




**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH  
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093  
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**Kim Hunter, Director**

**MEMORANDUM**

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

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Dear Commission Members,

**1. Revisions to Conditions of Approval, Exhibit A of Resolution 2020-05**

On April 20, 2020, staff received an email from representative Duane Miller on behalf of Terry Johnson with Best Development for the Grocery Outlet project (P19-19). Mr Miller requested revisions to Conditions 1 and 2 from the Department of Transportation (DOT) and to remove Condition 14 from the Weaverville Sanitation District. A strike through copy of the proposed revisions are attached for review.

Conditions 1 and 2 have been revised by DOT and agreed to by Duane Miller and Terry Johnson. The Conditions of Approval are requested be revised as follows:

Condition 1 as originally written:

1. Roadway improvements are required on Levee Road to the rear truck entrance. Levee Road improvements shall meet the Category 4 road standards of the Trinity County Subdivision Ordinance. Levee Road travel way shall be paved a minimum of 28 feet wide (24' travel way with 2' shoulders).

Condition 1 shall be replaced with:

1. Roadway improvements are required on Levee Road to the rear truck entrance. The east bound lane of Levee Road (delivery truck route), shall be reconstructed from the center of the existing road to include a 12' travel lane with 2' shoulders. The gutter pan of the proposed concrete curb and gutter may be counted as part of the shoulder width. The improved lane shall be engineered to accommodate truck loading, and shall be constructed so that it conforms with the west bound lane of Levee Road. If the existing surface of the west bound lane is too uneven to allow a smooth conform, a leveling course and overlay shall be applied to the west bound lane in order to produce an even driving surface across the entire roadway.

Condition 2 as originally written:

1. A five-foot sidewalk with curb and gutter shall be constructed along the Levee Road from Highway 299 to the front of the store. A five-foot-wide sidewalk with curb and gutter shall also be constructed along the entire Highway 299 frontage from the Levee Road to the northwestern driveway of the First Baptist Church of Weaverville. An ADA accessible path of travel must be provided from Highway 299 to the store. Sidewalk plans and construction must be approved by the County Engineer or his designee.

Condition 2 shall be replaced with:

2. A five-foot-wide sidewalk with curb and gutter shall be constructed along the entire Highway 299 frontage from the Levee Road to a logical point of touchdown, as approved by Caltrans and the County Engineer. The sidewalk shall be constructed to current ADA standards, including the installation of ADA curb ramps at each end of the sidewalk. An ADA accessible path of travel must be provided from the sidewalk along Highway 299 to the store. Sidewalk plans and construction must be approved by Caltrans and by the County Engineer or his designee.

The removal of Condition 14 for the Weaverville Sanitation District is currently under review by Jim Cloud, General Manger for the Weaverville Sanitation District.

## **2. Letters of concern received from the Public.**

On April 21, 2020, two letters of concern were submitted to staff via email in regard to Conditional Use Permit P-19-19. Both letters are attached for review.

The letter received from McKinley, Conger, Jolley, Galarnneau, LLP has been forwarded to County Counsel for review and comment. Additional information will be provided at the Planning Commission meeting.

The second letter of concern sent by Palesa Peralta did not identify specific concerns of the project development or concerns related to the Mitigated Negative Declaration (MND) or Mitigation, Monitoring and Reporting Program (MMRP).

**RESOLUTION NO. 2020-05**

***REVISED***

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY  
APPROVING CONDITIONAL USE PERMIT  
(Best Development Group, P-19-19)**

**WHEREAS**, Best Development Group filed an application dated January 29, 2019 for the approval of a Conditional Use Permit for a grocery store (Grocery Outlet) with a floor area over 5,000 s.f. in the C-2 zoning district and a building with architectural features over the maximum building height standard in the C-2 zoning district. The project site is located at 1155 Main Street (State Route 299), Weaverville (APNs: 002-100-61-, -62, -63, and 002-100-42); and

**WHEREAS**, County staff has reviewed the submitted application and evidence and has referred the application and evidence to all governmental and utility agencies affected by the development to allow the opportunity for conducting site inspections and providing comments and recommendations; and

**WHEREAS**, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA). A proposed Initial Study-Mitigated Negative Declaration has been prepared with respect to said project and notice has been sent to the State Clearinghouse (SCH#: 2020039002), responsible and trustee agencies, and posted for public review for a period of 30 days as required by the CEQA Guidelines; and

**WHEREAS**, after due notice of public hearing in accordance with applicable laws, the matter came on for hearing before the Planning Commission of the County of Trinity on April 23, 2020; and

**WHEREAS**, at said public hearing, due consideration was given to the proposed Initial Study-Mitigated Negative Declaration, the environmental effect of the project, and any changes connected therewith; and

**WHEREAS**, at said public hearing, due consideration was given to all oral and written comments regarding the request for approval of the Conditional Use Permit, and the Planning Commission concluded that the Conditional Use Permit should be granted subject to certain conditions hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the County of Trinity makes the following findings:

1. Pursuant to the State CEQA Guidelines, the Planning Commission of the County of Trinity makes the following environmental findings:
  - A. The Planning Commission of the County of Trinity finds on the basis of the Initial Study and all comments received, that the proposed commercial development would have potential significant effects on the environment, which, with the inclusion of specific mitigation measures, will be rendered less than significant. Accordingly, a Mitigated Negative Declaration is adopted pursuant to the CEQA Guidelines.
2. Pursuant to Chapter 17.32 (Use Permits) of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Use Permit:
  - A. The Conditional Use Permit allows a larger building size and greater building height for a use

type (retail sales and services conducted within a building) that is allowed under the Commercial land use designation and is principally permitted in the C-2 (General Commercial) zoning district. These exceptions to the development standards in the County Code are specifically allowed through the issuance of a Conditional Use Permit. As such, this Conditional Use Permit use permit will be granted upon sound principles of land use.

- B. As conditioned and mitigated, the proposed commercial development will not be detrimental to the public health, safety or welfare, or result in the creation of a public nuisance.
  - C. The Conditional Use Permit allows exceptions to the development standards for building size and height for a grocery store along the State Route 299 corridor in an area designated by the County General Plan and Weaverville Community Plan for commercial uses. The project is also consistent with the policies of the General Plan and Community Plan related to access from State Route 299, the size of commercial developments, availability of community services, signage design, and landscaping. There are no policies in these general and specific plans that are inconsistent with the exceptions proposed by the application. Therefore, the issuance of the Conditional Use Permit for the proposed commercial development will comply with the objectives of the County General Plan and Weaverville Community Plan.
3. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit P-19-19, subject to the conditions set forth in Exhibit "A", attached hereto and made a part hereof.

**DULY PASSED AND ADOPTED** this 23<sup>rd</sup> day of April, 2020 by the Planning Commission of the County of Trinity the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:

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

ATTEST:

By: \_\_\_\_\_  
KIMBERLY HUNTER  
Secretary of the Planning Commission  
County of Trinity, State of California

**EXHIBIT "A" to Resolution PC-2020-05**  
CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL

***REVISED April 22, 2020***

(Best Development Group, P-19-19)

The following conditions of approval shall be satisfied prior to the issuance of any development permits, unless a different time for compliance is specifically noted:

**Department of Transportation**

The applicant shall comply with all requirements of the County Department of Transportation, including those in the July 19, 2019 referral comment letter. The requirements in the July 19, 2019 referral comment letter include the following:

1. Roadway improvements are required on Levee Road to the rear truck entrance. The east bound lane of Levee Road (delivery truck route), shall be reconstructed from the center of the existing road to include a 12' travel lane with 2' shoulders. The gutter pan of the proposed concrete curb and gutter may be counted as part of the shoulder width. The improved lane shall be engineered to accommodate truck loading, and shall be constructed so that it conforms with the west bound lane of Levee Road. If the existing surface of the west bound lane is too uneven to allow a smooth conform, a leveling course and overlay shall be applied to the west bound lane in order to produce an even driving surface across the entire roadway.

~~Roadway improvements are required on Levee Road to the rear truck entrance. Levee Road improvements shall meet the Category 4 road standards of the Trinity County Subdivision Ordinance. Levee Road travel way shall be paved a minimum of 28 feet wide (24' travel way with 2' shoulder)~~

2. A five-foot-wide sidewalk with curb and gutter shall be constructed along the entire Highway 299 frontage from the Levee Road to a logical point of touchdown, as approved by Caltrans and the County Engineer. The sidewalk shall be constructed to current ADA standards, including the installation of ADA curb ramps at each end of the sidewalk. An ADA accessible path of travel must be provided from the sidewalk along Highway 299 to the store. Sidewalk plans and construction must be approved by Caltrans and by the County Engineer or his designee.

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3. Levee Road is not a publicly maintained road. The applicant shall create to the satisfaction of the Trinity County Counsel and the Trinity County Department of Transportation an organization or

association for the maintenance of Levee Road from Highway 299 to the truck access or show evidence of the existence of such an agreement or organization.

4. Parking lot grading, including slope and/or elevations, shall be shown on the plans, and shall provide sufficient detail to ensure adequate drainage. Grading and drainage plans shall be stamped by an engineer and approved by the Department of Transportation prior to construction.
5. Post construction storm water runoff shall remain consistent with the current runoff conditions. Hydrology calculations stamped by an engineer shall be provided for a 2 year and 100-year storm event, and shall show that no increased flows to roadside ditches, gutters or other offsite locations are expected for these rainfall events. Design and capacity of onsite water retention methods shall be included in these calculations.
6. Grading and drainage improvements shall be inspected and approved by the County Engineer or his designee.
7. Plan review and inspections related to improvements shall be charged to the applicant at actual cost.
8. The improvement plans shall include a grading plan and erosion and sediment control plan, which incorporates standards erosion control practices and best management practices, subject to the approval of the County Engineer for disturbed areas. The plan shall be prepared by a Qualified SWPPP Developer (QSD) and shall be included in an agreement with the construction contractor. The following measures shall be included:
  - a. Any mass grading shall be restricted to dry weather periods between April 1 and October 31.
  - b. If other grading activity is undertaken in wet-weather months, permanent erosion and sediment controls shall be in place by October 15, and construction shall be limited to areas as approved by the County Engineer. A winterization plan shall be submitted by September 15 and implemented by October 15.
  - c. In the event construction activity including clearing, grading, disturbances to the ground such as stockpiling, or excavation result in soil disturbances of at least one acre of total land area, the applicant shall obtain and provide a Notice of Intent (NOI) from the Regional Water Quality Control Board.
  - d. Should a NOI be required, Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to issuance of a construction permit. The SWPPP shall have provisions to provide at minimum monthly monitoring reports to the County during wet weather and to 1 year after completion of construction.
  - e. Project less than one acre are exempt from obtaining a NOI unless construction activity is expected to create soil disturbances that could cause significant water quality impairment.
  - f. The internet site for information and application on the NOI can be found at [http://waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

- g. Sedimentation basins, traps, or similar BMP controls shall be installed prior to the start of grading.
- h. Mulching, hydro seeding, or other suitable revegetation measures shall be implemented. Planting shall also occur on areas of cut and fill to reduce erosion and stabilize exposed areas of later construction phases. All disturbed areas with a slope greater than 5% shall receive erosion control.
- i. Excavated materials shall not be deposited or stored where the materials could be washed away by storm water runoff.

**Environmental Health Division**

The applicant shall comply with all requirements of the County Environmental Health Division, including those in the July 11, 2019 and December 30, 2019 referral comments. The requirements in the referral comments include the following:

- 9. The applicant shall submit plans, plan check, and a permitting application to the County Environmental Health Division for approval prior to the beginning of construction and opening of the grocery store. Contact the Environmental Health Division for further information.
- 10. The design plans for the onsite stormwater detention and infiltration basin will need to be reviewed by the Environmental Health Division prior to the beginning of construction.

**Building Department**

- 11. Building permits must be obtained from the Building Department for the proposed improvements.

**Weaverville Sanitary District**

The applicant shall comply with all requirements of the Weaverville Sanitary District, including those in the January 2, 2020 referral comment letter. The requirements in the July 19, 2019 referral comment letter include the following:

- 12. The destroyed buildings were not properly disconnected from the sewer and must be addressed to further eliminate future infiltration problems.
- 13. The remaining buildings must have sewer rerouted or property easements established to provide access in the future.

**14. If necessary, a grease trap will need to be installed outside the new grocery store. *Note: Condition under review and may be revised or removed.***

- 15. An application for sewer service must be made to the District and any additional impacts fees paid before construction begins.

- 16. The sewer main along Levee Road and the NW side of parcel 61 and 42 is not shown on the map. Access and any necessary easements must be provided.

**Planning Department**

17. The proposed Lot Line Adjustment (P-19-32) required to facilitate the proposed commercial development shall be recorded prior to issuance of development permits for the project site.
18. A final landscape and irrigation plan shall be approved by the Planning Director prior to issuance of any land development or construction permit. The final landscape and irrigation plan shall be in general conformance with the size and location of the proposed landscape area as designed on the landscape plan and shall be prepared by a qualified, licensed professional in compliance with applicable State Model Water Efficient Landscape Ordinance requirements.

The following conditions of approval include the mitigation measures from the Initial Study-Mitigation Negative Declaration (SCH#: 2020039002) that was prepared for the proposed project. The responsibility for implementation and timing of these mitigation measures is identified in the Mitigation, Monitoring, and Reporting Program.

19. **AES-1:** All external lighting to be shielded and downcast to minimize lighting spillover. All external lighting shall be turned off from 11:00 p.m. to 6:00 a.m. Twenty-four-hour security lighting would be exempt from this time limitation but would be required to be shielded and downcast. The County shall condition the project to require a photometric lighting plan be submitted for review and approval before the issuance of the building permit.
20. **AQ-1:** The following standard conditions for controlling dust emissions during construction will be required as to reduce impacts from fugitive dust generation.
  - All active construction areas (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered a minimum of two times per day during the dry season.
  - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - Dust-generating activities shall be limited during periods of high winds (over 15 mph).
  - Suspend excavation and grading activity when winds exceed 25 mph.
  - All haul trucks transporting soil, sand, or other loose material, likely to give rise to airborne dust, shall be covered.
  - All vehicle speeds shall be limited to 15 miles per hour within the construction area.
  - Promptly remove earth or other tracked out material from paved streets onto which earth, or other material has been transported by trucking or earth-moving equipment.
  - Conduct digging, backfilling, and paving of utility trenches in such a manner as to minimize the creation of airborne dust.
  - Pave the backfilled trenches as soon as practicable after backfilling of the trenches.
21. **BIO-1.** If project activities cannot occur outside the bird nesting season (generally Mar 1 – Aug 31), a qualified biologist will conduct nesting bird surveys within the area of impact and establish a protective buffer for any active nests found.
  - Conduct surveys no more than 7 days prior to activities, covering the entire area of potential impact.
  - If an active nest is located during the survey, a no-disturbance buffer shall be established around the nest by the qualified biologist, in consultation with California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.
  - Establish protective buffers for active nests based on type of project activity to be conducted, habitat, and species of concern.



- Physical protective buffers should be in the form of high visibility fencing, inspected weekly by a biological monitor to ensure stability.
  - If project activities are to be conducted while active nest buffers are in place, a biological monitor will be on site during project activities to ensure that no take of migratory birds occurs.
22. **BIO-2.** If larval insecticide is deemed necessary for the control of mosquitoes in the detention and infiltration basin, products with active ingredient *Bacillus thuringiensis israelensis* (Bti) is recommended by the USEPA as it specifically targets mosquito and fly larvae and has limited acute and no chronic toxicity to mammals, birds, fish, or vascular plants.
23. **CR-1.** If cultural or archaeological resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)). Work near the cultural or archaeological find shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the material and offered recommendations for further action. For discoveries known or likely to be associated with Native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officer (THPO) for the Nor-Rel-Muk Nation, the Wintu Educational and Cultural Council, the Round Valley Reservation/ Covelo Indian Tribe, and the Redding Rancheria shall be contacted immediately to evaluate the discovery and, in consultation with the project proponent, the County, and professional archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided.
24. **CR-2.** If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Trinity County Coroner will be contacted to determine if the cause of death must be investigated. If the Coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The Coroner will contact the NAHC. The descendants, or most likely descendants, of the deceased will be contacted and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if the NAHC is unable to identify a descendant or the descendant failed to make a recommendation.
25. **GEO-1:** Adherence to all project specific recommendations of the Geotechnical Engineering Report shall be required during construction of the proposed project.
26. **GEO-2.** If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or

redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

27. **GHG-1.** Prior to the start of construction activities, the applicant shall purchase and retire carbon offsets for the estimated 12,000 MTCO<sub>2</sub>e of operational GHG emissions that will be generated over the “project life” time frame for the proposed project. The purchase of carbon offsets for the proposed project shall occur according to the following criteria:
- “Carbon Offset” shall mean an instrument issued by any of the following: CARB, Climate Action Reserve, California Air Pollution Control Officers Association, the APCD, or any other equivalent or verifiable registry.
  - Any carbon offset that is used to reduce the project’s GHG emissions shall meet the requirements of CEQA Guidelines Section 15126.4(C)(3) and meet the following criteria:
    - Real – They represent reductions actually achieved (not based on maximum permit levels).
    - Additional/surplus – They are not already planned or required by regulations or policy (i.e., not double counted).
    - Quantifiable – They are readily accounted for through process information and other reliable data.
    - Enforceable – They are acquired through legally binding commitments/agreements.
    - Validated – They are verified through the accurate means by a reliable third party.
    - Permanent – They will remain as GHG reductions in perpetuity
  - For the purpose of purchasing carbon offsets, the “project life” time frame is assumed to be 30 years. This methodology is consistent with the 30-year “project life” time frame used by the South Coast Air Quality Management District’s GHG guidance (SCAQMD, 2008).
28. **NOISE-1:** The following measure will be implemented during construction activities to reduce noise levels:
- Construction activities shall be restricted to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday, and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays.
  - Construction activity will not occur on Sundays or holidays.

#### **California Department of Transportation**

The applicant shall comply with all requirements of the California Department of Transportation, including those in the September 4, 2019 and January 8, 2020 referral comments. The requirements in the referral comments include the following:

29. An encroachment permit will be required for all work within the State right-of-way. The encroachment permit will require that the Levee Road highway connection meet a public road width standard. The driveway for the project site off of State Route 299 shall be a curb cut type driveway (Caltrans Standard Plans A87A).

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April 23, 2020

30. The project appears to propose to add curb and sidewalk along the State Route 299 frontage. A Drainage Analysis for this confined gutter will be required and must meet Highway Design Manual guidelines of limiting the water spread width to not encroach on the traveled way.

**END OF CONDITIONS**

**NOTE:** Approval of this use permit will expire on April 23, 2022. Any request for a time extension and accompanying fees must be received by the Trinity County Planning Department 30 days prior to this expiration date.

**BRETT S. JOLLEY**  
bjolley@mcjglaw.com  
**BECKY R. DIEL**  
bdiel@mcjglaw.com

April 21, 2020

**VIA EMAIL SUBMISSION**  
**c/o khunter@trinitycounty.org and**  
**info.planning@trinitycounty.org**

Chair Dan Frasier  
c/o Director of Planning Kim Hunter  
Department of Planning  
TRINITY COUNTY  
61 Airport Road  
Weaverville, CA 96093

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

Dear Chair Frasier and Members of the Planning Commission:

This office represents Trinity County taxpayers, business owners, and citizens regarding their objections to the above-referenced development project (the "Project"). The Project is described as a 20,000 square foot grocery store which, after mergers and a lot-line adjustment, will sit on 2.2 acres at 1155 Main Street in Weaverville. The Project site has a "Commercial" General Plan land use designation and is zoned General Commercial ("GC"). My clients are interested in ensuring that the County proceeds in the manner required by law in considering the Project for approval, particularly considering the potentially significant environmental impacts from the Project.

Because the County has failed to proceed in the manner prescribed by law in closing the public review period on April 2, 2020, my clients request that the County pull the Project from the agenda for the April 23, 2020 meeting and, once legally authorized to reopen its offices to the public, issue a new Notice of Availability with a 30-day review period for the public to examine the environmental document the County prepared for this Project. In the alternative, based on the significant due process concerns with teleconferencing technology, the County should continue the April 23, 2020 hearing until such time that the Planning Commissioners and general public can occupy the same space and address each other directly.



While my clients generally support commercial development in Weaverville and Trinity County at large, such development must be consistent with the County's General Plan and zoning ordinance, and significant environmental impacts therefrom must be fully considered and mitigated prior to approval as required by the California Environmental Quality Act (Pub. Res. C. §§21000 *et seq.* and Tit. 14 Cal. Code of Regs. §§15000, *et seq.*, hereafter "CEQA").

Here, the County is seeking to deprive the public from thoughtfully and efficiently analyzing whether this Project is smart growth for the local economy. For the first time on April 17, 2020, the County indicated its intention to hold a public hearing on the Project on April 23, 2020, a meeting with an already heavy agenda. In forcing through this hearing, the County has and continues to violate the law by conducting the review period for the Initial Study and Mitigated Negative Declaration while the County offices were closed to the public, failing to post notice of the April 23, 2020 ten days in advance as required by law, and intending to hold the public hearing through vague and untested electronic means. Each defect will be addressed in turn.

**I. The April 2, 2020 closure of the review period for the Draft Initial Study and Mitigated Negative Declaration during the COVID-19 state of emergency is prejudicial.**

Pursuant to Public Resources Code section 21091, "[t]he public review period for a proposed negative declaration or proposed mitigated negative declaration shall not be less than 20 days. If the proposed negative declaration or proposed mitigated negative declaration is submitted to the State Clearinghouse for review, the review period shall be at least 30 days." The MND in this case was submitted to the State Clearinghouse, and so a mandatory 30 day review period applies.

Here, the County posted its Notice of Availability ("NoA") on February 28, 2020, a true and correct copy of which is enclosed herewith as "Exhibit A." The NoA states that the public review period for the Initial Study ("IS") and Mitigated Negative Declaration ("MND") would run from March 2, 2020 through April 2, 2020, a period of 31 days. The NoA further states, "A copy of the Draft-IS/MND is available for review at the Trinity County Department of Planning, 61 Airport Road, Weaverville, California, weekdays 9:00 A.M. to 4:30 P.M." (emphasis in original).

On March 17, 2020, Governor Gavin Newsom signed Executive Order N-29-20, ordering significant closures across the state in order to combat the COVID-19 pandemic. The County closed its offices to the public on March 20, 2020. The webpage for the Community Development Services – Department of Planning – states, in highlighted text, "Our office is closed to the public until further notice to limit any potential exposure to COVID-19." The webpage further notes that the changes were made as of March 20, 2020. Attached hereto as "Exhibit B" is a true and correct printout of the Department of Planning webpage indicating office closure as of March 20, 2020.



The County has committed a prejudicial abuse of discretion in failing to provide a full 30-day public review period for the MND. (See *Rominger v. County of Colusa* (2014) 229 Cal.App.4<sup>th</sup> 690 (overruled on other grounds).) In *Rominger*, the Court held that the county agency failed to comply with CEQA's notice requirement because the review period ended on the Labor Day holiday, so that county offices were closed the last three days of the public review period. In finding that this review period was insufficient to comply with the law, the *Rominger* Court opined:

“Because the county offices were closed on those three days, the [Petitioners] are correct that the county effectively truncated the public review period by three days. No one could have gone to the county offices on September 3, 4, or 5 to review the pertinent documents or to submit comments on the proposed mitigated declaration. Thus, under the circumstances here, the county effectively provided only a 27–day public review period, which did not comply with CEQA.

Obviously, we are not concluding that the lead agency's offices must be open, so that inspection may occur or comments may be submitted, each and every day of the 30–day public review period. Weekends and other holidays falling in the middle of the public review period still count toward the 30 days required. However, the *end* of the public review period cannot fall on a day when the lead agency's offices are closed without effectively making the period shorter than CEQA requires. Thus, while the counting begins with the starting date described in the notice pursuant to section 15072(g) of the CEQA Guidelines, if the ending date described in the notice falls on a weekend or other legal holiday, when the lead agency's offices are closed, then the noticed public review period is legally insufficient if that ending date is, as here, the 30th day of the period. For the noticed public review period to comply with CEQA, if the ending date is the 30th day, that date *must* be a date when the lead agency's offices are open.”

(*Rominger, supra*, at 694-695 (emphasis in original).)

Further, the law does not allow simply that the MND be available to the public for 30 days total, it requires the public notice to specify a time period which complies with CEQA.

Thus, the County deprived the public of its ability to review the MND from March 20, 2020 through and including April 2, 2020. Thus, the County provided a review period of only 18 days.



Under the clear direction of *Rominger*, the County must post a new public Notice of Availability with a 30-day review period on its face that complies with CEQA. Based on the current orders from the State of California, the County offices are closed until further notice. In order to comply with the law, the County must wait until the “stay at home” order is lifted by Governor Newsome before posting a new Notice of Availability with a public review period that begins and ends on a day when the Department of Planning offices are open to the public.<sup>1</sup> Moving forward with the April 23, 2020 Planning Commission hearing in light of the deficient public review period opens the County up to significant litigation.

**II. The County failed to post notice of public hearing ten days in advance, as required by Government Code section 65090.**

Pursuant to Government Code section 65090(a), “[w]hen a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be published pursuant to Section 6061 in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the jurisdiction of the local agency.” “Notice of a public hearing’ means a notice that includes the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.” (Govt. Code § 65094.)

The law distinguishes “‘adjudicatory’ matters in which ‘the government’s action affecting an individual [is] determined by facts peculiar to the individual case’ from ‘legislative’ decisions which involve the adoption of a ‘broad, generally applicable rule of conduct on the basis of general public policy.’” (*Horn v. County of Ventura* (1979) 24 Cal. 3d 605, 613.) A public hearing regarding a conditional use permit is an adjudicatory matter. (*Id.* At 614 (“conditional use permits involve the application of general standards to specific parcels of real property. Such governmental conduct, affecting the relatively few, is ‘determined by facts peculiar to the individual case’ and is ‘adjudicatory’ in nature”).)

“Adjudicatory” matters which include land-use decisions that substantively affect the property rights of owners of adjacent parcels may constitute “deprivations” of property within the context of procedural due process. (*Horn, supra*, at 615 (citing *Scott v. City of Indian Wells* (1972) 6 Cal.3d 541.)) So, while “the general application of due process principles is flexible, depending on the nature of the competing interests involved, ... where, as here, prior notice of a potentially adverse decision is constitutionally required, that notice must, at a minimum, be reasonably calculated to

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<sup>1</sup> Alternatively, at a minimum, the review period must be extended such that the County offices are not closed for the final 13 days of the noticed review period.



afford affected persons the realistic opportunity to protect their interests.” (*Horn, supra*, at 617.)

The County failed to provide the statutorily required ten day notice of the April 23, 2020 Planning Commission meeting. The County appears to have first published notice of this hearing in the newspaper of general circulation, the Trinity Journal, on Friday, April 17, 2020. A true and correct copy of the notice is enclosed herewith as “Exhibit C.” This notice provides only six days’ notice, not the ten days’ notice required by law.

Compounding the error is the County’s direction, written directly on the notice, that in order to ensure their comment is considered by the Planning Commission, all interested parties must submit such comment “as soon as possible, and no later than three days prior to the hearing.”

The notice further states that “[c]opies of the applications, environmental documents, all reference documents, and staff reports associated with each project are available for review at the Trinity County Planning Department, 61 Airport Rd, Weaverville, CA. Staff reports will also be available on the Internet at: <https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports>.” Once again, the County directs the public to review the environmental document (IS/MND) in the Planning Department offices, which have been closed since March 20, 2020.

In essence, the County’s actions have given the general public exactly one business day to submit a comment on a 116 page staff report on a project for which the environmental document cannot be reviewed in the midst of a global pandemic. These actions cannot be said to afford interested parties a realistic opportunity to review the Project and submit comments, and are directly contrary to the due process rights of local business owners and residents. Nor does it foster confidence that the County values the input of its constituents.

**III. The form of any “teleconference public hearing” is objectionable and the matter should be continued until such time as speakers and Commissioners may directly address one another.**

The County has notified the public that, “[d]ue to the Coronavirus (COVID-19) and the Governor’s temporary suspension of the Brown Act,” the Planning Commission meetings are closed to the public and the public must appear via teleconference. (Exhibit C).<sup>2</sup>

The format of this “electronic public hearing” does not satisfy the minimum requirements of the Brown Act’s Teleconference Meeting provisions (as modified by Executive Order N-29-20,) or afford due process and a fair hearing. Due to the lack of

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<sup>2</sup> This assertion is factually incorrect. The Brown Act itself has not been suspended, only certain provisions. This overstates the breadth of the order and serves to violate my clients’ due process rights.





video conferencing, the process established for this meeting is inadequate and prejudicial to those who wish to speak either in favor or opposition of the Project.

As background, the State's open meeting law for local government, the "Brown Act" codified at Government Code §§ 54950, *et seq*, authorizes local legislative bodies to conduct public meetings via "teleconference" under certain conditions – including allowing the public to attend any location at which a member of the legislative body is participating remotely. The Governor's recent COVID-19 order suspending certain Brown Act requirements (Executive Order N-29-20) was cited on the hearing notice as the County's basis for the Commission's decision to close the meetings to the public and utilize a telephone conference line and unrelated live stream. Having reviewed that Order and considering the prejudice that is likely to suffer from such a hearing, we object to this process because it materially violates the law and due process.

While excluding the public from a public hearing on a controversial land use project may be a developer's dream, it fails to satisfy basic requirements of due process and the right to a fair hearing. Each member of the public has a Constitutionally protected right to due process and fair hearing in this matter. (See *Horn v. Co. of Ventura* (1979) 24 Cal. 3d 605.) Further, Gov't Code § 54953(b)(3) expressly provides that the City must "conduct teleconference meetings in a manner that protects the statutory and constitutional rights" of citizens. The process imposed for this "electronic hearing" fails to satisfy this standard. Reducing the "hearing" to a conference line with no visual interaction is not a hearing so much as a deliberation without due process. Even the League of California Cities has warned of the perils of conducting a land use hearing via teleconference, explaining:

"[Gov't Code § 54953(b)(3)] has interesting ramifications where substantive or procedural due process rights are at stake. For example, in land use proceedings, maps or photographs may be crucial to a council's decision on an application or to a neighbor's appreciation of the decision's ramifications. Although video teleconferencing, a simultaneous telecopy, or some other digital transmission of an exhibit to each location would probably provide adequate due process, it may be difficult to protect these rights when only audio teleconference equipment is used... *In these situations, city councils should probably refrain from any action until its voting members are physically present at duly authorized meetings.*" (Emphasis added)

<https://www.cacities.org/UploadedFiles/LeagueInternet/6e/6ed3a54b-6766-4b67-bee9-e024ea3a3d2b.pdf>

Recognizing that the County is not a member of the League, the wisdom it dispenses applies – in the case of complex land use hearings, such as the one scheduled for April 23, 2020 concerning the Project, audio teleconference equipment should not be utilized and the County should refrain from any action until the



Commissioners can be physically present and in the presence of those wishing to offer public comment.

**IV. Substantively, the County must prepare an Environmental Impact Report in order to comply with CEQA.**

CEQA requires that the decision-making body consider and mitigate a project's environmental impacts prior to approving a project. A negative declaration may be adopted where the agency determines, "there is no substantial evidence that the project may have a significant effect on the environment." (CEQA Guidelines §15064(f)(3).) In contrast, "If there is substantial evidence in the whole record supporting a fair argument that a project may have a significant non-mitigable effect on the environment, the lead agency shall prepare an Environmental Impact Report ("EIR"), even though it may also be presented with other substantial evidence that the project will not have a significant effect. (§ 21151, subd. (a); Cal.Code Regs., tit. 14, § 15064, subd. (f)(1), (2); *Pocket Protectors v. City Of Sacramento*, (2004) 124 Cal. App. 4th 903, 927.) The "fair argument" standard for negative declarations presents a "low threshold" test for requiring the preparation of an EIR. (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881.)

Here, just a cursory review of the Initial Study reveals that it completely omits any analysis of urban decay impacts, despite the fact that physical deterioration of a commercial area resulting from the economic competitive effects of a new development has long been recognized as an environmental effect subject to CEQA's requirements. (*Bakersfield Citizens for Local Control, supra*, 124 Cal.App.4th at pp. 1205–1207, 22 Cal.Rptr.3d 203 [reviewing cases] ("when there is evidence suggesting that the economic and social effects caused by the proposed [project] ultimately could result in urban decay or deterioration, then the lead agency is obligated to assess this indirect [physical] impact."))

In addition, the County has received correspondence from the State of California Department of Fish and Wildlife which expresses concern regarding nesting migratory birds and pallid bat day roosting habitats. Such concerns constitute a fair argument of significant environmental impacts on local wildlife, likely requiring a further analysis or even preparation of an EIR.

Finally, the Initial Study itself concedes there will be impacts relating to light and noise pollution, soil stability, and the emission of impermissible greenhouse gases. These are considerable concerns and may indicate that the County needs to prepare an EIR.

The County's actions in seeking to limit public participation on this Project is particularly concerning in light of the potentially significant environmental impacts it could cause. Rather than provide a full 30-day review period, give the mandated 10-day



notice of the hearing, and failing to provide a hearing that complies with due process and the law, the County is attempting to slide this Project through in a truncated manner. As stated, in order to comply with the public review period mandated by CEQA, the County must wait until its offices reopen to the public and post a new Notice of Availability allowing the public to review and comment on the MND for no less than 30 days.

My clients are attempting to work through the environmental documents and review the project, but are unable to fully participate in this process due to the County offices being closed to the public and the limited ability to consult with experts. The shortened review period and failure to provide ten days' notice as required by law has been heavily prejudicial to their efforts.

Proceeding with this hearing in the current "teleconference" manner is simply insufficient. There is no urgency to the Project. While it is unfortunate that the current public health crisis may delay the hearing temporarily, there is absolutely no basis to proceed with a materially compromised "hearing" process that would deprive local residents of Constitutional due process and a fair hearing. This is a quasi-judicial hearing – rather than a quasi-legislative proceeding, invoking further requirements for due process. Accordingly, should the County reject our request to reissue a Notice of Availability that complies with CEQA, we respectfully request that this matter not be heard until the Commission is once again able to meet in person or via an interactive video conference with all parties and members of the public able to fully participate.

Very truly yours,

**McKINLEY, CONGER, JOLLEY & GALARNEAU**

A handwritten signature in blue ink, appearing to read 'B. Diel', with a stylized flourish at the end.

BECKY R. DIEL  
Attorney-at-Law

EXHIBIT A

RECEIVED

FEB 28 2020

TRINITY COUNTY  
CLERK/RECORDER/ASSESSOR

PUBLICATION DATE: March 2, 2020

POSTED IN THE OFFICE OF  
THE TRINITY COUNTY CLERK

FROM: 2/28/20 TO: 4/1/20

Trinity County Department of Planning

**NOTICE OF AVAILABILITY OF  
DRAFT INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION**

The Trinity County Department of Planning has prepared a Draft Initial Study/Proposed Mitigated Negative Declaration (Draft-IS/MND) for the Weaverville Grocery Outlet Project.

**Project Location:** The Grocery Outlet Project is located within Trinity County, in the unincorporated community of Weaverville. The project site is located on parcels 002-100-61, -62, -63, and 002-100-42. The project site is currently vacant, but shows signs of prior residential and commercial development (e.g., foundations, utilities, debris, etc.). Primary access to the site is from State Route 299 (SR-299) and secondary access is from Levee Road to the west. The site is approximately 0.7-miles south of the SR-299 and Trinity Lake Boulevard intersection. The project site is within Section 7, Township 33N, Range 9W, Mount Diablo Base Meridian (MDBM).

**Description of Project:** The proposed Grocery Outlet Project includes the construction of a new 20,000 s.f. grocery store at 1155 Main Street, along the north side of the SR-299 commercial corridor in Weaverville, California. The project includes the development of two driveway entrances, sidewalks, drive aisles, 67 on-site parking spaces, a loading dock, stormwater improvements, landscaping, outdoor lighting, and monument signage. The applicant estimates approximately 15 to 20 individuals will be employed at the grocery store. The proposed project also includes the merger of three parcels and a lot line adjustment with a fourth parcel, to provide a suitable lot area (2.2 acres) for the development of the grocery store.

**Environmental Topics Evaluated:** The Initial Study examines the potential impacts generated by the proposed project in relation to the potential of the project to have an impact on the environment.

**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** Trinity County, as Lead Agency for the proposed project, has discretionary authority over the primary project proposal. To implement this project, the applicant may need to obtain, at a minimum, the following discretionary permits/approvals from other agencies:

- California Department of Transportation
- State Water Resources Control Board

A copy of the Draft-IS/MND is available for review at the Trinity County Department of Planning, 61 Airport Road, Weaverville, California, weekdays 9:00 A.M. to 4:30 P.M.

The public comment period begins on March 2, 2020 and will end on April 2, 2020 at 3:00 PM. Written comments can be mailed to the attention of Kim Hunter, Trinity County, Department of Planning, 61 Airport Road, Weaverville, California 96093.

EXHIBIT B

<a href="#">About Trinity County (/About)</a>	<a href="#">Online Services (/Online-Services)</a>	<a href="#">Departments (/Departments)</a>	<a href="#">Visitors (/Visitors)</a>	<a href="#">Business (/Business)</a>
			<a href="#">I Want To... (/I-Want-To)</a>	

## Text Resize

## Language

English

### Trinity County Planning Department

61 Airport Road  
 P.O. Box 2819  
 Weaverville, CA 96093  
 Phone: 530-623-1351 (tek:+15306231351)  
 Fax: 530-623-1353 (fax:+15306231353)  
 Email: [info.planning@trinitycounty.org](mailto:info.planning@trinitycounty.org) (<mailto:info.planning@trinitycounty.org>)

### Business Hours:

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

### Contacts:

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

[Home \(/\)](#) / [Departments \(/Departments\)](#) / [Community Development Services](#)

# Community Development Services

## PLANNING DEPARTMENT

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

**GENERAL PLAN HOUSING ELEMENT 2019-2024 UPDATE (DEV-20-01)** – Trinity County has prepared a draft update to the Housing Element in the County's General Plan which covers the time period from September 1, 2019 to August 31, 2024. The updated Housing Element identifies and analyzes existing and projected housing needs for individuals and households within the unincorporated areas of Trinity County and provides a statement of goals, policies, and programs for the preservation, improvement, and development of various types of housing. The Housing Element is mandated under California Government Code Section 65580 and is subject to review and certification by the California Department of Housing and Community Development. Proposed CEQA Determination: Addendum to the 2014-2019 Housing Element Negative Declaration / Planner: K. Hunter. **Hearing scheduled for March 19, 2020 (Special Planning Commission Meeting - see calendar for details).**

- Draft 2019-2024 General Plan Housing Element (/sites/default/files/Planning/documents/Trinity%20HE%20Public%20Review%20Draft%2003\_03\_20.pdf)
- Addendum to the 2014-2019 Housing Element Negative Declaration (/sites/default/files/Planning/documents/TRIN-01\_0\_%20Addendum%20Final%20Draft%202\_28\_20.pdf)
- HCD Review Letter (/sites/default/files/Planning/documents/triTrinityCounty03112020.pdf)

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

**FLOODPLAIN MANAGEMENT INFORMATION** (/Floodplain-Management)

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

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

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

### ENVIRONMENTAL REVIEW:

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

- Notice of Availability of Draft Initial Study/Proposed Mitigated Neg. Dec. (/sites/default/files/Planning/documents/Initial\_Studies/NOA\_Grocery%20Outlet%20IS-MND.pdf)
- Draft Initial Study/Proposed Mitigated Neg. Dec. (/sites/default/files/Planning/documents/Initial\_Studies/CEQA%20IS-MND\_Grocery%20Outlet\_02-27-20.pdf)

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

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

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

- Mines Douglas City Rezone and Cannabis Distribution Facility Project (IS-MND) (/sites/default/files/Planning/documents/Initial\_Studies/Mines%20SMND%20with%20Errata.pdf)

Hayfork Cannabis Manufacturing Project (P-19-16)

- Hayfork Cannabis Manufacturing Project (IS-MND) (/sites/default/files/Planning/CANNABIS/Other\_Documents/final\_Hayfork%20Manufacturing%20IS-MND.pdf)

#### FOR CANNABIS PROGRAM EIR:

Draft Environmental Impact Report (DEIR) - Trinity County Cannabis Program ([https://www.trinitycounty.org/sites/default/files/Planning/CANNABIS/combined\\_Trinity%20DEIR\\_05-28-19.pdf](https://www.trinitycounty.org/sites/default/files/Planning/CANNABIS/combined_Trinity%20DEIR_05-28-19.pdf))

February 11, 2020 Special BOS Meeting

- PowerPoint Presentation (PDF) (/sites/default/files/Planning/CannabisDEIR/Trinity%20County%20DEIR\_2.11.2020.pdf)
- Video Link (<https://youtu.be/m3JzWZEa6lI>)

November 19, 2019 Special BOS Meeting

- PowerPoint Presentation (PDF) (/sites/default/files/Planning/CANNABIS/Programmatic\_EIR/BOS\_PC%20mtg%2011.19.pdf)
- Video Link (<https://www.youtube.com/watch?v=Y-ryoy7q0>)

September 26, 2019 Cannabis DEIR PC Meeting

- PowerPoint Presentation (PDF) (/sites/default/files/Planning/CANNABIS/Programmatic\_EIR/Commission DEIR mtg 9.26.19\_final searchable.pdf)
- Video Link ([https://www.youtube.com/watch?v=gB-PO7Rej\\_s](https://www.youtube.com/watch?v=gB-PO7Rej_s))

September 11, 2019 CEQA Workshop

- PowerPoint (PDF) (/sites/default/files/Planning/Workshop\_Materials/CEQA\_Workshop\_PresentationTrinity\_CSA.pdf)
- Video Link (<https://www.youtube.com/watch?v=922Ty1Gdo5s>)

#### GIS Information (Geographic Information System):

GIS Purchase of GIS Data Layers (/sites/default/files/Planning/documents/GIS\_Req.pdf) [pdf]

GIS Board of Supervisors District (/sites/default/files/Planning/documents/TC\_Sup\_Districts\_2011\_Adopted.pdf) (map)

GIS Community Names (/sites/default/files/Planning/images/community\_names\_trinity\_county.jpg)(map)

Download

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

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

#### Web Mapping Applications:

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

Basic Planning and Services Information for Parcels in Trinity County

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

Water Resources Information for Parcels in Trinity County

#### Re Ag-Forest District Zoning District

Ag - Forest Zoning District Update Initial Study/Mitigated Negative Declaration (/sites/default/files/Planning/ag\_forest\_zoning\_is\_mnd.pdf)

#### Other Information:

Ordinance No. 315-797 re: Medical Marijuana (/sites/default/files/Planning/documents/Ordinance%20No.%20315-797.pdf) [pdf]

Recreational Vehicles and Camping on Private Lands, Ordinance No. 315-801

(/sites/default/files/Planning/documents/Recreational%20Vehicles%20%26%20Camping%20on%20Private%20Lands%20Ordinance%20315-801.pdf) [pdf]

Accessory Dwelling Units, Ordinance No. 315-819 (/sites/default/files/Planning/Ordinances/315-832%20Accessory%20Dwelling%20Units.pdf) [pdf]

Family Care Units, Ordinance No. 315-802 (/sites/default/files/Planning/documents/Ordinance%20re%20Family%20Care%20Units%20315-802.pdf) [pdf]

Ordinance No. 315-812 - Keeping of Chickens (/sites/default/files/Planning/documents/Ordinance%20No.%20315-812%20-%20Keeping%20of%20Chickens.pdf) [pdf]

FEMA Trinity River Flood Study (/sites/default/files/Planning/documents/FEMA%20Trinity%20River%20Flood%20Study.pdf) [pdf]

Trinity County DG Map (/sites/default/files/Planning/documents/DG%20County%20Map.pdf) (5/24/19) [pdf]

#### Misc. Links:

[Airport Land Use Commission](#) (/Airport-Land-Use-Commission)

[Architectural Review Committee](#) (/Architectural-Review-Committee)

[Subdivision Review Committee](#) (/Subdivision-Review)

## Search

Search



## PLANNING COMMISSION

District 1: Mike McHugh (mailto:tcpc.McHugh@gmail.com), P.O. Box 387, Trinity Center, CA 96091

District 2: Graham Matthews, P.O. Box 1516, Weaverville, CA 96093

District 3: Diana Stewart (mailto:tcpc.stewart@gmail.com), P.O. Box 602, Hayfork, CA 96041 **Vlce Chair 2020**

District 4: Richard Hoard, P.O. Box 157, Junction City, CA 96048

District 5: Dan Frasier, HC Box 62, Zenia, CA 95595 **Chair 2020**



**Meeting Dates:**

Held the second and fourth Thursday of every month

**Time:** 7:00 p.m.

**Location:** Weaverville Library BOS Conference Room

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

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

# Planning Department Calendar

April

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

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

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

S	M	T	W	T	F	S
	5	6	7	8	9	10
	12	13	14	15	16	17
	19	20	21	22	23	24
	26	27	28	29	30	

<https://www.trinitycounty.org/planning-calendar/day/2020-04-23>

## Upcoming Events

- **Planning Commission Regular Meeting (/node/1812)**  
 Date:  
 Thursday, April 23, 2020 - 7:00pm  
 AS PROVIDED BY GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 18, 2020, THIS MEETING WILL BE CLOSED TO THE PUBLIC.  
 TELECONFERENCING INFORMATION: Due to the Coronavirus (COVID-19) and the Governor's temporary suspension of the Brown Act, the Planning Commission will allow commissioners, staff and members of the public to attend this meeting via teleconference.  
 Conference Bridge Number: (800) 867-2581  
 Access Code: 6231382#  
 LIVE FEED: This meeting will also be available via live feed on the internet at: <https://www.youtube.com/user/dforslund/featured> (<https://www.youtube.com/user/dforslund/featured>)

## Visit

**Trinity County ...**  
View larger map



Google  
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## Contact

**Trinity County Planning Department**  
61 Airport Road  
P.O. Box 2819  
Weaverville, CA 96093  
Phone: 530-623-1351 (tel:+15306231351)  
Fax: 530-623-1353 (fax:+15306231353)  
Email: [Info.Planning \(mailto:info.planning@trinitycounty.org\)](mailto:Info.Planning@trinitycounty.org)

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- [HSIP Striping Project 2 \(/HSIP-Striping-Project-2\)](#)
- [Policies \(/Library-Policies\)](#)
- [DEIR PUBLIC MEETING DISTRICT 2 \(/node/1084\)](#)
- [Maternal Child Adolescent Health \(/MCAH-POE\)](#)
- [Airport Land Use Commission \(/Airport-Land-Use-Commission\)](#)
- [Clerk Recorder \(/Clerk-Recorder\)](#)

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EXHIBIT C

# TRINITY COUNTY PLANNING COMMISSION

**Regular Meeting**  
**April 23, 2020 at 7:00 p.m.**  
**Trinity County Library Conference Room**  
**351 Main St, Weaverville, CA**

**Chairman Dan Frasier**  
**Vice-Chairman Diana Stewart**  
**Commissioner Graham Matthews**  
**Commissioner Richard Hoard**  
**Commissioner Mike McHugh**

## AGENDA

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

**TELECONFERENCING INFORMATION:** Due to the Coronavirus (COVID-19) and the Governor's temporary suspension of the Brown Act, the Planning Commission will allow commissioners, staff and members of the public to attend this meeting via teleconference.

Conference Bridge Number: (800) 867-2581  
Access Code: 6231382#

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

**TO ADDRESS THE COMMISSION:** Members of the public may directly address the Planning Commission on any agenda item on the regular calendar during the Commission's consideration of that item. In addition, the Planning Commission provides the members of the public with a Public Comment period, where the public may address the Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission. Pursuant to the Brown Act (Govt. Code section 54950, et seq.), Commission action or discussion cannot be taken on non-agenda matters, but the Commission may briefly respond to statements or questions and, if deemed necessary, refer the subject matter to the appropriate department for follow-up and/or to schedule the matter on a subsequent Commission agenda.

**PRESENTATION OF DOCUMENTS:** All items presented to the Planning Commission during a public hearing, including but not limited to letters, e-mails, petitions, photos, maps or other kinds of information shall become a permanent part of the record and must be submitted to the clerk of the Commission. It is advised that the presenter create copies in advance for their own records. If you have documents to present for the members of the Planning Commission to review, please provide a minimum of eight copies.

### **CALL TO ORDER:**

### **PUBLIC COMMENT:**

During the Public Comment period, members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

### **REGULAR CALENDAR:**

1. **MINUTES:** Approve meeting minutes of the meetings held on January 9, 2020 and March 19, 2020.
2. **CONDITIONAL USE PERMIT (P-19-32):** A request for a Conditional Use Permit to develop an approximately 2.2-acre site along the north side of the SR-299 commercial corridor in Weaverville with a new 20,000 square-foot Grocery Outlet grocery store. The project site is designated by the

General Plan as Commercial (C) and is zoned as General Commercial (C-2). The project includes the development of two driveway entrances, sidewalks, drive aisles, 67 on-site parking spaces, a loading dock, stormwater improvements, landscaping, outdoor lighting, and monument signage. The proposed project site is located at 1155 Main Street, Weaverville. APNs: 002-100-61, -62, -63 and 002-100-42. Applicant: Best Development Group. Proposed CEQA Determination: Mitigated Negative Declaration. Planner: L. Lozier

3. **APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-11)**: An appeal of the Planning Director's decision to reject an application requesting variances from the requirements established by the Trinity County Title 17 Zoning Code section 17.43.040, Type III Cultivation Licenses. The applicant is requesting three Type III (one acre) Commercial Cannabis Cultivation Licenses on a 23.86-acre parcel and reduction of the required 500-foot property line setback for cultivation. The proposed site is located at 241 Drink Water Gulch Rd., Hayfork. APN: 016-220-02-00; Applicant/Appellant: American Cannabis Partners (ACP).
4. **APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-12)**: An appeal of Planning Director's Decision to deny a Commercial Cannabis Cultivation License 2019-618 for 3120 Bear Creek Rd., Weaverville. APN 010-690-02-00; Applicant/Appellant: Dina Obrenovic.
5. **ANNUAL INITIAL VARIANCE (CCV-19-63)**: A request for a variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling (TCC 17.43.050.A.8). Project site is located at 27 Log Cabin Ln., Douglas City, Assessor Parcel Number: 025-140-32-00; Applicant: S. Xiong. Planner: B. Hedtke
6. **ANNUAL INITIAL VARIANCE (CCV-20-01)**: A request for a variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling. (TCC 17.43.050.A.8). Project site is located at 159 Rose Ln., Hayfork. Assessor Parcel Number: 017-430-45-00; Applicant: C. Thao. Planner: B. Hedtke

## **PLANNING COMMISSIONER REPORTS**

### **PLANNING DIRECTOR'S REPORT**

### **ADJOURN**

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ALL INTERESTED PARTIES are encouraged and invited to submit written comments regarding a proposed action or be present at the public hearing to be heard regarding the action to be considered. To ensure consideration by the Planning Commission, all written material concerning the proposed project should be submitted to the **Trinity County Planning Department, 61 Airport Road, PO Box 2819, Weaverville, CA 96093. (530) 623-1351, or by email to [info.planning@trinitycounty.org](mailto:info.planning@trinitycounty.org)**, as soon as possible, and no later than three days prior to the hearing. All items presented to the Planning Commission before or during the public hearing become part of the permanent record. Persons wishing to submit comments or appear before the Planning Commission are encouraged to first contact the staff planner listed for the project.

Copies of the applications, environmental documents, all reference documents, and staff reports associated with each project are available for review at the Trinity County Planning Department, 61 Airport Rd, Weaverville, CA. Staff reports will also be available on the Internet at: <https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports>.

Please note that any challenge of the nature of the proposed action in court may be limited to addressing only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

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**Lisa Lozier**

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**From:** Palesa <palesalad@gmail.com>  
**Sent:** Tuesday, April 21, 2020 10:33 PM  
**To:** Info.Planning  
**Subject:** April 23 Planning commission meeting

To whom it may concern,

I was informed today that the planning commission will Vote on whether or not to allow Grocery Outlet to open into Weaverville. It was the first I have heard that there are supposed to be public hearings on such issues. If I had know this I also would have protested the Dollar General. It IS well known that Dollar General and stores like it (Grocery Outlet) “exacerbate economic and public health disparities”; “[concentrate] in communities hit hardest by the consequences of economic concentration”; represent “poor”; are “symbols of civic decline”.

I own Mountain Market Place, a 40 year old business in old town Weaverville. I have watched what the introduction of Dollar General has done to this community. Since it opened it seems like half the businesses in town have closed including all of the restaurants. Old town is like a ghost town, barely alive. And yet the homeless, “tweaker”, welfare community has tripled. Theft, crime, vandalism and murder has grown exponentially. I am convinced that Grocery Outlet will double the speed of this decline starting with my store.

Working with the Chamber of Commerce we are constantly trying to bring more people to Weaverville for the fabled “tourism” income that Trinity County used to thrive on. If you believe that then why would you vote to kill our town. I don’t know a single decent person who would stop and stay within sight of Dollar General or Grocery Outlet. In fact anyone who would support any of our local stores would just keep on driving if they are greeted with cookie cutter trash town.

I did not have much time to write this or edit out “unprofessional emotion”. In short I am urging you vote against this. I grew up here. I have always been proud of my unique little town nestled in the mountains. I never thought it could get this bad. I never thought that I would be embarrassed by it. I always thought my family would be able to live a simple healthy safe life here. Please don’t help the destruction of our community. If I have to move away from my home I will hold you personally responsible.

You may consider considering the local business owners when making these decisions. We do have opinions based on experience.

Palesa Peralta  
Mountain Market Place

Sent from my iPhone

Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have received this transmission in error, please immediately notify me by replying to this e-mail or by telephone and destroy the original transmission and its attachments without reading them or saving them to disk .