might otherwise occur because of the inadequate water supply. The time extension allowance for dry weather period testing also would be eliminated to assure all beneficial uses can adequately be protected (Action # 3). See Exhibit A (for the broader discussion provided the Board and Attachment C, which focuses only on the changes to the text/policies in the Subdivision Ordinance.

## **Recommendation #3 – Selected Revisions to General Plan Open Space and Conservation Elements**

The Open Space and Conservation Elements (adopted in 1973 with minor text updates in 2002) needs to be made contemporary, but this update needs to be crafted as part of the much larger General Plan update, a County priority. For the interim, the best approach appears to be that of crafting a standalone water resources policy document. The rationale and general approach are presented in the July 14 staff report.

5C's recommended changes to existing General Plan Open Space and Conservation Element text are highlighted on the next page. The changes would be inserted into the text on page 56 of the Open Space Element and pages 31-32 of the Conservation Element (Action #4). In addition to those recommendations, an update to the current discussion of water supply in the Open Space Element of the County's General Plan is proposed. A new recommendation would be substituted for the existing wording of Recommendation 2 – Page 56 of the Open Space Element and Page 32 of the Conservation Element reading as follows: Assist water districts, mutual water companies and other water purveyors in developing capital improvement plans that are realistic and based on sound planning and development patterns, and that will ensure reliable water supplies for present and future generations. Policies related to the revised Recommendation 2 (Policies 2.1 through 2.3) would be added as described in the second text box on the next page (Action # 5 on page 1).

The statement that appears on page 28 of the Open Space Element "...Water supply is more than adequate to take care of both agriculture and domestic require-requirements for the foreseeable future..." is contradicted by the 2014 emergency drought declaration adopted by the County and by past actions taken by the Commission and Board as early as 2002 to address surface water and groundwater availability concerns (Resolution No. 2002-022 dated March 5, 2002), and accordingly, has been recommended for deletion. This action is reflected in proposed motion Action #6 on page 1.

Board Resolution No. 2002-022 "Resolution Approving Amendments to the Open Space and Conservation Elements of the Trinity County General Plan" (passed unanimously) clearly recognized the need, nearly 15 years ago, for a revamping of General Plan water policy in a manner that is in general alignment with current 5C recommendations. It called for specific text changes – deletions and insertions – within the Elements. This resolution with select changes of the Open Space and Conservation Elements were not incorporated, and came to Staff's attention this past week (Attachment D). This action will correct that deficiency, and it also defined the beneficial uses associated with groundwater in our County and called for improved groundwater management practices (e.g., potential curtailment of groundwater transfers; called for the pursuit of funding to assess the characteristics of groundwater basins within the county; and called for the adoption and implementation of a groundwater management ordinance based on the results of a groundwater basins characteristics analysis)(Action # 7).

## Open Space and Conservation Element Policy / Text Updates

### **Proposed**

*Revise Objective as follows - Page 56 Open Space Element and Page 31 of the Conservation Element: To preserve the quantity and quality of existing water supply in Trinity County for future generations by careful planning of future development*

Add Recommendation 5 – Page 56 Open Space Element and Page 32 of the Conservation Element: Protect streams and surrounding habitats to maintain and improve all beneficial uses of water for present and future generations.

Add the following Policies related to Recommendation 5:

Policy 5.1: All future ministerial and discretionary activities should at a minimum maintain beneficial uses of water while protecting existing water rights.

Policy 5.2: Adopt numeric and performance-based stream setback standards that are consistent with California Forest Practices Act stream zones and permitted management activities (provided, however, that legal and/or permitted activities approved by the County in the past are protected in perpetuity). In lieu setbacks may be utilized when incentive-based restoration results in an overall improvement in beneficial uses of water.

Policy 5.3: Develop incentives via a grant program or something similar to encourage existing water users to conserve water, restore stream habitat, reduce impermeable surfaces and/or restore stream habitats.

Policy 5.4: Establish effective incentives via a grant program or something similar to encourage conservation such as but not limited to reducing regulatory review of projects, transfer of density credits, in lieu stream buffer standards, reduction of development fees and costs. Incentivize water use calculation by providing credits to those providing such data.

### **Proposed**

Substitute a New Recommendation for the existing Recommendation 2 – Page 56 of the Open Space Element and Page 32 of the Conservation Element: Assist water districts, mutual water companies and other water purveyors in developing capital improvement plans that are realistic and based on sound planning and development patterns, and that will ensure reliable water supplies for present and future generations.

Add the following Policies related to Recommendation 2.

Policy 2.1: Direct future growth where sufficient water resources can be provided economically and sustainably.

Policy 2.2: Support districts, as resources allow, in all efforts to improve water delivery efficiency, upgrade infrastructure, maximize the efficient use of water and reclaim or conserve water.

Policy 2.3: Support expansion and/or consolidation of community and individual water projects to the mainstem Trinity River where economically and environmentally practical.

\*\* It should be noted that a further overall goal contained in the 1973 Conservation Element is to develop a comprehensive program to sustain multiple uses of watershed lands.

## **Future Action – Selected Revisions to the Four Community Plans**

Once the County has budgeted the resources for an update of the General Plan the task of updating the four community plans (Weaverville, Lewiston, Hayfork and Douglas City) should be undertaken as part of that effort. This will help ensure consistency across the various documents.

## **Future Action – Groundwater Policy**

The July 14 staff report referenced the County Grand Jury Water Committee Report that was publically released on June 30, 2016 (also discussed in the July 27<sup>th</sup> *Trinity Journal*). Among the findings was the marked increase in the number of well permits issued by the County during the course of the last 10 years (64 in 2005 versus 300 during 2015) and the marked decline of water availability and quality in some of the county's streams during the recent drought; the growth in businesses that transport and sell water (a significant amount of this for illegal cannabis cultivation), and the significant potential for adverse impacts to water quality that are occurring as a result of surface runoff.

Reference was made in the Grand Jury Report of recent changes to State Water Code (broadly, Sections 10720 *et seq.*), requiring sustainable groundwater management and enforcement (carrying capacity analysis, potential establishment of local Groundwater Sustainability Agencies (GSAs), tightened policies on the regulation of wells, including the testing of well water quality and quantity, establishment of goals based on a carrying capacity model. The prompt adoption of a grading ordinance was also recommended. While the Grand Jury Report is referenced, time is still needed for the Grand Jury report to be taken under consideration, and for Board direction be taken as appropriate as to the resources and priorities required to address the recommendations.

5Cs recommendations summarized in the July 14 and April 14 staff reports are intended to reduce current impacts on groundwater, but also point to the need for new County policies to address the full range of groundwater impacts. Enactment of the policies recommended by the Grand Jury (referenced above), are ways to gather the information needed to assess the degree of impact and would provide a basis for more detailed policy recommendations. Although many policies employed in other jurisdictions, particularly ones from the Central Valley, are not always feasible in Trinity County, additional options that could be studied include integrated water resource planning approaches, enactment of groundwater conservation and management ordinances (to address issues such as water transfers that could potentially adversely affect groundwater resources) (e.g., Butte County Water Resources Element), requiring discretionary projects to utilize a menu of best management practices (BMPs) provided by the County both to increase the pre-development absorption of run-off and to promote groundwater recharge (e.g., Humboldt County Policy WP-P24). Again, further evaluation will come after Board direction. In addition, staff continues to study policy proposals at the state and regional levels to gauge applicability and implementation challenges.

Encouraging water catchment and greywater use (now permitted per the standards in California Administrative Code Title 24, Part 5 "...wherever practical and feasible"...per 5C) would also reduce demands on groundwater and have been recommended as part of the larger, overall strategy for addressing groundwater impacts. Educating the public and encouraging voluntary landowner participation would be a key part of the promotion strategy.

## **Future Action – Surface Water Buffer Standards**

The Commission was asked to recommend adoption of the Cal Fire water course buffer standards (which reflect statutory requirements per the Forest Practice Act). It was also noted that Cal Fire has regulatory authority to enforce buffer zone compliance. Having a standard enforceable by Cal Fire would bolster the County's limited code enforcement capabilities at present and remove some of the additional burden on planning staff for performing CEQA review and related enforcement actions. The buffers are variable based on the classification of the adjoining surface water (based, in part, on whether it supports prime habitat, is round-year, seasonal or ephemeral). These details, along with the relevant sections of the Forest Practice Act, will be provided the Commission for future consideration.

## **Preliminary CEQA Analysis**

A framework for establishing thresholds for significant impacts and cumulatively significant impacts can be found by consulting the "Basin Plan" (i.e., Water Quality Control Plan of the North Coast Regional Water Control Board), Fish & Wildlife findings of effect—including thresholds for adverse effects on threatened fish species. 5C stated that we should assume that we are already at thresholds for impacts due to climate change and other human-induced factors and should work backwards from that assumption to draw conclusions concerning environmental impacts.

The project purpose of the 5C "Trinity County Water Resources Planning Proposal to Supplement the NCIRWMP" is stated as that of minimizing adverse effects on water resources, including significant risks to drinking water and fishery needs, while still accommodating appropriate development. The policy recommendations made in this staff report and recited as part of the BOS August 4, 2015 back-up contained in the prior July 14 Commission packet reflects a conscientious, well-researched effort vetted with regional water resource experts to promote conservation of water and to reduce water resource impacts consistent with the NCIRWMP. This includes an evaluation of historic stream/river flows, watershed elevations and floodplains, community water system intakes and available well data, soil water holding capacity, development data, erosion hazard ratings, soil surveys, and wildlife and habitat consideration, as well as extensive environmental analysis and planning for the Trinity River Watershed found in the Trinity River Flow Evaluation Final Report and NEPA Record of Decision (2001), as refined by subsequent modeling studies and assessment guidance.

As noted in the July 14 staff report a review of the CEQA Initial Study Checklist criteria for determining potential significant impacts to hydrology and water quality was performed by staff. The recommendations do not reach threshold levels for significant impacts. To the contrary, they reduce or avoid impacts to hydrology and water quality. Staff review of the proposed policies, utilizing the CEQA Initial Study Checklist screening topics, did not reveal the potential for significant impacts. The proposed policies would conform to regional and State water quality standards and waste discharge requirements, would improve rather than degrade water quality, and would promote the recharge rather than depletion of groundwater. No policies call for the alteration of the course of a stream or river, or a significant increase in surface runoff or other actions that adversely change surface water runoff absorption rates or drainage patterns; nor are changes in the course or direction of water movement in streams or rivers proposed. Updates to the Subdivision Ordinance do not call for new development to be located where impacts to existing water resources would be increased, and no policies call for development within known flood hazard areas.

It is staff's recommendation that Planning Commission recommend the following actions to the Board of Supervisors, finding that on the basis of the whole record before the Commission, including previous Trinity River Watershed planning and environmental studies, such as the North Coast Integrated Regional Management Plan, further assessment guidance conducted by the Northwest California Resource Conservation and Development Council/Five Counties Salmonid Conservation Program (5C), and comments received, that the policy changes proposed (project) will not have a significant effect on the environment:

1. Recommend amending Zoning Ordinance Section 29.2 ("Critical Water Resource Overlay Zone") as proposed in Attachment A to this staff report;
2. Recommend amending Zoning Ordinance Section 30 D.7 and Section 30 H, as proposed in Attachment A to this staff report;
3. Recommend amending Subdivision Ordinance Sections 16.08 and 16.08.195 (adding a definition of "Surface Water"), and 16.48.123 ("Public Water Supply") and 16.48.124 ("Individual or On-Site Water Availability"), as proposed in Attachment B to this staff report;
4. Recommend revising the overall watershed-related objective on page 56 of the Open Space Element and page 31 of the Conservation Element of the County General Plan, by revising the Objective as follows: *To preserve the quantity and quality of existing water supply in Trinity County for future generations by careful planning of future development.* In addition, a new recommendation (Recommendation # 5) would be inserted worded as follows: "...Protect streams and surrounding habitats to maintain and improve all beneficial uses of water for present and future generations, accompanied by a new set of related Policies numbered 5.1 through 5.4 (as proposed on page 4 of this staff report);
5. Recommend revising Recommendation 2 – Page 56 of the Open Space Element and Page 32 of the Conservation Element to read as follows: Assist water districts, mutual water companies and other water purveyors in developing capital improvement plans that are realistic and based on sound planning and development patterns, and that will ensure reliable water supplies for present and future generations, accompanied by a new set of policies numbered 2.1 through 2.3 (as proposed on page 4 of this staff report);
6. Amend Part III (Open Space Considerations) Section G, page 28 of the Open Space Element of The General Plan by deleting the assertion "...Water supply is more than adequate to take care of both agriculture and domestic requirements for the foreseeable future.."
7. In reference to growing concerns regarding groundwater supply, recommend that the County take action consistent with Board Resolution No. 2002-022 "Resolution Approving Amendments to the Open Space and Conservation Elements of the Trinity County General Plan," which defined the beneficial uses associated with groundwater in our County and call for sustainable groundwater management practices, carrying capacity analysis, and establishing well water quality and quantity testing protocols, consistent with 5C guidance.

# Attachment A





# TRINITY COUNTY PLANNING DEPARTMENT

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## STAFF REPORT

July 14, 2016

From: Carson Anderson, Senior Planner  
To: Planning Commission  
Re: Continuing Discussion of Countywide Water Resource Policy Changes per Northwest California Resource Conservation and Development Council Input – Potential Recommendations to the Board of Supervisors

### Requested Action

In response to a request from the Board of Supervisors, the Planning Commission is being asked to review;

1. The proposed changes introduced at the April 14<sup>th</sup> meeting.
2. Make a motion to recommend those changes to the Board to take under consideration.
3. Consider upcoming CEQA analysis of same for adoption by the Board at a later date.

### Background

The Commission held a workshop session at its April 14, 2016 meeting to discuss possible changes to countywide water resource policy, and received new detail from staff concerning water resource policies in other jurisdictions, as well as a discussion on whether to take the approach of having a separate water resources element versus including the document as part of an update to the County's Conservation Element. The workshop was a follow-up to the Commission's December 10, 2015 meeting at which Mark Lancaster and Sandra Perez of the Northwest California Resource Conservation and Development Council/Five Counties Salmonid Conservation Program (5C hereafter) gave a PowerPoint presentation highlighting deficiencies in the County's current water policies, and that could, in part, create a situation where further regulatory requirements are imposed on the County in an effort to protect listed species. To resolve this, the 5C has provided a list of desirable potential updates to the Open Space and Conservation Element of the General Plan, Zoning Ordinance, and Subdivision Ordinance.

The Board of Supervisors received a similar presentation from 5C on August 4, 2015, and directed Staff to seek the Commission's input on the recommendations put forth by 5C. Attached please find the back-up detail provided the Board at its August 6, 2015 meeting (this was not given to you as part of your April 14<sup>th</sup> packet) along with the Commission's April 14<sup>th</sup> staff report (Exhibits A and B).

For the Commission's consideration, following is a synopsis of the policy discussion items touched upon during the April 14<sup>th</sup> workshop:

- 1) Whether to pursue a Water Resources Element in General Plan;
- 2) Greywater re-use standards (for non-human or incidental human contact);
- 3) Streamlined permitting for rainwater catchment;

4) Surface water use assessment of any surface water diversion proposed for a discretionary development proposal/assessing cumulative demand and effects on

surface water beneficial uses;

5) Water conservation design standards;

6) Required buffer zones from streams;

7) Trinity River as a water source in lieu of Trinity River tributaries;

8) Water resources stewardship education;

9) Updates to Conservation Element policies;

10) Align water purveyor capital improvement plans with desirable water resource policy;

11) Enact a major expansion of Critical Water Resources (CWR) Overlay zoning, and;

12) Specific amendments to County Subdivision Ordinance (including eliminating time extension allowance for dry weather period water supply).

### **5C Responses at April 14, 2016 Meeting**

At staff request, 5C provided a number of corrections and clarifications to statements and questions presented as part of the April 14<sup>th</sup> staff report to the Planning Commission. In reviewing the detail contained in the April 14<sup>th</sup> staff report please cross-reference the following summary of 5C responses (please note that the numbering below reflects only those items where corrections or new information was provided by 5C):

2)3) Greywater: The “Water Resources Guide for Landowners” on the 5C web link provides greywater best management practices (BMPs) that can be used in crafting an ordinance. 5C also recommended that the County and State look at what other states are already doing and indicated that eventually the state legislature will need to be lobbied to make the greywater review and permitting standards in Title 24, Part 5 of the California Administrative Code more expansive to make greywater usage allowable “...wherever practical and feasible.” 5C also stated that greywater-related permitting costs for this within our County at present are considered prohibitive. Encouraging voluntary landowner participation is key. This can be incentivized through a County permit fee rebate program advertised by the County (leaflets; web page), with links to 5C web link how-to water conservation guidance (**Exhibit C**). The rebate is granted once the landowner demonstrates that the greywater BMPs were properly implemented.

4) CEQA analysis/cumulative effects analysis and data collection to better evaluate impacts to water resources: A framework for establishing thresholds for significant impacts and cumulatively significant impacts can be found by consulting the “Basin Plan” (i.e., Water Quality Control Plan of the North Coast Regional Water Control Board), Fish & Wildlife findings of effect—including thresholds for adverse effects on threatened fish species. 5C stated that we should assume that we are already at thresholds for impacts due to climate change and other human-induced factors and should work backwards from that assumption to draw conclusions concerning environmental impacts.

5) Stormwater is distinct from water cachement, and, it was noted that the current review process for well permits dates from the 1980s and is insufficient, and that the hydrological studies performed by our Environmental Health Division do not meet the standards 5C proposes.

6) Standards are discussed in clear detail in the back-up provided the Board (**Exhibit A**). 5C noted the conflict amongst the Fish & Wildlife Department, County policies, and Forest Practice Act standards for buffer zones. The Commission was asked to recommend adoption of the Cal Fire water course buffer standards (which reflect statutory requirements per the Forest Practice Act). It was also noted that Cal Fire has regulatory authority to enforce buffer zone compliance. Having a standard enforceable by Cal Fire would bolster the County’s limited code enforcement capabilities at present and remove some of the additional burden on planning staff for performing CEQA review and related enforcement actions.

7) Trinity River as a water source for new development to replace existing stream water diversion: Specific policy language has not been developed by 5C because regulation of waters

within the Trinity River falls under the authority of the Bureau of Reclamation and Corps of Engineers. As was discussed at a subsequent meeting by Brandt Gutermuth (Trinity River Restoration Program) planning for the River is governed by very detailed strategy found in the Trinity River Flow Evaluation Final Report and NEPA Record of Decision (2001), as refined by subsequent modeling studies and assessment guidance. Changing/adding to policy in this context would long-term process calling for much dialogue and requiring formal agreement.

8) 5C noted some progress made in taking some of the actions proposed as part of the water resources stewardship education effort. This includes the interactive map on ArcGIS that is now accessible via the Planning Department website (e.g., flood zone locations, drought conditions, Critical Water Resources zoning overlay locations topography, hydrography).

10) The thresholds related to stream setbacks are actually quite clear and are based on on-going documentation of current threats to water resource quality (e.g., Basin Plan, Fish & Wildlife findings—including impact-mitigation language contained in pending threatened species listings)

11) The “Critical Water Resources” (CWR) label in the Zoning Code would be removed and applied instead to a new set of areas considered water challenged. These newly defined water-challenged area are already essentially defined. The geographical boundaries of the current CWR zoning overlay are based chiefly upon section lines. 5C proposes that the boundaries be determined based on watershed boundaries.

12) Dry weather period water supply testing: An apparent typo in the staff report caused confusion. The text in the last paragraph of the staff report should be disregarded. Staff supports eliminating the time extension allowance for dry weather testing based on the justification provided by 5C.

Additional new information supplementing or revising that which was provided in the April 14th staff report is highlighted as follows:

### **Proposed Policy / Text Changes to Zoning Ordinance**

As referenced in the April 14<sup>th</sup> staff report the CWR overlay currently applies to isolated areas in the County, chiefly in Hayfork outside the water district service area, and also Douglas City, Browns Creek and Little Browns Creek, Democrat Gulch, and the lower, upper, and east branches of East Weaver Creek. 5C’s recommendation is to extend the current CWR proof of water standards for all future subdivision actions to the entire county (as most residents living outside a community water systems district “...have more challenges meeting water needs in a dry year or drought”—particularly when multiple property owners draw from a common water source).

The existing standard would no longer be called CWR, but would be newly delineated as part of Zoning Code in Zoning Ordinance Section 29.2 – “Critical Water Resource Overlay Zone ‘CWR’” and Section 30 – “General Provisions and Exceptions.” Exhibit D shows the existing text in the zoning code in strikeout format followed by the proposed rewritten section with the wording underlined to highlight the changes. The proposed standards would impose new development standards in regards to water. Criteria for documenting proof of water would be much stricter and would also require a greater level of evidence. More standards for water conservation would be required as well (Exhibit D).

### **Proposed Policy / Text Changes to Subdivision Ordinance**

As also referenced on April 14<sup>th</sup>, there are a number of proposed revisions to the County's Subdivision Ordinance, some of which carry forward some of the water supply/water availability policy changes referenced in the Zoning Ordinance discussion of CWR. A definition of "Surface

Water" would be added to the definitions in Section 16.08. Sections 16.48.123 and 16.48.124 would be modified "...for clarity and protection of water resources to prevent unsafe division of land..." that might otherwise occur because of the inadequate water supply. The time extension allowance for dry weather period testing also would be eliminated to assure all beneficial uses can adequately be protected. See Exhibit A (for the broader discussion provided the Board and Exhibit E, which focuses only on the changes to the text/policies in the Subdivision Ordinance.

### **Producing a Standalone Water Resources Element as Part of the General Plan?**

In discussion with Staff, the Commission provided direction April 14<sup>th</sup> on the matter, recommending that updates to the Zoning and Subdivision Ordinances, per 5C input, become the current focus, with a more thorough-going effort on water resources policy documents to come at a later date.

The rationale for a separate general plan element is easily understood. Doing so would give a strong focus to water resource protection needs and draw sharper attention to current threats to water supply (e.g., prolonged drought, extensive cannabis cultivation, and wildland fire) that were not considered, or given inadequate consideration, when the existing Conservation Element to the County's General Plan was adopted in 1973. A fairly small number of county jurisdictions in Northern California have taken this route. The Butte and Plumas Counties Water Resources Elements were looked at and a copy of the Butte County document was provided as an attachment to the April 14<sup>th</sup> staff report (Exhibit B). Because Trinity County and Humboldt Counties are part of the same watershed 5C asked staff to consider the Humboldt County Water Resources Element as a more germane example (attached for reference as Exhibit F).

Also referenced was the alternative approach of breaking out the water resources discussion as a detailed sub-section in the Conservation Element. That approach was taken by Shasta County. Shasta County grouped ten topics as part of its "Resources Group" in the General Plan, including water resources, agricultural land, timberland, minerals, and energy among others.

Discussion in the Humboldt County Water Resources Element addresses the topics of surface water, groundwater, public water systems, conservation and reuse, import and export of water, watershed planning (including effects from ground-disturbing activities, including but not limited to widespread cannabis cultivation), and hydro-power project relicensing. Separate chapters present general standards applicable to water resources and implementation measures.

A Conservation Element is not a line item in the 2016-2017 fiscal year budget and due to the age of the Conservation Element and the need for major revamping the best approach would likely be crafting a standalone water resources policy document. Policy guidance is all the more important given the enactment of the Medical Marijuana Regulation & Safety Act (MMRSA) and potential County adoption of a commercial cannabis ordinance and permitting process this year or next. Water resource impacts could potentially increase significantly in magnitude were compliant commercial cannabis cultivation activity to be permitted without a clear stepped up ability to eradicate extensive unlicensed non-compliant grows that are causing significant impacts to water resources. Considering this, it is very appropriate that we make selective revisions and wait to embark on a more global change when we are looking at the General Plan as a whole. This will serve to prevent creating inconsistencies between various elements. 5C's recommended changes to existing General Plan Conservation Element text are highlighted on the next page.

It was also recommended that the discussion of water supply in the Open Space Element of the County's General Plan be updated. Statements that appear in the Open Space Element such

as "...Water supply is more than adequate to take care of both agriculture and domestic require-requirements for the foreseeable future.." are contradicted by the 2014 emergency drought declaration adopted by the County.

## Conservation Element Policy / Text Updates

### **Current Text**

*GOAL 1: Protect streams and surrounding habitats to maintain and improve all beneficial uses of water for present and future generations.*

*Objective #1: Preserve existing water quantity and quality of streams and lakes by careful planning of future development.*

### **Proposed**

Policy 1.1: All future ministerial and discretionary activities should at a minimum maintain beneficial uses of water while protecting existing water rights.

Policy 1.2: Adopt numeric and performance-based stream setback standards that are consistent with California Forest Practices Act stream zones and permitted management activities (provided, however, that legal and/or permitted activities approved by the County in the past are protected in perpetuity). In lieu setbacks may be utilized when incentive-based restoration results in an overall improvement in beneficial uses of water.

Policy 1.3: Develop incentives via a grant program or something similar to encourage existing water users to conserve water, restore stream habitat, reduce impermeable surfaces and/or restore stream habitats.

Policy 1.4: Establish effective incentives via a grant program or something similar to encourage conservation such as but not limited to reducing regulatory review of projects, transfer of density credits, in lieu stream buffer standards, reduction of development fees and costs. Incentivize water use calculation by providing credits to those providing such data.

### **Current Text**

*GOAL 2: Work with water districts, mutual water companies and other water purveyors to assure reliable water supplies for present and future generations.*

*Objective #2.1 Assist water districts, mutual water companies and other water purveyors in developing capital improvement plans that re realistic and based on sound planning and development patterns.*

### **Proposed**

Policy 2.1: Direct future growth where sufficient water resources can be provided economically and sustainably.

Policy 2.2: Support districts, as resources allow, in all efforts to improve water delivery efficiency, upgrade infrastructure, maximize the efficient use of water and reclaim or conserve water.

Policy 2.3: Support expansion and/or consolidation of community and individual water projects to the mainstem Trinity River where economically and environmentally practical.

\*\* It should be noted that a further overall goal contained in the 1973 Conservation Element is to develop a comprehensive program to sustain multiple uses of watershed lands.

## **2015-2016 Trinity County Grand Jury Water Committee Report**

The County Grand Jury Water Committee Report, publically released on June 30, 2016, notes the significant value associated with Trinity County lakes, rivers and streams as an engine for our local economy (e.g., recreational and tourism dollars spent here), and points out a number of inadequacies in how the County regulates and protects water resources. The investigation notes the marked increase in the number of well permits issued by the County during the course of the last 10 years (64 in 2005 versus 300 during 2015) and the marked decline of water availability and quality in some of the county's streams during the recent drought; the growth in businesses that transport and sell water (a significant amount of this for illegal cannabis cultivation), and significant adverse impacts to water quality that are occurring as a result of surface runoff (**Exhibit G**).

Recent changes to State Water Code section 10720 (*et seq.*), requiring sustainable groundwater management and enforcement, are highlighted, including the adoption of a goal that all groundwater be sustainably managed, carrying capacity analysis conducted, and the establishment of local Groundwater Sustainability Agencies (GSAs). Key among the Grand Jury recommendations are tightened policies on the regulation of wells, including the testing of well water quality and quantity, establishment of sustainability goals for the County—particularly for water providers—based on a countywide study of carrying capacity, and the prompt adoption of a grading ordinance.

### **Groundwater**

Although 5Cs recommendations summarized in this staff report are intended to reduce current impacts on groundwater, the discussion at the April 14<sup>th</sup> meeting indicated that new County policies would be needed to address the full range of groundwater impacts. Enactment of the policies recommended by the Grand Jury (referenced above), such as carrying capacity analysis and establishment of GSAs would reduce impacts to groundwater. Although many policies employed in other jurisdictions, particularly ones from the Central Valley, are not always feasible in Trinity County, additional options that could be studied include integrated water resource planning approaches, enactment of groundwater conservation and management ordinances (to address issues such as water transfers that could potentially adversely affect groundwater resources) (e.g., Butte County Water Resources Element), requiring discretionary projects to utilize a menu of best management practices (BMPs) provided by the County both to increase the pre-development absorption of run-off and to promote groundwater recharge (e.g., Humboldt County Policy WP-P24).

### **CEQA**

The project purpose of the 5C "Trinity County Water Resources Planning Proposal to Supplement the NCIRWMP" is stated as that of minimizing adverse effects on water resources, including significant risks to drinking water and fishery needs, while still accommodating appropriate development. Each of the policy recommendations 1-12 summarized on pages 1-2 of this staff report reflects the project's effort to promote conservation of water and to reduce water resource impacts consistent with the NCIRWMP. The recommendations for revisions to current County water resources policies are based upon an evaluation of historic stream/river flows, watershed elevations and floodplains, community water system intakes and available well data, soil water holding capacity, development data, erosion hazard ratings, soil surveys, and wildlife and habitat considerations.

Per the CEQA Initial Study Checklist (Appendix G), relevant criteria for determining significant impacts to hydrology and water quality would include project actions which would:

- a. Violate any water quality standards or waste discharge requirements;
- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation onsite or offsite;
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;
- e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- f. Otherwise substantially degrade water quality;
- g. Place housing within a 100-year flood hazard zone as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation;
- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows
- i. Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam, and/or;
- j. Inundation of seiche, tsunami, or mudflow.

The policies proposed by 5C are supported by careful research and are consistent with regional water policy plans and extensive environmental analysis and planning for the Trinity River Watershed found in the Trinity River Flow Evaluation Final Report and NEPA Record of Decision (2001), as refined by subsequent modeling studies and assessment guidance. Those policies would conform to regional and State water quality standards and waste discharge requirements, would improve rather than degrade water quality, and would promote the recharge rather than depletion of groundwater. No policies call for the alteration of the course of a stream or river, or a significant increase in surface runoff or other actions that adversely change surface water runoff absorption rates or drainage patterns; nor are changes in the course or direction of water movement in streams or rivers proposed. Updates to the Subdivision Ordinance do not call for new housing to be located where impacts to existing water resources would be increased, and no policies call for development within known flood hazard areas.

### **Motion**

Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors, finding that on the basis of the whole record before the Commission, including previous Trinity River Watershed planning and environmental studies, such as the North Coast Integrated Regional Management Plan, further assessment guidance conducted by the North Northwest California Resource Conservation and Development Council/Five Counties Salmonid Conservation Program (5C), and comments received, that the policy changes proposed (project) will not have a significant effect on the environment:

1. Recommend amending Zoning Ordinance Section 29.2 ("Critical Water Resource Overlay Zone") as proposed in Exhibit C to this staff report;
2. Recommend amending Zoning Ordinance Section 30 D.7 and Section 30 H, as proposed in Exhibit C to this staff report;
3. Recommend amending Subdivision Ordinance Sections 16.08 and 16.08.195 (adding a definition of "Surface Water"), and 16.48.123 ("Public Water Supply") and 16.48.124 ("Individual or On-Site Water Availability"), as proposed in Exhibit D to this staff report;
4. Recommend taking action amending Goal 1 and Objective 1 of the Conservation Element of the County General Plan by adding Policies 1.1 through 1.4 as proposed on page 5 of this staff report;
5. Recommend amending Goal 2 and Objective 2.1 of the Conservation Element of the County General Plan by adding Policies 2.1 through 2.3 as proposed on page 5 of this staff report;
6. Recommend taking action, as proposed on page 4 of the staff report, to amend Part III (Open Space Considerations) Section G, page 28 of the Open Space Element of The General Plan by deleting the assertion "...Water supply is more than adequate to take care of both agriculture and domestic requirements for the foreseeable future.."
7. Recommend the County take action, consistent with changes to State Water Code Section 10720 (*et seq.*), and the recent 2015-2016 Trinity County Grand Jury Water Committee Report, to establish a policy for the sustainable management of groundwater, including conducting carrying capacity analysis, and establishing well water quality and quantity testing protocols consistent with 5C guidance.



# Attachment B

~~EXISTING TEXT~~

Ord.  
S

## SECTION 29.2 CRITICAL WATER RESOURCE OVERLAY ZONE "CWR"

### A. APPLICABILITY OF OVERLAY ZONE:

1. The initials "CWR" appearing after a zone abbreviation on a Zoning Map indicates that the property so classified is subject to provisions of this Article in addition to those of the underlying zone.
2. The "CWR" Zone may be applied to any land within the County for which the Board of Supervisors, after public hearing, determines that development may have a detrimental impact on water resources such as those resulting from extractions of ground and/or surface waters which would be beyond the capability of the resource or by contamination of ground or surface waters. **[NEW INSERTED TEXT HERE]**

B. **USES PERMITTED:** All uses permitted under the basic land use zones; provided, however, that said use is found to conform to the "CWR" Overlay. **[NEW INSERTED TEXT HERE]**

### C. DEVELOPMENT STANDARDS:

1. ~~Water Quantity. Where the "CWR" Overlay Zone pertains to the amount of water available, proof of such water availability shall be demonstrated prior to the division of any parcel of land. Water availability shall be proven by one or all of the following methods:~~
  - ~~a. An on-site well located a minimum of one hundred (100) feet from any stream, and drilled to a minimum depth of fifty (50) feet, for each proposed parcel producing year-round flows of not less than 1 1/2 gpm; or~~
  - ~~b. A spring on each proposed parcel producing year round flows of not less than 1 1/2 gpm; or~~
  - ~~c. Provide water to each proposed parcel from a public (community) water system defined and regulated under the California Health and Safety Code, Division 5, Pure Water Law.~~
2. ~~Water Quality. Where the "CWR" Overlay pertains to the quality of water, proof of safe drinking water shall be demonstrated prior to the division of any parcel of land. The following conditions may be required at the discretion of the County Health Department:~~
  - ~~a. Chemical analysis of the subject water source to be performed by a state certified laboratory for chemical analysis.~~

~~b. Bacteriological analysis of the subject water source to be performed by a state certified laboratory for bacteriological analysis.~~

~~The nature and scope of said analyses shall be at the discretion of the County Health Department.~~

~~D. EXCEPTIONS: The provisions of this Section shall not be applicable to divisions whereby it is found by the Board of Supervisors that said division would not in any manner necessitate the use of water, either for human or animal consumption or irrigation. Upon such finding, all documents pertaining to said division shall be clearly marked by the zone abbreviation followed by the initials "CWRN". No building, septic tank or other like permits may be issued by any agency for land so designated "CWRN".~~

## SECTION 29.2 CRITICAL WATER RESOURCE OVERLAY ZONE "CWR"

### A. APPLICABILITY OF OVERLAY ZONE:

1. The initials "CWR" appearing after a zone abbreviation on a Zoning Map indicates that the property so classified is subject to provisions of this Article in addition to those of the underlying zone.
2. The "CWR" Zone may be applied to any land within the County for which the Board of Supervisors, after public hearing, determines that development may have a detrimental impact on water resources such as those resulting from extractions of ground and/or surface waters which would be beyond the capability of the resource or by contamination of ground or surface waters. At the time of adoption of this "CWR" zoning overlay and standards, "CWR" applies to the following watersheds: Hayfork Creek, Rattlesnake Creek (tributary to the South Fork Trinity River), Browns Creek, Indian Creek, lower Weaver Creek, Little Browns Creek, Democrat Gulch, and West Weaver Creek.

- ### B. USES PERMITTED:
- All uses permitted under the basic land use zones and any other overlay zones; provided, however, that said use is found to conform to the "CWR" overlay. Where the "CWR" overlay standards are more restrictive than other overlay standards, the "CWR" overlay standards shall prevail.

### C. DEVELOPMENT STANDARDS:

1. Water Quantity. The following standards shall apply prior to the division of any parcel of land:
  - a. Proof of water availability shall be demonstrated by means of a hydrological study approved by the Planning Department with the concurrence of the Environmental Health Department regardless of the water source proposed (for example, well, spring, or surface water) with the exception of where the entire subdivision will be served by an existing and operating water system operated by a public agency as described in the Land Division Ordinance of the County of Trinity, Title 16 of the County code, Section 16.48.123 Subdivision Improvements, Public Water Supply. All data shall be gathered during the dry season and prior to the start of the rainy season. Water sources on all parcels shall be collectively evaluated for overall impact to local groundwater supplies. The hydrological study shall satisfy the requirements described in Section 16.48.123 of the County's Land Division Ordinance.
  - b. Best Management Practices (BMPs) to preserve sufficient stream flows for downstream beneficial uses shall be required where water is diverted from a stream or produced by a well within 100 feet of any stream. Sufficient stream flows will be ensured at all times and are defined as those that meet all downstream riparian water obligations and beneficial uses set forth in the California Constitution and the Porter-Cologne Act. BMPs shall conform to current County Building Code and State

Green Code requirements. Proof that such devices have been installed will be required before a ministerial approval is finalized. BMPs used to demonstrate compliance with sufficient stream flows may include:

- i. Greywater systems for approved greywater uses on-site to the maximum extent practical and feasible. Greywater systems must be in place prior to the final approval of a building or septic tank permit.
  - ii. Stormwater collection and storage as outlined in the **SC Program's Stormwater Management Guide**, an online guide found at <http://www.5counties.org/stormwater.htm>. A hard copy is also available at the County Planning and Building Department.
  - iii. Trickle fill (also known as passive diversion) devices designed to allow diversion of water only during times of sufficient flow. BMP suggestions are available at the 5C Program website at <http://www.5counties.org/trickle.htm> as well as the County Planning and Building Department.
  - iv. Additional methods as approved by the County Planning and Building Departments.
2. For existing parcels, that are not currently served by an existing and operating water system operated by a public agency, that are requesting ministerial and discretionary permitting and/or entitlement actions for a new dwelling, commercial, or industrial activities where water will be required, the following standards shall apply:
- a. In order to protect the safety and welfare of residents, water storage facilities shall be installed on-site on each parcel prior to the issuance of a building permit or other approval. Minimum domestic water use requirements shall be 2,500 gallons of storage per proposed parcel, which shall not include any required fire supply storage set forth in the Safety Element of the General Plan.
  - b. Best Management Practices (BMPs) to preserve sufficient stream flows for downstream beneficial uses shall be required where water is diverted from a stream or produced by a well within 100 feet of any stream. Sufficient stream flows will be ensured at all times and are defined as those that meet all downstream riparian water obligations and beneficial uses set forth in the California Constitution and the Porter-Cologne Act. BMPs shall conform to current County Building Code and State Green Code requirements. Proof that such devices have been installed will be required before a ministerial approval is finalized. BMPs used to demonstrate compliance with sufficient stream flows may include:
    - i. Greywater systems for approved greywater uses on-site to the maximum extent practical and feasible. Greywater systems must be in place prior to the final approval of a building or septic tank permit.
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<http://www.5counties.org/stormwater.htm>. A hard copy is also available at the County Planning and Building Department.

- iii. Trickle fill (also known as passive diversion) devices designed to allow diversion of water only during times of sufficient flow. BMP suggestions are available at the 5C Program website at <http://www.5counties.org/trickle.htm> as well as the County Planning and Building Department.
- iv. Additional methods as approved by the County Planning and Building Departments.

## **SECTION 30 GENERAL PROVISIONS AND EXCEPTIONS**

All regulations in this Ordinance pertaining to the districts established in Section 4 hereof are subject to the General Provisions, Conditions and Exceptions contained in this Section.

### **A. AMBIGUITY**

If any ambiguity arises concerning the appropriate classification of a particular use within the meaning and the intent of this Ordinance, or with respect to matter of height, area requirements or zone requirements as set forth herein, the Planning Commission shall ascertain all pertinent facts, and by resolution set forth its findings and interpretations and thereafter such interpretation shall govern. Similar use, as used in this Ordinance, means the same character of use and no less restricted in nature, i.e., generates no more traffic, parking, dust, noise, etc., and if retail uses are specified, "similar" means retail.

### **B. USE**

All of the uses listed in this Section, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special classification as making practical their inclusion in any class of use set forth in the various districts defined herein, and therefore the authority for and location of the operation of any of the uses designated shall be subject to the issuance of a Use Permit in accordance with the provisions of Section 32 hereof.

1. When any of the following uses are to be established closer than two-hundred (200) feet to the boundary of any residential district: Dance hall, road house, night club, commercial club, or any establishment where liquor is served, or any commercial place of amusement or recreation, or any place where entertainers are provided.
2. Circus, carnival, open-air theater, racetrack, or similar establishments involving assemblages of people and vehicles.
3. The removal of minerals and natural materials for commercial purposes. This does not include the excavation or removal of materials for a normal construction of buildings, structures, or underground facilities; or the removal of minerals, natural materials or conifers, where such removal is motivated by land leveling as its prime objective.
  1. Drilling for, and/or removal of oil or gas.
  2. Temporary operation of a portable asphalt or concrete batch plant, portable rock screening unit or crusher and/or similar uses as determined by the Planning Commission.

3. Examples of such projects include, but are not limited to: the construction, maintenance or repair of roads, bridges, airports, flood control facilities, utilities, bicycle or pedestrian paths; and improvement projects for fish and wildlife habitat. The use permit shall specify the length of time the temporary use is permitted to operate, but shall not exceed two (2) years without further additional review by the Planning Commission.
4. Directional and informational signs in any district. The location, copy and design of said signs shall be subject to approval of the Planning Commission. No one sign shall exceed a maximum area of four-hundred (400) square feet. Such sign shall be permitted only on property adjacent to freeways approaching communities and within one mile of said communities and which State highways and freeways pass through or near said communities.
5. Juvenile holding facility and related uses not otherwise addressed in this Ordinance or exempted by State law.
6. Guest Ranches, Boarding Schools, Foster Homes, Summer Schools or similar uses in any district where permitted and having an occupancy of seven (7) or more guest students, mentally retarded or needy children on any parcel of land under one ownership shall require a use permit before any use or extension of the present use may be permitted. (Ord. 315-16)
7. Family Care Mobile Homes
  - A. One mobile home in addition to a dwelling otherwise permitted under this ordinance may be temporarily placed on a parcel if all of the following criteria are met:
    1. The temporary mobile home is for the exclusive use and temporary home to provide in-home care to a grandparent or grandparents, parent or parents, siblings or children, of the occupant of the principal dwelling unit; or the principal dwelling unit may be designated as the family care residence, in which case the temporary mobile home shall be utilized by the relative providing the care; and
    2. A Director's Use Permit is first secured, pursuant to Section 32 of this Ordinance; and
    3. The Adult Services division of the County Department of Health and Human Services has provided written verification to the Planning Director confirming that there is an existing medical need for temporary in-home care.



The written verification shall include a specific description of the in-home care services currently required to be provided to the person, such as medication monitoring and management, pain and symptom management, home safety evaluation, IV therapy, blood draws for lab work, tube feeding and management, and end of life care.

The written verification shall be in sufficient detail so that the Planning director, or the Planning Commission, can determine what services are required to enable the person to be maintained in his or her home, rather than being placed in a skilled nursing facility or similar high cost out of home care facility. The assets or income of the person or the family shall not be a factor determining the need for in-home care.

4. Written verification by Adult Services that the intended occupant(s) of the mobile home cannot reasonably be housed in the principle dwelling unit. Said written verification shall state the limitations of the principle dwelling and the needs of the proposed occupant that establish the mobile home is necessary; and
  5. Requirements of the Health Department, the Building Department and other public agencies have been met.
- B. The placement, installation, and maintenance of the mobile home shall comply with the following:
1. The Family Care Mobile home shall be limited in size to a singlewide unit not to exceed 800 square feet in total area.
  2. Running gear, including tires, shall remain operable at all times.
  3. Skirting may be affixed to the mobile home for energy conservation, but no skirting or other improvements (including, but not limited to, a cabana, ramada, or deck) shall be affixed or placed adjacent to the mobile home that may limit its immediate mobility. A porch may be placed adjacent to the unit so long as the construction of the porch allows for the immediate separation and removal of the porch from the unit to allow for the mobile home's immediate mobility.
  4. The mobile home shall be currently registered pursuant to Chapter 4.7 (commencing with Section 18075) of Part 2 of Division 13 of the California Health and Safety Code.

The term of any use permit issued pursuant to this subsection shall be two years, provided that notwithstanding the provisions of Section 32(E)(4) of this ordinance, the permit may be renewed annually. Application for renewal shall be made prior to expiration of the permit; shall not require a public hearing, unless specified by the Planning Director; shall be subject to a filing fee as specified by resolution of the Board of Supervisors; and shall include confirmation by adult services of the medical need for continuing the temporary in-home care.

- a. If the party who qualified for the health care mobile home dies, or does not reside in the mobile home for 30 consecutive days, then the use permit issued pursuant to this subsection shall automatically terminate.
- b. In case of expiration of the permit or termination of use of the mobile home by other than expiration of the term, the mobile home shall be removed from the property within 30 days of the date of expiration or termination and the mobile home shall not be occupied during that period.
- c. A memorandum of the use permit shall be issued by the Planning Department and recorded in the Office of the County Recorder, of Trinity County, setting forth the expiration date and the terms and conditions of the permit.

C. UTILITIES:

1. Transmission Facilities.

- a. Purpose: It is the intent of this Section to implement with a single procedure Section 12808.5 of the California Public Utilities Code and Sections 53091 and 53096 of the California Government Code which authorizes the County to review and to approve or disapprove the location and construction of facilities for the transmission of electrical energy, operating at 13,000 volts or more (13KVA), such as substations, transmission lines and poles, and accessory structures.

It is the purpose of this Section to provide for these facilities in the County's communities in the most compatible and least obtrusive manner, while insuring that electrical energy is made available to every part of the County. The procedural rules set forth here in are designed to insure that sufficient information is provided in decision on applications submitted.

b. Definitions. For purposes of this Section, the following definitions shall apply:

1. Direct impact shall mean interference with the use of enjoyment of a person's property, real or personal, such as visual impacts, noise impact and interference.
2. Feasible shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
3. High voltage transmission facilities shall mean electrical transmission lines, poles, and accessory structures operated at the electrical potential of 13,000 volts or greater, and substations where at least one of the transmission lines connecting with the facility is operated at the electrical potential of 13,000 volts or greater.
4. Substation shall mean a facility which transforms electrical energy to a lesser voltage for the purposes of sub-regional or localized distribution, or which functions as a transition point from overhead to underground acts as the point of convergence for two or more transmission lines.

c. Procedure:

1. Location. High voltage transmission facilities may be located in any zone subject to the provisions of this Section.
2. Permit Required. A use permit is required to construct and locate a high voltage transmission facility in any zone. Application for a transmission facility permit shall be filed with the Planning Commission and shall be subject to a filing and investigation fee.
3. Information to Accompany Permit Application. An application for a use permit shall be accompanied by plans and the environmental document prepared and certified pursuant to the California Environmental Quality Act Public Resources Code Section 21000 et seq., sufficient in detail to allow the Planning Commission to determine the exact nature and extent of the use. The application shall include at a minimum the following information:
  - a. The expected electrical requirements of the areas within the District or area which will be affected by the project;

- b. The locations and capacities of the high voltage transmission facilities proposed, together with a description of basic technical and design concepts that favor the selection of the chosen locations and list of feasible alternative sites;
  - c. An assessment of the type and magnitude of the direct impacts of the proposed project and of each alternative;
  - d. Mitigation measures:
    - 1. The measures to be implemented to compensate for or mitigate the direct impacts of the project;
    - 2. Where any portion of a proposed project is adjacent to residentially zoned or residentially used property, or an environmentally sensitive area, a discussion of feasible routing alternatives;
  - e. Any other information the Planning Director deems necessary to allow the Planning Commission to determine the exact nature and extent of the proposed project and any impacts of the project.
4. Hearings:
- a. Within 30 days after an application for a use permit is filed and accepted as complete the Planning Commission shall hold a public hearing thereon. The procedural requirements for the hearing shall be governed by Section 32 of this Ordinance; provided, that said hearing may be initiated only by the permit applicant.
  - b. Mailed notice of the hearing shall be provided at least 10 days prior to the hearing to the owners of all property within 300 feet of the property subject to the permit; provided, that if such mailed notice would result in notice to more than 250 persons, as an alternative to such mailed notices, notice may be given by placing an advertisement in a newspaper of general circulation within the area affected by the proposed facilities.
  - c. The Planning Commission shall approve, approve an alternative, or deny the permit.
  - d. Review Criteria and Findings. The Planning Commission shall evaluate applications for such use permits in accordance with intent and purpose statement contained in Subsection A of this Section and any applicable land use plans and policies adopted by the Board of Supervisors.

- e. Any decision of the Planning Commission on a transmission facilities permit application shall be based on findings concerning:
  1. The consistency of the proposed facilities with the County's General Plan and Specific Plans.
  2. Whether there are feasible alternatives to the proposal.
  3. Such other factors related to the public health, safety and welfare.
  4. Environmentally sensitive areas.
2. Other Public Utilities. Other public utilities including, but not limited to, water, telephone, and Cable TV systems, may be permitted in any district upon first obtaining a use permit, provided that a use permit shall not be required for underground gas, water, telephone or Cable TV systems located within a special district formed for such purposes. Also, a use permit shall not be required for individual service connections or extension.
3. Power Generation and Transmission Facilities. All power generating or transmitting facilities shall conform to the following development and performance standards:
  - a. Noise. All power generating facilities shall be constructed, adjusted or insulated to conform with the noise standards established in Subsection J (3) of this Section.
  - b. Enclosures. All power generating equipment shall be completely enclosed within a building or a fence at least six (6) feet in height. Plans for such enclosures shall be submitted with the permit application.

D. SPECIAL REGULATIONS:

1. Regulations for Private Stables.
  - a. The following regulations shall apply in all cases where a use permit has been issued for the maintenance of a private stable:
    1. Minimum building site area for the first two horses - one (1) acre; each additional horse twenty thousand (20,000) square feet in addition to the one acre.
    2. Stables and paddocks shall not be less than fifty (50) feet from the front property line, nor less than twenty (20) feet from any side or rear property lines, nor closer than forty (40) feet from any dwelling on the same or contiguous property.

2. Temporary Keeping of Livestock in Residential Zoning Districts. (Ord. No. 315-648)

The Planning Director shall establish a waiver process in conjunction with 4H, FFA or student livestock projects in residential zoning districts where animal rearing is prohibited. Such waivers shall include but not be limited to the notification of neighbors, annual renewal and provide for adequate setbacks to reasonably protect neighboring uses. An approved waiver shall be for less than one year and will terminate at the completion of the Trinity County Fair. The Planning Director shall consult with the County Agriculture Commissioner, high school agricultural advisors and the county 4H advisor in developing standards for the waiver process.

3. Second Dwelling Units. (Ordinance No. 315-726)

- a. Purpose. It is the intent of this subsection to provide a procedure whereby one additional dwelling unit can be located on a lot already developed with one dwelling unit. Furthermore, it is also the intent of this section to require that such units only be located on parcels, which are physically capable of accommodating an additional dwelling unit.
- b. Definitions. As used in this Section, the following terms mean:
  1. "Second dwelling unit" is either a detached or attached dwelling unit, which provides complete, independent living facilities for one or more persons, located on the same lot as the existing dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, sanitation, and other such utilities.
  2. "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- c. Development Standards. The development standards shall be as follows:
  1. The second dwelling unit may be rented but may not be sold independent of the primary dwelling unit unless the original parcel upon which it is located is subdivided in accordance with the rules and regulations of the California Subdivision Map Act and the Trinity County Subdivision Ordinance.
  2. Second dwelling units may only be located on parcels zoned Single Family, Rural Residential, Duplex and Multiple Family. Second dwelling units are prohibited from being located in other zoning districts unless expressly authorized in other Sections of this Ordinance.

3. The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.
4. The total floor area of a detached second dwelling unit shall not be less than 256 square feet, or as defined by the California Uniform Building Code as a minimum dwelling unit.
5. The second dwelling unit shall conform to the development standards for the zoning district in which it is located, including, but not limited to setback, height, lot coverage, and density standards (these are based on the minimum parcel size per dwelling unit, as indicated in the land use designation chart of the General Plan), except a minimum ten (10) foot setback is required between detached dwelling units. This setback shall be increased to 60 feet for those parcels where the zoning requires a minimum density of one (1) acre or more per dwelling unit, or the "same practical effect" if approved by the California Department of Forestry and Fire Protection (CDF), in accordance with CCR 1270-1276.
6. The second dwelling unit shall be individually serviced by a sewer hook-up or individual on-site sewage disposal system approved by the Environmental Health Division of the Building and Development Services Department. The Environmental Health Division shall also evaluate the existing system to ensure compliance, sanitary operation and future repair area.
7. Both the primary and the second dwelling unit may utilize a common water supply provided that: 1) a minimum flow of 3 gallons per minute per unit is available for domestic use in addition to meeting water supply requirements for fire protection; ~~2) and the system has been approved by both the Environmental Health Division and the appropriate fire protection agency;~~ and 3) requirements of the Critical Water Resources (CWR) overlay zoning district are satisfied.
8. A Building permit is required. The second dwelling unit shall be constructed in accordance with the local building code requirements.
9. The second dwelling unit shall meet the requirements of the Trinity County Fire Safe Ordinance #1162 for new structures and/or any applicable local fire code.
10. If the second dwelling unit or main dwelling or main dwelling will be a manufactured home, and is to be located on a parcel with Mobile Home Standards overlay (MHS) zoning, then the manufactured home shall meet all codes required by the MHS overlay.

E. HEIGHT:

1. Where chimneys, silos, cupolas, flag poles, monuments, gas storage holders, radio and other towers, water tanks, church steeples and similar structures and mechanical appurtenances are permitted in the district, height limits may be exceeded upon securing a use permit in each case. Local distribution poles for public utilities shall be allowed in all districts and to greater heights than permitted for the districts without receiving a use permit.
2. In any district with a height limit of less than fifty (50) feet, public buildings, schools, churches, hospitals, and other institutions permitted in each district may be erected to a height exceeding that permitted in the district, provided that the gross floor area ratio to building site ratio shall not be increased unless specifically permitted in the district, and provided that the light angle of 70 degrees shall be established and maintained.
3. Upon securing a use permit, any building in any C, R-3, or M District may be erected to a height exceeding that herein specified for such district provided that the floor area ratio to building site area does not exceed that specified in the district.
4. Upon the securing of a use permit as provided herein any building may be erected to a height exceeding that herein, before specified for the respective districts, provided that the gross floor area of such buildings shall not exceed that possible for a building in such respective district erected within the height limit herein before specified for such district.
5. Accessory buildings in R, A, H, and RR Districts shall be limited to a maximum height of twenty-five (25) feet, provided that additional height may be permitted upon securing a use permit; and provided further, that this provision shall not apply to heights of agricultural structures in A, RR, or SC Districts.
6. Where the average slope of a lot is greater than the ratio of one foot rise or fall in seven feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building, provided that the height of the building shall not be increased above the limit specified for said district.

F. YARDS:

1. In any case where an official building line has been established as a part of the Circulation Element of the General Plan, the required yards on the street side shall be measured from such official plan lines, and in no case shall the provisions of this ordinance be construed in permitting any structure to extend beyond such official plan line.



2. In any case where building lines have been established on any Sectional District Map for the purpose of determining building locations with respect to street or highway right-of-way lines, the required yards on the street side shall be measured from such building lines.

For the purpose of determining building locations with respect to street and highway right-of-way lines, building lines are hereby established as shown on the Sectional District Maps adopted under Section 9 of this Ordinance.

3. For the purpose of promoting the public health, safety and general welfare, a fifty (50) foot building setback line is hereby established on all Federal Aid Secondary, and all State highways in the County.

No building or structure (excluding open fences or solid fences less than three (3) feet in height) shall hereafter be erected, constructed or moved so that any portion of the structure is located within the right-of-way of any public road within a public road easement, and no existing structure shall be added to or enlarged so that the addition or enlargement is located within the right-of-way of any public road or within a public road easement.

No building or structure (excluding open fences and solid fences less than three (3) feet in height) shall hereafter be erected, constructed or moved so that any portion of same shall be closer than fifty (50) feet to the center line and no existing building or structure shall be added to or enlarged so that such addition or enlargements shall be closer than fifty (50) feet to the center line of the Federal Aid Secondaries and all State highways.

4. Architectural features such as cornices, eaves and canopies may extend a maximum of thirty (30) inches into any required side yard. Eaves and canopies may extend a maximum of thirty (30) inches into any required front or rear yard. Fire places, not exceeding eight (8) feet in breadth may extend not more than thirty (30) inches into any required front, side or rear yard.

Open, uncovered, raised porches, landing places or outside stairways may project not more than three (3) feet into any required side yard; and not exceeding six (6) feet into any required front or rear yard.

In any R or R-R District, where 50% or more of the building sites on any one block or portion thereof in the same districts have been improved with buildings, the required front yard shall be a depth equal to the average of the front yards of the improved main buildings, to a maximum of that specified for the district in which such building site is located.

5. In case a dwelling is to be located so that the front or rear thereof faces any side lot line, such dwelling shall not be less than ten (10) feet from such lot line.
6. In case a building site is less than sixty (60) feet in width, side yards equal to 10% of the lot width, but no less than four (4) feet, shall be required, except in C or M Districts.
7. In the case of a corner lot adjacent to a key lot, the required side yard on the street side for any building within twenty-five (25) feet of the side line of the key lot shall be equal to the front yard required on the key lot, and if more than twenty-five (25) feet from such side line, the required side yard shall be 50% of the front yard required on the key lot.
8. RESERVED
9. In case of a lot abutting upon two or more streets, the main and accessory buildings shall not be erected so as to encroach upon the front yard required on any of the streets.
10. RESERVED.
11. Nothing contained in the General Provisions shall be deemed to reduce the special yard requirements as set forth in the regulations for any "R", "C-H", "R-R" or "A" Districts.
12. Structures, except utility poles and utility equipment appurtenant thereto, shall not be located so as to encroach on any utility or road easement or right-of-way.

#### G. REGULATIONS FOR SWIMMING POOLS

Swimming pools in any "R" District shall be constructed on the rear half of the lot, or fifty (50) feet from the front lot line, whichever is the less, or unless a different location is approved by the Planning Commission upon the securing of a use permit. Such pool shall not be located closer than five (5) feet from any rear lot line or side line. On the street side of any corner lot, where the rear of a lot line abuts a side lot line. The Planning Commission may reduce these requirements by fifty percent (50%) upon securing a use permit in each case.

Filter and heating systems for such pools shall not be located closer than twenty (20) feet to any dwelling other than the owner's.

No pool shall occupy over forty percent (40%) of the required rear yard. Coverage by a swimming pool shall not be considered in measuring maximum lot coverage. All such swimming pools shall be completely enclosed by a fence at least six (6) feet in height, and all gates shall be self-latching.

## H. RESERVED WATERBODY PROTECTION SETBACKS

In order to protect public welfare and safety, property, and natural resources, development and land use activities shall be restricted in areas immediately adjacent to waterbodies.

1. Within the distances specified in the California Forest Practice Act, 14 CCR 916 et seq. and/or 14 CCR 936 et seq., from a stream, a wetland, lake, or pond, the following uses and activities are prohibited :

- a. Construction;
- b. Grading;
- c. Placement of fill;
- d. Landscaping;
- e. Removal of native species; and/or
- f. Forest conversion.

2. Exceptions to the setback requirements are:

- a. Existing lawns, annual or perennial agricultural, and/or recreational crops and appurtenant structures (e.g., water storage tanks, pumps, irrigation systems) that legally existed on the date of the adoption of this ordinance section;
- b. Fire safe thinning, pruning fuel reduction, and other forest management activities which are required by insurance policies, ordinance, or state laws or permitted by ordinance or state laws;
- c. Remodeling of the interior or exterior of a legal building(s);
- d. Horizontal or vertical expansions of legally existing buildings that cumulatively are either 1) a maximum of 120 ft<sup>2</sup> in area ; or 2) ten percent of the square footage of the first floor of the building as it existed on the date of adoption of this ordinance section, whichever is greater;
- e. Replacement of a legally located building, deck or similar construction in the same location when the structure(s) was damaged or destroyed by fire, flood or other natural disaster. The replacement structure(s) would have to be mitigated with elevation, building materials or other methods so as to reduce, but not necessary entirely eliminate, risks of a repeat of the disaster that damaged or destroyed the previous structure(s).

- f. A parcel that legally existed prior to the effective date of this ordinance section whose size or shape makes it infeasible to build outside of the setback area;
  - g. Circumstances where development outside of the setback area would have greater impacts on hydrography, slope stability, sedimentation, riparian habitats, traffic circulation and/or other infrastructure than building within a setback area;
  - h. When the stream setback area is behind a maintained US Army Corps of Engineers levee.
3. Variances to the setback distance are possible if the applicant can demonstrate to the Planning Director, or the Planning Commission, that, given the proposed uses (and those allowed by the zoning district), a different buffer distance would sufficiently protect resources.

# Attachment C

## Chapter 16.08

### DEFINITIONS

#### *Section*

16.08.010	Advisory Agency
16.08.020	Approved Access
16.08.030	Certificate of Compliance
16.08.040	Complete
16.08.050	Consistent with the General Plan and Specific Plans
16.08.060	Design
16.08.070	Improvements
16.08.080	Land Project
16.08.090	Latest Equalized Roll
16.08.100	Lot Line Adjustment
16.08.101	Lot Line Adjustment, Major
16.08.102	Lot Line Adjustment, Minor
16.08.110	Lot Line Merger
16.08.111	Preliminary Map
16.08.112	Tentative Subdivision Map
16.08.113	Final Map
16.08.114	Parcel Map
16.08.115	Reversion to Acreage Map
16.08.130	Public Waterway
16.08.140	Quarter-Quarter Division
16.08.150	Reasonable Public Access
16.08.155	Reasonable Public Access Easements
16.08.160	Subdivider
16.08.170	Subdivision
16.08.180	Subdivision Improvement Standards
16.08.190	Subdivision Map Act
<b>A-16.08.195</b>	<b>Surface Water</b>
16.08.200	Deleted per Ordinance No. 1094
16.08.210	Vesting Tentative Maps
16.08.220	Flag Lot

All terms used in this Ordinance which are defined in the Subdivision Map Act are used in this title as so defined. For the purpose of these regulations, the following words and phrases shall be construed as defined in this Chapter.

**Sec. 16.08.010      Advisory Agency**

**Sec. 16.08.155 Reasonable Public Access Easements**

Such easements are as defined in the State Map Act. Such easements also pertain to rivers, streams, and reservoirs. When read in context, "access" is used to describe a route from a road to a riverbank in or on the border of a subdivision (Para. 66478.4). This route need not cross the subdivision (Para. 66478.8). "Easement," as used in paragraph 66478.5, is a right to use part of the same riverbank for recreational, educational, and scientific pursuits. The right to use the bank and the right to a useable route to get there are distinguishable rights.

**Sec. 16.08.160 Subdivider**

Subdivider means a person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or others, except that employees and consultants of such persons or entities acting in such capacity, are not "subdividers." (Ord. 352-2, Sec. 2, 1977; Ord. 352, Sec. 3(A) (14), 1975)

**Sec. 16.08.170 Subdivision**

Subdivision means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this Chapter, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

**Sec. 16.08.190 Subdivision Map Act**

Subdivision Map Act refers to Division 2, commencing with Section 66410, of Title 7 of the Government Code of the State, and all amendments thereto. (Ord. 352-5, Sec. 1, 1979; Ord 352, Sec. 3(A) (17), 1975)

**Sec. 16.08.195 Surface Water**

Surface water refers to any river, stream, creek, wetland, pond, or source of water that collects and is usually accessed from the surface of the ground.

## Chapter 16.48

### SUBDIVISION IMPROVEMENTS

#### *Section*

16.48.010	Applicability
16.48.020	General
16.48.030	Improvements Required
16.48.040	Improvement Plans and Permits Required
16.48.050	Preparation and Form of Improvement Plans
16.48.060	Commencement of Improvement Work
16.48.070	Construction and Installation Standards
16.48.080	Temporary Improvements
16.48.090	Inspection of Improvement Work
16.48.100	Coordination of Improvement Work
16.48.110	Improvements Waived
16.48.120	Specific Improvement Requirements
16.48.121	Public Sewage Disposal
16.48.122	Individual or On-site Sewage Disposal
16.48.123	Public Water Supply
16.48.124	Individual or On-site Water Availability
16.48.125	Solid Waste Disposal
16.48.126	Road Improvements
16.48.127	Fire Protection Improvements
16.48.130	Oversizing Improvements - Reimbursement
16.48.140	Improvement Agreement
16.48.150	Form, Filing and Term of Improvement Agreement
16.48.180	Liability for Alterations or Changes
16.48.190	Release of Improvement Security - Completion of Work
16.48.200	Withholding of Building Permits

#### **Sec. 16.48.010      Applicability**

All divisions of land, and the lots and parcels resulting therefrom, shall be subject to the provisions of this Chapter.

#### **Sec. 16.48.020      General**

The size, design, character, grade, location and orientation, and configuration of lots within a proposed subdivision and improvements required in connection therewith, shall be consistent with the density and uses authorized for the area by the General Plan or the applicable Specific Plan, whichever is more restrictive.



The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public services, or other provisions of the regulations.

**Sec. 16.48.030 Improvements Required**

The subdivider shall construct or install all improvements in streets, pedestrian ways, biking paths, channels, easements and other rights-of-way as are necessary for the general use of residents of the subdivision and to meet local traffic, utility, water supply, and drainage needs in accordance with the provisions of this Chapter.

**Sec. 16.48.040 Improvement Plans and Permits Required**

Improvement plans shall be completed by the subdivider prior to the acceptance of the final map or parcel map for filing by the Public Works Director.

Improvements plans shall be prepared by a registered civil engineer of the State of California, or under his direction, at the subdivider's cost. Plans shall conform to improvement standards adopted by the Board of Supervisors pursuant to this Chapter and shall be submitted to the Public Works Director for review and approval.

The final map shall not be deemed to be submitted for approval until the preparation of said plans is completed and said plans have been accepted by the Public Works Director.

Standard engineering fees to be charged by the County for review of such plans and inspection of construction work by the Public Works Director shall be determined by resolution of the Board.

**Sec. 16.48.050 Preparation and Form of Improvement Plans**

Improvement plans shall show full details of all improvements required to be installed by the provision of these regulations, and of all other improvements proposed to be installed by the subdivider within any street, pedestrian way, easement or other public area or right-of-way. Full details shall include cross sections, profiles, estimated costs and specifications.

The form, layout, scale and other particulars of the plans, and number of copies to be provided, shall be in accordance with the requirements of the Public Works Director.

**Sec. 16.48.060 Commencement of Improvement Work**

Prior to the commencement of construction or installation of any improvements within any street, pedestrian way, easement or other public area or right-of-way, improvement plans shall have been approved by the Public Works Director and other affected

departments, or divisions. All other necessary permits to facilitate improvement work shall also be obtained prior to commencement.

**Sec. 16.48.070 Construction and Installation Standards.**

Improvements shall be constructed and installed in accordance with the approved plans and in accordance with the applicable standards, specifications and permit procedures established by these regulations, the County Code, State or Federal laws and resolutions of the Board of Supervisors.

Improvements shall be constructed and installed to permanent line and grade satisfactory to the Public Works Director.

**Sec. 16.48.080 Temporary Improvements**

In addition to permanent improvements, temporary improvements may be required to be made prior to or concurrent with permanent improvements.

**Sec. 16.48.090 Inspection of Improvement Work**

All improvements shall be constructed under the inspection of the Public Works Director and the subdivider shall cause all such improvement work to be inspected at such times as are established and required by him. Subdivider shall pay County a fee to defray County's costs in making such inspection, the rate of which shall be determined by resolution of the Board.

**Sec. 16.48.100 Conditions of Improvement Work**

All work and improvements contemplated by and performed under the provisions of these regulations shall be accomplished so as to minimize interference with and coordinate with other construction activities or developments of or on behalf of the County and nearby private development.

**Sec. 16.48.110 Improvements Waived**

If it is determined by the Public Works Director that the subdivision has been submitted only for the purpose of clarifying records by consolidating existing lots and metes and bounds parcels, or for the purpose of absorbing vacated streets or alleys by reversion to acreage, or both, the Board of Supervisors may, upon recommendation of the Public Works Director, waive all or a portion of the improvements which otherwise would be required.

**Sec. 16.48.120 Specific Improvement Requirements**

The improvements required by this Chapter shall be in accordance with Subsections 16.48.121 through 16.48.129.

**Sec. 16.48.121 Public Sewage Disposal**

- A. When any part of a subdivision is located within 1,000 feet of an available public sanitary sewer to which the subdivision may legally be connected, said subdivision shall be required to be sewerred and be connected thereto.
- B. Construction of the system, or assurance of completion satisfactory to the County Board of Supervisors, and any necessary district formation, or formation of other legal entities must be completed prior to the request for final subdivision approval.
- C. In the case of subdivisions included in an existing and operating district, the subdivider shall design and install the sewage system and appurtenances in conformance with the standards established by the district. The subdivider shall furnish a letter from the district certifying that the improvement design is to their standards prior to submission of the final map.
- D. In the case of a subdivision not in an existing and operating district, the subdivider shall have construction plans prepared by an engineer licensed in the State of California submitted for review to the County Health Officer, Sanitary Engineering Branch and the North Coast Water Quality Control Board (NCRWQCB) at least thirty (30) days prior to consideration of the final map by the Board of Supervisors.
- E. Treatment and disposal facilities shall be designated in conformance with standards approved by the County Health Officer, Sanitary Engineering Branch and NCRWQCB.
- F. A competent inspector, approved by the County Board of Supervisors, shall be hired to inspect the installations for compliance with approved plans. The cost, hourly rate, mileage and expense of the inspector, shall be paid by the subdivider.
- G. The subdivider shall be responsible for compliance with all local, County and State standards and for the stability of all improvements and shall replace any portions which have become displaced due to carelessness or negligence on his part or to damages resulting from natural causes until 50% buildout or two (2) years from final approval, whichever comes first.
- H. When the required improvements have been installed, the subdivider shall request the inspector, in writing, for a final inspection of said improvements. The subdivider shall be advised in writing of the status of the improvements, including deficiencies. The subdivider shall correct any deficiencies so reported and shall again request a final inspection. The final inspection shall

satisfy the inspector that the improvements fully comply with local, County and State specifications.

- I. Sewer systems and appurtenances located upstream of a domestic water reservoir must be located at an elevation of at least ten (10) feet above and over 200 feet horizontal distance from the high water line. In addition, any sewage treatment facilities constructed or located in the watershed must be located at least 500 feet (horizontally) from the high water line of the reservoir.

**Sec. 16.48.122 Individual or On-site Sewage Disposal** (Ref: Ordinance No. 1168)

- A. If a subdivision of less than five (5) parcels is proposed for development on the basis of on-site sewage disposal systems, it is the responsibility of the subdivider to provide proof of the protection of water quality and the prevention of health hazards and nuisance conditions arising from the on-site discharge of wastes.

In general, the following site criteria for each parcel must be met:

- 1. Criteria for determining lot size shall include the following: (Ord. 1186)

Sewage Disposal	Water Supply	Required Minimum Usable Area (must be contiguous except as noted below) <sup>2</sup>	Minimum Lot Size <sup>1</sup>
On-site	Community	10,000 sq. ft.	10,000 sq. ft.
Community	Individual	No minimum specified	10,000 sq. ft.
On-site	Individual	One-half acre <sup>2</sup>	One acre <sup>3</sup>
Community	Community	No minimum specified	No minimum specified

<sup>1</sup> Minimum lot size shown refers to health standards only. Applicants should also consult the County Zoning Ordinance.

<sup>2</sup> Minimum usable area in this case can be located in areas no less than 10,000 sq. ft. each as long as such areas are not separated by topographical barriers such as streams,

<sup>3</sup> The one acre minimum lot size may be reduced to not less than one-half (1/2) acre if recommended by the County Health Officer, but only if documented findings can be made that both the site and the general area contain deep groundwater and that concentration of nitrates will not result from reduced lot sizes in the area. The applicant will be responsible for providing background information which shall include a study and recommendation by a civil engineer, registered geologist or registered hydrologist with documented education and experience in conducting such studies.

2. The following shall not be considered as usable acreage:

- a. Land that is swampy or has groundwater within 8 feet.<sup>4</sup>
- b. Gravel bars, rock piles, or pervious material.
- c. Land which has a slope greater than 30%
- d. Land necessary or used for roads, driveways, land easements

TABLE 1

MINIMUM SETBACK REQUIREMENTS

Well <sup>1</sup>	100 ft.
Perennial Stream <sup>2</sup>	100 ft.
Ephemeral Stream <sup>3</sup>	50 ft.
Lake or Reservoir <sup>4</sup>	100 ft.
Cut Banks, Natural Bluffs, Sharp Changes in Slope and Fills	3 x h = setback in ft. (min. 25 ft., Max. 50 ft.)
Unstable Land Forms	50 ft.
Spring <sup>5</sup>	200 ft. (500 ft. in granite soils)
Property Lines	10 ft.

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3. Determination of a site's suitability for percolation of effluent shall be determined by the following methods:

- a. Percolation Testing: Percolation testing shall be in accordance with methods specified in Figure 1 and conducted or supervised by a registered: engineer, soil scientist, geologist, sanitarian, or licensed land surveyor.

Percolation testing of soils within Zone 3 and Zone 4 shall be conducted during wet weather conditions.<sup>6</sup>

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<sup>4</sup> Use criteria in site evaluation.

<sup>1</sup> Includes off-site wells.

<sup>2</sup> As measured from the 10-year flood line. Setbacks must be increased to 500 feet of the high-water line for streams flowing to a domestic water reservoir within the closed zone.

<sup>3</sup> As measured from the edge of the water course. Setbacks must be increased to 500 feet of the high-water line for streams flowing to a domestic water reservoir within the closed zone.

<sup>4</sup> As measured from the high-water line. Leaching systems must be placed a minimum horizontal distance of 200 feet from the high-water line of domestic water reservoir and outside the "closed zone" at the water supply intake. The "closed zone" is defined as a minimum of 500 feet from the intake works.

<sup>5</sup> As measured uphill from spring.

Percolation testing of soils falling within Zone 1 and Zone 2 may be conducted in non-wet weather conditions provided presoaking of the test hole is accomplished with (a) continuous twenty-four (24) hour presoaking, or (b) a minimum of eight (8) complete refillings beginning during the day prior to that of the conduction of the test.

A minimum of 2 percolation tests per proposed parcel shall be performed with a minimum of 2 acceptable results. The test results shall not be less that 60 minutes per inch. The depths of each test hole are indicated in Table 2.

TABLE 2

<u>Average Slope of Lot</u>	<u>Depth of Percolation Test Hole</u>
0 - 10%	3 ft.
10 - 20 %	4 ft.
20 - 30%	5 ft.

- b. Soil Analysis: Soil from the limiting soil layer observed within an excavated soil profile shall be obtained and analyzed for texture and bulk density according to methods prescribed by the NCRWQCB. The results shall be plotted on the soil textural triangle of Figure 2, as per the indicated instructions.
  - Soils within Zone 1 shall be considered to have minimal filtration capabilities, requiring increased depths to groundwater as per Table 3.
  - Soils within Zone 2 shall be considered suitable for effluent disposal.
  - Soils within Zone 3 and Zone 4 shall require percolation testing per1 above to verify suitability for effluent disposal.

<sup>6</sup> Wet weather testing periods shall be (a) between January and April 30; and (b) following ten (10) inches of rain in a thirty (30) day period or after half of the seasonal normal precipitation has fallen. Extension of wet weather testing beyond the limits of the above criteria may be made by agreement of both the NCRWQCB and the County Health Officer.

TABLE 3

Soil Texture <sup>1</sup> Percent of Silt and Clay	Depth to Groundwater
5% or less	40 ft.
6 to 10%	20 ft.
11 to 15%	10 ft.
Greater than 15% <sup>2</sup>	

4. Soil characteristics shall be evaluated by soil profile observations. One backhoe excavation in the primary disposal field and one in the replacement area shall be required for this purpose. A third profile shall be required if the initial two profiles show dissimilar conditions.

Augured test holes shall be an acceptable alternative, upon determination of the County Health Officer or NCRWQCB: (a) where use of a backhoe is impracticable because of access, (b) when necessary only to verify conditions expected on the basis of prior soils investigations, or (c) when done in connection with geological investigations. Where this method is employed, three test holes in the primary disposal field and three in the replacement area shall be required.

The following factors shall be observed by the County Health Officer and reported from ground surface to a depth of at least five (5) feet below the proposed leachfield system (minimum overall depth is eight (8) feet.

- a. Thickness and coloring of soil layers and apparent United States Department of Agriculture (USDA) classification.
- b. Depth to and type of bedrock, hardpan or impermeable soil layer.
- c. Depth to observed ground water.

<sup>1</sup> Must exist for a minimum of 3 continuous feet between the bottom of the leaching trench depth and groundwater.

<sup>2</sup> Or a percolation rate slower than 5 minutes per inch.

- d. Depth to soil mottling.
  - e. Other prominent soil features such as structure, stoniness, roots and pores, dampness, etc.
5. The anticipated highest level of groundwater shall be estimated:
- a. At the highest extent of soil mottling observed in the examination of soil profiles;
  - b. By direct observation of groundwater levels during wet weather conditions.<sup>1</sup>

Where a conflict in the above materials of examination exists, the direct observation shall govern.

In those areas which, because of parent materials, soils lack the necessary iron compounds to exhibit mottling, direct observation during wet weather conditions shall be required. Guidance in defining such area shall be provided by the NCRWQCB.

6. A greater number of the described tests above may be required by the County Health Officer at his discretion.
7. The soil investigation report shall be submitted to the County Health Officer and shall include but not be limited to the following:
- a. Dates of test.
  - b. Weather conditions at the time of tests.
  - c. Location of percolation test holes on a copy of the tentative map.
  - d. Depth of test holes.
  - e. Percolation test results by test hole numbers (must be submitted on Figure 1 form).
  - f. Signature on percolation test results.

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<sup>1</sup> Wet weather testing periods shall be (a) between January 1 and April 30; and (b) following ten (1) inches of rain in a thirty (30) day period or after half of the seasonal normal precipitation has fallen. Extension of wet weather testing beyond the limits of the above criteria may be made by agreement by both the NCRWQCB and the County Health Officer.



8. The required soil investigation report shall be submitted to the County Health Officer at least fifteen (15) days prior to an on-site evaluation by the Health Department. All soils work must be completed and submitted for approval to the County Health Officer at least thirty (30) days prior to final map approval.

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## PERCOLATION TEST PROCEDURES

FIGURE 1

### NOTIFY THE HEALTH DEPARTMENT 48 HOURS IN ADVANCE OF CONDUCTING PERCOLATION TESTS

The object in conducting percolation tests of soil in which a drain field or seepage pit is to be installed, it is to determine the length of time required for the soil to absorb one inch of water when the ground has been saturated. The information obtained from these tests, together with a knowledge of the approximate amount and type of sewage to be discharged, makes it possible to determine the size of the drain field.

Holes 4 to 6 inches in diameter have been found to be the most convenient. However, this diameter is not critical, and, particularly in very loose soils, it may be easier to dig larger holes. Sides of the holes should be vertical and the depth should be approximately that of the proposed drain field. The holes (2 or more) should be approximately 30 feet apart and in the area where the drain field will be installed.

1. The sides should be roughed up to eliminate packing caused by the shovel or post hole digger, which would reduce the percolation rate. Two inches of fine gravel should be placed in the hole to prevent bottom scoring.
2. Fill the hole with clear water being careful to avoid washing down the sides of the hole. By refilling if necessary, keep at least 24 inches of water in the hole for at least 24 hours or a minimum of 8 complete refillings beginning during the day prior to the test.
3. After the above saturation, start with no more than 12 inches of water above the gravel (remove water, if necessary) and begin the measurements.
4. Select a reference point from which to measure (a board laid across the mouth of the hole is satisfactory) and measure the distance from the reference point to the level of the water. Enter the time and distance measured on the chart below.
5. Repeat the measurement at the end of 30 minutes. Continue making measurements at 30-minute intervals for the complete 4 hours.

6. If the water level drops too low for further readings, refill to the 12-inch level at the end of a 30-minute period, measure, and proceed as before. Note time(s) of refill(s) on chart below.
7. If the hole consistently drains in less than 30 minutes, make readings at 10-minute intervals for the complete 4 hours.

# Attachment D

**BOARD OF SUPERVISORS**

**COUNTY OF TRINITY, STATE OF CALIFORNIA**

**5<sup>th</sup> DAY OF March, 2002**

**RESOLUTION NO. 2002-022**

**RESOLUTION APPROVING AMENDMENTS TO  
THE OPEN SPACE AND CONSERVATION ELEMENTS OF  
THE TRINITY COUNTY GENERAL PLAN**

**(Groundwater Amendments to the Open Space and Conservation Elements)**

**WHEREAS**, in April, 1973 the Board of Supervisors of the County of Trinity adopted the Open Space and Conservation Elements of the Trinity County General Plan; and

**WHEREAS**, following careful study and the holding of a public hearing, the Trinity County Planning Commission recommended to the Board of Supervisors the adoption of the following groundwater resource amendments to the Open Space and Conservation Elements of the Trinity County General Plan, and approved a Negative Declaration; and

**WHEREAS**, this Board of Supervisors, after having carefully considered the Open Space and Conservation Elements of the General Plan, finds that said amendments provide a suitable and logical plan for the future of Trinity County's groundwater and is compatible with said General Plan.

**WHEREAS**, this Board of Supervisors, after reviewing the evaluation of Environmental Impact (Initial Study) that was prepared for this project pursuant to the California Environmental Quality Act (CEQA), concurs with the Planning Commission's determination of February 14, 2002 that this project will not have a significant adverse impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Trinity, State of California, that said Board hereby adopt the following amendments to the Open Space and Conservation Elements of the General Plan of the County of Trinity:

1. Add the following discussion to the 3<sup>rd</sup> paragraph of Chapter 3 (Open Space Considerations), subsection G (Hydrology), of the Open Space Element:

“Because the availability and quality of surface water supplies within the County is sometimes unpredictable or limited, many water users are heavily reliant on the County's groundwater supply. The beneficial uses associated with groundwater in Trinity County include agriculture, domestic water supply, fish and wildlife habitat, recreation, municipal, and industrial uses. Trinity County's groundwater will become increasingly important as demands on the Trinity and Mad rivers for Central Valley Project and

Humboldt County uses, respectively, are expected to increase over time. Numerous parcels within Trinity County do not have surface water rights and must rely solely on groundwater for water supply. The quality and quantity of some groundwater supplies and wells within Trinity County can affect and be affected by surface waters. Little is actually known about Trinity County's groundwater supplies because of the large area, sparse population and relatively small number of wells."

2. Delete from that portion of Chapter 3, Section G. (Hydrology) the first sentence under 1. Water Supply that reads "Water Supply is more than adequate to take care of both agriculture and domestic requirements for the foreseeable future". Replace said sentence with new language as follows:

1. Water Supply

- "Adequate water supply is of great concern to Trinity County as up to 75% of the Trinity River's flows have been diverted for out of basin uses since the construction of the Trinity River Division of the Central Valley Project in 1962 (Trinity River Flow Evaluation Study, 1999)"

3. Add the following language to the end of the discussion on water supply in Chapter 3, Section G:

"In addition, the County should study and manage its groundwater resources in order to best preserve the quality and quantity of the existing groundwater and surface supplies, and to adequately plan for the expanded use and retention of valuable water supplies for future generations."

4. Add the following discussion to Chapter IV of the Open Space Element, (the Open Space Plan) after the 5<sup>th</sup> paragraph under Section F (Watershed and Water Recharge Lands):

"The beneficial uses associated with groundwater in Trinity County include agriculture, domestic water supply, fish and wildlife habitat, recreation, municipal, and industrial uses. Because the availability and quality of surface water supplies within the County is sometimes unpredictable or limited, many water users are heavily reliant on the County's groundwater supply. Trinity County's groundwater will become increasingly important as demands on the Trinity and Mad rivers for Central Valley Project and Humboldt County uses, respectively, are expected to increase over time. Numerous parcels within Trinity County do not have surface water rights and must rely solely on groundwater for water supply. Furthermore, the quality and quantity of some groundwater supplies and wells within Trinity County can affect and be affected by surface waters. Little is actually known about Trinity County's groundwater supplies because of the large area, sparse population and relatively small number of wells.

"The State Water Resources Control Board grants surface water rights to parties within California and also adjudicates groundwater basins. In some cases, local water agencies lay claim to surface and groundwater. The signing of the CALFED Record of Decision (ROD) by the Secretary of Interior and California Resources Secretary on August 28, 2000 calls for a coordinated groundwater program for the State of California to increase

protect their associated beneficial uses including agriculture, domestic water supply, recreation, municipal, and industrial uses, and ~~most importantly, for fish and wildlife habitat.~~”

7. Add the following discussion on groundwater resources to Chapter IV of the Conservation Element, subsection F (Watershed and Water Recharge Lands) as the sixth paragraph:

“The beneficial uses associated with groundwater in Trinity County include agriculture, domestic water supply, fish and wildlife habitat, recreation, municipal, and industrial uses. Because the availability and quality of surface water supplies within the County is sometimes unpredictable or limited, many water users are heavily reliant on the County’s groundwater supply. Trinity County’s groundwater will become increasingly important as demands on the Trinity and Mad rivers for Central Valley Project and Humboldt County uses, respectively, are expected to increase over time. Numerous parcels within Trinity County do not have surface water rights and must rely solely on groundwater for water supply. Furthermore, the quality and quantity of some groundwater supplies and wells within Trinity County can affect and be affected by surface waters. Little is actually known about Trinity County’s groundwater supplies because of the large area, sparse population and relatively small number of wells. It follows that the County should study and manage this important resource to best preserve the quality and quantity of the existing groundwater and surface supplies, and to adequately plan for the expanded use and retention of valuable water supplies for future generations.

“The State Water Resources Control Board grants surface water rights to parties within California and also adjudicates groundwater basins. In some cases, local water agencies lay claim to surface and groundwater. “The signing of the CALFED Record of Decision (ROD) by the Secretary of Interior and California Resources Secretary on August 28, 2000 calls for a coordinated groundwater program for the State of California to increase south of Delta water supplies by 15%. The CALFED ROD’s groundwater provisions have increased concerns about impacts in the areas of origin and loss of local control of groundwater. However, the California Supreme Court (*Baldwin v. County of Tehama*, [1994] 31 Cal.App4th 166) has made it clear that counties may regulate and manage groundwater resources, including ordinances which regulate the use and export of groundwater. Given the nature of water as an increasingly expensive and scarce resource in this state, it is likely that absent a clear positive direction by counties to manage their groundwater resources, their authority will be displaced by the State. Once local control of ground water is gone, local land use decisions are made much more difficult, becoming reactive, rather than proactive.

“The transfer of groundwater from overlying lands in Trinity County where it is extracted could potentially result in decreased water quality and quantity of surface and groundwater supplies. In particular, if the groundwater linked to surface water supplies above Lewiston Dam were extracted and exported out of Trinity County via the Clear Creek Tunnel, it could result in reduced stream flows, reduced Trinity Lake storage, the

south of Delta water supplies by 15%. The CALFED ROD's groundwater provisions have increased concerns about impacts to the areas of origin and loss of local control of groundwater. However, the California Supreme Court (*Baldwin v. County of Tehama*, [1994] 31 Cal.App4th 166) has made it clear that counties may regulate and manage groundwater resources, including ordinances that regulate the use and export of groundwater. Given the nature of water as an increasingly expensive and scarce resource in this state, it is likely that absent a clear positive direction by counties to manage their groundwater resources, their authority will be displaced by the State. Once loss of control of ground water is gone, local land use decisions become much more difficult and reactive, rather than proactive.

“The transfer of groundwater from overlying lands in Trinity County where it is extracted could potentially result in decreased water quality and quantity of surface and groundwater supplies. In particular, if the groundwater linked to surface water supplies above Lewiston Dam were extracted and exported out of Trinity County via the Clear Creek Tunnel, it could result in reduced stream flows, reduced Trinity Lake storage, the depletion of aquifers and neighboring wells, and an overall reduction in the economic and environmental well being of Trinity County.”

5. Add the following recommendations to the end of the Recommendations section of Chapter IV (The Open Space Plan), Section F (Watershed and Water Recharge Lands),:

5. “Adopt and implement a Groundwater Management Ordinance to regulate the transfer of groundwaters originating within Trinity County. The Groundwater Management Ordinance should include a permitting process to ensure that prior to project approval, there will be no adverse impacts to Trinity County's groundwater and surface water supplies. The permitting process should include pre-project studies to determine maximum safe yield, potential water quality impacts, and linkage to surface water supplies, as well as a long-term monitoring program after project approval to ensure that no unforeseen impacts occur.”
6. “Prohibit the export of groundwater for uses outside of Trinity County.”
7. “Seek funding to define and determine the characteristics of the various groundwater basins within Trinity County.”

6. Delete from that portion of Chapter I (Summary and Objectives) of the Conservation Element, the seventh paragraph which states that “The prime objective in the conservation of water resources is: To protect and conserve the lakes, streams and reservoirs of the County as potable and agricultural water, for recreation areas but more important as wildlife habitat which will be beneficial to the residents, present and future of Trinity County.” Replace said paragraph with the following language:

“The prime objective in the conservation of water resources is: To protect and conserve the lakes, streams, reservoirs and groundwater resources of Trinity County in order to

depletion of aquifers and neighboring wells, and an overall reduction in the economic and environmental well being of Trinity County.”

8. Add the following policies to the Recommendations section under subsection F (Watershed and Water Recharge Lands) of Chapter IV (Conservation Plan):

5. “Adopt and implement a Groundwater Management Ordinance to regulate the transfer of groundwaters originating within Trinity County. The Groundwater Management Ordinance should include a permitting process to ensure that prior to project approval, there will be no adverse impacts to Trinity County’s groundwater and surface water supplies. The permitting process should include pre-project studies to determine maximum safe yield, potential water quality impacts, and linkage to surface water supplies, as well as a long-term monitoring program after project approval to ensure that no unforeseen impacts occur.
6. “Prohibit the export of groundwater for uses outside of Trinity County.
7. “Seek funding to define and determine the characteristics of the various groundwater basins within Trinity County.”

9. Add the following policies to the Objectives for the Plan under Chapter IV (Conservation Plan); subsection G (The Plan):

“Adopt a policy to regulate the export or transfer of groundwaters originating within the county for out of basin uses.”

10. Add to Chapter V. (Implementation), subsection C2, (Major Factors of Urbanizing Which Cause Environmental Impacts) the following language under letter h:

h. “Groundwater Overdraft and Exploitation of groundwater resources.”

Upon motion of Supervisor STEWART, seconded by Supervisor REISS, and on the following vote, to-wit:

**AYES:** SUPERVISORS REISS, STEWART, MODINE, MILLER AND ERIKSON


**NOES:** NONE

**ABSENT:** NONE

**ABSTAINING:** NONE

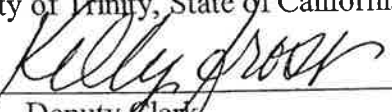


The foregoing resolution is hereby adopted:

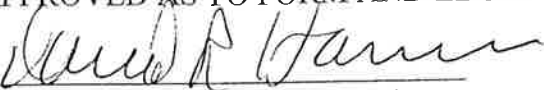
  
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J.C. Erikson, Chairman of the  
Board of Supervisors, County of Trinity,  
State of California

ATTEST:

DERO B. FORSLUND  
County Clerk/Recorder, Ex-Officio  
Clerk of the Board of Supervisors,  
County of Trinity, State of California

By:   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

  
\_\_\_\_\_  
David Hammer, County Counsel,  
County of Trinity, State of California

Dated: \_\_\_\_\_  
| Planning: -JC