

# TRINITY COUNTY PLANNING COMMISSION

## STAFF REPORT

**PROJECT TITLE:** Kinder Kids Montessori Expansion

**APPLICANT:** Kinder Kids Montessori (Jolene Edwards)

**PROPERTY OWNER:** Robert Edwards

**REPORT BY:** Mitchell Wexler, Assistant Planner

**LOCATION:** 31341 State Highway 3

**ZONING DISTRICT:** Retail Commercial (C1)

**GENERAL PLAN DESIGNATION:** Commercial (C)

**PROJECT DESCRIPTION:**

P-23-04 pertains to a proposed addition of the existing childcare facility on site. The two-story expansion (1,781 sq.ft.) will be built over one space in the parking lot and the dirt foundation located on the northeast edge of the building. The expansion will allow the facility to expand its capacity and serve up to 28 children. The project also proposes an exception from the off-street parking requirement to allow a portion of the off-street parking requirement to be met at an offsite location within 300 feet of the project site. This exception is specifically allowed by County Code Section 17.30.090(B) with approval from the Planning Commission.

Location	Land Use	Zoning District	General Plan Designation
North	Church	Retail Commercial (C1)	Commercial (C)
South	Commercial	Retail Commercial (C1)	Commercial (C)
East	Commercial	Residential Office (RO)	Commercial (C)
West	Residential Single Family	Rural Residential 2.5 Acre min	Rural Residential (RR)

Table 1: Surrounding Land Uses to Project Site

**SITE INFORMATION:**

The parcel is a part of the Retail Commercial (C1) zoning district. It shares this district with two of its neighboring parcels, and its Commercial (C) General Plan designation with three of its neighboring parcels. Water and sewer services are provided by the Weaverville Sanitary District, fire protection is provided by the Weaverville Fire Protection District, and Electricity is provided by the Trinity Public Utility District. The lot is 0.38 acres in size.

The parcel currently has finalized permits for 2 HVACs, a rehab structure, a patio cover, and a re-roof. These permits were finalized as of 2019 and 2020; 2019; 2019; 2021; and 2022 respectively. The Montessori school is currently the sole building on the parcel.

### **PROJECT EVALUATION/DISCUSSION:**

The permit was initially submitted on February 10<sup>th</sup>, 2023. The proposed addition to the existing structure would enlarge the capacity of the school, providing room for up to 28 children.

#### ***Trinity County General Plan***

The parcel has a General Plan Designation of Commercial (C). Commercial areas are designated within general communities and are intended to indicate the desirable location of various commercial developments. Commercial developments may include community business district, highway commercial, and recreation commercial. Lot sizes may range from 10,000 square feet to five acres.

This project is a commercial development that operates as a childcare facility (Kinder Kids Montessori). The parcel size is 0.41 acres, or 16,552.8 ft. For this reason, the project is found to be consistent with the requirements of the General Plan.

#### ***Trinity County Zoning Code***

The parcel is located in the C-1 (Retail Commercial) zoning district. The purpose of this district is to provide locations for the distribution and sale or rental of goods or services of primarily a retail nature. The C-1 district allows for childcare facilities as a principal use, so long as the number does not exceed 11 children. A facility serving 12 or more children is allowed with a conditional use permit.

The building is required to be set back 50 feet from the centerline of the right of way, and must have a height restriction of 25 ft. The front yard setback is required to be 10 ft, the interior and exterior side yard setback should be 10 ft, with the exception of other commercial zones. The rear yard setback is required to be 6 feet at a minimum, with the exception of other commercial or industrial zones. The maximum lot coverage allowed by structures on the parcel is 40%.

The site plan shows that the proposed building would not meet the interior side yard setback requirement of 10 feet. However, because the neighboring parcel is also zoned as Retail Commercial, this setback is not required. The 50-foot building setback from the centerline of Highway 3 will be met by the expansion at a distance of 52 feet. The required rear-yard setback is met. The new structure shall not bring the total proportion of the parcel covered to 40% coverage.

One parking space will be taken from the lot, and the number of spaces remaining will not cover the requirement. To supplement these parking needs, New Apostolic Church is located within 300 ft of Kinder Kids Montessori, and has given written permission for the use of their parking lot. When added to existing spaces, that parking lot allows for Kinder Kids Montessori to meet the parking requirement for their development. The exception to allow a portion of the off-street parking requirement to be met at an offsite location within 300 feet of the project site, is specifically allowed by County Code Section 17.30.090(B) with approval from the Planning Commission. As stated in County Code Section 17.30.090(C)(2)(a), joint use of parking facilities may be allowed

when there is no conflict in time of use. The project proposes to use portion of the off-street parking on the adjacent property (APN 024-380-027), which is developed as a church. The daycare center would typically operate Monday through Friday and activities at the church would primarily occur on the weekends. As such, the joint use of parking facilities on the church property would be appropriate as there would be a limited potential for conflicts in the time of use.

### ***Trinity County Airport Land Use Compatibility Plan***

The project site is located within Airport Compatibility Zone D, which is an area defined as having a relative risk level of "low." The project proposes a two-story expansion to an existing childcare facility that would not generate visual distractions, wildlife attractants, or tall structures. The use would also not result in large congregation of people and is not a use type that is specifically discourage in Zone D by the Trinity County Airport Land Use Compatibility Plan.

### ***California Environmental Quality Act (CEQA)***

According to CEQA Guidelines § 15303, "Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure."

Subsection C clarifies that this includes "A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area."

Since the project proposes an addition to an existing childcare facility that would less than 2,500 square feet, it meets the criteria of Section 15303.

### **FINDINGS OF FACT**

#### **Conditional Use Permit Findings**

Trinity County Code Section 17.32.010 states the following:

*"A use permit is granted at the discretion of the Planning Commission or the Planning Director and is not the automatic right of any applicant. In considering an application for a use permit, the following guidelines shall be observed, 1. Sound Principals of Land Use; A use permit shall be granted upon sound principals of land use. 2. Not Injurious; A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance. 3. Plan Consistency; A use permit must comply with the objectives of the general or specific plan for the area in which it is located."*

In considering the conditional use permit, the following findings are recommended pursuant to the guidelines of Section 17.32.010 of the Trinity County Code:

- 1. Sound Principles of Land Use. A use permit shall be granted upon sound principals of land use.**

**Finding:** The Conditional Use Permit would allow an expansion of an existing childcare facility to allow it to serve more than 12 children, which is consistent with the Commercial

land use designation and is a conditionally permitted use in the C-1 (Retail Commercial) zoning district.

The project meets all of the development standards in the County Code with the exception of the off-street parking requirement. The exception to allow a portion of the off-street parking requirement to be met at an offsite location within 300 feet of the project site, is specifically allowed by County Code Section 17.30.090(B) with approval from the Planning Commission. As stated in County Code Section 17.30.090(C)(2)(a), joint use of parking facilities may be allowed when there is no conflict in time of use. The project proposes to use portion of the off-street parking on the adjacent property (APN 024-380-027), which is developed as a church. The daycare center would typically operate Monday through Friday and activities at the church would primarily occur on the weekends. As such, the joint use of parking facilities on the church property would be appropriate as there would be a limited potential for conflicts in the time of use.

The project site is located within Airport Compatibility Zone D, which is an area defined as having a relative risk level of "low." The project proposes a two-story expansion to an existing childcare facility that would not generate visual distractions, wildlife attractants, or tall structures. The use would also not result in large congregation of people and is not a use type that is specifically discourage in Zone D by the Trinity County Airport Land Use Compatibility Plan.

Therefore, this Conditional Use Permit use permit will be granted upon sound principles of land use.

- 2. Not Injurious. A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance.**

Finding: As proposed and conditioned, the daycare facility expansion will not be detrimental to the public health, safety or welfare, or result in the creation of a public nuisance.

- 3. Plan Consistency: A use permit must comply with the objectives of the general plan or specific plan for the area in which it is located.**

Finding: Since the project proposes expansion of a use that is consistent with the Commercial land use designation and is a conditionally permitted use in the C-1 (Retail Commercial) zoning district, issuance of the Conditional Use Permit would comply with the objectives of the general or specific plan for the area in which the project is located.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt Resolution No. PC-2023-05 approving P-23-04 for a Conditional Use Permit to allow more than 12 children at the Kinder Kids Montessori and the ability to provide off-site parking within 300 ft of the project site.

**ATTACHMENTS:**

- A. Resolution No. PC-2023-05
- B. Letter of Approval from New Apostolic church
- C. Site Map
- D. Setback Map
- E. Aerial Map
- F. Location Map
- G. Zoning District Map
- H. General Plan Designation Map

**RESOLUTION NO. PC-2023-5**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY  
APPROVING CONDITIONAL USE PERMIT  
(Kinder Kids Montessori, P-23-04)**

**WHEREAS**, Kinder Kids Montessori (Jolene Edwards) filed an application dated February 10, 2023 for the approval of a Conditional Use Permit for a proposed addition to an existing childcare facility (Kinder Kids Montessori) in the C-1 zoning district. The project proposes a two-story addition that would be approximately 1,781 square feet and would allow the facility to provide daycare service for up to 28 children. The project also proposes to meet the off-street parking requirements of the County Code by providing offsite parking on parcel 024-380-008. The project site is located at 31341 State Highway 3, Weaverville (APN: 024-380-027); 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**, 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 June 8<sup>th</sup>, 2023; 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 that the project is categorically exempt pursuant to Section 15303 of the CEQA Guidelines exempting the construction and location of limited numbers of new, small facilities, or structures. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to: (c) a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. Since the project proposes an addition to an existing childcare facility that would less than 2,500 square feet, it meets the criteria of Section 15303.
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 would allow an expansion of an existing childcare facility to allow it to serve more than 12 children, which is consistent with the Commercial land use designation and is a conditionally permitted use in the C-1 (Retail Commercial) zoning district.

The project meets all of the development standards in the County Code with the exception of the off-street parking requirement. The exception to allow a portion of the off-street parking requirement to be met at an offsite location within 300 feet of the project site, is specifically

allowed by County Code Section 17.30.090(B) with approval from the Planning Commission. As stated in County Code Section 17.30.090(C)(2)(a), joint use of parking facilities may be allowed when there is no conflict in time of use. The project proposes to use portion of the off-street parking on the adjacent property (APN 024-380-027), which is developed as a church. The daycare center would typically operate Monday through Friday and activities at the church would primarily occur on the weekends. As such, the joint use of parking facilities on the church property would be appropriate as there would be a limited potential for conflicts in the time of use.

The project site is located within Airport Compatibility Zone D, which is an area defined as having a relative risk level of "low." The project proposes a two-story expansion to an existing childcare facility that would not generate visual distractions, wildlife attractants, or tall structures. The use would also not result in large congregation of people and is not a use type that is specifically discourage in Zone D by the Trinity County Airport Land Use Compatibility Plan.

Therefore, this Conditional Use Permit use permit will be granted upon sound principles of land use.

- B. As proposed and conditioned, the daycare facility expansion will not be detrimental to the public health, safety or welfare, or result in the creation of a public nuisance.
  - C. Since the project proposes expansion of a use that is consistent with the Commercial land use designation and is a conditionally permitted use in the C-1 (Retail Commercial) zoning district, issuance of the Conditional Use Permit would comply with the objectives of the general or specific plan for the area in which the project is located.
3. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit application (P-23-04) for Kinder Kids Montessori (Jolene Edwards), subject to the conditions set forth in Exhibit "A", attached hereto and made a part hereof.

**DULY PASSED AND ADOPTED** this 8<sup>th</sup> day of June, 2023 by the Planning Commission of the County of Trinity by motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

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CAROL FALL, Chairman  
Planning Commission  
County of Trinity, State of California

ATTEST:

By:

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EDWARD PRESTLEY  
Secretary of the Planning Commission  
County of Trinity, State of California

**EXHIBIT "A" to Resolution PC-2023-5**  
**CONDITIONAL USE PERMIT**  
**CONDITIONS OF APPROVAL**  
(Kinder Kids Montessori, P-23-04)

The following conditions of approval shall be satisfied prior to the issuance of any building 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 January 11, 2023 referral comment letter. The requirements in the January 11, 2023 referral comment letter include the following:

1. The applicant shall provide a Drainage Plan to the Trinity County Department of Transportation for review and approval prior to issuance of the building permit for the proposed improvements.

**Building Department**

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

**Planning Department**

1. The applicant shall provide a notarized, written authorization to the Trinity County Planning Department from all people and entities having a right, title, or interest in parcel 024-380-027 consenting to the use of the off-street parking spaces on the subject property. The authorization shall be provided to the County prior to occupancy of the proposed addition to the existing building on parcel 024-380-008. If the authorization for the use of off-street parking on parcel 024-380-027 is discontinued at any time, and the applicant is unable to obtain authorization to use offsite parking at an alternative location within 300 feet of parcel 024-380-008 (County Code Section 17.30.090(B)), the applicant may be required to apply for a variance as prescribed in County Code Chapter 17.31.

**END OF CONDITIONS**



Attach B

**Mitchell Wexler**

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**Sent:** Thursday, May 25, 2023 3:41 PM  
**To:** Jolene Edwards  
**Subject:** RE: Using parking lot During the day

**From:** Jolene Edwards <kinderkids.montessori@gmail.com>  
**Sent:** Thursday, May 25, 2023 3:37 PM  
**To:** Mitchell Wexler <mwexler@trinitycounty.org>  
**Subject:** Fwd: Using parking lot During the day

Hi Jolene,

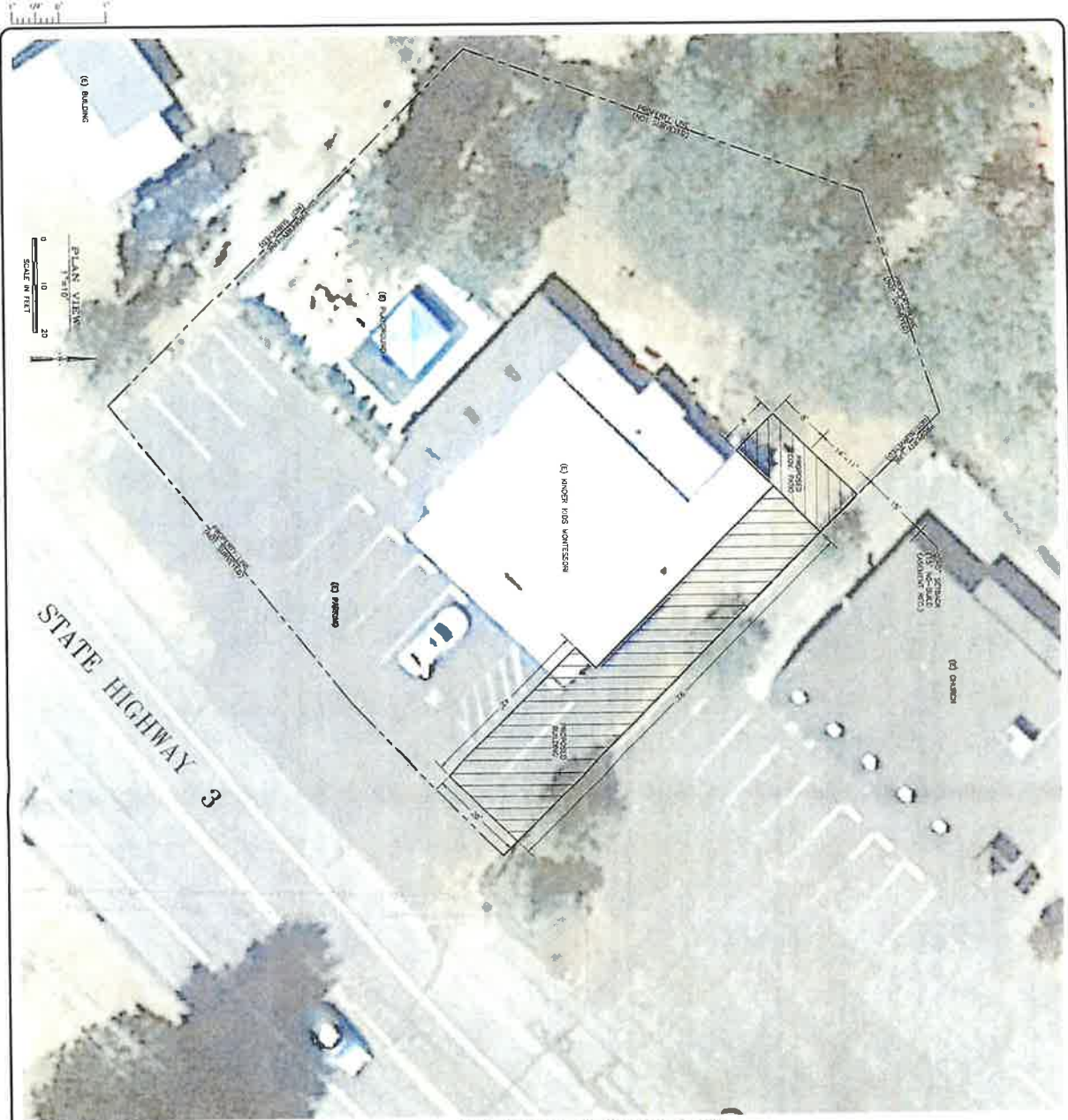
You asked if it would be possible for your employees to use our parking lot during the weekdays during your business hours.

I have spoken with our local Rector and we have no problem sharing our parking area with your business.

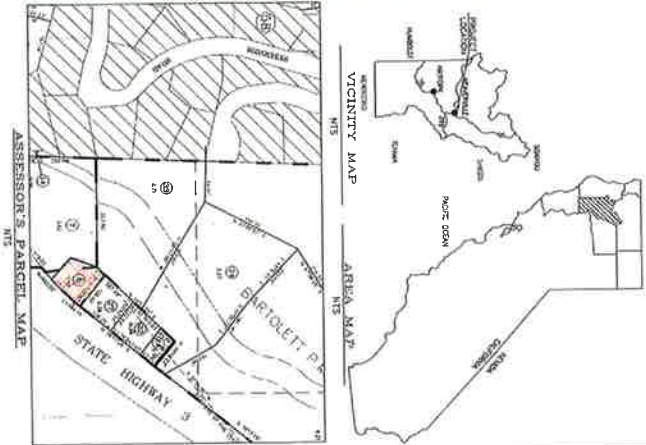
I would also like to thank you for always sharing your parking area with us on the weekends and evenings when we have had large gatherings and need more parking.

Kind regards,  
Tawnda Sommerfeld

New Apostolic Church  
31361 St. Hwy. 3  
PO Box 2891  
Weaverville, Ca 96093



**PLOT PLAN**  
 APN: 024-380-08



**CONTRACTOR ALERT:**  
 CONTRACTOR NOT PERMITTED TO USE AT 5:00-5:30 PM AT 1501 72' NORTH BEFORE ANY COMMENCEMENT OF CONSTRUCTION. ANY VIOLATION OF THIS ORDER WILL BE PENALIZED AS A VIOLATION OF THE CONSTRUCTION FROM TO ANY CONSTRUCTION ACTIVITIES.

**SURVEY NOTES:**  
 A FIELD SURVEY FOR TOPOGRAPHIC SURVEYING WAS CONDUCTED BY NAINIT VALLEY CONSULTING ENGINEERS (NVC) ON 02/24/2022. ALL SURVEY POINTS WERE CHECKED AND FOUND TO BE CORRECT. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT AND THE SURVEYING REGULATIONS. THE SURVEYING NOTES ARE ATTACHED TO THIS PLAN.

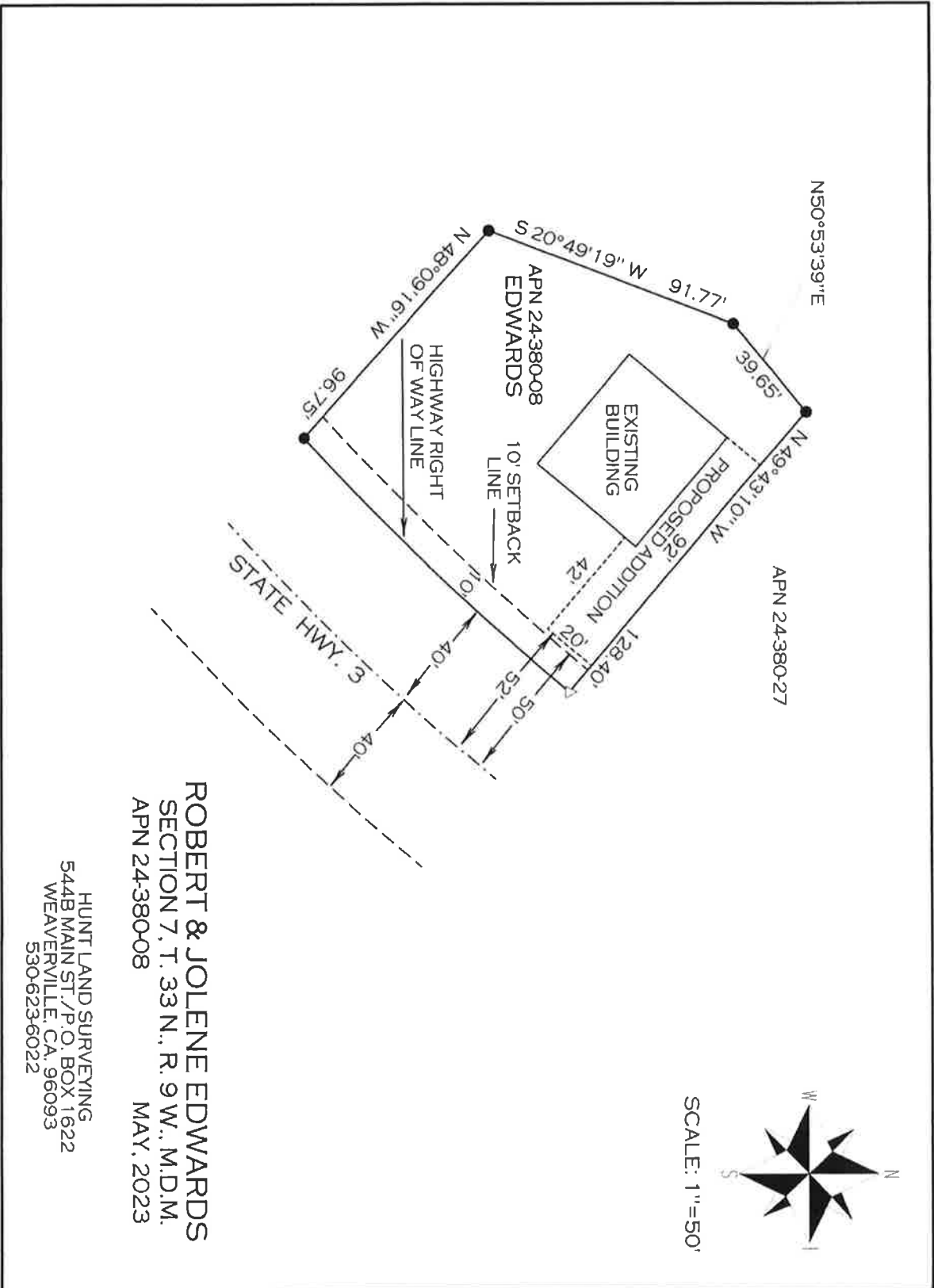
**GENERAL NOTES:**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.

**SIZE REQUIREMENTS:**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.



**KINDER KIDS MONTESSORI**  
 APN: 024-380-08  
 3134 | HIGHWAY 3  
**PLOT PLAN**  
 WEAVERVILLE, TRINITY COUNTY, CALIFORNIA

1 of 1



ROBERT & JOLENE EDWARDS  
SECTION 7, T. 33 N., R. 9 W., M.D.M.  
APN 24-380-08 MAY, 2023

HUNT LAND SURVEYING  
544B MAIN ST./P.O. BOX 1622  
WEAVERVILLE, CA. 96093  
530-623-6022





Attach  
E.

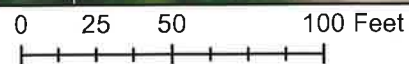
# Aerial Map



**Legend**

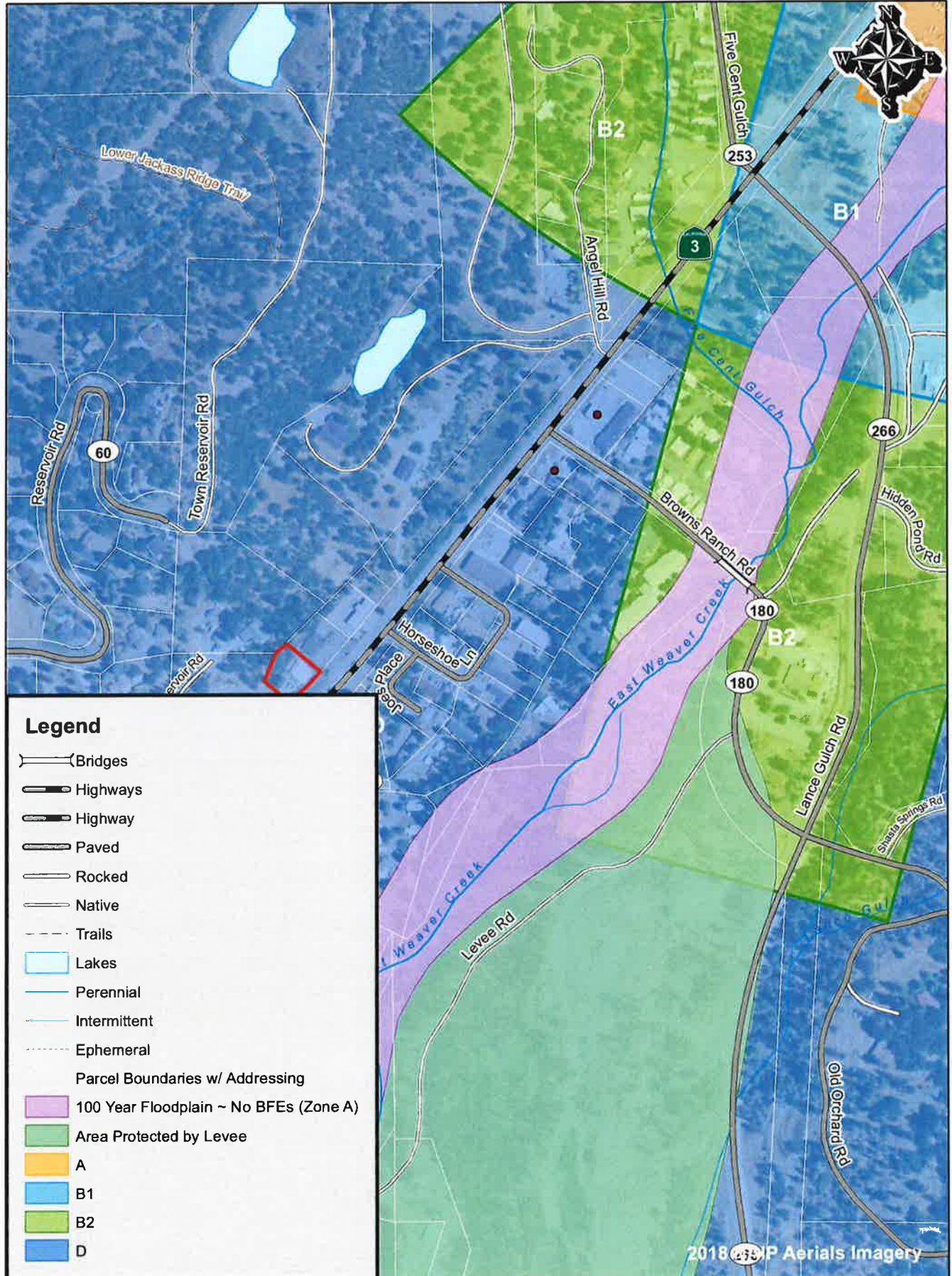
- Highways
- Highway
- Paved
- Parcel Boundaries w/ Addressing

2018 NAIP Aerials Imagery























# Location Map



**Legend**

-  Bridges
-  Highways
-  Highway
-  Paved
-  Rocked
-  Native
-  Trails
-  Lakes
-  Perennial
-  Intermittent
-  Ephemeral
-  Parcel Boundaries w/ Addressing
-  100 Year Floodplain ~ No BFEs (Zone A)
-  Area Protected by Levee
-  A
-  B1
-  B2
-  D

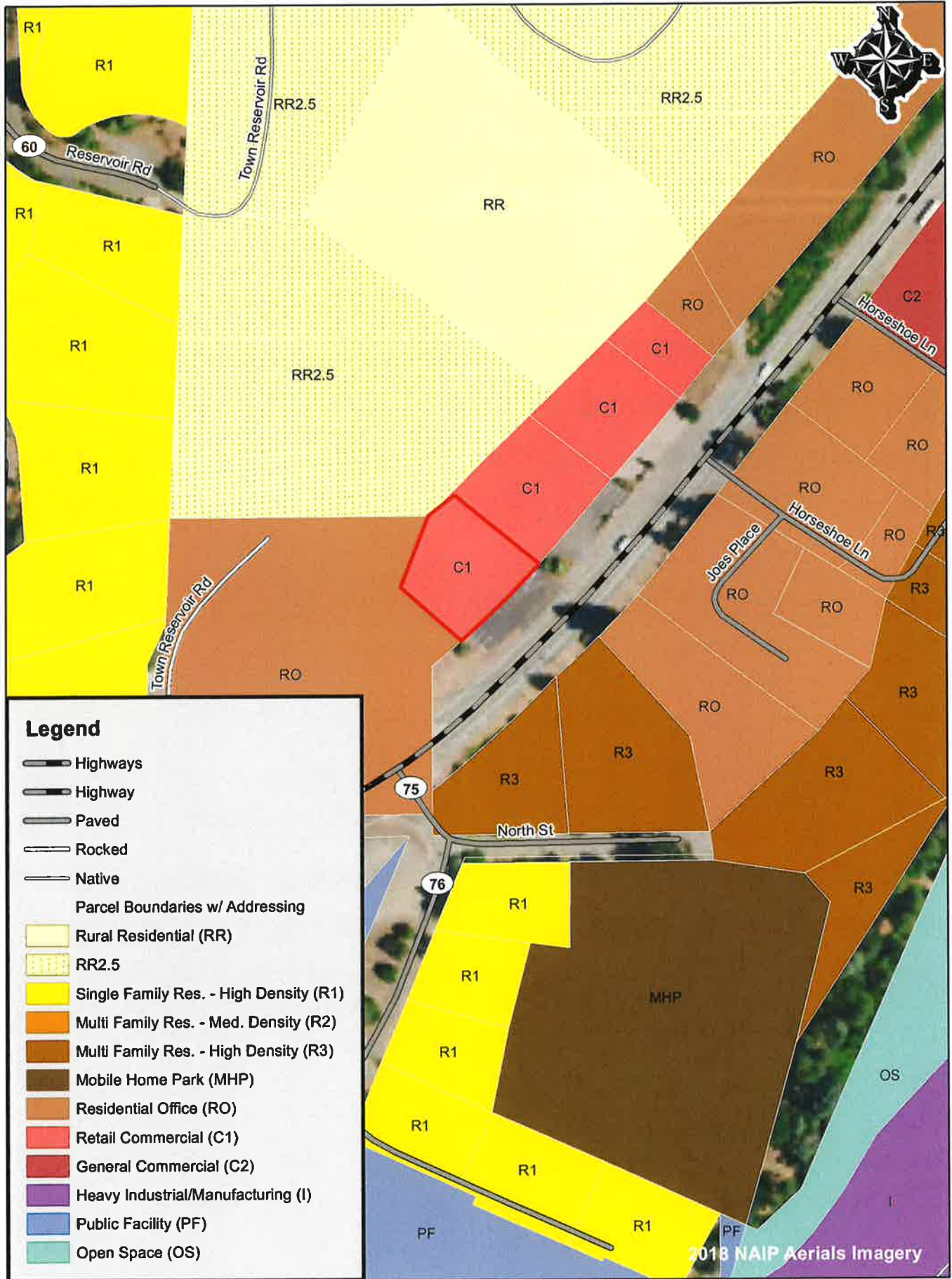
2018 GIS Aerials Imagery

0 175 350 700 Feet

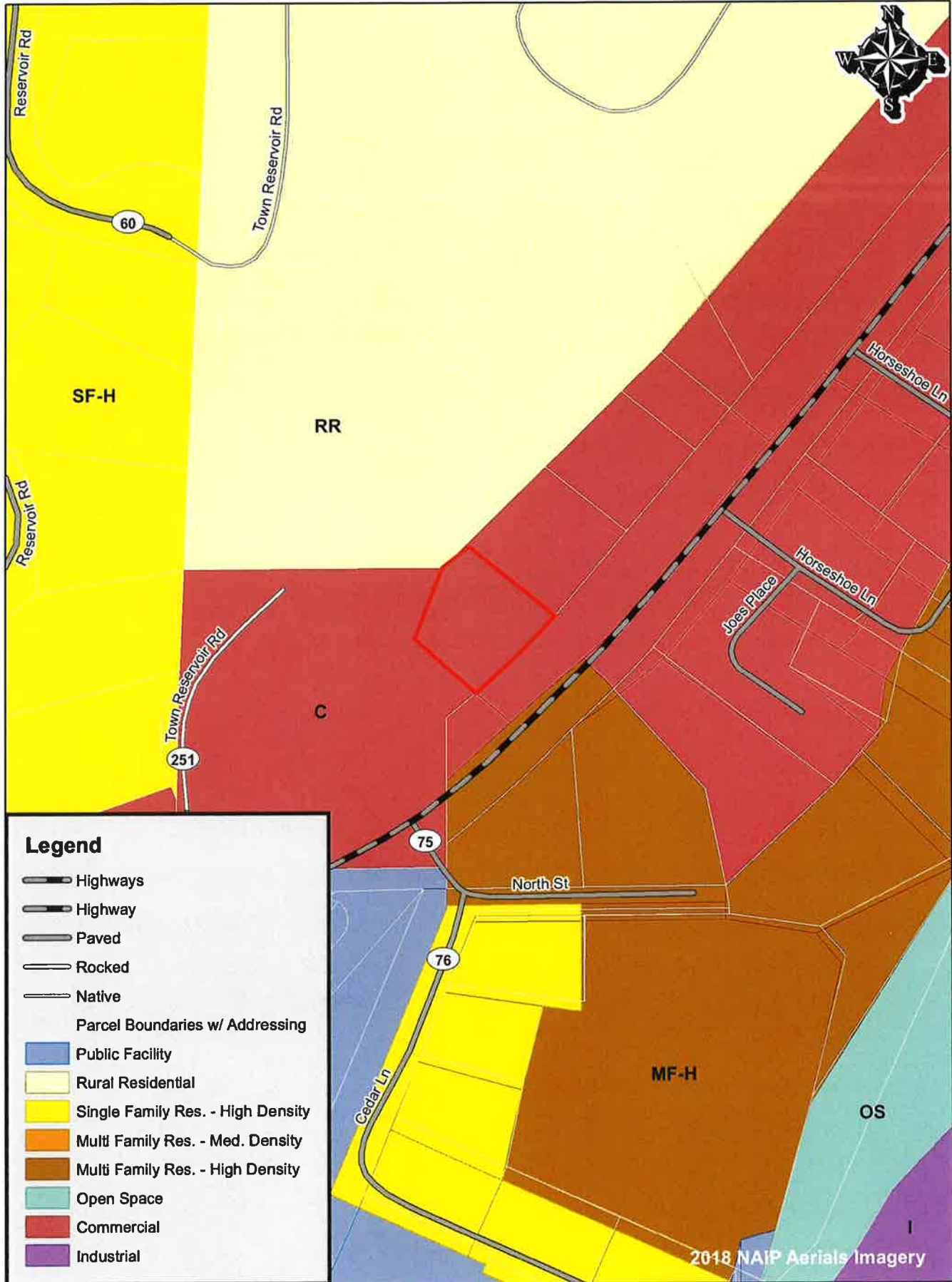


# Zoning Districts Map

Attach  
G



# General Plan Designations Map



## Legend

- Highways
- Highway
- Paved
- Rocked
- Native
- Parcel Boundaries w/ Addressing
- Public Facility
- Rural Residential
- Single Family Res. - High Density
- Multi Family Res. - Med. Density
- Multi Family Res. - High Density
- Open Space
- Commercial
- Industrial

2018 NAIP Aerials Imagery

0 70 140 280 Feet